

CHAPTER 171

ELECTIONS

SENATE BILL 21-188

BY SENATOR(S) Danielson, Bridges, Buckner, Donovan, Fields, Ginal, Jaquez Lewis, Moreno, Pettersen, Story, Winter, Garcia; also REPRESENTATIVE(S) Duran and Ortiz, Bacon, Benavidez, Bennett, Bird, Boesenecker, Caraveo, Cutter, Esgar, Froelich, Gonzales-Gutierrez, Gray, Herod, Hooton, Jackson, Jodeh, Kipp, Lontine, McCluskie, Michaelson Jenet, Mullica, Ricks, Sirota, Titone, Valdez A., Valdez D., Weissman, Woodrow, Young, Garnett.

AN ACT

CONCERNING ALLOWING A VOTER WITH A DISABILITY WHO RECEIVES A BALLOT THROUGH AN ELECTRONIC VOTING DEVICE TO RETURN THE BALLOT ELECTRONICALLY.

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

SECTION 1. In Colorado Revised Statutes, 1-5-706, **amend** (2)(c); and **add** (1.5) and (2)(d) as follows:

1-5-706. Ballot access for voters with a disability - definition. (1.5) IN ADDITION TO THE PROCEDURES SPECIFIED IN SUBSECTION (1) OF THIS SECTION, THE SECRETARY OF STATE SHALL ESTABLISH AN ELECTRONIC TRANSMISSION SYSTEM THROUGH WHICH A VOTER WITH A DISABILITY MAY REQUEST AND RETURN A BALLOT.

(2) (c) A voter with a disability who receives a ballot pursuant to this subsection (2) ~~must~~ MAY print AND RETURN the ballot ~~sent by electronic transmission and such ballot~~ OR MAY RETURN THE BALLOT BY ELECTRONIC TRANSMISSION IF THE VOTER AFFIRMS THE VOTER IS AN ELIGIBLE PERSON IN ACCORDANCE WITH SUBSECTION (2)(d) OF THIS SECTION. ~~TO BE VALID, A BALLOT RETURNED BY A VOTER PURSUANT TO THIS SUBSECTION (2) must~~ INCLUDE A SIGNED AFFIDAVIT OR A COPY OF AN ACCEPTABLE FORM OF IDENTIFICATION AS DEFINED IN SECTION 1-1-104 (19.5) AND MUST be received by the election official in the applicable jurisdiction before the close of polls on the day of the election.

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

(I) IS BLIND;

Capital letters or bold & italic numbers indicate new material added to existing law; dashes through words or numbers indicate deletions from existing law and such material is not part of the act.

(II) HAS A VISUAL IMPAIRMENT OR PERCEPTUAL OR READING DISABILITY THAT CANNOT BE IMPROVED TO GIVE VISUAL FUNCTION SUBSTANTIALLY EQUIVALENT TO THAT OF A PERSON WHO HAS NO SUCH IMPAIRMENT OR DISABILITY AND SO IS UNABLE TO READ OR MARK A BALLOT TO SUBSTANTIALLY THE SAME DEGREE AS A PERSON WITHOUT AN IMPAIRMENT OR DISABILITY; OR

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

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

Approved: May 21, 2021