

**First Regular Session
Seventy-fifth General Assembly
STATE OF COLORADO**

INTRODUCED

LLS NO. 25-0690.02 Alison Killen x4350

HOUSE BILL 25-1089

HOUSE SPONSORSHIP

Richardson,

SENATE SPONSORSHIP

Baisley,

House Committees

State, Civic, Military, & Veterans Affairs

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING THE AUTHORITY OF A COUNTY CLERK AND RECORDER TO**
102 **ALLOW A TEAM OF BIPARTISAN ELECTION JUDGES TO VERIFY**
103 **SIGNATURES IN A MAIL BALLOT ELECTION.**

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://leg.colorado.gov>.)

Currently, in every mail ballot election coordinated with or conducted by a county clerk and recorder, a single election judge personally conducts the review of each mail ballot for purposes of signature verification, unless the county clerk and recorder allows the election judge to use a signature verification device. The bill authorizes

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
*Capital letters or bold & italic numbers indicate new material to be added to existing law.
Dashes through the words or numbers indicate deletions from existing law.*

the county clerk and recorder to allow a team of bipartisan election judges, rather than a single election judge, to review mail ballots for purposes of signature verification. The bill authorizes the secretary of state to adopt rules concerning the procedure for using a team of bipartisan election judges for such signature verification.

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

2 **SECTION 1.** In Colorado Revised Statutes, 1-7.5-107.3, **amend**
3 (1)(a), (2)(a), (2)(c), (3), (4)(a), (5), and (6); and **add** (1)(c) as follows:

4 **1-7.5-107.3. Verification of signatures - rules.** (1) (a) Except as
5 provided in subsection (5) of this section, in every mail ballot election
6 that is coordinated with or conducted by the county clerk and recorder, an
7 election judge OR A TEAM OF BIPARTISAN ELECTION JUDGES IF
8 AUTHORIZED PURSUANT TO SUBSECTION (1)(c) OF THIS SECTION shall
9 compare the signature on the self-affirmation on each return envelope
10 with the signature of the eligible elector stored in the statewide voter
11 registration system in accordance with subsections (2), (3), and (4) of this
12 section.

13 (c) A COUNTY CLERK AND RECORDER MAY ALLOW A TEAM OF TWO
14 BIPARTISAN ELECTION JUDGES TO COMPARE THE SIGNATURE ON THE
15 SELF-AFFIRMATION ON EACH RETURN ENVELOPE WITH THE SIGNATURE OF
16 THE ELIGIBLE ELECTOR STORED IN THE STATEWIDE VOTER REGISTRATION
17 SYSTEM IN ACCORDANCE WITH THIS SECTION AND ANY RULES ADOPTED BY
18 THE SECRETARY OF STATE PURSUANT TO SUBSECTION (6) OF THIS SECTION.

19 (2) (a) (I) (A) If, upon comparing the signature of an eligible
20 elector on the self-affirmation on the return envelope with the signature
21 of the eligible elector stored in the statewide voter registration system, the
22 election judge determines that the signatures do not match, or if a
23 signature verification device used pursuant to subsection (5) of this

1 section is unable to determine that the signatures match, two other
2 election judges of different political party affiliations shall simultaneously
3 compare the signatures; OR

4 (B) IF, UPON COMPARING THE SIGNATURE OF AN ELIGIBLE ELECTOR
5 ON THE SELF-AFFIRMATION ON THE RETURN ENVELOPE WITH THE
6 SIGNATURE OF THE ELIGIBLE ELECTOR STORED IN THE STATEWIDE VOTER
7 REGISTRATION SYSTEM, A TEAM OF TWO BIPARTISAN ELECTION JUDGES AS
8 SPECIFIED IN SUBSECTION (1)(c) OF THIS SECTION DETERMINES THAT THE
9 SIGNATURES DO NOT MATCH, OR IF A SIGNATURE VERIFICATION DEVICE
10 USED PURSUANT TO SUBSECTION (5) OF THIS SECTION IS UNABLE TO
11 DETERMINE THAT THE SIGNATURES MATCH, ONE OTHER ELECTION JUDGE
12 OF ANY POLITICAL PARTY AFFILIATION SHALL COMPARE THE SIGNATURES.

13 (II) If ~~both~~ AFTER COMPLETING THE REVIEW OF SIGNATURES
14 PURSUANT TO SUBSECTION (2)(a)(I)(A) OR (2)(a)(I)(B) OF THIS SECTION,
15 THE other election JUDGE OR judges agree that the signatures do not
16 match, the county clerk and recorder shall, within three days after the
17 signature deficiency has been confirmed, but in no event later than two
18 days after election day, send to the eligible elector at the address indicated
19 in the registration records and to the eligible elector's electronic mail
20 address if available a letter explaining the discrepancy in signatures and
21 a form for the eligible elector to confirm that the elector returned a ballot
22 to the county clerk and recorder. If the county clerk and recorder receives
23 the form within eight days after election day confirming that the elector
24 returned a ballot to the county clerk and recorder and enclosing a copy of
25 the elector's identification as defined in section 1-1-104 (19.5), and if the
26 ballot is otherwise valid, the ballot shall be counted. If the eligible elector
27 returns the form indicating that the elector did not return a ballot to the

1 county clerk and recorder, or if the eligible elector does not return the
2 form within eight days after election day, the self-affirmation on the
3 return envelope shall be categorized as incorrect, the ballot shall not be
4 counted, and the county clerk and recorder shall send copies of the
5 eligible elector's signature on the return envelope and the signature stored
6 in the statewide voter registration system to the district attorney for
7 investigation.

8 (c) In the case of a disagreement among the election judges as to
9 whether the signature of an eligible elector on the self-affirmation on the
10 return envelope matches the signature of the eligible elector stored in the
11 statewide voter registration system pursuant to the procedures specified
12 in ~~paragraph (a) of this subsection (2)~~ SUBSECTION (2)(a) OF THIS
13 SECTION, the signatures are deemed to match, and the election judge OR
14 TEAM OF BIPARTISAN ELECTION JUDGES shall follow the procedures
15 specified in section 1-7.5-107 (6) concerning the qualification and
16 counting of mail ballots.

17 (3) If the election judge OR TEAM OF BIPARTISAN ELECTION JUDGES
18 determines that the signature of an eligible elector on the self-affirmation
19 matches the elector's signature stored in the statewide voter registration
20 system, the election judge OR TEAM OF BIPARTISAN ELECTION JUDGES shall
21 follow the procedures specified in section 1-7.5-107 (6) concerning the
22 qualification and counting of mail ballots.

23 (4) (a) An election judge OR TEAM OF BIPARTISAN ELECTION
24 JUDGES shall not determine that the signature of an eligible elector on the
25 self-affirmation does not match the signature of that eligible elector
26 stored in the statewide voter registration system solely on the basis of
27 substitution of initials or use of a common nickname.

1 (5) (a) A county clerk and recorder may allow an election judge
2 OR A TEAM OF BIPARTISAN ELECTION JUDGES to use a signature
3 verification device to compare the signature on the self-affirmation on a
4 return envelope of an eligible elector's ballot with the signature of the
5 elector stored in the statewide voter registration system in accordance
6 with this subsection (5) and any rules promulgated by the secretary of
7 state pursuant to subsection (6) of this section.

8 (b) If a signature verification device determines that the signature
9 on the self-affirmation on a return envelope of an eligible elector's ballot
10 matches the signature of the elector stored in the statewide voter
11 registration system, the signature on the self-affirmation is deemed
12 verified, and the election judge OR TEAM OF BIPARTISAN ELECTION JUDGES
13 shall follow the procedures specified in section 1-7.5-107 (6) concerning
14 the qualification and counting of mail ballots. If a signature verification
15 device is unable to determine that the signature on the self-affirmation on
16 a return envelope of an eligible elector's mail ballot matches the signature
17 of the elector stored in the statewide voter registration system, an election
18 judge OR A TEAM OF BIPARTISAN ELECTION JUDGES shall compare the
19 signatures in accordance with subsections (2), (3), and (4) of this section.

20 (6) The secretary of state shall adopt rules in accordance with
21 article 4 of title 24 ~~C.R.S.~~, establishing procedures for using signature
22 verification devices OR A BIPARTISAN TEAM OF JUDGES to process ballots
23 used in mail ballot elections pursuant to this ~~article~~ ARTICLE 7.5.

24 **SECTION 2. Act subject to petition - effective date.** This act
25 takes effect at 12:01 a.m. on the day following the expiration of the
26 ninety-day period after final adjournment of the general assembly; except
27 that, if a referendum petition is filed pursuant to section 1 (3) of article V

1 of the state constitution against this act or an item, section, or part of this
2 act within such period, then the act, item, section, or part will not take
3 effect unless approved by the people at the general election to be held in
4 November 2026 and, in such case, will take effect on the date of the
5 official declaration of the vote thereon by the governor.