

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

REREVISED

*This Version Includes All Amendments
Adopted in the Second House*

LLS NO. 21-0309.01 Bob Lackner x4350

SENATE BILL 21-188

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State, Veterans, & Military Affairs

House Committees

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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.*

HOUSE
3rd Reading Unamended
May 5, 2021

HOUSE
Amended 2nd Reading
May 4, 2021

SENATE
3rd Reading Unamended
April 12, 2021

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) and (2)(d) as follows:**

4 **1-5-706. Ballot access for voters with a disability - definition.**
5 **(1.5) IN ADDITION TO THE PROCEDURES SPECIFIED IN SUBSECTION (1) OF**
6 **THIS SECTION, THE SECRETARY OF STATE SHALL ESTABLISH AN**
7 **ELECTRONIC TRANSMISSION SYSTEM THROUGH WHICH A VOTER WITH A**
8 **DISABILITY MAY 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 THE VOTER AFFIRMS THE VOTER IS AN
13 ELIGIBLE PERSON IN ACCORDANCE WITH SUBSECTION (2)(d) OF THIS
14 SECTION. TO BE VALID, A BALLOT RETURNED BY A VOTER PURSUANT TO
15 THIS SUBSECTION (2) must INCLUDE A SIGNED AFFIDAVIT OR A COPY OF AN
16 ACCEPTABLE FORM OF IDENTIFICATION AS DEFINED IN SECTION 1-1-104
17 (19.5) AND MUST be received by the election official in the applicable
18 jurisdiction before the close of polls on the day of the election.

19 (d) AS USED IN THIS SECTION, "ELIGIBLE PERSON" MEANS AN
20 INDIVIDUAL WHO, REGARDLESS OF ANY OTHER DISABILITY:

21 (I) IS BLIND;

22 (II) HAS A VISUAL IMPAIRMENT OR PERCEPTUAL OR READING
23 DISABILITY THAT CANNOT BE IMPROVED TO GIVE VISUAL FUNCTION

1 SUBSTANTIALLY EQUIVALENT TO THAT OF A PERSON WHO HAS NO SUCH
2 IMPAIRMENT OR DISABILITY AND SO IS UNABLE TO READ OR MARK A
3 BALLOT TO SUBSTANTIALLY THE SAME DEGREE AS A PERSON WITHOUT AN
4 IMPAIRMENT OR DISABILITY; OR

5 (III) IS OTHERWISE UNABLE, THROUGH PHYSICAL DISABILITY, TO
6 HOLD, MARK, OR MANIPULATE A BALLOT OR TO FOCUS OR MOVE THE EYES
7 TO THE EXTENT THAT WOULD BE NORMALLY ACCEPTABLE FOR READING OR
8 MARKING A BALLOT.

9 **SECTION 2. Act subject to petition - effective date.** This act
10 takes effect at 12:01 a.m. on the day following the expiration of the
11 ninety-day period after final adjournment of the general assembly; except
12 that, if a referendum petition is filed pursuant to section 1 (3) of article V
13 of the state constitution against this act or an item, section, or part of this
14 act within such period, then the act, item, section, or part will not take
15 effect unless approved by the people at the general election to be held in
16 November 2022 and, in such case, will take effect on the date of the
17 official declaration of the vote thereon by the governor.