

## CHAPTER 200

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**ELECTIONS**

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**HOUSE BILL 03-1241**

BY REPRESENTATIVE(S) Fairbank, Harvey, Hoppe, May M., Ragsdale, Romanoff, Stafford, Stengel, Frangas, and Spence;  
also SENATOR(S) McElhany, Arnold, Cairns, Chlouber, Dyer, Evans, Jones, Kester, Lamborn, May R., Nichol, and Teck.

**AN ACT****CONCERNING SIGNATURE VERIFICATION ON ELECTION BALLOTS.**

*Be it enacted by the General Assembly of the State of Colorado:*

**SECTION 1.** 1-1-104, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SUBSECTION to read:

**1-1-104. Definitions.** As used in this code, unless the context otherwise requires:

(19.5) (a) "IDENTIFICATION" MEANS:

(I) A VALID DRIVER'S LICENSE;

(II) A VALID UNITED STATES PASSPORT;

(III) A VALID EMPLOYEE IDENTIFICATION CARD WITH A PHOTOGRAPH OF THE ELIGIBLE ELECTOR ISSUED BY ANY BRANCH, DEPARTMENT, AGENCY, OR ENTITY OF THE UNITED STATES GOVERNMENT OR OF THIS STATE, OR BY ANY COUNTY, MUNICIPALITY, BOARD, AUTHORITY, OR OTHER POLITICAL SUBDIVISION OF THIS STATE;

(IV) A VALID PILOT'S LICENSE WITH A PHOTOGRAPH OF THE ELIGIBLE ELECTOR ISSUED BY THE FEDERAL AVIATION ADMINISTRATION OR OTHER AUTHORIZED AGENCY OF THE UNITED STATES; OR

(V) A VALID UNITED STATES MILITARY IDENTIFICATION CARD WITH A PHOTOGRAPH OF THE ELIGIBLE ELECTOR.

(b) ANY FORM OF IDENTIFICATION INDICATED IN PARAGRAPH (a) OF THIS SUBSECTION (19.5) THAT SHOWS THE ADDRESS OF THE ELIGIBLE ELECTOR SHALL BE

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*Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.*

CONSIDERED IDENTIFICATION ONLY IF THE ADDRESS IS IN THE STATE OF COLORADO.

**SECTION 2.** Article 7.5 of title 1, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SECTION to read:

**1-7.5-107.3. Verification of signatures - November coordinated elections.**

(1) (a) EXCEPT AS PROVIDED IN PARAGRAPH (b) OF THIS SUBSECTION (1), IN EVERY MAIL BALLOT ELECTION THAT IS A NOVEMBER COORDINATED ELECTION HELD IN 2005 OR ANY SUBSEQUENT YEAR, AN ELECTION JUDGE SHALL COMPARE THE SIGNATURE ON THE SELF-AFFIRMATION ON EACH RETURN VERIFICATION ENVELOPE WITH THE SIGNATURE OF THE ELIGIBLE ELECTOR ON FILE IN THE OFFICE OF THE COUNTY CLERK AND RECORDER IN ACCORDANCE WITH SUBSECTION (2) OF THIS SECTION.

(b) FOR THE MAIL BALLOT ELECTION THAT IS A NOVEMBER COORDINATED ELECTION HELD IN 2003, THE ELECTION JUDGE SHALL COMPARE IN ACCORDANCE WITH PARAGRAPH (a) OF THIS SUBSECTION (1) ONLY THOSE SIGNATURES THAT ARE IN THE COUNTY CLERK AND RECORDER'S DATABASE.

(2) (a) IF, UPON COMPARING THE SIGNATURE OF AN ELIGIBLE ELECTOR ON THE SELF-AFFIRMATION ON THE RETURN VERIFICATION ENVELOPE WITH THE SIGNATURE OF THE ELIGIBLE ELECTOR ON FILE WITH THE COUNTY CLERK AND RECORDER, THE ELECTION JUDGE DETERMINES THAT THE SIGNATURES DO NOT MATCH, TWO OTHER ELECTION JUDGES OF DIFFERENT POLITICAL PARTY AFFILIATIONS SHALL SIMULTANEOUSLY COMPARE THE SIGNATURES. IF BOTH OTHER ELECTION JUDGES AGREE THAT THE SIGNATURES DO NOT MATCH, THE COUNTY CLERK AND RECORDER SHALL, WITHIN THREE DAYS AFTER ELECTION DAY, SEND TO THE ELIGIBLE ELECTOR AT THE ADDRESS INDICATED IN THE REGISTRATION RECORDS A LETTER EXPLAINING THE DISCREPANCY IN SIGNATURES AND A FORM FOR THE ELIGIBLE ELECTOR TO CONFIRM THAT THE ELECTOR RETURNED A BALLOT TO THE COUNTY CLERK AND RECORDER. IF THE COUNTY CLERK AND RECORDER RECEIVES THE FORM WITHIN TEN DAYS AFTER ELECTION DAY CONFIRMING THAT THE ELECTOR RETURNED A BALLOT TO THE COUNTY CLERK AND RECORDER AND ENCLOSING A COPY OF THE ELECTOR'S IDENTIFICATION AS DEFINED IN SECTION 1-1-104 (19.5), AND IF THE BALLOT IS OTHERWISE VALID, THE BALLOT SHALL BE COUNTED. IF THE ELIGIBLE ELECTOR RETURNS THE FORM INDICATING THAT THE ELECTOR DID NOT RETURN A BALLOT TO THE COUNTY CLERK AND RECORDER, OR IF THE ELIGIBLE ELECTOR DOES NOT RETURN THE FORM WITHIN TEN DAYS AFTER ELECTION DAY, THE SELF-AFFIRMATION ON THE RETURN VERIFICATION ENVELOPE SHALL BE CATEGORIZED AS INCORRECT, THE BALLOT SHALL NOT BE COUNTED, AND THE COUNTY CLERK AND RECORDER SHALL SEND COPIES OF THE ELIGIBLE ELECTOR'S SIGNATURE ON THE RETURN VERIFICATION ENVELOPE AND THE SIGNATURE ON FILE WITH THE COUNTY CLERK AND RECORDER TO THE DISTRICT ATTORNEY FOR INVESTIGATION.

(b) AN ORIGINAL RETURN VERIFICATION ENVELOPE WITH AN ENCLOSED SECRECY ENVELOPE CONTAINING A VOTED BALLOT THAT IS NOT COUNTED IN ACCORDANCE WITH PARAGRAPH (a) OF THIS SUBSECTION (2) SHALL BE STORED UNDER SEAL IN THE OFFICE OF THE COUNTY CLERK AND RECORDER IN A SECURE LOCATION SEPARATE FROM VALID RETURN VERIFICATION ENVELOPES AND MAY BE REMOVED ONLY UNDER THE AUTHORITY OF THE DISTRICT ATTORNEY OR BY ORDER OF A COURT HAVING JURISDICTION.

(c) IN THE CASE OF A DISAGREEMENT AMONG THE ELECTION JUDGES AS TO WHETHER THE SIGNATURE OF AN ELIGIBLE ELECTOR ON THE SELF-AFFIRMATION ON THE RETURN VERIFICATION ENVELOPE MATCHES THE SIGNATURE OF THE ELIGIBLE ELECTOR ON FILE WITH THE COUNTY CLERK AND RECORDER PURSUANT TO THE PROCEDURES SPECIFIED IN PARAGRAPH (a) OF THIS SUBSECTION (1), THE MAIL BALLOT CONTAINED IN THE RETURN VERIFICATION ENVELOPE SHALL BE COUNTED IN ACCORDANCE WITH THE REQUIREMENTS OF SECTIONS 1-7.5-107(6) AND 1-7.5-107.5.

(3) IF THE ELECTION JUDGE DETERMINES THAT THE SIGNATURE OF AN ELIGIBLE ELECTOR ON THE SELF-AFFIRMATION MATCHES THE ELECTOR'S SIGNATURE ON FILE WITH THE COUNTY CLERK AND RECORDER, THE ELECTION JUDGE SHALL FOLLOW THE PROCEDURES SPECIFIED IN SECTION 1-7.5-107 (5) AND (6) CONCERNING THE QUALIFICATION AND COUNTING OF MAIL BALLOTS.

(4) (a) AN ELECTION JUDGE SHALL NOT DETERMINE THAT THE SIGNATURE OF AN ELIGIBLE ELECTOR ON THE SELF-AFFIRMATION DOES NOT MATCH THE SIGNATURE OF THAT ELIGIBLE ELECTOR ON FILE WITH THE COUNTY CLERK AND RECORDER SOLELY ON THE BASIS OF SUBSTITUTION OF INITIALS OR USE OF A COMMON NICKNAME.

(b) THE DESIGNATED ELECTION OFFICIAL MAY PROVIDE TRAINING IN THE TECHNIQUE AND STANDARDS OF SIGNATURE COMPARISON TO ELECTION JUDGES WHO COMPARE SIGNATURES PURSUANT TO THIS SECTION.

**SECTION 3.** Part 1 of article 8 of title 1, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SECTION to read:

**1-8-114.5. Verification of signatures.** (1) (a) EXCEPT AS PROVIDED IN PARAGRAPH (b) OF THIS SUBSECTION (1), IN EVERY STATEWIDE PRIMARY AND GENERAL ELECTION HELD IN 2006 OR ANY SUBSEQUENT YEAR, AN ELECTION JUDGE SHALL COMPARE THE SIGNATURE ON THE SELF-AFFIRMATION ON EACH RETURN ENVELOPE OF EACH ABSENTEE BALLOT WITH THE SIGNATURE OF THE ELIGIBLE ELECTOR ON FILE IN THE OFFICE OF THE COUNTY CLERK AND RECORDER IN ACCORDANCE WITH SUBSECTION (2) OF THIS SECTION.

(b) FOR THE STATEWIDE PRIMARY AND GENERAL ELECTION HELD IN 2004, THE ELECTION JUDGE SHALL COMPARE IN ACCORDANCE WITH PARAGRAPH (a) OF THIS SUBSECTION (1) ONLY THOSE SIGNATURES THAT ARE IN THE COUNTY CLERK AND RECORDER'S DATABASE.

(2) (a) IF, UPON COMPARING THE SIGNATURE OF AN ELIGIBLE ELECTOR ON THE SELF-AFFIRMATION ON THE RETURN ENVELOPE WITH THE SIGNATURE OF THAT ELIGIBLE ELECTOR ON FILE WITH THE COUNTY CLERK AND RECORDER, THE ELECTION JUDGE DETERMINES THAT THE SIGNATURES DO NOT MATCH, TWO OTHER ELECTION JUDGES OF DIFFERENT POLITICAL PARTY AFFILIATIONS SHALL SIMULTANEOUSLY COMPARE THE SIGNATURES. IF BOTH OTHER ELECTION JUDGES AGREE THAT THE SIGNATURES DO NOT MATCH, THE COUNTY CLERK AND RECORDER SHALL, WITHIN THREE DAYS AFTER ELECTION DAY, SEND TO THE ELIGIBLE ELECTOR AT THE ADDRESS INDICATED IN THE REGISTRATION RECORDS A LETTER EXPLAINING THE DISCREPANCY IN SIGNATURES AND A FORM FOR THE ELIGIBLE ELECTOR TO CONFIRM THAT THE ELECTOR RETURNED A BALLOT TO THE COUNTY CLERK AND RECORDER. IF THE COUNTY CLERK AND RECORDER RECEIVES THE FORM WITHIN TEN DAYS AFTER

ELECTION DAY CONFIRMING THAT THE ELECTOR RETURNED A BALLOT TO THE COUNTY CLERK AND RECORDER AND ENCLOSING A COPY OF THE ELECTOR'S IDENTIFICATION AS DEFINED IN SECTION 1-1-104 (19.5), AND IF THE BALLOT IS OTHERWISE VALID, THE BALLOT SHALL BE COUNTED. IF THE ELIGIBLE ELECTOR RETURNS THE FORM INDICATING THAT THE ELECTOR DID NOT RETURN A BALLOT TO THE COUNTY CLERK AND RECORDER, OR IF THE ELIGIBLE ELECTOR DOES NOT RETURN THE FORM WITHIN TEN DAYS AFTER ELECTION DAY, THE SELF-AFFIRMATION ON THE RETURN ENVELOPE SHALL BE CATEGORIZED AS INCORRECT, THE BALLOT SHALL NOT BE COUNTED, AND THE COUNTY CLERK AND RECORDER SHALL SEND COPIES OF THE ELIGIBLE ELECTOR'S SIGNATURE ON THE RETURN ENVELOPE AND THE SIGNATURE ON FILE WITH THE COUNTY CLERK AND RECORDER TO THE DISTRICT ATTORNEY FOR INVESTIGATION.

(b) AN ORIGINAL RETURN ENVELOPE WITH AN ENCLOSED SECRECY ENVELOPE CONTAINING A VOTED BALLOT THAT IS NOT COUNTED IN ACCORDANCE WITH PARAGRAPH (a) OF THIS SUBSECTION (2) SHALL BE STORED UNDER SEAL IN THE OFFICE OF THE COUNTY CLERK AND RECORDER IN A SECURE LOCATION SEPARATE FROM VALID RETURN ENVELOPES AND MAY BE REMOVED ONLY UNDER THE AUTHORITY OF THE DISTRICT ATTORNEY OR BY ORDER OF A COURT HAVING JURISDICTION.

(c) IN THE CASE OF A DISAGREEMENT AMONG THE ELECTION JUDGES AS TO WHETHER THE SIGNATURE OF AN ELIGIBLE ELECTOR ON THE SELF-AFFIRMATION ON THE RETURN ENVELOPE MATCHES THE SIGNATURE OF THE ELIGIBLE ELECTOR ON FILE WITH THE COUNTY CLERK AND RECORDER PURSUANT TO THE PROCEDURES SPECIFIED IN PARAGRAPH (a) OF THIS SUBSECTION (1), THE ABSENTEE BALLOT CONTAINED IN THE RETURN ENVELOPE SHALL BE COUNTED IN ACCORDANCE WITH THE REQUIREMENTS OF PART 3 OF THIS ARTICLE.

(3) IF THE ELECTION JUDGE DETERMINES THAT THE SIGNATURE OF AN ELIGIBLE ELECTOR ON THE SELF-AFFIRMATION MATCHES THE ELECTOR'S SIGNATURE ON FILE WITH THE COUNTY CLERK AND RECORDER, THE ELECTION JUDGE SHALL FOLLOW THE PROCEDURES SPECIFIED IN PART 3 OF THIS ARTICLE PERTAINING TO THE COUNTING OF ABSENTEE BALLOTS.

(4) (a) AN ELECTION JUDGE SHALL NOT DETERMINE THAT THE SIGNATURE OF AN ELIGIBLE ELECTOR ON THE SELF-AFFIRMATION DOES NOT MATCH THE SIGNATURE OF THAT ELIGIBLE ELECTOR ON FILE WITH THE COUNTY CLERK AND RECORDER SOLELY ON THE BASIS OF SUBSTITUTION OF INITIALS OR USE OF A COMMON NICKNAME.

(b) THE DESIGNATED ELECTION OFFICIAL MAY PROVIDE TRAINING IN THE TECHNIQUE AND STANDARDS OF SIGNATURE COMPARISON TO ELECTION JUDGES WHO COMPARE SIGNATURES PURSUANT TO THIS SECTION.

**SECTION 4. Safety clause.** The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.

Approved: April 29, 2003