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A BILL FOR AN ACT

101   **CONCERNING THE AUTHORITY AT A GENERAL OR CONGRESSIONAL**
102   **VACANCY ELECTION OF THE CANDIDATE NOMINATED TO BE ON**
103   **THE BALLOT BY A PARTICIPATING POLITICAL PARTY TO CHOOSE**
104   **THE WATCHERS IN COUNT FACILITIES.**

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.)

    Section 2 of the bill modifies current law to authorize, but not require, a candidate nominated to be on the ballot by a participating political party (candidate-nominee) in a general or congressional vacancy

SENATE
2nd Reading Unamended
March 11, 2025

HOUSE
3rd Reading Unamended
February 13, 2025

HOUSE
Amended 2nd Reading
February 11, 2025

election to choose the watchers permitted in each central count facility. These watchers must be selected by the candidate-nominee in accordance with existing processes and limitations for such watchers.

If a candidate-nominee exercises their authority to choose the watchers in each central count facility, then the participating political party represented by the candidate-nominee must abide by the candidate-nominee's choices and is not entitled to different or additional watchers at the count facilities. The participating political party remains entitled to watchers of its choice during signature verification and at each voter service and polling center in accordance with current law.

Section 3 requires that the same provisions for watchers at general and congressional vacancy elections, as modified by **section 2**, be applied to any recount for a United States senator, representative in congress, and any state office or district office of state concern.

Section 1 makes a conforming amendment to the definition of "watcher".

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

2   **SECTION 1.** In Colorado Revised Statutes, 1-1-104, **amend** (51)

3   as follows:

4   **1-1-104. Definitions.** As used in this code, unless the context

5   otherwise requires:

6   (51) "Watcher" means an eligible elector other than a candidate

7   on the ballot who has been selected by a political party chairperson on

8   behalf of the political party; by a party candidate at a primary election,

9   by an unaffiliated candidate at a general, congressional vacancy, or

10   nonpartisan election; or by a person designated by either the opponents

11   or the proponents in the case of a ballot issue or ballot question.

12   "WATCHER" ALSO MEANS AN ELIGIBLE ELECTOR SELECTED BY A

13   CANDIDATE ON THE BALLOT FOR THE OFFICE OF UNITED STATES SENATOR,

14   REPRESENTATIVE IN CONGRESS, ANY STATE OFFICE OR DISTRICT OFFICE OF

15   STATE CONCERN, OR ANY COUNTY OFFICE WHO IS SUBJECT TO A RECOUNT.

16   If selected by a political party chairperson or a party candidate, the

1   watcher must be affiliated with that political party or unaffiliated as

2   shown in the statewide voter registration system. If selected by an

3   unaffiliated candidate, the watcher must be unaffiliated as shown in the

4   statewide voter registration system.

5

6   **SECTION 2.** In Colorado Revised Statutes, 1-10.5-102, **amend**

7   (2) as follows:

8   **1-10.5-102. Recounts for congressional, state, and district**

9   **offices, state ballot questions, and state ballot issues.** (2) The secretary

10   of state shall notify the county clerk and recorder of each county involved

11   of a public recount to be conducted in the county. The recount must be

12   completed no later than the thirty-first day after any election. The

13   secretary of state shall promulgate and provide each county clerk and

14   recorder with the necessary rules to conduct the recount in a fair,

15   impartial, and uniform manner, including provisions for watchers during

16   the recount. THE RULES ADOPTED BY THE SECRETARY OF STATE SHALL

17   REQUIRE THE COUNTY CLERK AND RECORDER TO ALLOW ANY CANDIDATE

18   WHO IS SUBJECT TO A RECOUNT TO SELECT ONE WATCHER FOR THE

19   RECOUNT IN ADDITION TO ANY WATCHERS OTHERWISE SELECTED FOR THE

20   RECOUNT. Any rule concerning the conduct of a recount must take into

21   account the type of voting system and equipment used by the county in

22   which the recount is to be conducted.

23   **SECTION 3.** In Colorado Revised Statutes, **amend** 1-10.5-103

24   as follows:

25   **1-10.5-103. Recount for other offices, ballot issues, and ballot**

26   **questions in an election coordinated by county clerk and recorder.** In

27   any election coordinated by the county clerk and recorder, if it appears,

1   as evidenced by the official abstract of votes cast, that a recount is

2   required for any office, ballot question, or ballot issue not included in

3   section 1-10.5-102, the county clerk and recorder shall order a recount of

4   the votes cast for the office, ballot question, or ballot issue to be

5   conducted in accordance with section 1-10.5-102. Any recount of the

6   votes must be completed no later than the thirty-first day after the

7   election. THE COUNTY CLERK AND RECORDER SHALL ENSURE THAT ANY

8   CANDIDATE SUBJECT TO A RECOUNT PURSUANT TO THIS SECTION MAY

9   SELECT ONE WATCHER FOR THE RECOUNT IN ADDITION TO ANY WATCHERS

10   OTHERWISE SELECTED FOR THE RECOUNT. A political subdivision that

11   referred a ballot issue or ballot question to the electors may waive the

12   automatic recount provisions of this section if the ballot issue or ballot

13   question fails by giving written notice to the county clerk and recorder

14   within twenty-three days after any election.

15   **SECTION 4. Act subject to petition - effective date -**

16   **applicability.** (1) This act takes effect at 12:01 a.m. on the day following

17   the expiration of the ninety-day period after final adjournment of the

18   general assembly; except that, if a referendum petition is filed pursuant

19   to section 1 (3) of article V of the state constitution against this act or an

20   item, section, or part of this act within such period, then the act, item,

21   section, or part will not take effect unless approved by the people at the

22   general election to be held in November 2026 and, in such case, will take

23   effect on the date of the official declaration of the vote thereon by the

24   governor.

25   (2) This act applies to recounts held on or after the applicable

26   effective date of this act.