

First Regular Session
Seventy-fifth General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 25-0552.01 Alison Killen x4350

HOUSE BILL 25-1155

HOUSE SPONSORSHIP

Bradfield, Espenoza

SENATE SPONSORSHIP

(None),

House Committees

State, Civic, Military, & Veterans Affairs

Senate Committees

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

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.

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".

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 GENERAL ELECTION, OR CONGRESSIONAL VACANCY ELECTION; by an
10 unaffiliated candidate at a general, congressional vacancy, or nonpartisan
11 election; or by a person designated by either the opponents or the
12 proponents in the case of a ballot issue or ballot question. If selected by
13 a political party chairperson or a party candidate, the watcher must be
14 affiliated with that political party or unaffiliated as shown in the statewide
15 voter registration system. If selected by an unaffiliated candidate, the
16 watcher must be unaffiliated as shown in the statewide voter registration

1 system.

2 **SECTION 2.** In Colorado Revised Statutes, 1-7-106, **amend** (1)
3 and (2)(a) introductory portion; and **add** (3) as follows:

4 **1-7-106. Watchers at general and congressional vacancy**
5 **elections.** (1) Each participating political party or issue committee whose
6 candidate or issue is on the ballot, EACH CANDIDATE WHOSE NAME IS ON
7 THE BALLOT AS A NOMINEE OF A PARTICIPATING POLITICAL PARTY, and
8 each unaffiliated and write-in candidate whose name is on the ballot for
9 a general or congressional vacancy election, is entitled to have watchers
10 as specified in subsection (2) OR (3) of this section, AS APPLICABLE. The
11 chairperson of the county central committee or the state chairperson of
12 each major political party, the county chairperson or other authorized
13 official of each minor political party, THE PARTICIPATING POLITICAL
14 PARTY CANDIDATE, the issue committee, or the write-in or unaffiliated
15 candidate shall certify the names of one or more persons selected as
16 watchers on standardized forms provided by the secretary of state and
17 submit the names of the persons selected as watchers to the county clerk
18 and recorder. To the extent possible, the chairperson, authorized official,
19 issue committee, PARTICIPATING POLITICAL PARTY CANDIDATE, or
20 WRITE-IN OR UNAFFILIATED candidate shall submit the names by the close
21 of business on the Friday immediately preceding the election. The
22 watchers shall surrender the certificates to the election judges at the time
23 they enter the voter service and polling center and are sworn by the
24 judges. This section does not prevent party candidates or county party
25 officers from visiting voter service and polling centers or drop-off
26 locations to observe the progress of voting.

27 (2) (a) EXCEPT AS PROVIDED IN SUBSECTION (3) OF THIS SECTION,

1 each participating political party or issue committee whose candidate or
2 issue is on the ballot, and each unaffiliated and write-in candidate whose
3 name is on the ballot for a general or congressional vacancy election, is
4 entitled to have watchers as follows:

5 (3) A CANDIDATE WHOSE NAME IS ON THE BALLOT AS A NOMINEE
6 OF A PARTICIPATING POLITICAL PARTY MAY CHOOSE THE WATCHERS
7 PERMITTED IN A CENTRAL COUNT FACILITY AS SPECIFIED IN SUBSECTION
8 (2)(a)(I) OF THIS SECTION AND IN ACCORDANCE WITH ANY RULES ADOPTED
9 BY THE SECRETARY OF STATE. NOTWITHSTANDING ANY PROVISION OF THIS
10 SECTION TO THE CONTRARY, IF A CANDIDATE WHOSE NAME IS ON THE
11 BALLOT AS A NOMINEE OF A PARTICIPATING POLITICAL PARTY CHOOSES
12 WATCHERS AS ALLOWED BY THIS SUBSECTION (3), THEN THE
13 PARTICIPATING POLITICAL PARTY REPRESENTED BY THE CANDIDATE AS
14 NOMINEE SHALL ABIDE BY THE CANDIDATE'S CHOICE OF WATCHER AND IS
15 NOT ENTITLED TO DIFFERENT OR ADDITIONAL WATCHERS IN A CENTRAL
16 COUNT FACILITY AS SPECIFIED IN SUBSECTION (2)(a)(I) OF THIS SECTION.
17 THIS SUBSECTION (3) IS LIMITED TO WATCHERS IN A CENTRAL COUNT
18 FACILITY AS SPECIFIED IN SUBSECTION (2)(a)(I) OF THIS SECTION AND HAS
19 NO IMPACT ON A PARTICIPATING POLITICAL PARTY'S ENTITLEMENT TO
20 WATCHERS AS SET FORTH IN SUBSECTIONS (2)(a)(II) AND (2)(a)(III) OF
21 THIS SECTION.

22 **SECTION 3.** In Colorado Revised Statutes, 1-10.5-102, **amend**
23 (2) as follows:

24 **1-10.5-102. Recounts for congressional, state, and district**
25 **offices, state ballot questions, and state ballot issues.** (2) The secretary
26 of state shall notify the county clerk and recorder of each county involved
27 of a public recount to be conducted in the county. The recount must be

1 completed no later than the thirty-first day after any election. The
2 secretary of state shall promulgate and provide each county clerk and
3 recorder with the necessary rules to conduct the recount in a fair,
4 impartial, and uniform manner, including provisions for watchers during
5 the recount; EXCEPT THAT, THE PROVISIONS FOR WATCHERS IN SECTION
6 1-7-106 SHALL APPLY TO ANY RECOUNT FOR THE OFFICE OF UNITED
7 STATES SENATOR, REPRESENTATIVE IN CONGRESS, AND ANY STATE OFFICE
8 OR DISTRICT OFFICE OF STATE CONCERN. Any rule concerning the conduct
9 of a recount must take into account the type of voting system and
10 equipment used by the county in which the recount is to be conducted.

11 **SECTION 4. Act subject to petition - effective date -**
12 **applicability.** (1) This act takes effect at 12:01 a.m. on the day following
13 the expiration of the ninety-day period after final adjournment of the
14 general assembly; except that, if a referendum petition is filed pursuant
15 to section 1 (3) of article V of the state constitution against this act or an
16 item, section, or part of this act within such period, then the act, item,
17 section, or part will not take effect unless approved by the people at the
18 general election to be held in November 2026 and, in such case, will take
19 effect on the date of the official declaration of the vote thereon by the
20 governor.

21 (2) This act applies to general elections, congressional vacancy
22 elections, and recounts held on or after the applicable effective date of
23 this act.