

CHAPTER 35

ELECTIONS

HOUSE BILL 25-1155

BY REPRESENTATIVE(S) Bradfield and Espenozza, Caldwell, Carter, Duran, Keltie, Lieder, Richardson, Weinberg, McCluskie; also SENATOR(S) Pelton R. and Danielson, Catlin, Cutter, Hinrichsen, Liston, Michaelson Jenet, Rich, Roberts, Coleman.

AN ACT

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

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

SECTION 1. In Colorado Revised Statutes, 1-1-104, **amend** (51) as follows:

1-1-104. Definitions. As used in this code, unless the context otherwise requires:

(51) "Watcher" means an eligible elector other than a candidate on the ballot who has been selected by a political party chairperson on behalf of the political party; by a party candidate at a primary election, by an unaffiliated candidate at a general, congressional vacancy, or nonpartisan election; or by a person designated by either the opponents or the proponents in the case of a ballot issue or ballot question. "WATCHER" ALSO MEANS AN ELIGIBLE ELECTOR SELECTED BY A CANDIDATE ON THE BALLOT FOR THE OFFICE OF UNITED STATES SENATOR, REPRESENTATIVE IN CONGRESS, ANY STATE OFFICE OR DISTRICT OFFICE OF STATE CONCERN, OR ANY COUNTY OFFICE WHO IS SUBJECT TO A RECOUNT. If selected by a political party chairperson or a party candidate, the watcher must be affiliated with that political party or unaffiliated as shown in the statewide voter registration system. If selected by an unaffiliated candidate, the watcher must be unaffiliated as shown in the statewide voter registration system.

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

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

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.

the county. The recount must be completed no later than the thirty-first day after any election. The secretary of state shall promulgate and provide each county clerk and recorder with the necessary rules to conduct the recount in a fair, impartial, and uniform manner, including provisions for watchers during the recount. THE RULES ADOPTED BY THE SECRETARY OF STATE SHALL REQUIRE THE COUNTY CLERK AND RECORDER TO ALLOW ANY CANDIDATE WHO IS SUBJECT TO A RECOUNT TO SELECT ONE WATCHER FOR THE RECOUNT IN ADDITION TO ANY WATCHERS OTHERWISE SELECTED FOR THE RECOUNT. Any rule concerning the conduct of a recount must take into account the type of voting system and equipment used by the county in which the recount is to be conducted.

SECTION 3. In Colorado Revised Statutes, **amend** 1-10.5-103 as follows:

1-10.5-103. Recount for other offices, ballot issues, and ballot questions in an election coordinated by county clerk and recorder. In any election coordinated by the county clerk and recorder, if it appears, as evidenced by the official abstract of votes cast, that a recount is required for any office, ballot question, or ballot issue not included in section 1-10.5-102, the county clerk and recorder shall order a recount of the votes cast for the office, ballot question, or ballot issue to be conducted in accordance with section 1-10.5-102. Any recount of the votes must be completed no later than the thirty-first day after the election. THE COUNTY CLERK AND RECORDER SHALL ENSURE THAT ANY CANDIDATE SUBJECT TO A RECOUNT PURSUANT TO THIS SECTION MAY SELECT ONE WATCHER FOR THE RECOUNT IN ADDITION TO ANY WATCHERS OTHERWISE SELECTED FOR THE RECOUNT. A political subdivision that referred a ballot issue or ballot question to the electors may waive the automatic recount provisions of this section if the ballot issue or ballot question fails by giving written notice to the county clerk and recorder within twenty-three days after any election.

SECTION 4. Act subject to petition - effective date - applicability. (1) 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 2026 and, in such case, will take effect on the date of the official declaration of the vote thereon by the governor.

(2) This act applies to recounts held on or after the applicable effective date of this act.

Approved: March 26, 2025