

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

INTRODUCED

LLS NO. 21-0309.01 Nicole Myers x4326

SENATE BILL 21-188

SENATE SPONSORSHIP

Danielson,

HOUSE SPONSORSHIP

(None),

Senate Committees

State, Veterans, & Military Affairs

House Committees

A BILL FOR AN ACT

101 **CONCERNING ALLOWING A VOTER WITH A DISABILITY WHO RECEIVES**
102 **A BALLOT THROUGH AN ELECTRONIC VOTING DEVICE TO**
103 **RETURN THE BALLOT ELECTRONICALLY.**

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>.)

Current law allows a voter with a disability to use an electronic voting device that produces a paper record to vote in a mail ballot election. If a voter receives a ballot through an electronic voting device, the voter is required to print the ballot to return it to the applicable election official. The bill allows a voter to either print the ballot or return

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

the ballot by electronic transmission if printing the ballot is not feasible. Regardless of the method of return, the bill specifies that to be valid, a ballot must be received by the election official in the applicable jurisdiction before the close of polls on the day of the election.

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

2 **SECTION 1.** In Colorado Revised Statutes, 1-5-706, **amend** (1)
3 and (2)(c), and **add** (1.5) as follows:

4 **1-5-706. Ballot access for voters with a disability.** (1) The
5 secretary of state shall establish procedures to enable a voter with a
6 disability to independently and privately mark a ballot or use an electronic
7 voting device ~~that produces a paper record~~ using nonvisual access,
8 low-vision access, or other assistive technology in order for the voter to
9 vote in a mail ballot election pursuant to article 7.5 of this title 1. The
10 procedures shall include a method, to be determined by the secretary of
11 state, by which a voter with a disability may request such a ballot.

12 (1.5) IN ADDITION TO THE PROCEDURES SPECIFIED IN SUBSECTION
13 (1) OF THIS SECTION, THE SECRETARY OF STATE SHALL ESTABLISH AN
14 ELECTRONIC TRANSMISSION SYSTEM THROUGH WHICH A VOTER WITH A
15 DISABILITY MAY REQUEST AND RETURN A BALLOT.

16 (2) (c) A voter with a disability who receives a ballot pursuant to
17 this subsection (2) ~~must~~ MAY print AND RETURN the ballot ~~sent by~~
18 ~~electronic transmission and such ballot~~ OR MAY RETURN THE BALLOT BY
19 ELECTRONIC TRANSMISSION IF PRINTING THE BALLOT IS NOT FEASIBLE. TO
20 BE VALID, A BALLOT RETURNED BY A VOTER PURSUANT TO THIS
21 SUBSECTION (2) must be received by the election official in the applicable
22 jurisdiction before the close of polls on the day of the election.

23 **SECTION 2. Act subject to petition - effective date.** This act

1 takes effect at 12:01 a.m. on the day following the expiration of the
2 ninety-day period after final adjournment of the general assembly; except
3 that, if a referendum petition is filed pursuant to section 1 (3) of article V
4 of the state constitution against this act or an item, section, or part of this
5 act within such period, then the act, item, section, or part will not take
6 effect unless approved by the people at the general election to be held in
7 November 2022 and, in such case, will take effect on the date of the
8 official declaration of the vote thereon by the governor.