

First Regular Session
Seventieth General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 15-0565.01 Bob Lackner x4350

HOUSE BILL 15-1051

HOUSE SPONSORSHIP

Neville P.,

SENATE SPONSORSHIP

Neville T.,

House Committees

State, Veterans, & Military Affairs

Senate Committees

A BILL FOR AN ACT

101 CONCERNING THE ADMINISTRATION OF LOCAL GOVERNMENT
102 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>.)

Section 1 of the bill clarifies the powers and duties of the secretary of state (secretary) to supervise the conduct of municipal and local government elections in addition to the secretary's existing powers and duties under the "Uniform Election Code of 1992".

To verify signatures of eligible electors in such elections, **sections 2 and 5** of the bill require the secretary to provide to the designated

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.

election official (official) or municipal clerk (clerk), as applicable, for the use of election judges overseeing any elections, a copy of the 3 most recent signatures of each eligible elector that are stored in the statewide voter registration system. These sections of the bill further require that, in any election conducted under an election code incorporated into the Colorado revised statutes, 2 election judges are to compare the signature on the self-affirmation on each return envelope with the signature of the eligible elector that has been provided to the official or clerk by the secretary. 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, there is any disagreement between the 2 election judges as to whether there is a match, the discrepancy must be referred to the official or clerk. If the official or clerk determines the signatures match, and if the ballot is otherwise valid, the ballot must be counted in conformity with existing procedures under the "Uniform Election Code of 1992". If the official or clerk determines the signatures do not match, existing procedures for resolving a discrepancy caused by signatures that do not match must be followed.

Sections 3 and 4 of the bill require the secretary to establish by rule a uniform administrative complaint procedure that is open to any individual who witnesses a violation of the election codes governing municipal or local government elections. The bill specifies the matters the rules must address.

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

2 **SECTION 1.** In Colorado Revised Statutes, 1-1-107, **amend** (1)

3 (b) as follows:

4 **1-1-107. Powers and duties of secretary of state - penalty.**

5 (1) In addition to any other duties prescribed by law, the secretary of
6 state has the following duties:

7 (b) To enforce the provisions of ~~this code~~ ALL ELECTION CODES
8 INCORPORATED INTO THE COLORADO REVISED STATUTES;

9 **SECTION 2.** In Colorado Revised Statutes, 1-13.5-1105, **amend**

10 (6) as follows:

11 **1-13.5-1105. Procedures for conducting independent mail**

1 **ballot election.** (6) (a) Once the ballot is returned, an election judge shall
2 first qualify the submitted ballot by comparing the information on the
3 return envelope with the registration records and property owners list, as
4 applicable, to determine whether the ballot was submitted by an eligible
5 elector who has not previously voted in the election. If the ballot qualifies
6 and is otherwise valid, the election judge shall indicate in the pollbook
7 that the eligible elector cast a ballot and ~~deposit the ballot in an official~~
8 ~~ballot box~~ PREPARE THE BALLOT FOR COUNTING.

9 (b) TO VERIFY SIGNATURES OF ELIGIBLE ELECTORS FOR PURPOSES
10 OF THIS SECTION, THE SECRETARY OF STATE SHALL PROVIDE TO THE
11 DESIGNATED ELECTION OFFICIAL BY ELECTRONIC MEANS, FOR THE USE OF
12 ELECTION JUDGES OVERSEEING ANY ELECTIONS CONDUCTED UNDER THIS
13 SECTION, NOT LESS THAN THIRTY DAYS BEFORE THE DATE OF THE
14 ELECTION, A COPY OF THE THREE MOST RECENT SIGNATURES OF EACH
15 ELIGIBLE ELECTOR THAT IS STORED IN THE STATEWIDE VOTER
16 REGISTRATION SYSTEM.

17 (c) IN EVERY ELECTION CONDUCTED UNDER THIS ARTICLE, TWO
18 ELECTION JUDGES SHALL COMPARE THE SIGNATURE ON THE
19 SELF-AFFIRMATION ON EACH RETURN ENVELOPE WITH THE SIGNATURE OF
20 THE ELIGIBLE ELECTOR THAT HAS BEEN PROVIDED TO THE DESIGNATED
21 ELECTION OFFICIAL BY THE SECRETARY OF STATE PURSUANT TO
22 PARAGRAPH (b) OF THIS SUBSECTION (6).

23 (d) IF, UPON COMPARING THE SIGNATURE OF AN ELIGIBLE ELECTOR
24 ON THE SELF-AFFIRMATION ON THE RETURN ENVELOPE WITH THE
25 SIGNATURE OF THE ELIGIBLE ELECTOR STORED IN THE STATEWIDE VOTER
26 REGISTRATION SYSTEM, THERE IS ANY DISAGREEMENT BETWEEN THE TWO
27 ELECTION JUDGES AS TO WHETHER THERE IS A MATCH, THE DISCREPANCY

1 MUST BE REFERRED TO THE DESIGNATED ELECTION OFFICIAL. IF THE
2 OFFICIAL DETERMINES THE SIGNATURES MATCH, AND IF THE BALLOT IS
3 OTHERWISE VALID, THE PROCEDURES SPECIFIED IN SECTION 1-7.5-107 (6)
4 CONCERNING THE QUALIFICATION AND COUNTING OF MAIL BALLOTS MUST
5 BE FOLLOWED. IF THE OFFICIAL DETERMINES THE SIGNATURES DO NOT
6 MATCH, THE PROCEDURES SPECIFIED IN SECTION 1-7.5-107.3 (2) (a) FOR
7 RESOLVING A DISCREPANCY CAUSED BY SIGNATURES THAT DO NOT MATCH
8 MUST BE FOLLOWED.

9 (e) AN ELECTION JUDGE SHALL NOT DETERMINE THAT THE
10 SIGNATURE OF AN ELIGIBLE ELECTOR ON THE SELF-AFFIRMATION DOES NOT
11 MATCH THE SIGNATURE OF THAT ELIGIBLE ELECTOR THAT IS STORED IN
12 THE STATEWIDE VOTER REGISTRATION SYSTEM SOLELY ON THE BASIS OF
13 SUBSTITUTION OF INITIALS OR USE OF A COMMON NICKNAME.

14 (f) THE DESIGNATED ELECTION OFFICIAL SHALL PROVIDE TRAINING
15 IN THE TECHNIQUE AND STANDARDS OF SIGNATURE COMPARISON TO
16 ELECTION JUDGES WHO COMPARE SIGNATURES PURSUANT TO THIS
17 SECTION.

18 (g) THE SECRETARY OF STATE SHALL ADOPT RULES IN
19 ACCORDANCE WITH ARTICLE 4 OF TITLE 24, C.R.S., AS HE OR SHE FINDS
20 NECESSARY TO PROMOTE THE MORE EFFECTIVE IMPLEMENTATION OF THIS
21 SUBSECTION (6).

22 **SECTION 3.** In Colorado Revised Statutes, 1-13.5-1401, **add** (2)
23 as follows:

24 **1-13.5-1401. Person elected - contest - causes - administrative**
25 **complaint procedure - rules.** (2) NOT LATER THAN JUNE 30, 2015, THE
26 SECRETARY OF STATE SHALL ESTABLISH BY RULE IN ACCORDANCE WITH
27 ARTICLE 4 OF TITLE 24, C.R.S., A UNIFORM ADMINISTRATIVE COMPLAINT

1 PROCEDURE THAT IS OPEN TO ANY INDIVIDUAL WHO WITNESSES A
2 VIOLATION OF THIS ARTICLE. THE RULES MUST ADDRESS, WITHOUT
3 LIMITATION, THE FORM OF THE COMPLAINT, PROCESSING AND DOCKETING
4 MATTERS, THE INVESTIGATION OF THE COMPLAINT, ANY HEARING ON AND
5 RESOLUTION OF THE COMPLAINT, ALTERNATIVE DISPUTE RESOLUTION, IF
6 ANY, REMEDIES, AND SIMILAR MATTERS.

7 **SECTION 4.** In Colorado Revised Statutes, **add** 31-10-110 as
8 follows:

9 **31-10-110. Administrative complaint procedure - rules.** THE
10 SECRETARY OF STATE SHALL ESTABLISH BY RULE IN ACCORDANCE WITH
11 ARTICLE 4 OF TITLE 24, C.R.S., A UNIFORM ADMINISTRATIVE COMPLAINT
12 PROCEDURE THAT IS OPEN TO ANY INDIVIDUAL WHO WITNESSES A
13 VIOLATION OF THIS ARTICLE. THE RULES MUST ADDRESS, WITHOUT
14 LIMITATION, THE FORM OF THE COMPLAINT, PROCESSING AND DOCKETING
15 MATTERS, THE INVESTIGATION OF THE COMPLAINT, ANY HEARING ON AND
16 RESOLUTION OF THE COMPLAINT, ALTERNATIVE DISPUTE RESOLUTION, IF
17 ANY, REMEDIES, AND SIMILAR MATTERS.

18 **SECTION 5.** In Colorado Revised Statutes, 31-10-910, **amend**
19 (4) as follows:

20 **31-10-910. Procedures for conducting mail ballot election.**

21 (4) (a) Once the ballot is returned, an election judge shall first qualify the
22 submitted ballot by comparing the information on the return envelope
23 with the registration records to determine whether the ballot was
24 submitted by an eligible elector who has not previously voted in the
25 election. If the ballot so qualifies and is otherwise valid, the election
26 judge shall indicate in the pollbook that the eligible elector cast a ballot
27 and ~~deposit the ballot in an official ballot box~~ PREPARE THE BALLOT FOR

1 COUNTING.

2 (b) TO VERIFY SIGNATURES OF ELIGIBLE ELECTORS FOR PURPOSES
3 OF THIS SECTION, THE SECRETARY OF STATE SHALL PROVIDE TO THE CLERK
4 BY ELECTRONIC MEANS, FOR THE USE OF ELECTION JUDGES OVERSEEING
5 ANY ELECTIONS CONDUCTED UNDER THIS SECTION, NOT LESS THAN THIRTY
6 DAYS BEFORE THE DATE OF THE ELECTION, A COPY OF THE THREE MOST
7 RECENT SIGNATURES OF EACH ELIGIBLE ELECTOR THAT IS STORED IN THE
8 STATEWIDE VOTER REGISTRATION SYSTEM.

9 (c) IN EVERY ELECTION CONDUCTED UNDER THIS ARTICLE, TWO
10 ELECTION JUDGES SHALL COMPARE THE SIGNATURE ON THE
11 SELF-AFFIRMATION ON EACH RETURN ENVELOPE WITH THE SIGNATURE OF
12 THE ELIGIBLE ELECTOR THAT HAS BEEN PROVIDED TO THE CLERK BY THE
13 SECRETARY OF STATE PURSUANT TO PARAGRAPH (b) OF THIS SUBSECTION
14 (4).

15 (d) IF, UPON COMPARING THE SIGNATURE OF AN ELIGIBLE ELECTOR
16 ON THE SELF-AFFIRMATION ON THE RETURN ENVELOPE WITH THE
17 SIGNATURE OF THE ELIGIBLE ELECTOR STORED IN THE STATEWIDE VOTER
18 REGISTRATION SYSTEM, THERE IS ANY DISAGREEMENT BETWEEN THE TWO
19 ELECTION JUDGES AS TO WHETHER THERE IS A MATCH, THE DISCREPANCY
20 MUST BE REFERRED TO THE CLERK. IF THE CLERK DETERMINES THE
21 SIGNATURES MATCH, AND IF THE BALLOT IS OTHERWISE VALID, THE
22 PROCEDURES SPECIFIED IN SECTION 1-7.5-107 (6), C.R.S., CONCERNING
23 THE QUALIFICATION AND COUNTING OF MAIL BALLOTS MUST BE
24 FOLLOWED. IF THE CLERK DETERMINES THE SIGNATURES DO NOT MATCH,
25 THE PROCEDURES SPECIFIED IN SECTION 1-7.5-107.3 (2) (a), C.R.S., FOR
26 RESOLVING A DISCREPANCY CAUSED BY SIGNATURES THAT DO NOT MATCH
27 MUST BE FOLLOWED.

1 (e) AN ELECTION JUDGE SHALL NOT DETERMINE THAT THE
2 SIGNATURE OF AN ELIGIBLE ELECTOR ON THE SELF-AFFIRMATION DOES NOT
3 MATCH THE SIGNATURE OF THAT ELIGIBLE ELECTOR THAT IS STORED IN
4 THE STATEWIDE VOTER REGISTRATION SYSTEM SOLELY ON THE BASIS OF
5 SUBSTITUTION OF INITIALS OR USE OF A COMMON NICKNAME.

6 (f) THE CLERK SHALL PROVIDE TRAINING IN THE TECHNIQUE AND
7 STANDARDS OF SIGNATURE COMPARISON TO ELECTION JUDGES WHO
8 COMPARE SIGNATURES PURSUANT TO THIS SUBSECTION (4).

9 (g) THE SECRETARY OF STATE SHALL ADOPT RULES IN
10 ACCORDANCE WITH ARTICLE 4 OF TITLE 24, C.R.S., AS HE OR SHE FINDS
11 NECESSARY TO PROMOTE THE MORE EFFECTIVE IMPLEMENTATION OF THIS
12 SUBSECTION (4).

13 **SECTION 6. Applicability.** This act applies to elections
14 conducted on or after the effective date of this act.

15 **SECTION 7. Safety clause.** The general assembly hereby finds,
16 determines, and declares that this act is necessary for the immediate
17 preservation of the public peace, health, and safety.