

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

ENGROSSED

*This Version Includes All Amendments Adopted
on Second Reading in the House of Introduction*

LLS NO. 21-0309.01 Bob Lackner x4350

SENATE BILL 21-188

SENATE SPONSORSHIP

Danielson,

HOUSE SPONSORSHIP

Duran and Ortiz,

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.

SENATE
Amended 2nd Reading
April 9, 2021

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**
3 **(2)(c); and add (1.5) as follows:**

4 **1-5-706. Ballot access for voters with a disability. (1.5) IN**
5 **ADDITION TO THE PROCEDURES SPECIFIED IN SUBSECTION (1) OF THIS**
6 **SECTION, THE SECRETARY OF STATE SHALL ESTABLISH AN ELECTRONIC**
7 **TRANSMISSION SYSTEM THROUGH WHICH A VOTER WITH A DISABILITY MAY**
8 **REQUEST AND RETURN A BALLOT.**

9 (2) (c) A voter with a disability who receives a ballot pursuant to
10 this subsection (2) ~~must~~ MAY print AND RETURN the ballot ~~sent by~~
11 ~~electronic transmission and such ballot~~ OR MAY RETURN THE BALLOT BY
12 ELECTRONIC TRANSMISSION IF PRINTING THE BALLOT IS NOT FEASIBLE. TO
13 BE VALID, A BALLOT RETURNED BY A VOTER PURSUANT TO THIS
14 SUBSECTION (2) must INCLUDE A SIGNED AFFIDAVIT OR A COPY OF AN
15 ACCEPTABLE FORM OF IDENTIFICATION AS DEFINED IN SECTION 1-1-104
16 (19.5) AND MUST be received by the election official in the applicable
17 jurisdiction before the close of polls on the day of the election.

18 **SECTION 2. Act subject to petition - effective date.** This act
19 takes effect at 12:01 a.m. on the day following the expiration of the
20 ninety-day period after final adjournment of the general assembly; except
21 that, if a referendum petition is filed pursuant to section 1 (3) of article V
22 of the state constitution against this act or an item, section, or part of this
23 act within such period, then the act, item, section, or part will not take

1 effect unless approved by the people at the general election to be held in
2 November 2022 and, in such case, will take effect on the date of the
3 official declaration of the vote thereon by the governor.