

SENATE COMMITTEE OF REFERENCE AMENDMENT

Committee on State, Veterans, & Military Affairs.

SB21-010 be amended as follows:

1 Amend printed bill, strike everything below the enacting clause and  
2 substitute the following:

3 **"SECTION 1. Short title.** The short title of this act is the  
4 "Colorado Ballot Witness Signature Verification Act".

5 **SECTION 2. Legislative declaration.** (1) The general assembly  
6 hereby finds, determines, and declares that:

7 (a) Colorado law allows an eligible elector who is unable to sign  
8 the self-affirmation on the return envelope to affirm the validity of their  
9 ballot by making a mark witnessed by another person;

10 (b) It is impossible to compare the mark that may be made on a  
11 ballot by an eligible elector who is unable to sign with the signatures  
12 found in the statewide voter registration system (SCORE) to determine  
13 if the ballot is valid;

14 (c) The 2018 edition of the Signature Verification Guide issued  
15 by the Colorado Secretary of State states that "If a ballot contains a mark  
16 and a witness signature, it should be accepted. No signature verification  
17 is required for the witness signature or the mark.";

18 (d) It is currently impossible to confirm the validity of a witness's  
19 signature with the signature contained in SCORE;

20 (e) Because the security of elections is important to the General  
21 Assembly and the people of Colorado, it is critical to close any loopholes  
22 affecting ballot integrity before they are abused;

23 (f) It is critical that this witness procedure be reinforced by an  
24 effective enforcement mechanism. In the absence of such an effective  
25 enforcement mechanism, the state has no way to verify that the witness  
26 is indeed who the person claims to be, thereby greatly increasing the  
27 likelihood that a person will illegally add a mark and then claim to  
28 improperly witness the affirmation.

29 (g) It is critical that the witness's identity be authenticated before  
30 the vote that is witnessed has been counted in order to deter improper  
31 conduct and because, after the vote has been cast, even proper  
32 investigation and enforcement comes too late to remove an illegal vote  
33 and prevent vote dilution with consequent adverse effect upon political  
34 confidence in our elections; and

35 (h) When a county clerk and recorder receives a witnessed ballot,  
36 the clerk's office must use SCORE to confirm the witness is properly  
37 registered and that the witness's signature conforms to the signature of the  
38 witness on file.

39 (2) The general assembly intends for the Colorado Ballot  
40 Verification Act to give the state's election officials additional tools to  
41 safeguard the sanctity of our election process arising in the critical

1 context of witness assistance to eligible electors.

2 **SECTION 3.** In Colorado Revised Statutes, 1-7.5-107, **amend**  
3 (3)(b.5)(II) as follows:

4 **1-7.5-107. Procedures for conducting mail ballot election -**  
5 **primary elections - first-time voters casting a mail ballot after having**  
6 **registered by mail to vote - in-person request for ballot.**

7 (3) (b.5) (II) The signing of the self-affirmation on the return envelope  
8 ~~shall constitute~~ CONSTITUTES an affirmation by the eligible elector, under  
9 penalty of perjury, that the facts stated in the self-affirmation are true. If  
10 the eligible elector is unable to sign, the eligible elector may affirm by  
11 making a mark on the self-affirmation, with or without assistance,  
12 witnessed by another ~~person~~ REGISTERED ELECTOR. THE WITNESS SHALL  
13 PRINT ON THE RETURN ENVELOPE THE WITNESS'S NAME AND THE ADDRESS  
14 AT WHICH THE WITNESS IS REGISTERED TO VOTE, AND THE WITNESS SHALL  
15 ALSO SIGN THE WITNESS'S NAME ON THE RETURN ENVELOPE. THE COUNTY  
16 CLERK SHALL VERIFY THE WITNESS'S SIGNATURE IN ACCORDANCE WITH  
17 SECTION 1-7.5-107.3. A RETURNED BALLOT FOR WHICH AN ELECTOR'S  
18 SELF-AFFIRMATION HAS BEEN WITNESSED IN A MANNER THAT DOES NOT  
19 SATISFY THE REQUIREMENTS OF THIS SUBSECTION (3)(b.5)(II) MUST BE  
20 TREATED AS A PROVISIONAL BALLOT IN ACCORDANCE WITH ARTICLE 8.5  
21 OF THIS TITLE 1. EACH TIME AN ELECTOR'S VOTE IS WITNESSED IN  
22 ACCORDANCE WITH THIS SUBSECTION (3)(b.5)(II), THE CLERK WHO  
23 VERIFIED THE WITNESS'S SIGNATURE SHALL RECORD IN THE STATEWIDE  
24 VOTER REGISTRATION SYSTEM THE NAME OF ANY ELECTOR WHO REQUIRED  
25 A WITNESS TO CAST A BALLOT. THE SECRETARY OF STATE SHALL ENSURE  
26 THAT THE STATEWIDE VOTER REGISTRATION SYSTEM ENABLES THE CLERK  
27 AND RECORDER TO RECORD THE INFORMATION REQUIRED BY THIS  
28 SUBSECTION (3)(b.5)(II).

29 **SECTION 4. Safety clause.** The general assembly hereby finds,  
30 determines, and declares that this act is necessary for the immediate  
31 preservation of the public peace, health, or safety."

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