

Second Regular Session
Seventieth General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 16-0357.01 Kate Meyer x4348

HOUSE BILL 16-1070

HOUSE SPONSORSHIP

Neville P.,

SENATE SPONSORSHIP

Neville T.,

House Committees

State, Veterans, & Military Affairs

Senate Committees

A BILL FOR AN ACT

101 CONCERNING A SIGNATURE VERIFICATION REQUIREMENT FOR
102 MUNICIPAL MAIL BALLOT ELECTIONS.

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://www.leg.state.co.us/billsummaries>.)

For a mail ballot election conducted after March 30, 2018, under the "Colorado Municipal Election Code of 1965", the bill:

- ! Requires election judges to compare a municipal elector's signature on a mail ballot return envelope self-affirmation with one of the elector's digitized signatures stored in the statewide voter registration system, commonly referred to

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.

- as "SCORE";
- ! Grants municipal clerks access to SCORE for signature verification purposes;
- ! Authorizes the use of signature verification devices to perform these comparisons;
- ! Describes the procedures for clerks and election judges to follow based on the outcomes of such comparisons; and
- ! Requires municipal clerks to provide training to election judges who compare signatures.

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

2 **SECTION 1.** In Colorado Revised Statutes, **add** 31-10-910.3 as
3 follows:

4 **31-10-910.3. Verification of signatures - signature verification**
5 **devices - procedures - training - definitions.** (1) (a) IN EVERY MAIL
6 BALLOT ELECTION CONDUCTED AFTER MARCH 30, 2018, AN ELECTION
7 JUDGE SHALL, EXCEPT AS PROVIDED IN PARAGRAPH (b) OF THIS
8 SUBSECTION (1), COMPARE THE SIGNATURE ON THE SELF-AFFIRMATION ON
9 EACH RETURN ENVELOPE WITH THE SIGNATURE OF THE ELIGIBLE ELECTOR
10 STORED IN THE STATEWIDE VOTER REGISTRATION SYSTEM IN ACCORDANCE
11 WITH THIS SECTION.

12 (b) A CLERK MAY ALLOW AN ELECTION JUDGE TO USE A SIGNATURE
13 VERIFICATION DEVICE TO COMPARE THE SIGNATURE ON THE
14 SELF-AFFIRMATION ON A RETURN ENVELOPE OF AN ELIGIBLE ELECTOR'S
15 BALLOT WITH THE SIGNATURE OF THE ELECTOR STORED IN THE STATEWIDE
16 VOTER REGISTRATION SYSTEM IN ACCORDANCE WITH THIS SECTION.

17 (2) (a) IF THE ELECTION JUDGE DETERMINES THAT THE SIGNATURE
18 OF AN ELIGIBLE ELECTOR ON THE SELF-AFFIRMATION MATCHES THE
19 ELECTOR'S SIGNATURE STORED IN THE STATEWIDE VOTER REGISTRATION
20 SYSTEM, THE ELECTION JUDGE SHALL FOLLOW THE PROCEDURES SPECIFIED

1 IN SECTION 31-10-910 (5) CONCERNING THE QUALIFICATION AND
2 COUNTING OF MAIL BALLOTS.

3 (b) IF A SIGNATURE VERIFICATION DEVICE USED PURSUANT TO
4 PARAGRAPH (b) OF SUBSECTION (1) OF THIS SECTION DETERMINES THAT
5 THE SIGNATURE ON THE SELF-AFFIRMATION ON A RETURN ENVELOPE OF AN
6 ELIGIBLE ELECTOR'S BALLOT MATCHES THE SIGNATURE OF THE ELECTOR
7 STORED IN THE STATEWIDE VOTER REGISTRATION SYSTEM, THE SIGNATURE
8 ON THE SELF-AFFIRMATION IS DEEMED VERIFIED, AND THE ELECTION JUDGE
9 SHALL FOLLOW THE PROCEDURES SPECIFIED IN SECTION 31-10-910 (5)
10 CONCERNING THE QUALIFICATION AND COUNTING OF MAIL BALLOTS.

11 (3) IF, UPON COMPARING THE SIGNATURE OF AN ELIGIBLE ELECTOR
12 ON THE SELF-AFFIRMATION ON THE RETURN ENVELOPE WITH THE
13 SIGNATURE OF THE ELIGIBLE ELECTOR STORED IN THE STATEWIDE VOTER
14 REGISTRATION SYSTEM, THE ELECTION JUDGE DETERMINES THAT THE
15 SIGNATURES DO NOT MATCH, OR IF A SIGNATURE VERIFICATION DEVICE
16 USED PURSUANT TO PARAGRAPH (b) OF SUBSECTION (1) OF THIS SECTION
17 IS UNABLE TO DETERMINE THAT THE SIGNATURES MATCH, TWO OTHER
18 ELECTION JUDGES SHALL SIMULTANEOUSLY COMPARE THE SIGNATURES
19 AND PROCEED ACCORDING TO SUBSECTION (4) OF THIS SECTION.

20 (4) (a) IF THE TWO OTHER ELECTION JUDGES SPECIFIED IN
21 SUBSECTION (3) OF THIS SECTION AGREE THAT THE SIGNATURE OF AN
22 ELIGIBLE ELECTOR ON THE SELF-AFFIRMATION MATCHES THE ELECTOR'S
23 SIGNATURE STORED IN THE STATEWIDE VOTER REGISTRATION SYSTEM, THE
24 INITIAL ELECTION JUDGE SHALL FOLLOW THE PROCEDURES SPECIFIED IN
25 SECTION 31-10-910 (5) CONCERNING THE QUALIFICATION AND COUNTING
26 OF MAIL BALLOTS.

27 (b) IN THE CASE OF A DISAGREEMENT BETWEEN THE TWO OTHER

1 ELECTION JUDGES AS TO WHETHER THE SIGNATURE OF AN ELIGIBLE
2 ELECTOR ON THE SELF-AFFIRMATION ON THE RETURN ENVELOPE MATCHES
3 THE SIGNATURE OF THE ELIGIBLE ELECTOR STORED IN THE STATEWIDE
4 VOTER REGISTRATION SYSTEM PURSUANT TO THE PROCEDURES SPECIFIED
5 IN SUBSECTION (3) OF THIS SECTION, THE SIGNATURES ARE DEEMED TO
6 MATCH, AND THE INITIAL ELECTION JUDGE SHALL FOLLOW THE
7 PROCEDURES SPECIFIED IN SECTION 31-10-910 (5) CONCERNING THE
8 QUALIFICATION AND COUNTING OF MAIL BALLOTS.

9 (c) (I) IF BOTH OTHER ELECTION JUDGES AGREE THAT THE
10 SIGNATURES DO NOT MATCH, THE CLERK SHALL, WITHIN THREE DAYS
11 AFTER THE SIGNATURE DEFICIENCY HAS BEEN CONFIRMED, BUT IN NO
12 EVENT LATER THAN TWO DAYS AFTER ELECTION DAY, SEND TO THE
13 ELIGIBLE ELECTOR AT THE ADDRESS INDICATED IN THE REGISTRATION
14 RECORDS A LETTER EXPLAINING THE DISCREPANCY IN SIGNATURES AND A
15 FORM FOR THE ELIGIBLE ELECTOR TO CONFIRM THAT THE ELECTOR
16 RETURNED A BALLOT TO THE CLERK.

17 (II) (A) IF THE CLERK RECEIVES THE FORM WITHIN EIGHT DAYS
18 AFTER ELECTION DAY CONFIRMING THAT THE ELECTOR RETURNED A
19 BALLOT TO THE CLERK, AND IF THE BALLOT IS OTHERWISE VALID, THE
20 BALLOT MUST BE COUNTED.

21 (B) IF THE ELIGIBLE ELECTOR RETURNS THE FORM INDICATING
22 THAT THE ELECTOR DID NOT RETURN A BALLOT TO THE CLERK, OR IF THE
23 ELIGIBLE ELECTOR DOES NOT RETURN THE FORM WITHIN EIGHT DAYS
24 AFTER ELECTION DAY, THE SELF-AFFIRMATION ON THE RETURN ENVELOPE
25 MUST BE CATEGORIZED AS INCORRECT, AND THE BALLOT SHALL NOT BE
26 COUNTED. AN ORIGINAL RETURN ENVELOPE WITH AN ENCLOSED SECRECY
27 ENVELOPE CONTAINING A VOTED BALLOT THAT IS NOT COUNTED IN

1 ACCORDANCE WITH THIS SUB-SUBPARAGRAPH (B) MUST BE STORED IN THE
2 OFFICE OF THE CLERK IN A SECURE LOCATION SEPARATE FROM VALID
3 RETURN ENVELOPES AND MAY BE REMOVED ONLY BY ORDER OF A COURT
4 HAVING JURISDICTION.

5 (5) AN ELECTION JUDGE SHALL NOT DETERMINE THAT THE
6 SIGNATURE OF AN ELIGIBLE ELECTOR ON THE SELF-AFFIRMATION DOES NOT
7 MATCH THE SIGNATURE OF THAT ELIGIBLE ELECTOR STORED IN THE
8 STATEWIDE VOTER REGISTRATION SYSTEM SOLELY ON THE BASIS OF
9 SUBSTITUTION OF INITIALS OR USE OF A COMMON NICKNAME.

10 (6) THE CLERK SHALL PROVIDE TRAINING IN THE TECHNIQUES AND
11 STANDARDS OF SIGNATURE COMPARISON TO ELECTION JUDGES WHO
12 COMPARE SIGNATURES PURSUANT TO THIS SECTION.

13 (7) AS USED IN THIS SECTION, "STATEWIDE VOTER REGISTRATION
14 SYSTEM" MEANS THE STATEWIDE VOTER REGISTRATION SYSTEM CREATED
15 PURSUANT TO SECTION 1-2-301, C.R.S.

16 **SECTION 2.** In Colorado Revised Statutes, 1-2-301, **add** (5) as
17 follows:

18 **1-2-301. Centralized statewide registration system - secretary**
19 **of state to maintain computerized statewide voter registration list -**
20 **county computer records - agreement to match information -**
21 **definition.** (5) (a) FOR ELECTIONS CONDUCTED BY MAIL BALLOT UNDER
22 THE "COLORADO MUNICIPAL ELECTION CODE OF 1965", ARTICLE 10 OF
23 TITLE 31, C.R.S., AFTER MARCH 30, 2018, A CLERK MUST BE GIVEN
24 ACCESS TO THE DIGITIZED SIGNATURES FOR EACH ELECTOR CONTAINED IN
25 THE LISTS PROVIDED TO THE CLERK PURSUANT TO SECTION 31-10-910(1),
26 C.R.S., IN THE CENTRALIZED STATEWIDE VOTER REGISTRATION SYSTEM
27 FOR THE PURPOSE OF COMPARING AN ELECTOR'S SIGNATURE IN THE

1 SYSTEM WITH THE SIGNATURE ON THE SELF-AFFIRMATION ON THE RETURN
2 ENVELOPE OF A MAIL BALLOT, INCLUDING BY USING A SIGNATURE
3 VERIFICATION DEVICE, IN ACCORDANCE WITH SECTION 31-10-910.3, C.R.S.

4 (b) AS USED IN THIS SUBSECTION (5), "CLERK" HAS THE SAME
5 MEANING SET FORTH IN SECTION 31-10-102, C.R.S.

6 **SECTION 3.** In Colorado Revised Statutes, 31-10-910, **add** (4.5)
7 as follows:

8 **31-10-910. Procedures for conducting mail ballot election.**

9 (4.5) THE SIGNATURE OF THE ELIGIBLE ELECTOR ON THE
10 SELF-AFFIRMATION ON THE RETURN ENVELOPE MUST BE COMPARED WITH
11 THE SIGNATURE OF THE ELIGIBLE ELECTOR ON FILE IN THE STATEWIDE
12 VOTER REGISTRATION SYSTEM, CREATED IN SECTION 1-2-301, C.R.S., IN
13 ACCORDANCE WITH SECTION 31-10-910.3.

14 **SECTION 4. Act subject to petition - effective date.** This act
15 takes effect at 12:01 a.m. on the day following the expiration of the
16 ninety-day period after final adjournment of the general assembly (August
17 10, 2016, if adjournment sine die is on May 11, 2016); except that, if a
18 referendum petition is filed pursuant to section 1 (3) of article V of the
19 state constitution against this act or an item, section, or part of this act
20 within such period, then the act, item, section, or part will not take effect
21 unless approved by the people at the general election to be held in
22 November 2016 and, in such case, will take effect on the date of the
23 official declaration of the vote thereon by the governor.