

Second Regular Session  
Sixty-third General Assembly  
STATE OF COLORADO

INTRODUCED

LLS NO. 02-0295.01 Christy Chase

HOUSE BILL 02-1243

---

HOUSE SPONSORSHIP

Sinclair

SENATE SPONSORSHIP

Nichol

---

House Committees

State, Veterans, & Military Affairs

Senate Committees

---

A BILL FOR AN ACT

101 CONCERNING MAIL BALLOT ELECTIONS, AND, IN CONNECTION  
102 THEREWITH, PROVIDING FOR THE VERIFICATION OF SIGNATURES  
103 IN NOVEMBER COORDINATED MAIL BALLOT ELECTIONS,  
104 REQUIRING SAID SIGNATURES AND IDENTIFYING INFORMATION  
105 TO BE CONTAINED ON THE INSIDE OF THE RETURN ENVELOPE,  
106 ALLOWING WATCHERS TO OBSERVE THE PROCESSING,  
107 RECEIVING, AND COUNTING OF MAIL BALLOTS, AND REQUIRING  
108 THE APPOINTMENT OF RECEIVING AND COUNTING JUDGES IN  
109 MAIL BALLOT ELECTIONS.

---

Bill Summary

*(Note: This summary applies to this bill as introduced and does not necessarily reflect any amendments that may be subsequently*

**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.*

*adopted.)*

Requires the return envelope used in mail ballot elections to contain the eligible elector's name, address, and signed self-affirmation on the inside of the envelope rather than on the outside, and eliminates the requirement that the elector's birth date appear on the envelope. Allows designated election officials to mail the mail ballot packets to registered electors closer to the date of the mail ballot election, and eliminates the exception allowing the secretary of state to approve the mailing of the packets closer to the date of the election.

Specifies that in mail ballot elections that are November coordinated elections held in 2005 and later years, the election judge is to scan and compare the signature appearing on the self-affirmation on the inside of the return envelope with the elector's signature on file with the county clerk and recorder's office to determine if the signatures appear to match. Specifies that for the mail ballot election that is a November coordinated election held in 2003, the election judge need only scan and compare those signatures that are contained in the county clerk and recorder's database. If the election judge determines that the signatures do not appear to match, requires 2 other election judges with different political affiliations to simultaneously compare the signatures. After the 2<sup>nd</sup> comparison, requires the election judges to reject the mail ballot if they determine that the signatures do not appear to match, and requires copies of the signatures to be forwarded to the district attorney for investigation.

Entitles each candidate on the mail ballot, the governing body that referred a ballot question or ballot issue appearing on the mail ballot, the petition representatives of an initiated ballot question or ballot issue appearing on the mail ballot, and each issue committee supporting or opposing a ballot question, ballot issue, or recall question appearing on the mail ballot to one watcher per room where mail ballots are being processed or counted. Requires each watcher to sign a certification.

Requires the county clerk and recorder or the designated election official to appoint receiving and counting judges in a mail ballot election. Requires said judges that accept the appointment to file an acceptance and take an oath as required by law.

---

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

2           **SECTION 1.** 1-7.5-103 (5) and (7), Colorado Revised Statutes,  
3 are amended to read:

4           **1-7.5-103. Definitions.** As used in this article, unless the context

1 otherwise requires:

2 (5) "Mail ballot packet" means the packet of information provided  
3 by the designated election official to eligible electors in the mail ballot  
4 election. The packet includes the ballot, instructions for completing the  
5 ballot, a secrecy envelope, and a return ~~verification~~ envelope.

6 (7) "Return ~~verification~~ envelope" means an envelope that  
7 contains the name AND address ~~and birth date~~ of, AND A  
8 SELF-AFFIRMATION TO BE SIGNED BY, an eligible elector voting in a mail  
9 ballot election, that contains a secrecy envelope and ballot for the elector,  
10 and that is designed to allow election officials, upon examining the  
11 signature, name, AND address ~~and birth date~~ that appear on the ~~outside~~  
12 INSIDE of the envelope, to determine whether the enclosed ballot is being  
13 submitted by an eligible elector who has not previously voted in that  
14 particular election.

15 **SECTION 2.** 1-7.5-106 (1) (a), Colorado Revised Statutes, is  
16 amended to read:

17 **1-7.5-106. Secretary of state - duties and powers.** (1) In  
18 addition to any other duties prescribed by law, the secretary of state, with  
19 advice from election officials of the several political subdivisions, shall:

20 (a) Prescribe the form of materials to be used in the conduct of  
21 mail ballot elections; except that all mail ballot packets shall include a  
22 ballot, instructions for completing the ballot, a secrecy envelope, and a  
23 return ~~verification~~ envelope;

24 **SECTION 3.** 1-7.5-107 (3) (a), (3) (b.5), (4), (5), and (6),  
25 Colorado Revised Statutes, are amended to read:

26 **1-7.5-107. Procedures for conducting mail ballot election.**

27 (3) (a) Not sooner than twenty-five days before an election, and no later

1 than ~~fifteen~~ TEN days before an election, the designated election official  
2 shall mail to each active registered elector, at the last mailing address  
3 appearing in the registration records and in accordance with United States  
4 postal service regulations, a mail ballot packet, which shall be marked  
5 "DO NOT FORWARD. ADDRESS CORRECTION REQUESTED", or  
6 any other similar statement that is in accordance with United States postal  
7 service regulations. ~~except that with prior approval from the secretary of~~  
8 ~~state, the packets shall be sent no later than ten days before election day.~~

9 (b.5) (I) The return ~~verification~~ envelope shall have printed on it  
10 THE INSIDE a self-affirmation substantially in the following form:  
11 "I state under penalty of perjury that I am an eligible elector; that my  
12 SIGNATURE, name, AND address ~~and birth date~~ are as shown on THE INSIDE  
13 OF this envelope; that I have not and will not cast any vote in this election  
14 except by the enclosed ballot; and that my ballot is enclosed in accord  
15 with the provisions of the "Uniform Election Code of 1992".

16 .....  
17 Date Signature of voter"

18 (II) The signing of the self-affirmation CONTAINED on the INSIDE  
19 OF THE return ~~verification~~ envelope shall constitute an affirmation by the  
20 ~~voter~~ ELIGIBLE ELECTOR, under penalty of perjury, that the facts stated in  
21 the self-affirmation are true.

22 (4) (a) Upon receipt of a ballot, the eligible elector shall mark the  
23 ballot, sign and complete the SELF-AFFIRMATION CONTAINED ON THE  
24 INSIDE OF THE return ~~verification~~ envelope, and comply with the  
25 instructions provided with the ballot.

26 (b) The eligible elector may return the marked ballot to the

1 designated election official by United States mail or by depositing the  
2 ballot at the office of the official or any place designated by the official.  
3 The ballot must be returned in the return ~~verification~~ envelope. If an  
4 eligible elector returns the ballot by mail, the elector must provide  
5 postage. The ballot shall be received at the office of the designated  
6 election official or a designated depository, which shall remain open until  
7 7 p.m. on election day.

8 (5) (a) Once the ballot is returned, an election judge shall first  
9 qualify the submitted ballot by examining the INFORMATION CONTAINED  
10 ON THE INSIDE OF THE return ~~verification~~ envelope and comparing the  
11 information ~~on~~ IN the envelope to the registration records to determine  
12 whether the ballot was submitted by an eligible elector who has not  
13 previously voted in the election. If the ballot ~~so~~ qualifies PURSUANT TO  
14 THIS SUBSECTION (5) and is otherwise valid, the election judge shall  
15 indicate in the poll book that the eligible elector cast a ballot ~~open the~~  
16 ~~return-verification envelope, remove the ballot stub,~~ and deposit the ballot  
17 in an official ballot box.

18 (b) FOR NOVEMBER COORDINATED ELECTIONS ONLY, THE  
19 SIGNATURE OF THE ELIGIBLE ELECTOR CONTAINED ON THE INSIDE OF THE  
20 RETURN ENVELOPE SHALL BE COMPARED WITH THE SIGNATURE OF THE  
21 ELIGIBLE ELECTOR ON FILE IN THE COUNTY CLERK AND RECORDER'S OFFICE  
22 IN ACCORDANCE WITH THE PROVISIONS OF SECTION 1-7.5-107.3.

23 (6) All deposited ballots shall be counted as provided in this  
24 article and by rules promulgated by the secretary of state. A mail ballot  
25 shall be valid and counted only if it is returned in the return ~~verification~~  
26 envelope, the self-affirmation CONTAINED on the INSIDE OF THE RETURN  
27 envelope is signed and completed by the eligible elector to whom the

1 ballot was issued, and the information on the INSIDE OF THE RETURN  
2 envelope is verified in accordance with subsection (5) of this section.  
3 Mail ballots shall be counted in the same manner provided by section  
4 1-7-307 for counting paper ballots or section 1-7-507 for counting  
5 electronic ballots. If the election official determines that an eligible  
6 elector to whom a replacement ballot has been issued has voted more than  
7 once, the official shall not count any ballot cast by the elector. EXCEPT  
8 AS PROVIDED IN SECTION 1-7.5-107.3, rejected ballots shall be handled in  
9 the same manner as provided in section 1-8-310.

10 **SECTION 4.** 1-7.5-107.5, Colorado Revised Statutes, is amended  
11 to read:

12 **1-7.5-107.5. Counting mail ballots - receiving and counting**  
13 **judges.** (1) The election officials at the mail ballot counting place may  
14 receive and prepare mail ballots delivered and turned over to them by the  
15 designated election official for tabulation. Counting of the mail ballots  
16 may begin ten days prior to the election and continue until counting is  
17 completed. The election official in charge of the mail ballot counting  
18 place shall take all precautions necessary to ensure the secrecy of the  
19 counting procedures, and no information concerning the count shall be  
20 released by the election officials or watchers until after 7 p.m. on election  
21 day.

22 (2) THE COUNTY CLERK AND RECORDER OR THE DESIGNATED  
23 ELECTION OFFICIAL SHALL APPOINT AS MANY RECEIVING AND COUNTING  
24 JUDGES IN A MAIL BALLOT ELECTION AS ARE NECESSARY TO CARRY OUT  
25 THE RESPONSIBILITIES OF THIS ARTICLE. STAFF MEMBERS OF THE  
26 DESIGNATED ELECTION OFFICIAL'S OFFICE MAY BE APPOINTED AS  
27 RECEIVING AND COUNTING JUDGES. EACH PERSON APPOINTED AS A JUDGE

1 IN A MAIL BALLOT ELECTION WHO ACCEPTS THE APPOINTMENT SHALL FILE  
2 AN ACCEPTANCE AS REQUIRED BY SECTION 1-6-106 AND SHALL TAKE THE  
3 OATH REQUIRED BY SECTION 1-6-114.

4 **SECTION 5.** Article 7.5 of title 1, Colorado Revised Statutes, is  
5 amended BY THE ADDITION OF THE FOLLOWING NEW  
6 SECTIONS to read:

7 **1-7.5-107.3. Verification of signatures - November coordinated**  
8 **elections.** (1) (a) EXCEPT AS PROVIDED IN PARAGRAPH (b) OF THIS  
9 SUBSECTION (1), IN EVERY MAIL BALLOT ELECTION THAT IS A NOVEMBER  
10 COORDINATED ELECTION HELD IN 2005 OR LATER YEARS, ALL SIGNATURES  
11 ON THE SELF-AFFIRMATION CONTAINED ON THE INSIDE OF THE RETURN  
12 ENVELOPE SHALL BE SCANNED AND COMPARED TO THE SIGNATURE OF THE  
13 ELIGIBLE ELECTOR ON FILE IN THE COUNTY CLERK AND RECORDER'S  
14 OFFICE. IF A SIGNATURE ON THE SELF-AFFIRMATION CONTAINED ON THE  
15 INSIDE OF A RETURN ENVELOPE DOES NOT MATCH THE ELIGIBLE ELECTOR'S  
16 SIGNATURE ON FILE, AS DETERMINED IN ACCORDANCE WITH THE  
17 PROVISIONS OF SUBSECTION (2) OF THIS SECTION, THE RETURN ENVELOPE  
18 WITH THE ENCLOSED SECRECY ENVELOPE CONTAINING THE VOTED BALLOT  
19 SHALL BE CATEGORIZED AS INCOMPLETE OR INCORRECT, SHALL BE  
20 SEPARATED FROM OTHER RETURNED BALLOTS, AND SHALL BE PROCESSED  
21 AS REQUIRED BY SECTIONS 1-1-103 AND 1-9-207 IN THE MANNER SET  
22 FORTH IN SUBSECTION (2) OF THIS SECTION.

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

1           (2) (a) IF, UPON COMPARING THE SIGNATURE OF THE ELIGIBLE  
2 ELECTOR ON THE SELF-AFFIRMATION CONTAINED ON THE INSIDE OF THE  
3 RETURN ENVELOPE WITH THE SIGNATURE OF THE ELIGIBLE ELECTOR ON  
4 FILE WITH THE COUNTY CLERK AND RECORDER, THE ELECTION JUDGE  
5 DETERMINES THAT THE SIGNATURES DO NOT APPEAR TO MATCH, THE  
6 SIGNATURES SHALL BE SIMULTANEOUSLY REVIEWED AND COMPARED BY  
7 TWO OTHER ELECTION JUDGES, EACH WITH A DIFFERENT POLITICAL  
8 AFFILIATION. AFTER REVIEWING AND COMPARING THE SIGNATURES, IF THE  
9 TWO ELECTION JUDGES DETERMINE THAT THE SIGNATURES DO NOT APPEAR  
10 TO MATCH, COPIES OF THE ELIGIBLE ELECTOR'S SIGNATURE ON THE INSIDE  
11 OF THE RETURN ENVELOPE AND ON FILE WITH THE COUNTY CLERK AND  
12 RECORDER SHALL BE MADE. THE COPIES OF THE SIGNATURES SHALL BE  
13 FORWARDED TO THE DISTRICT ATTORNEY FOR INVESTIGATION, AND THE  
14 RETURN ENVELOPE WITH THE ENCLOSED SECRECY ENVELOPE CONTAINING  
15 THE VOTED BALLOT SHALL BE REJECTED AND SHALL NOT BE COUNTED.

16           (b) THE ORIGINAL RETURN ENVELOPES WITH THE ENCLOSED  
17 SECRECY ENVELOPE CONTAINING THE VOTED BALLOTS THAT ARE REJECTED  
18 PURSUANT TO PARAGRAPH (a) OF THIS SUBSECTION (2) SHALL BE STORED  
19 IN A SECURE LOCATION UNDER SEAL IN THE COUNTY CLERK AND  
20 RECORDER'S OFFICE AND SEPARATED FROM OTHER VALID RETURN  
21 ENVELOPES, UNLESS REMOVED UNDER THE AUTHORITY OF THE DISTRICT  
22 ATTORNEY OR ANY ORDER FROM A COURT OF COMPETENT JURISDICTION.

23           (3) IF, AFTER COMPARING THE SIGNATURES OF THE ELIGIBLE  
24 ELECTOR ON THE SELF-AFFIRMATION AND ON FILE WITH THE COUNTY  
25 CLERK AND RECORDER, THE ELECTION JUDGES DETERMINE THAT THE  
26 SIGNATURES MATCH, THE ELECTION JUDGES SHALL FOLLOW THE  
27 PROCEDURES SET FORTH IN SECTIONS 1-7.5-107 (5) (a) AND (6).

1           **1-7.5-113. Watchers.** (1) EACH CANDIDATE APPEARING ON THE  
2 MAIL BALLOT, THE GOVERNING BODY THAT REFERRED A BALLOT QUESTION  
3 OR BALLOT ISSUE APPEARING ON THE MAIL BALLOT, THE PETITION  
4 REPRESENTATIVES OF AN INITIATED BALLOT QUESTION OR BALLOT ISSUE  
5 APPEARING ON THE MAIL BALLOT, AND EACH ISSUE COMMITTEE THAT HAS  
6 REGISTERED PURSUANT TO THE "FAIR CAMPAIGN PRACTICES ACT",  
7 ARTICLE 45 OF THIS TITLE, AND THAT SUPPORTS OR OPPOSES A BALLOT  
8 QUESTION, BALLOT ISSUE, OR RECALL QUESTION APPEARING ON THE MAIL  
9 BALLOT, AS LISTED UNDER THE PURPOSES OF THE ISSUE COMMITTEE, SHALL  
10 BE ENTITLED TO ONE WATCHER PER ROOM WHERE MAIL BALLOTS ARE  
11 BEING PROCESSED OR COUNTED TO OBSERVE THE PROCESS OF PREPARING  
12 MAIL BALLOT PACKETS, RECEIVING MAIL BALLOT PACKETS FROM  
13 ELECTORS, AND COUNTING MAIL BALLOTS.

14           (2) EACH PERSON APPOINTED AS A WATCHER SHALL CERTIFY IN  
15 WRITING TO THE COUNTY CLERK AND RECORDER OR THE DESIGNATED  
16 ELECTION OFFICIAL THAT THE WATCHER:

17           (a) WAS DULY APPOINTED BY THE APPROPRIATE PERSON OR ENTITY  
18 IN ACCORDANCE WITH THE PROVISIONS OF SUBSECTION (1) OF THIS  
19 SECTION;

20           (b) IS AN ELIGIBLE ELECTOR;

21           (c) IS NEITHER A CANDIDATE APPEARING ON THE MAIL BALLOT NOR  
22 A MEMBER OF A CANDIDATE'S IMMEDIATE FAMILY WITHIN THE SECOND  
23 DEGREE BY BLOOD OR MARRIAGE;

24           (d) WILL NOT REVEAL TO ANY OTHER PERSON HOW OR FOR WHOM  
25 A VOTER HAS VOTED OR COMMUNICATE TO ANYONE IN ANY WAY THE  
26 WATCHER'S OPINION, BELIEF, OR IMPRESSION AS TO HOW OR FOR WHOM A  
27 VOTER HAS VOTED; AND

1           (e) WILL NOT DISCLOSE THE RESULTS OF THE VOTE UNTIL THE  
2 RESULTS ARE FORMALLY ANNOUNCED BY THE DESIGNATED ELECTION  
3 OFFICIAL.

4           **SECTION 6. Effective date.** This act shall take effect at 12:01  
5 a.m. on the day following the expiration of the ninety-day period after  
6 final adjournment of the general assembly that is allowed for submitting  
7 a referendum petition pursuant to article V, section 1 (3) of the state  
8 constitution; except that, if a referendum petition is filed against this act  
9 or an item, section, or part of this act within such period, then the act,  
10 item, section, or part, if approved by the people, shall take effect on the  
11 date of the official declaration of the vote thereon by proclamation of the  
12 governor.