

**NOTE: This bill has been prepared for the signatures of the appropriate legislative officers and the Governor. To determine whether the Governor has signed the bill or taken other action on it, please consult the legislative status sheet, the legislative history, or the Session Laws.**



SENATE BILL 19-202

BY SENATOR(S) Danielson and Zenzinger, Bridges, Court, Crowder, Donovan, Fenberg, Fields, Foote, Gardner, Ginal, Gonzales, Hisey, Lundeen, Moreno, Pettersen, Smallwood, Story, Tate, Todd, Williams A., Winter, Garcia;

also REPRESENTATIVE(S) Froelich, Arndt, Bird, Buckner, Buentello, Carver, Coleman, Cutter, Duran, Esgar, Galindo, Garnett, Gonzales-Gutierrez, Gray, Hooton, Jackson, Jaquez Lewis, Kipp, Landgraf, Lontine, McLachlan, Melton, Michaelson Jenet, Mullica, Roberts, Sandridge, Singer, Snyder, Sullivan, Tipper, Titone, Valdez A., Weissman, Will.

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

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

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

**1-5-706. Ballot access for voters with a disability.** (1) THE SECRETARY OF STATE SHALL ESTABLISH PROCEDURES TO ENABLE A VOTER WITH A DISABILITY TO INDEPENDENTLY AND PRIVATELY MARK A BALLOT OR

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*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.*

USE AN ELECTRONIC VOTING DEVICE THAT PRODUCES A PAPER RECORD USING NONVISUAL ACCESS, LOW-VISION ACCESS, OR OTHER ASSISTIVE TECHNOLOGY IN ORDER FOR THE VOTER TO VOTE IN A MAIL BALLOT ELECTION PURSUANT TO ARTICLE 7.5 OF THIS TITLE 1. THE PROCEDURES SHALL INCLUDE A METHOD, TO BE DETERMINED BY THE SECRETARY OF STATE, BY WHICH A VOTER WITH A DISABILITY MAY REQUEST SUCH A BALLOT.

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

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

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

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

**SECTION 3. 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 (August 2, 2019, if adjournment sine die is on May 3, 2019); 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 2020 and, in such case, will take effect on the date of the official declaration of the vote thereon by the governor.

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Leroy M. Garcia  
PRESIDENT OF  
THE SENATE

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KC Becker  
SPEAKER OF THE HOUSE  
OF REPRESENTATIVES

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Cindi L. Markwell  
SECRETARY OF  
THE SENATE

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Marilyn Eddins  
CHIEF CLERK OF THE HOUSE  
OF REPRESENTATIVES

APPROVED \_\_\_\_\_  
(Date and Time)

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Jared S. Polis  
GOVERNOR OF THE STATE OF COLORADO