

**Second Regular Session
Seventy-fifth General Assembly
STATE OF COLORADO**

INTRODUCED

LLS NO. 26-0723.01 Nicole Myers x4326

SENATE BILL 26-106

SENATE SPONSORSHIP

Zamora Wilson,

HOUSE SPONSORSHIP

(None),

Senate Committees

State, Veterans, & Military Affairs

House Committees

A BILL FOR AN ACT

101 **CONCERNING A PROCESS BY WHICH A REGISTERED ELECTOR MAY**
102 **CHOOSE NOT TO RECEIVE A MAIL BALLOT PACKET FOR**
103 **ELECTIONS THAT THE COUNTY CLERK AND RECORDER**
104 **CONDUCTS BY MAIL BALLOT.**

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>.)

The bill requires the secretary of state (secretary) to adopt rules to establish a process by which a registered elector may choose not to automatically receive a mail ballot packet for all elections that the county

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

clerk and recorder conducts by mail ballot on or after November 2, 2027. The rules must include a process by which a registered elector who has chosen not to receive mail ballots may choose to resume receipt of mail ballots. The secretary is required to develop public-facing communications explaining that choosing not to receive a mail ballot packet is voluntary. A registered elector who has chosen not to receive a mail ballot packet must either vote in person at a voter service and polling center or request a mail ballot.

For each mail ballot election conducted by a county clerk and recorder on or after November 2, 2027, each county clerk and recorder is required to report to the secretary the number of registered electors in the county who chose not to receive a mail ballot packet for the election and the number of mail ballot packets that the county clerk and recorder did not send as a result for that election. The secretary is required to use the information submitted by each county clerk and recorder to determine the reduction in the costs that each county incurred in conducting the election and to make the information reported by the county clerk and recorders and the savings determined by the secretary available to the public on the secretary's website.

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

2 **SECTION 1. Short title.** The short title of this act is the "Save
3 Money and Resources Through (SMART) Ballot Options Act".

4 **SECTION 2. Legislative declaration.** (1) The general assembly
5 finds and declares that:

6 (a) Under current law, every active registered elector
7 automatically receives a mail ballot for each election conducted under the
8 "Uniform Election Code of 1992";

9 (b) Many electors consistently vote in person at voter service and
10 polling centers and do not use their automatically mailed ballot packets;

11 (c) Counties incur significant costs by printing, assembling, and
12 mailing unused ballot packets, including postage, materials, and vendor
13 handling costs, which continue to rise annually due to increasing voter
14 registration totals and increasing United States postal service rates;

1 (d) Allowing voters to voluntarily opt out of automatic mail ballot
2 delivery respects individual voter preference while preserving all existing
3 voting access options;

4 (e) Allowing voluntary opt-out of mail ballot delivery reduces
5 ballot waste, reduces undeliverable mail, enhances operational efficiency,
6 and reduces both county and state costs, as section 1-5-505.5 requires the
7 state to reimburse 45% of county election costs for state-certified
8 elections; and

9 (f) A voter-initiated opt-out of automatic mail ballot delivery must
10 remain voluntary, transparent, reversible, and accessible, with no
11 reduction in voting access or services available at voter service and
12 polling centers.

13 (2) The general assembly further finds and declares that it is in the
14 public interest to allow electors to voluntarily opt out of automatic mail
15 ballot delivery while maintaining in-person access to voting and
16 safeguarding the ability to request a mail ballot at any time.

17 **SECTION 3.** In Colorado Revised Statutes, **add** 1-7.5-104.3 as
18 follows:

19 **1-7.5-104.3 Mail ballot elections - opt-out of mail ballot**
20 **delivery.**

21 (1) USING THE PROCESS ESTABLISHED BY THE SECRETARY OF
22 STATE PURSUANT TO SUBSECTION (2) OF THIS SECTION, A REGISTERED
23 ELECTOR MAY CHOOSE NOT TO RECEIVE A MAIL BALLOT PACKET FOR ALL
24 ELECTIONS THAT THE COUNTY CLERK AND RECORDER CONDUCTS BY MAIL
25 BALLOT PURSUANT TO THIS ARTICLE 7.5.

26 (2) BY MARCH 1, 2027, THE SECRETARY OF STATE SHALL ADOPT
27 RULES IN ACCORDANCE WITH ARTICLE 4 OF TITLE 24 THAT ESTABLISH A

1 PROCESS BY WHICH A REGISTERED ELECTOR MAY CHOOSE, FOR ANY
2 ELECTION CONDUCTED PURSUANT TO THIS CODE ON OR AFTER NOVEMBER
3 2, 2027, NOT TO RECEIVE A MAIL BALLOT PACKET FOR ALL ELECTIONS
4 THAT THE COUNTY CLERK AND RECORDER CONDUCTS BY MAIL PURSUANT
5 TO THIS ARTICLE 7.5. THE RULES MUST INCLUDE:

6 (a) A PROCESS BY WHICH A REGISTERED ELECTOR MAY CHOOSE
7 NOT TO RECEIVE A MAIL BALLOT PACKET FOR ALL ELECTIONS THAT THE
8 COUNTY CLERK AND RECORDER CONDUCTS BY MAIL, INCLUDING OPTIONS
9 TO MAKE SUCH CHOICE ONLINE, IN PERSON, OR BY A PAPER FORM THAT
10 MAY BE DELIVERED BY MAIL OR ELECTRONIC TRANSMISSION;

11 (b) A PROCESS BY WHICH A REGISTERED ELECTOR MAY CHOOSE TO
12 RESUME RECEIPT OF A MAIL BALLOT PACKET FOR ALL ELECTIONS THAT THE
13 COUNTY CLERK AND RECORDER CONDUCTS BY MAIL AFTER OPTING OUT OF
14 SUCH RECEIPT, INCLUDING OPTIONS TO MAKE SUCH CHOICE ONLINE, IN
15 PERSON, OR BY A PAPER FORM THAT MAY BE DELIVERED BY MAIL OR
16 ELECTRONIC TRANSMISSION;

17 (c) A DURABLE INDICATOR IN THE STATEWIDE VOTER
18 REGISTRATION SYSTEM THAT A REGISTERED ELECTOR HAS CHOSEN NOT TO
19 RECEIVE OR TO RESUME RECEIPT OF A MAIL BALLOT PACKET FOR ALL
20 ELECTIONS THAT THE COUNTY CLERK AND RECORDER CONDUCTS BY MAIL;

21 (d) THE TIMING AND DEADLINES FOR A COUNTY CLERK AND
22 RECORDER TO UPDATE THE COUNTY'S BALLOT-PRINTING SUPPRESSION
23 FILES WHEN A REGISTERED ELECTOR HAS CHOSEN NOT TO RECEIVE A MAIL
24 BALLOT PACKET PURSUANT TO SUBSECTION (2)(a) OF THIS SECTION OR HAS
25 CHOSEN TO RESUME RECEIPT OF A MAIL BALLOT PACKET, AFTER OPTING
26 OUT OF SUCH RECEIPT, PURSUANT TO SUBSECTION (2)(b) OF THIS SECTION;
27 AND

1 (e) THE TIMING AND DEADLINES FOR A REGISTERED ELECTOR TO
2 CHOOSE NOT TO RECEIVE A MAIL BALLOT PACKET PURSUANT TO
3 SUBSECTION (2)(a) OF THIS SECTION OR TO CHOOSE TO RESUME RECEIPT OF
4 A MAIL BALLOT PACKET, AFTER OPTING OUT OF SUCH RECEIPT, PURSUANT
5 TO SUBSECTION (2)(b) OF THIS SECTION.

6 (3) THE SECRETARY OF STATE SHALL DEVELOP PUBLIC-FACING
7 COMMUNICATIONS TO EXPLAIN THE VOLUNTARY NATURE OF CHOOSING
8 NOT TO RECEIVE A MAIL BALLOT PACKET FOR ALL ELECTIONS THAT THE
9 COUNTY CLERK AND RECORDER CONDUCTS BY MAIL PURSUANT TO THIS
10 ARTICLE 7.5.

11 (4) A REGISTERED ELECTOR WHO HAS CHOSEN NOT TO RECEIVE A
12 MAIL BALLOT PACKET FOR ALL ELECTIONS THAT THE COUNTY CLERK AND
13 RECORDER CONDUCTS BY MAIL PURSUANT TO THIS ARTICLE 7.5 MAY
14 REQUEST A MAIL BALLOT FOR ANY ELECTION PURSUANT TO SECTION
15 1-7.5-114.7.

16 **SECTION 4.** In Colorado Revised Statutes, 1-7.5-107, **amend**
17 (3)(a)(I) as follows:

18 **1-7.5-107. Procedures for conducting mail ballot election -**
19 **primary elections - first-time voters casting a mail ballot after having**
20 **registered by mail to vote - in-person request for ballot - return**
21 **envelope requirements.**

22 (3) (a) (I) (A) EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION
23 (3)(a)(I)(B) OF THIS SECTION, not sooner than twenty-two days before a
24 general, primary, or other mail ballot election, and no later than eighteen
25 days before the election, the county clerk and recorder or designated
26 election official shall mail to each active registered elector, at the last
27 mailing address appearing in the registration records and in accordance

1 with United States postal service regulations, a mail ballot packet, which
2 must be marked "DO NOT FORWARD. ADDRESS CORRECTION
3 REQUESTED.", or any other similar statement that is in accordance with
4 United States postal service regulations. Nothing in this subsection (3)
5 affects any provision of this code governing the delivery of mail ballots
6 to an absent uniformed services elector, nonresident overseas elector, or
7 resident overseas elector covered by the federal "Uniformed and Overseas
8 Citizens Absentee Voting Act", 52 U.S.C. sec. 20301 et seq.

9 (B) THE COUNTY CLERK AND RECORDER OR DESIGNATED ELECTION
10 OFFICIAL SHALL NOT MAIL A MAIL BALLOT PACKET TO ANY REGISTERED
11 ELECTOR WHO HAS CHOSEN, USING THE PROCESS ESTABLISHED BY THE
12 SECRETARY OF STATE PURSUANT TO SECTION 1-7.5-104.3 (2), NOT TO
13 RECEIVE A MAIL BALLOT PACKET FOR ALL ELECTIONS THAT THE COUNTY
14 CLERK AND RECORDER CONDUCTS BY MAIL PURSUANT TO THIS ARTICLE
15 7.5. AN ELECTOR WHO CHOOSES NOT TO RECEIVE A MAIL BALLOT PACKET
16 RETAINS THE RIGHT TO VOTE IN PERSON AT ANY VOTER SERVICE AND
17 POLLING CENTER AND TO REQUEST A MAIL BALLOT FOR ANY ELECTION
18 PURSUANT TO SECTION 1-7.5-114.7.

19 **SECTION 5.** In Colorado Revised Statutes, **add** 1-7.5-114.7 as
20 follows:

21 **1-7.5-114.7. Mail ballots for electors after opting out of mail**
22 **ballots.**

23 A REGISTERED ELECTOR WHO HAS CHOSEN, USING THE PROCESS
24 ESTABLISHED BY THE SECRETARY OF STATE PURSUANT TO SECTION
25 1-7.5-104.3 (2), NOT TO RECEIVE A MAIL BALLOT PACKET FOR ALL
26 ELECTIONS THAT THE COUNTY CLERK AND RECORDER CONDUCTS BY MAIL
27 PURSUANT TO THIS ARTICLE 7.5 MAY OBTAIN A MAIL BALLOT BY MAIL FOR

1 ANY ELECTION. TO OBTAIN A MAIL BALLOT BY MAIL, THE ELECTOR MUST
2 MAKE A REQUEST TO THE COUNTY CLERK AND RECORDER FOR A MAIL
3 BALLOT NO LATER THAN THE EIGHTH DAY BEFORE AN ELECTION. THE
4 COUNTY CLERK AND RECORDER SHALL ENSURE THAT THE STATEWIDE
5 VOTER REGISTRATION SYSTEM IS UPDATED TO REFLECT THAT THE
6 REGISTERED ELECTOR REQUESTED A MAIL BALLOT BY MAIL AND THAT THE
7 COUNTY CLERK AND RECORDER MAILED A MAIL BALLOT TO THE
8 REGISTERED ELECTOR WHO MADE THE REQUEST.

9 **SECTION 6.** In Colorado Revised Statutes, 1-5-102.9, **add** (7)
10 as follows:

11 **1-5-102.9. Voter service and polling centers - number required**
12 **- services provided - drop-off locations - definition.**

13 (7) A REGISTERED ELECTOR WHO HAS CHOSEN NOT TO RECEIVE A
14 MAIL BALLOT PACKET FOR ALL ELECTIONS USING THE PROCESS
15 ESTABLISHED BY THE SECRETARY OF STATE PURSUANT TO SECTION
16 1-7.5-104.3 (2) MUST VOTE IN PERSON AT A VOTER SERVICE AND POLLING
17 CENTER OR REQUEST A MAIL BALLOT PURSUANT TO SECTION 1-7.5-114.7.
18 ALL VOTER SERVICE AND POLLING CENTER SERVICES, INCLUDING
19 REGISTRATION UPDATES, BALLOT REPLACEMENT, AND ACCESSIBLE VOTING
20 SERVICES, ARE AVAILABLE TO ACTIVE REGISTERED ELECTORS WHO HAVE
21 CHOSEN NOT TO RECEIVE A MAIL BALLOT PACKET.

22 **SECTION 7.** In Colorado Revised Statutes, 1-5-505.5, **add** (3)
23 as follows:

24 **1-5-505.5. State reimbursement to counties for elections with**
25 **state certified ballot content - reporting.**

26 (3) (a) FOR EACH GENERAL, PRIMARY, ODD-YEAR, COORDINATED,
27 RECALL, AND CONGRESSIONAL VACANCY ELECTION THAT IS CONDUCTED

1 ON OR AFTER NOVEMBER 2, 2027, AND THAT THE COUNTY CLERK AND
2 RECORDER CONDUCTS BY MAIL PURSUANT TO ARTICLE 7.5 OF THIS TITLE
3 1, EACH COUNTY CLERK AND RECORDER SHALL REPORT TO THE SECRETARY
4 OF STATE THE NUMBER OF REGISTERED ELECTORS IN THE COUNTY WHO
5 CHOSE, USING THE PROCESS ESTABLISHED BY THE SECRETARY OF STATE
6 PURSUANT TO SECTION 1-7.5-104.3 (2), NOT TO RECEIVE A MAIL BALLOT
7 PACKET FOR THE ELECTION AND THE NUMBER OF MAIL BALLOT PACKETS
8 THAT THE COUNTY CLERK AND RECORDER DID NOT MAIL FOR THAT
9 ELECTION AS A RESULT OF SUCH ELECTORS CHOOSING NOT TO RECEIVE A
10 MAIL BALLOT PACKET. EACH COUNTY CLERK AND RECORDER SHALL
11 REPORT THE INFORMATION REQUIRED IN THIS SUBSECTION (3)(a) IN A FORM
12 AND MANNER DETERMINED BY THE SECRETARY OF STATE.

13 (b) THE SECRETARY OF STATE SHALL USE THE INFORMATION
14 REPORTED BY COUNTY CLERK AND RECORDERS PURSUANT TO SUBSECTION
15 (3)(a) OF THIS SECTION TO DOCUMENT REDUCTIONS IN THE COSTS THAT
16 THE COUNTY INCURRED IN CONDUCTING THE ELECTION AND THAT THE
17 STATE REIMBURSES PURSUANT TO SUBSECTION (1) OF THIS SECTION.

18 (c) THE SECRETARY OF STATE SHALL MAKE THE INFORMATION
19 REPORTED AND DOCUMENTED PURSUANT TO THIS SUBSECTION (3)
20 AVAILABLE TO THE PUBLIC ON THE SECRETARY OF STATE'S WEBSITE.

21 **SECTION 8.** In Colorado Revised Statutes, 1-5-907, **amend** (4)
22 as follows:

23 **1-5-907. In-person minority language ballot - county clerk -**
24 **voter service and polling centers.**

25 (4) The county clerk shall notify ~~all~~ electors via the mail ballot
26 packet and in each language in which the in-person minority language
27 ballot option will be available that electors may request an in-person

1 minority language ballot in the applicable language at any voter service
2 and polling center in the county.

3 **SECTION 9.** In Colorado Revised Statutes, 1-12-114, **amend**
4 (2)(b) as follows:

5 **1-12-114. Mail ballots - plan required - voter service and**
6 **polling centers - number required - definition.**

7 (2) Notwithstanding any provision of this code:

8 (b) Not earlier than the twenty-second day or later than the
9 eighteenth day before the election, the designated election official shall
10 mail ballots to all active registered electors; EXCEPT THAT THE
11 DESIGNATED ELECTION OFFICIAL SHALL NOT MAIL BALLOTS TO ACTIVE
12 REGISTERED ELECTORS WHO HAVE CHOSEN NOT TO RECEIVE A MAIL
13 BALLOT PACKET PURSUANT TO SECTION 1-7.5-104.3.

14 **SECTION 10. Safety clause.** The general assembly finds,
15 determines, and declares that this act is necessary for the immediate
16 preservation of the public peace, health, or safety or for appropriations for
17 the support and maintenance of the departments of the state and state
18 institutions.