

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

REVISED

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

LLS NO. 19-0865.01 Nicole Myers x4326

SENATE BILL 19-202

SENATE SPONSORSHIP

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A BILL FOR AN ACT

101 **CONCERNING BALLOT ACCESS FOR VOTERS WITH DISABILITIES, AND, IN**
102 **CONNECTION THEREWITH, MAKING AN APPROPRIATION.**

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 is to establish procedures to enable voters with disabilities to independently mark a paper ballot using nonvisual access or low vision access technology whether the voter is voting in a mail ballot election or voting at a polling location.

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
April 24, 2019

SENATE
3rd Reading Unamended
April 15, 2019

SENATE
Amended 2nd Reading
April 12, 2019

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

2 **SECTION 1.** In Colorado Revised Statutes, **add 1-5-706** as
3 follows:

4 **1-5-706. Ballot access for voters with a disability.** (1) THE
5 SECRETARY OF STATE SHALL ESTABLISH PROCEDURES TO ENABLE A VOTER
6 WITH A DISABILITY TO INDEPENDENTLY AND PRIVATELY MARK A BALLOT
7 OR USE AN ELECTRONIC VOTING DEVICE THAT PRODUCES A PAPER RECORD
8 USING NONVISUAL ACCESS, LOW-VISION ACCESS, OR OTHER ASSISTIVE
9 TECHNOLOGY IN ORDER FOR THE VOTER TO VOTE IN A MAIL BALLOT
10 ELECTION PURSUANT TO ARTICLE 7.5 OF THIS TITLE 1. THE PROCEDURES
11 SHALL INCLUDE A METHOD, TO BE DETERMINED BY THE SECRETARY OF
12 STATE, BY WHICH A VOTER WITH A DISABILITY MAY REQUEST SUCH A
13 BALLOT.

14 (2) (a) A VOTER WITH A DISABILITY WHO REQUESTS THAT A
15 BALLOT AND BALLOTING MATERIALS BE SENT TO THE VOTER BY
16 ELECTRONIC TRANSMISSION MAY CHOOSE ELECTRONIC MAIL DELIVERY OR,
17 IF OFFERED BY THE VOTER'S JURISDICTION, OTHER ELECTRONIC MEANS.
18 THE DESIGNATED ELECTION OFFICIAL IN EACH JURISDICTION CHARGED
19 WITH DISTRIBUTING A BALLOT AND BALLOTING MATERIALS SHALL
20 TRANSMIT THE BALLOT AND BALLOTING MATERIALS TO THE VOTER USING
21 THE MEANS OF TRANSMISSION CHOSEN BY THE VOTER.

22 (b) IF A BALLOT APPLICATION FROM A VOTER WITH A DISABILITY
23 ARRIVES AFTER THE JURISDICTION BEGINS TRANSMITTING BALLOTS AND
24 BALLOTING MATERIALS TO VOTERS, THE OFFICIAL CHARGED WITH
25 DISTRIBUTING A BALLOT AND BALLOTING MATERIALS SHALL TRANSMIT
26 THEM TO THE VOTER WITHIN SEVENTY-TWO HOURS AFTER THE RECEIPT OF
27 THE APPLICATION.

1 (c) A VOTER WITH A DISABILITY WHO RECEIVES A BALLOT
2 PURSUANT TO THIS SUBSECTION (2) MUST PRINT THE BALLOT SENT BY
3 ELECTRONIC TRANSMISSION AND SUCH BALLOT MUST BE RECEIVED BY THE
4 ELECTION OFFICIAL IN THE APPLICABLE JURISDICTION BEFORE THE CLOSE
5 OF POLLS ON THE DAY OF THE ELECTION.

6 **SECTION 2. Appropriation.** For the 2019-20 state fiscal year,
7 \$50,000 is appropriated to the department of state for use by the
8 information technology division. This appropriation is from the
9 department of state cash fund created in section 24-21-104 (3)(b), C.R.S.
10 To implement this act, the division may use this appropriation for
11 personal services.

12 **SECTION 3. Act subject to petition - effective date.** This act
13 takes effect at 12:01 a.m. on the day following the expiration of the
14 ninety-day period after final adjournment of the general assembly (August
15 2, 2019, if adjournment sine die is on May 3, 2019); except that, if a
16 referendum petition is filed pursuant to section 1 (3) of article V of the
17 state constitution against this act or an item, section, or part of this act
18 within such period, then the act, item, section, or part will not take effect
19 unless approved by the people at the general election to be held in
20 November 2020 and, in such case, will take effect on the date of the
21 official declaration of the vote thereon by the governor.