

NOTE: The governor signed this measure on 4/22/2016.

An Act

HOUSE BILL 16-1070

BY REPRESENTATIVE(S) Neville P., Brown, Conti, Everett, Kraft-Tharp, Lawrence, Leonard, Ransom, Ryden, Saine, Windholz; also SENATOR(S) Neville T., Baumgardner, Cooke, Crowder, Grantham, Kefalas, Lambert, Scott, Tate.

CONCERNING A SIGNATURE VERIFICATION REQUIREMENT FOR MUNICIPAL MAIL BALLOT ELECTIONS, AND, IN CONNECTION THEREWITH, MAKING AN APPROPRIATION.

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

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

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

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

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

(2) (a) THE ELECTION JUDGES MUST COMPARE THE SIGNATURE ON THE SELF-AFFIRMATION ON EACH RETURN ENVELOPE WITH THE SIGNATURE PROVIDED BY THE SECRETARY OF STATE PURSUANT TO SECTION 1-2-301, C.R.S. THE ELECTION JUDGES MUST RESEARCH THE SIGNATURE FURTHER IF THERE IS:

(I) AN OBVIOUS CHANGE IN THE SIGNATURE'S SLANT;

(II) A PRINTED SIGNATURE ON ONE DOCUMENT AND A CURSIVE SIGNATURE ON THE OTHER DOCUMENT;

(III) A DIFFERENCE IN THE SIGNATURE'S SIZE OR SCALE;

(IV) A DIFFERENCE IN THE SIGNATURE'S INDIVIDUAL CHARACTERISTICS, SUCH AS HOW THE "T'S" ARE CROSSED, "I'S" ARE DOTTED, OR LOOPS ARE MADE ON "Y'S" OR "J'S";

(V) A DIFFERENCE IN THE ELECTOR'S SIGNATURE STYLE, SUCH AS HOW THE LETTERS ARE CONNECTED AT THE TOP AND BOTTOM;

(VI) EVIDENCE THAT BALLOTS OR ENVELOPES FROM THE SAME HOUSEHOLD HAVE BEEN SWITCHED; OR

(VII) ANY OTHER NOTICEABLE DISCREPANCY SUCH AS MISSPELLED NAMES.

(b) (I) IF AN ELECTION JUDGE MUST CONDUCT FURTHER RESEARCH ON AN ELECTOR'S SIGNATURE, HE OR SHE MUST CHECK THE ADDITIONAL SIGNATURES PROVIDED BY THE SECRETARY OF STATE PURSUANT TO SECTION 1-2-301, C.R.S., IF AVAILABLE.

(II) AN ELECTION JUDGE MAY COMPARE ADDITIONAL INFORMATION WRITTEN BY THE ELECTOR ON THE RETURN ENVELOPE, SUCH AS THE ELECTOR'S ADDRESS AND DATE OF SIGNING. ANY SIMILARITIES NOTED WHEN

COMPARING OTHER INFORMATION MAY BE USED AS PART OF THE SIGNATURE VERIFICATION DECISION PROCESS.

(III) IF AN ELECTION JUDGE DETERMINES THAT AN ELECTOR INADVERTENTLY RETURNED HIS OR HER BALLOT IN ANOTHER HOUSEHOLD MEMBER'S BALLOT RETURN ENVELOPE, THE ELECTION JUDGE MUST PROCESS AND PREPARE THE BALLOT OF THE ELECTOR WHO SIGNED THE SELF-AFFIRMATION FOR COUNTING IF IT IS OTHERWISE VALID. THE ELECTION JUDGE NEED NOT SEND A SIGNATURE VERIFICATION DISCREPANCY LETTER TO THE ELECTOR.

(c) IF THE ELECTION JUDGES DISPUTE THE SIGNATURE, THEY MUST DOCUMENT THE DISCREPANCY AND THE RESEARCH STEPS TAKEN IN A LOG THAT IDENTIFIES THE ELECTOR ONLY BY NAME AND ELECTOR IDENTIFICATION NUMBER, DOES NOT CONTAIN THE ELECTOR'S SIGNATURE, NOTES THE FINAL RESOLUTION AND BALLOT DISPOSITION, AND IDENTIFIES THE ELECTION JUDGES RESPONSIBLE FOR THE FINAL RESOLUTION AND BALLOT DISPOSITION.

(3)(a) IF THE ELECTION JUDGE DETERMINES THAT THE SIGNATURE OF AN ELIGIBLE ELECTOR ON THE SELF-AFFIRMATION MATCHES THE ELECTOR'S SIGNATURE STORED IN THE STATEWIDE VOTER REGISTRATION SYSTEM, THE ELECTION JUDGE SHALL FOLLOW THE PROCEDURES SPECIFIED IN SECTION 31-10-910 (5) CONCERNING THE QUALIFICATION AND COUNTING OF MAIL BALLOTS.

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

(4) IF, UPON COMPARING THE SIGNATURE OF AN ELIGIBLE ELECTOR ON THE SELF-AFFIRMATION ON THE RETURN ENVELOPE WITH THE SIGNATURE OF THE ELIGIBLE ELECTOR STORED IN THE STATEWIDE VOTER REGISTRATION SYSTEM, THE ELECTION JUDGE DETERMINES THAT THE SIGNATURES DO NOT MATCH, OR IF A SIGNATURE VERIFICATION DEVICE USED PURSUANT TO

PARAGRAPH (b) OF SUBSECTION (1) OF THIS SECTION IS UNABLE TO DETERMINE THAT THE SIGNATURES MATCH, TWO OTHER ELECTION JUDGES SHALL SIMULTANEOUSLY COMPARE THE SIGNATURES AND PROCEED ACCORDING TO SUBSECTION (5) OF THIS SECTION.

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

(b) IN THE CASE OF A DISAGREEMENT BETWEEN THE TWO OTHER 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 STORED IN THE STATEWIDE VOTER REGISTRATION SYSTEM PURSUANT TO THE PROCEDURES SPECIFIED IN SUBSECTION (4) OF THIS SECTION, THE SIGNATURES ARE DEEMED TO MATCH, AND THE INITIAL ELECTION JUDGE SHALL FOLLOW THE PROCEDURES SPECIFIED IN SECTION 31-10-910 (5) CONCERNING THE QUALIFICATION AND COUNTING OF MAIL BALLOTS.

(c) (I) IF BOTH OTHER ELECTION JUDGES AGREE THAT THE SIGNATURES DO NOT MATCH, THE CLERK SHALL, WITHIN THREE DAYS AFTER THE SIGNATURE DEFICIENCY HAS BEEN CONFIRMED, BUT IN NO EVENT LATER THAN TWO 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 CLERK.

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

(B) IF THE ELIGIBLE ELECTOR RETURNS THE FORM INDICATING THAT THE ELECTOR DID NOT RETURN A BALLOT TO THE CLERK, OR IF THE ELIGIBLE ELECTOR DOES NOT RETURN THE FORM WITHIN EIGHT DAYS AFTER ELECTION

DAY, THE SELF-AFFIRMATION ON THE RETURN ENVELOPE MUST BE CATEGORIZED AS INCORRECT, AND THE BALLOT SHALL NOT BE COUNTED. AN ORIGINAL RETURN ENVELOPE WITH AN ENCLOSED SECRECY ENVELOPE CONTAINING A VOTED BALLOT THAT IS NOT COUNTED IN ACCORDANCE WITH THIS SUB-SUBPARAGRAPH (B) MUST BE STORED IN THE OFFICE OF THE CLERK IN A SECURE LOCATION SEPARATE FROM VALID RETURN ENVELOPES AND MAY BE REMOVED ONLY BY ORDER OF A COURT HAVING JURISDICTION.

(6) 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 STORED IN THE STATEWIDE VOTER REGISTRATION SYSTEM SOLELY ON THE BASIS OF SUBSTITUTION OF INITIALS OR USE OF A COMMON NICKNAME.

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

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

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

1-2-301. Centralized statewide registration system - secretary of state to maintain computerized statewide voter registration list - county computer records - agreement to match information - definition.

(5) (a) FOR ELECTIONS CONDUCTED BY MAIL BALLOT UNDER THE "COLORADO MUNICIPAL ELECTION CODE OF 1965", ARTICLE 10 OF TITLE 31, C.R.S., AFTER MARCH 30, 2018, A CLERK MUST BE GIVEN ACCESS TO THE DIGITIZED SIGNATURES FOR EACH ELECTOR CONTAINED IN THE LISTS PROVIDED TO THE CLERK PURSUANT TO SECTION 31-10-910 (1), C.R.S., IN THE CENTRALIZED STATEWIDE VOTER REGISTRATION SYSTEM FOR THE PURPOSE OF COMPARING AN ELECTOR'S SIGNATURE IN THE SYSTEM WITH THE SIGNATURE ON THE SELF-AFFIRMATION ON THE RETURN ENVELOPE OF A MAIL BALLOT, INCLUDING BY USING A SIGNATURE VERIFICATION DEVICE, IN ACCORDANCE WITH SECTION 31-10-910.3, C.R.S.

(b) AS USED IN THIS SUBSECTION (5), "CLERK" HAS THE SAME

MEANING SET FORTH IN SECTION 31-10-102, C.R.S.

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

31-10-910. Procedures for conducting mail ballot election.
(4.5) THE SIGNATURE OF THE ELIGIBLE ELECTOR ON THE SELF-AFFIRMATION ON THE RETURN ENVELOPE MUST BE COMPARED WITH THE SIGNATURE OF THE ELIGIBLE ELECTOR ON FILE IN THE STATEWIDE VOTER REGISTRATION SYSTEM, CREATED IN SECTION 1-2-301, C.R.S., IN ACCORDANCE WITH SECTION 31-10-910.3.

SECTION 4. Appropriation. For the 2016-17 state fiscal year, \$15,450 is appropriated to the department of state for use by the information technology services division. This appropriation is from the department of state cash fund created in section 24-21-104 (3) (b), C.R.S. To implement this act, the division may use this appropriation for personal services.

SECTION 5. Act subject to petition - effective date. This act takes effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly (August 10, 2016, if adjournment sine die is on May 11, 2016); except that, if a referendum petition is filed pursuant to section 1 (3) of article V of the state constitution against this act or an item, section, or part of this act within such period, then the act, item, section, or part will not take effect unless

approved by the people at the general election to be held in November 2016 and, in such case, will take effect on the date of the official declaration of the vote thereon by the governor.

Dickey Lee Hullinghorst
SPEAKER OF THE HOUSE
OF REPRESENTATIVES

Bill L. Cadman
PRESIDENT OF
THE SENATE

Marilyn Eddins
CHIEF CLERK OF THE HOUSE
OF REPRESENTATIVES

Effie Ameen
SECRETARY OF
THE SENATE

APPROVED _____

John W. Hickenlooper
GOVERNOR OF THE STATE OF COLORADO