

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),**

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**Senate Committees**  
State, Veterans, & Military Affairs

**House Committees**

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**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.**

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**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.

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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;

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.

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.