

Second Regular Session  
Sixty-sixth General Assembly  
STATE OF COLORADO

INTRODUCED

LLS NO. 08-0105.01 John Hershey

HOUSE BILL 08-1128

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HOUSE SPONSORSHIP

Marostica,

SENATE SPONSORSHIP

Gordon,

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**House Committees**  
State, Veterans, & Military Affairs

**Senate Committees**

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A BILL FOR AN ACT

101      **CONCERNING THE VERIFICATION OF SIGNATURES OF ELECTORS, AND,**  
102            **IN CONNECTION THEREWITH, AUTHORIZING THE USE OF**  
103            **SIGNATURE VERIFICATION DEVICES.**

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**Bill Summary**

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

Authorizes county clerks and recorders to access the digitized signatures in the statewide voter registration system in order to compare an elector's signature in the system with the signature on the return envelope of a mail-in ballot or mail ballot, including by using a signature verification device.

In a statewide primary or general election or a coordinated mail

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.*

ballot election, requires election judges to compare an elector's signature on the return envelope of a mail-in ballot or mail ballot with the elector's signature in the statewide voter registration system instead of the one on file in the office of the county clerk and recorder. Authorizes the designated election official to allow an election judge to use a signature verification device to compare the signatures. States that the signature on the return envelope is deemed verified if the signature verification device determines that the signatures match. Requires an election judge to compare the signatures if the signature verification device is unable to determine that the signatures match.

States that the return envelope for a mail-in ballot or mail ballot shall not be required to have a flap covering the signature or otherwise impede the use of a signature verification device.

Directs the secretary of state to adopt rules establishing procedures for using signature verification devices to process ballots.

Clarifies and makes consistent various provisions on verifying signatures on mail-in ballot and mail ballot return envelopes.

Makes conforming amendments. Deletes obsolete provisions.

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

2 **SECTION 1.** 1-2-301 (4) (a) (II), Colorado Revised Statutes, is  
3 amended to read:

4 **1-2-301. Centralized statewide registration system - secretary**  
5 **of state to maintain computerized statewide voter registration list -**  
6 **county computer records - agreement to match information.**

7 (4) (a) (II) The centralized statewide registration system shall enable  
8 county clerks and recorders to maintain voter registration information and  
9 shall include such additional capabilities as may be necessary or desirable  
10 to enable county clerks and recorders and the secretary of state to carry  
11 out their responsibilities related to the conduct of elections. Such  
12 additional capabilities may include but need not be limited to the  
13 preparation of ballots, the identification of voting districts for each  
14 address, access by county clerks and recorders to the master list of  
15 registered electors and, on or after January 1, 2006, the computerized

1 statewide voter registration list maintained pursuant to this section and  
2 section 1-2-302, the management of mail-in and mail ballots, the  
3 preparation of official abstracts of votes cast, the transmission of voting  
4 data from county clerks and recorders to the secretary of state, and  
5 reporting of voting results on election night. COUNTY CLERKS AND  
6 RECORDERS SHALL HAVE ACCESS TO THE DIGITIZED SIGNATURES OF  
7 ELECTORS IN THE CENTRALIZED STATEWIDE REGISTRATION SYSTEM FOR  
8 THE PURPOSE OF COMPARING AN ELECTOR'S SIGNATURE IN THE SYSTEM  
9 WITH THE SIGNATURE ON THE RETURN ENVELOPE OF A MAIL-IN BALLOT OR  
10 MAIL BALLOT, INCLUDING BY USING A SIGNATURE VERIFICATION DEVICE  
11 IN ACCORDANCE WITH SECTIONS 1-7.5-107.3 (5) AND 1-8-114.5 (5).

12 **SECTION 2.** 1-7.5-107.3 (1), (2) (a), (2) (c), (3), and (4) (a),  
13 Colorado Revised Statutes, are amended, and the said 1-7.5-107.3 is  
14 further amended BY THE ADDITION OF A NEW SUBSECTION, to  
15 read:

16 **1-7.5-107.3. Verification of signatures - November coordinated**  
17 **elections.** (1) (a) Except as provided in ~~paragraph (b) of this subsection~~  
18 ~~(1) SUBSECTION (5) OF THIS SECTION~~, in every mail ballot election that is  
19 a November coordinated election, ~~held in 2005 or any subsequent year~~,  
20 an election judge shall compare the signature on the self-affirmation on  
21 each return envelope with the signature of the eligible elector ~~on file in~~  
22 ~~the office of the county clerk and recorder~~ IN THE STATEWIDE VOTER  
23 REGISTRATION SYSTEM in accordance with ~~subsection (2)~~ SUBSECTIONS  
24 (2), (3), AND (4) of this section.

25 (b) ~~For the mail ballot election that is a November coordinated~~  
26 ~~election held in 2003, the election judge shall compare in accordance with~~  
27 ~~paragraph (a) of this subsection (1) only those signatures that are in the~~

1 ~~county clerk and recorder's database no later than 7 p.m. on election day.~~

2 (2) (a) If, upon comparing the signature of an eligible elector on  
3 the self-affirmation on the return envelope with the signature of the  
4 eligible elector ~~on file with the county clerk and recorder~~ IN THE  
5 STATEWIDE VOTER REGISTRATION SYSTEM, the election judge determines  
6 that the signatures do not match, OR IF A SIGNATURE VERIFICATION DEVICE  
7 USED PURSUANT TO SUBSECTION (5) OF THIS SECTION IS UNABLE TO  
8 DETERMINE THAT THE SIGNATURES MATCH, two other election judges of  
9 different political party affiliations shall simultaneously compare the  
10 signatures. If both other election judges agree that the signatures do not  
11 match, the county clerk and recorder shall, within two days after election  
12 day, send to the eligible elector at the address indicated in the registration  
13 records a letter explaining the discrepancy in signatures and a form for the  
14 eligible elector to confirm that the elector returned a ballot to the county  
15 clerk and recorder. If the county clerk and recorder receives the form  
16 within eight days after election day confirming that the elector returned  
17 a ballot to the county clerk and recorder and enclosing a copy of the  
18 elector's identification as defined in section 1-1-104 (19.5), and if the  
19 ballot is otherwise valid, the ballot shall be counted. If the eligible elector  
20 returns the form indicating that the elector did not return a ballot to the  
21 county clerk and recorder, or if the eligible elector does not return the  
22 form within eight days after election day, the self-affirmation on the  
23 return envelope shall be categorized as incorrect, the ballot shall not be  
24 counted, and the county clerk and recorder shall send copies of the  
25 eligible elector's signature on the return envelope and the signature ~~on file~~  
26 ~~with the county clerk and recorder~~ IN THE STATEWIDE VOTER  
27 REGISTRATION SYSTEM to the district attorney for investigation.

1 (c) In the case of a disagreement among the election judges as to  
2 whether the signature of an eligible elector on the self-affirmation on the  
3 return envelope matches the signature of the eligible elector ~~on file with~~  
4 ~~the county clerk and recorder~~ IN THE STATEWIDE VOTER REGISTRATION  
5 SYSTEM pursuant to the procedures specified in paragraph (a) of this  
6 subsection (2), the ~~mail ballot contained in the return envelope shall be~~  
7 ~~counted in accordance with the requirements of sections 1-7.5-107 (6)~~  
8 ~~and 1-7.5-107.5~~ SIGNATURES ARE DEEMED TO MATCH, AND THE ELECTION  
9 JUDGE SHALL FOLLOW THE PROCEDURES SPECIFIED IN SECTION 1-7.5-107  
10 (6) CONCERNING THE QUALIFICATION AND COUNTING OF MAIL BALLOTS.

11 (3) If the election judge determines that the signature of an  
12 eligible elector on the self-affirmation matches the elector's signature ~~on~~  
13 ~~file with the county clerk and recorder~~ IN THE STATEWIDE VOTER  
14 REGISTRATION SYSTEM, the election judge shall follow the procedures  
15 specified in section 1-7.5-107 ~~(5)~~ and (6) concerning the qualification and  
16 counting of mail ballots.

17 (4) (a) An election judge shall not determine that the signature of  
18 an eligible elector on the self-affirmation does not match the signature of  
19 that eligible elector ~~on file with the county clerk and recorder~~ IN THE  
20 STATEWIDE VOTER REGISTRATION SYSTEM solely on the basis of  
21 substitution of initials or use of a common nickname.

22 (5) (a) A DESIGNATED ELECTION OFFICIAL MAY ALLOW AN  
23 ELECTION JUDGE TO USE A SIGNATURE VERIFICATION DEVICE TO COMPARE  
24 THE SIGNATURE ON THE SELF-AFFIRMATION ON A RETURN ENVELOPE OF AN  
25 ELIGIBLE ELECTOR'S BALLOT WITH THE SIGNATURE OF THE ELECTOR IN THE  
26 STATEWIDE VOTER REGISTRATION SYSTEM IN ACCORDANCE WITH THIS  
27 SUBSECTION (5) AND THE RULES ADOPTED BY THE SECRETARY OF STATE

1 PURSUANT TO SECTION 1-8-114.5 (5) (c).

2 (b) IF A SIGNATURE VERIFICATION DEVICE DETERMINES THAT THE  
3 SIGNATURE ON THE SELF-AFFIRMATION ON A RETURN ENVELOPE OF AN  
4 ELIGIBLE ELECTOR'S BALLOT MATCHES THE SIGNATURE OF THE ELECTOR  
5 IN THE STATEWIDE VOTER REGISTRATION SYSTEM, THE SIGNATURE ON THE  
6 SELF-AFFIRMATION IS DEEMED VERIFIED, AND THE ELECTION JUDGE SHALL  
7 FOLLOW THE PROCEDURES SPECIFIED IN SECTION 1-7.5-107 (6)  
8 CONCERNING THE QUALIFICATION AND COUNTING OF MAIL BALLOTS. IF A  
9 SIGNATURE VERIFICATION DEVICE IS UNABLE TO DETERMINE THAT THE  
10 SIGNATURE ON THE SELF-AFFIRMATION ON A RETURN ENVELOPE OF AN  
11 ELIGIBLE ELECTOR'S MAIL BALLOT MATCHES THE SIGNATURE OF THE  
12 ELECTOR IN THE STATEWIDE VOTER REGISTRATION SYSTEM, AN ELECTION  
13 JUDGE SHALL COMPARE THE SIGNATURES IN ACCORDANCE WITH  
14 SUBSECTIONS (2), (3), AND (4) OF THIS SECTION.

15 **SECTION 3.** 1-7.5-107 (3) (b.5), Colorado Revised Statutes, is  
16 amended BY THE ADDITION OF A NEW SUBPARAGRAPH to read:

17 **1-7.5-107. Procedures for conducting mail ballot election -**  
18 **first-time voters casting a mail ballot after having registered by mail**  
19 **to vote.** (3) (b.5) (III) THE RETURN ENVELOPE SHALL NOT BE REQUIRED  
20 TO HAVE A FLAP COVERING THE SIGNATURE OR OTHERWISE IMPEDE THE  
21 USE OF A SIGNATURE VERIFICATION DEVICE.

22 **SECTION 4.** 1-7.5-107 (5) (c), Colorado Revised Statutes, is  
23 amended to read:

24 **1-7.5-107. Procedures for conducting mail ballot election -**  
25 **first-time voters casting a mail ballot after having registered by mail**  
26 **to vote.** (5) (c) For November coordinated elections only, the signature  
27 of the eligible elector on the return envelope shall be compared with the

1 signature of the eligible elector ~~on file in the office of the county clerk~~  
2 ~~and recorder~~ IN THE STATEWIDE VOTER REGISTRATION SYSTEM in  
3 accordance with section 1-7.5-107.3.

4 **SECTION 5.** 1-8-114, Colorado Revised Statutes, is amended BY  
5 THE ADDITION OF A NEW SUBSECTION to read:

6 **1-8-114. Self-affirmation on return envelope.** (4) THE RETURN  
7 ENVELOPE SHALL NOT BE REQUIRED TO HAVE A FLAP COVERING THE  
8 SIGNATURE OR OTHERWISE IMPEDE THE USE OF A SIGNATURE VERIFICATION  
9 DEVICE.

10 **SECTION 6.** 1-8-114.5 (1), (2) (a), (2) (c), (3), and (4) (a),  
11 Colorado Revised Statutes, are amended, and the said 1-8-114.5 is further  
12 amended BY THE ADDITION OF A NEW SUBSECTION, to read:

13 **1-8-114.5. Verification of signatures - rules.** (1) (a) Except as  
14 provided in ~~paragraph (b) of this subsection (1)~~ SUBSECTION (5) OF THIS  
15 SECTION, in every statewide primary and general election, ~~held in 2006 or~~  
16 ~~any subsequent year~~, an election judge shall compare the signature on the  
17 self-affirmation on each return envelope of each mail-in ballot with the  
18 signature of the eligible elector ~~on file in the office of the county clerk~~  
19 ~~and recorder~~ IN THE STATEWIDE VOTER REGISTRATION SYSTEM in  
20 accordance with ~~subsection (2)~~ SUBSECTIONS (2), (3), AND (4) of this  
21 section.

22 (b) ~~For the statewide primary and general election held in 2004,~~  
23 ~~the election judge shall compare in accordance with paragraph (a) of this~~  
24 ~~subsection (1) only those signatures that are in the county clerk and~~  
25 ~~recorder's database.~~

26 (2) (a) If, upon comparing the signature of an eligible elector on  
27 the self-affirmation on the return envelope with the signature of that

1 eligible elector ~~on file with the county clerk and recorder~~ IN THE  
2 STATEWIDE VOTER REGISTRATION SYSTEM, the election judge determines  
3 that the signatures do not match, OR IF A SIGNATURE VERIFICATION DEVICE  
4 USED PURSUANT TO SUBSECTION (5) OF THIS SECTION IS UNABLE TO  
5 DETERMINE THAT THE SIGNATURES MATCH, two other election judges of  
6 different political party affiliations shall simultaneously compare the  
7 signatures. If both other election judges agree that the signatures do not  
8 match, the county clerk and recorder shall, within two days after election  
9 day, send to the eligible elector at the address indicated in the registration  
10 records a letter explaining the discrepancy in signatures and a form for the  
11 eligible elector to confirm that the elector voted, signed the  
12 self-affirmation, and returned a ballot to the county clerk and recorder. If  
13 the county clerk and recorder receives the form within eight days after  
14 election day confirming that the elector voted, signed the self-affirmation,  
15 and returned a ballot to the county clerk and recorder and enclosing a  
16 copy of the elector's identification as defined in section 1-1-104 (19.5),  
17 and if the ballot is otherwise valid, the ballot shall be counted. If the  
18 eligible elector does not enclose a copy of the elector's identification as  
19 defined in section 1-1-104 (19.5) along with the form, the self-affirmation  
20 on the return envelope shall be categorized as incorrect and the ballot  
21 shall not be counted. If the eligible elector returns the form indicating  
22 that the elector did not vote, sign the self-affirmation, or return a ballot to  
23 the county clerk and recorder, or if the eligible elector does not return the  
24 form within eight days after election day, the self-affirmation on the  
25 return envelope shall be categorized as incorrect, the ballot shall not be  
26 counted, and the county clerk and recorder shall send copies of the  
27 eligible elector's signature on the return envelope and the signature ~~on file~~

1 ~~with the county clerk and recorder~~ IN THE STATEWIDE VOTER  
2 REGISTRATION SYSTEM to the district attorney for investigation.

3 (c) In the case of a disagreement among the election judges as to  
4 whether the signature of an eligible elector on the self-affirmation on the  
5 return envelope matches the signature of the eligible elector ~~on file with~~  
6 ~~the county clerk and recorder~~ IN THE STATEWIDE VOTER REGISTRATION  
7 SYSTEM pursuant to the procedures specified in paragraph (a) of this  
8 subsection (2), the ~~mail-in ballot contained in the return envelope shall be~~  
9 ~~counted in accordance with the requirements of part 3 of this article~~  
10 SIGNATURES ARE DEEMED TO MATCH, AND THE ELECTION JUDGE SHALL  
11 FOLLOW THE PROCEDURES SPECIFIED IN SECTION 1-8-304 CONCERNING THE  
12 QUALIFICATION AND COUNTING OF MAIL-IN BALLOTS.

13 (3) If the election judge determines that the signature of an  
14 eligible elector on the self-affirmation matches the elector's signature ~~on~~  
15 ~~file with the county clerk and recorder~~ IN THE STATEWIDE VOTER  
16 REGISTRATION SYSTEM, the election judge shall follow the procedures  
17 specified in ~~part 3 of this article pertaining to the~~ SECTION 1-8-304  
18 CONCERNING THE QUALIFICATION AND counting of mail-in ballots.

19 (4) (a) An election judge shall not determine that the signature of  
20 an eligible elector on the self-affirmation does not match the signature of  
21 that eligible elector ~~on file with the county clerk and recorder~~ IN THE  
22 STATEWIDE VOTER REGISTRATION SYSTEM solely on the basis of  
23 substitution of initials or use of a common nickname.

24 (5) (a) A DESIGNATED ELECTION OFFICIAL MAY ALLOW AN  
25 ELECTION JUDGE TO USE A SIGNATURE VERIFICATION DEVICE TO COMPARE  
26 THE SIGNATURE ON THE SELF-AFFIRMATION ON THE RETURN ENVELOPE OF  
27 AN ELIGIBLE ELECTOR'S MAIL-IN BALLOT WITH THE SIGNATURE OF THE

1 ELECTOR IN THE STATEWIDE VOTER REGISTRATION SYSTEM IN  
2 ACCORDANCE WITH THIS SUBSECTION (5) AND THE RULES ADOPTED BY THE  
3 SECRETARY OF STATE PURSUANT TO PARAGRAPH (c) OF THIS SUBSECTION  
4 (5).

5 (b) IF A SIGNATURE VERIFICATION DEVICE DETERMINES THAT THE  
6 SIGNATURE ON THE SELF-AFFIRMATION ON A RETURN ENVELOPE OF AN  
7 ELIGIBLE ELECTOR'S MAIL-IN BALLOT MATCHES THE SIGNATURE OF THE  
8 ELECTOR IN THE STATEWIDE VOTER REGISTRATION SYSTEM, THE  
9 SIGNATURE ON THE SELF-AFFIRMATION IS DEEMED TO MEET THE  
10 REQUIREMENT OF SECTION 1-8-304 (1) (b) (III), AND THE ELECTION JUDGE  
11 SHALL FOLLOW THE PROCEDURES SPECIFIED IN SECTION 1-8-304  
12 CONCERNING THE QUALIFICATION AND COUNTING OF MAIL-IN BALLOTS. IF  
13 A SIGNATURE VERIFICATION DEVICE IS UNABLE TO DETERMINE THAT THE  
14 SIGNATURE ON THE SELF-AFFIRMATION ON A RETURN ENVELOPE OF AN  
15 ELIGIBLE ELECTOR'S MAIL-IN BALLOT MATCHES THE SIGNATURE OF THE  
16 ELECTOR IN THE STATEWIDE VOTER REGISTRATION SYSTEM, AN ELECTION  
17 JUDGE SHALL COMPARE THE SIGNATURES IN ACCORDANCE WITH  
18 SUBSECTIONS (2), (3), AND (4) OF THIS SECTION.

19 (c) THE SECRETARY OF STATE SHALL ADOPT RULES IN  
20 ACCORDANCE WITH ARTICLE 4 OF TITLE 24, C.R.S., ESTABLISHING  
21 PROCEDURES FOR USING SIGNATURE VERIFICATION DEVICES TO PROCESS  
22 MAIL-IN BALLOTS PURSUANT TO THIS ARTICLE AND BALLOTS USED IN MAIL  
23 BALLOT ELECTIONS PURSUANT TO ARTICLE 7.5 OF THIS TITLE.

24 **SECTION 7.** 1-8-304 (1) (a), (1) (b) (III), and (1) (d), Colorado  
25 Revised Statutes, are amended to read:

26 **1-8-304. Preparing to count mail-in ballots - rejections.**

27 (1) (a) Before opening any mail-in ballot, one of the receiving judges, in

1 the presence of a majority of the receiving judges, shall inspect the  
2 self-affirmation on the return envelope. ~~and, in an election coordinated by~~  
3 ~~the county clerk and recorder, compare the signature on the~~  
4 ~~self-affirmation with the signature of the eligible elector on file in the~~  
5 ~~county clerk and recorder's office.~~

6 (b) (III) In an election coordinated by the county clerk and  
7 recorder, the signature on the self-affirmation matches the signature ~~on~~  
8 ~~file in the county clerk and recorder's office~~ IN THE STATEWIDE VOTER  
9 REGISTRATION SYSTEM, or the eligible elector's marks on the application  
10 and the self-affirmation were witnessed by other persons.

11 (d) For purposes of subparagraph (III) of paragraph (b) of this  
12 subsection (1), the signatures on an eligible elector's self-affirmation and  
13 ~~on file in the county clerk and recorder's office~~ IN THE STATEWIDE VOTER  
14 REGISTRATION SYSTEM shall be compared in the ~~same~~ manner as  
15 ~~signatures on mail ballots are compared pursuant to article 7.5 of this title~~  
16 PRESCRIBED BY SECTION 1-8-114.5.

17 **SECTION 8. Applicability.** This act shall apply to elections held  
18 on or after the effective date of this act.

19 **SECTION 9. Safety clause.** The general assembly hereby finds,  
20 determines, and declares that this act is necessary for the immediate  
21 preservation of the public peace, health, and safety.