

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

**REVISED**

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

LLS NO. 21-0309.01 Bob Lackner x4350

**SENATE BILL 21-188**

---

**SENATE SPONSORSHIP**

**Danielson,** Bridges, Buckner, Donovan, Fields, Garcia, Ginal, Jaquez Lewis, Moreno, Pettersen, Story, Winter

**HOUSE SPONSORSHIP**

**Duran and Ortiz,**

---

**Senate Committees**

State, Veterans, & Military Affairs

**House Committees**

State, Civic, Military, & Veterans Affairs

---

**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  
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.