

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

3 (52) "WITNESS AND VERIFY" MEANS TO WATCH, OBSERVE DIRECTLY SEE AND HEAR,
4 WITHOUT HINDRANCE, OBSTRUCTION, INTERFERENCE, OR DELAY, IN
5 MONITOR, OR COMMUNICATE REGARDING SUFFICIENT DETAIL TO BE ABLE TO CONFIRM OR
6 ATTEST TO THE ACCURACY OF RECORDS INVOLVED IN THE ELECTION PROCESS AND THAT
7 ACTIONS OF AN ELECTION OFFICIAL UNDERTAKEN IN CONNECTION WITH EACH STEP IN THE
8 CONDUCT OF AN ELECTION COMPLY WITH APPLICABLE LAWS AND RULES." WITHOUT UNDUE
9 HINDRANCE, OBSTRUCTION, OR DELAY.

10 **SECTION 2.** In Colorado Revised Statutes, **add** 1-7-104.5 as
11 follows:

12 **1-7-104.5. Watchers - general requirements - legislative**

13 **declaration.** (1) IT IS THE INTENT OF THE GENERAL ASSEMBLY THAT
14 COLORADO'S ELECTIONS BE FULLY VERIFIABLE TO CITIZENS THROUGH THE
15 WORK OF APPOINTED WATCHERS, CANVASS BOARDS, AND MEDIA
16 OBSERVERS. PROVISIONS OF THIS CODE RELATED TO WATCHER RIGHTS
17 SHOULD BE LIBERALLY CONSTRUED TO PERMIT THE MAXIMUM PRACTICAL
18 TRANSPARENCY.

19 (2) POLITICAL PARTIES, CANDIDATES FOR NOMINATION ON THE
20 BALLOT OF ANY POLITICAL PARTY, ISSUE COMMITTEES, CANDIDATES FOR
21 OFFICE IN NONPARTISAN ELECTIONS, AND UNAFFILIATED CANDIDATES ARE
22 ENTITLED TO THE APPOINTMENT OF WATCHERS, IN ACCORDANCE WITH
23 SECTIONS 1-7-105 (1) AND (2), 1-7-106, AND 1-7-107, IN A NUMBER THAT
24 SATISFIES THE RATIO OF AT LEAST ONE WATCHER FOR EVERY TWO
25 ELECTION OFFICIALS IN THE FACILITY IN WHICH THE CONDUCT OF THE
26 ELECTION OCCURS. IN THE EVENT THAT THE NUMBER OF WATCHERS
27 PRESENT MAY NOT BE REASONABLY ACCOMMODATED, THE SECRETARY OF
28 STATE SHALL REDUCE THE NUMBER OF ALLOWABLE WATCHERS BY LOT."

7 **SECTION 23.** In Colorado Revised Statutes, **amend** 1-7-105 as
8 follows:

9 **1-7-105. Watchers at primary elections.** (1) Each political party
10 participating in a primary election shall be IS entitled to have a watcher in
11 each precinct in the county APPOINT AT LEAST ONE WATCHER IN ACCORDANCE
12 WITH THE RATIO SPECIFIED IN SECTION 1-7-104.5 (2). THE
13 CHAIRPERSON OF THE COUNTY CENTRAL COMMITTEE OF EACH POLITICAL
14 PARTY SHALL SELECT THE NAMES OF THE PERSONS WHO WILL REPRESENT
15 THEIR POLITICAL PARTY IN THE COUNTY AS A WATCHER. IF THE
16 CHAIRPERSON IS NOT ABLE TO MAKE THE APPOINTMENTS, THE
17 CHAIRPERSON OF THE STATE CENTRAL COMMITTEE OF THE POLITICAL
18 PARTY OR ANOTHER OFFICIAL OF THE STATE POLITICAL PARTY SHALL MAKE
19 THE APPOINTMENTS. The chairperson OR OTHER OFFICIAL of the county
20 central committee of each political party shall certify the persons selected
21 as watchers on forms provided by the county clerk and recorder and

22 submit the names of the persons selected as watchers to the county clerk
23 and recorder. To the extent possible, the chairperson OR OTHER OFFICIAL
24 shall submit the names ~~by the close of business on the Friday immediately~~
25 ~~preceding the election~~ NO LATER THAN THE WEDNESDAY BEFORE THE
26 DATE ON WHICH THE VOTING SERVICE AND POLLING CENTERS ARE
27 REQUIRED TO BE OPEN.

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(1 2) In addition, candidates for nomination on the ballot of any
2 political party in a primary election ~~shall be~~ ARE entitled to appoint ~~some~~
3 ~~person~~ WATCHERS to act on their behalf in every ~~precinct~~ COUNTY in
4 which they are a **candidate IN ACCORDANCE WITH THE RATIO SPECIFIED IN**
5 **SECTION 1-7-104.5 (2)**. Each candidate shall certify the persons
5 appointed as watchers on forms provided by the county clerk and recorder
6 and submit the names of the persons selected as watchers to the county
7 clerk and recorder. To the extent possible, the candidate shall submit the
8 names ~~by the close of business on the Friday immediately preceding the~~
9 ~~election~~ NO LATER THAN THE WEDNESDAY BEFORE THE DATE ON WHICH
10 THE VOTING SERVICE AND POLLING CENTERS ARE REQUIRED TO BE OPEN.
11 **SECTION 34**. In Colorado Revised Statutes, **amend** 1-7-106 as
12 follows:

13 **1-7-106. Watchers at general and congressional vacancy**
14 **elections.** Each participating political party or issue committee whose
15 candidate or issue is on the ballot, and each unaffiliated and write-in
16 candidate whose name is on the ballot for a general or congressional
17 vacancy election, is entitled to have ~~no more than~~ AT LEAST one watcher
18 ~~at any one time in each voter service and polling center in the county and~~
19 ~~at each place where votes are counted in accordance with this article~~
20 **IN ACCORDANCE WITH THE RATIO SPECIFIED IN SECTION 1-7-104.5 (2)**. IN THE CASE
21 OF AN ISSUE COMMITTEE, THE REGISTERED AGENT OF THE ISSUE
22 COMMITTEE IS THE AUTHORIZED REPRESENTATIVE OF THE ISSUE
23 COMMITTEE ENTITLED TO APPOINT ONE OR MORE WATCHERS UNDER THIS
24 SECTION. The chairperson of the county central committee of each major
25 political party, the county chairperson or other authorized official of each
26 minor political party, the issue committee, or the write-in or unaffiliated
27 candidate shall certify the names of one or more persons selected as

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watchers on forms 1 provided by the county clerk and recorder and submit
2 the names of the persons selected as watchers to the county clerk and
3 recorder. To the extent possible, the chairperson, authorized official, issue
4 committee, or candidate shall submit the names ~~by the close of business~~
5 ~~on the Friday immediately preceding the election.~~ The watchers shall
6 ~~surrender the certificates to the election judges at the time they enter the~~
7 ~~voter service and polling center and are sworn by the judges~~ NO LATER
8 THAN THE WEDNESDAY BEFORE THE DATE ON WHICH THE VOTING SERVICE
9 AND POLLING CENTERS ARE REQUIRED TO BE OPEN. This section does not

10 prevent party candidates or county party officers from visiting voter
11 service and polling centers or drop-off locations to observe the progress
12 of voting.

13 **SECTION 4 5.** In Colorado Revised Statutes, **amend** 1-7-107 as
14 follows:

15 **1-7-107. Watchers at nonpartisan elections.** Candidates for
16 office in nonpartisan elections, and proponents and opponents of a ballot
17 issue, are each entitled to appoint ~~one person to act as a watcher~~
18 WATCHERS in every ~~polling place~~ COUNTY in which they are a candidate
19 or in which the issue is on the ballot **IN ACCORDANCE WITH THE RATIO**
SPECIFIED IN SECTION 1-7-104.5 (2). IN THE CASE OF PROPONENTS AND
20 OPPONENTS OF A BALLOT ISSUE, THE REGISTERED AGENT OF THE
21 PROPONENTS OR OPPONENTS, AS APPLICABLE, IS THE AUTHORIZED
22 REPRESENTATIVE OF SUCH PROPONENTS AND OPPONENTS ENTITLED TO
23 APPOINT ONE OR MORE WATCHERS UNDER THIS SECTION. The candidates
24 or proponents and opponents shall certify the names of persons so
25 appointed to the designated election official on forms provided by the
26 official and submit the names of the persons selected as watchers to the
27 county clerk and recorder. To the extent possible, the candidate,

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proponent, or opponent shall 1 submit the names ~~by the close of business~~
2 ~~on the Friday immediately preceding the election~~ NO LATER THAN THE
3 WEDNESDAY BEFORE THE DATE ON WHICH THE VOTING SERVICE AND
4 POLLING CENTERS ARE REQUIRED TO BE OPEN.

5 **SECTION 5 6.** In Colorado Revised Statutes, 1-7-108, **amend** (3);
6 and **add** (4) and (5) as follows:

7 **1-7-108. Election watchers - requirements - oath or**

8 **affirmation - definitions.** (3) (a) (I) Each watcher ~~shall have~~ HAS the
9 right to maintain a list of eligible electors who have voted, to witness
10 and verify each step in the conduct of the election from prior to the
11 ~~opening of the polls~~ **CERTIFICATION OF BALLOT CONTENT** through
the completion of the count and

12 announcement of the **FINAL CERTIFIED** results, ~~to~~ challenge ineligible electors, and ~~to~~ assist
13 in the correction of discrepancies. **IN ACCORDANCE WITH SUBSECTION**
14 **(3)(a)(II) OF THIS SECTION.**

15 ~~(II) IF A WATCHER SEES A POTENTIAL DISCREPANCY, HE OR SHE~~
16 ~~MAY COMMUNICATE WITH THE CONTACT DESIGNATED BY THE CLERK AND~~
17 ~~RECORDER AND REQUEST THAT THE DISCREPANCY BE CORRECTED. IF THE~~
18 ~~SUPERVISOR JUDGE REVIEWS THE POTENTIAL DISCREPANCY AND~~
19 ~~DISAGREES WITH THE WATCHER, THE WATCHER MAY INFORM HIS OR HER~~
20 ~~APPOINTING AUTHORITY OF THE POTENTIAL DISCREPANCY. THE~~
21 ~~WATCHER'S APPOINTING AUTHORITY MAY THEN CONTACT THE COUNTY~~
22 ~~CLERK AND RECORDER OR THE SECRETARY OF STATE IN AN ATTEMPT TO~~
23 ~~RESOLVE THE ISSUE OR FILE AN ACTION UNDER SECTION 1-1-113 (1).~~

(II) IF THE SECRETARY OF STATE RECEIVES A REPORT OF A POTENTIAL DISCREPANCY FROM A WATCHER OR THE APPOINTING AUTHORITY OF THE WATCHER, THE SECRETARY SHALL TAKE APPROPRIATE ACTION IN A TIMELY MANNER, AND SHALL CREATE A PERMANENT RECORD OF THE INCIDENT.

24 (b) THE WATCHER MAY WITNESS AND VERIFY THE PROCESS ACCURACY OF
25 SIGNATURE VERIFICATION.

26 (4) BEFORE WATCHING, EACH PERSON APPOINTED AS A WATCHER
27 SHALL TAKE AN OATH OR AFFIRMATION IN SUBSTANTIALLY THE

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1 FOLLOWING FORM:

2 "I,, DO SOLEMNLY SWEAR (OR AFFIRM) THAT I AM A
3 CITIZEN OF THE UNITED STATES AND THE STATE OF COLORADO; THAT I AM
4 AN ELIGIBLE ELECTOR WHO RESIDES IN THE COUNTY OF OR
5 WITHIN THE POLITICAL SUBDIVISION; (IN CONNECTION WITH A
6 PARTISAN ELECTION) THAT I AM A MEMBER OF THE PARTY AS
7 SHOWN IN THE STATEWIDE VOTER REGISTRATION DATABASE (OR THAT I
8 AM UNAFFILIATED WITH A POLITICAL PARTY, AS APPLICABLE, OR THAT, IN
9 THE CASE OF AN ELECTION IN WHICH A BALLOT ISSUE IS ON THE BALLOT,
10 I AM A SUPPORTER OR OPPONENT OF THE BALLOT ISSUE, AS APPLICABLE);
11 THAT I WILL PERFORM MY SERVICE AS A WATCHER ACCORDING TO LAW
12 AND THE BEST OF MY ABILITY; THAT I WILL NOT TRY TO DETERMINE HOW
13 ANY ELECTOR VOTED, NOR WILL I DISCLOSE HOW ANY ELECTOR VOTED IF
14 IN THE DISCHARGE OF MY SERVICE AS A WATCHER SUCH KNOWLEDGE
15 COMES TO ME NOR WILL I DISCLOSE OR RECORD ANY CONFIDENTIAL VOTER
16 INFORMATION THAT I MAY OBSERVE; THAT I HAVE NEVER BEEN
17 CONVICTED OF ANY ELECTION OFFENSE OR CRIME OF DISHONESTY AND
18 THAT, IF ANY BALLOTS ARE COUNTED BEFORE THE POLLS CLOSE ON THE
19 DATE OF THE ELECTION, I WILL NOT DISCLOSE THE RESULT OF THE VOTES
20 UNTIL AFTER THE POLLS HAVE CLOSED. ~~AND TABULATED RESULTS OF THE~~
~~21 ELECTION ARE FORMALLY ANNOUNCED BY THE DESIGNATED ELECTION~~
~~22 OFFICIAL."~~

23 (5) FOR PURPOSES OF THIS PART 1, "APPOINTING AUTHORITY"
24 MEANS THE PERSON RESPONSIBLE FOR SELECTING AN INDIVIDUAL TO
25 SERVE AS A WATCHER, AND "CONDUCT OF THE ELECTION" MEANS ANY
26 ELECTION ACTIVITY AT WHICH ~~AN ELECTION JUDGE OR ANY~~ ELECTION
27 OFFICIAL MAY LEGALLY BE PRESENT.

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1 **SECTION 6 7.** In Colorado Revised Statutes, 1-2-302, **amend** (8)
2 as follows:

3 **1-2-302. Maintenance of computerized statewide voter**
4 **registration list - confidentiality.** (8) The secretary of state shall provide
5 adequate technological security measures to prevent unauthorized access
6 to the computerized statewide voter registration list. The secretary of
7 state, the department of revenue, the department of public health and
8 environment, the department of corrections, and the clerk and recorders
9 shall not sell, disclose, or otherwise release a social security number, a

10 driver's license or a state-issued identification number, or the unique
11 identification number assigned by the secretary of state to the voter
12 pursuant to section 1-2-204 (2.5) or electronic copies of signatures
13 created, transferred, or maintained pursuant to this section or section
14 42-1-211 C.R.S., to any individual other than the elector who created such
15 signature absent such elector's consent; except that nothing in this
16 subsection (8) prohibits the sale, disclosure, or release of ~~an electronic~~ A
17 copy of such signature for use by any other public entity in carrying out
18 its functions. ~~or the sale, disclosure, or release of a photocopied or~~
19 ~~microfilmed image of an elector's signature.~~ NOTHING IN THIS SECTION OR
20 THIS CODE PROHIBITS A WATCHER APPOINTED IN ACCORDANCE WITH
21 SECTION 1-7-108 FROM WITNESSING AND VERIFYING THE PROCESS OF SIGNATURE
VERIFICATION.

23 **SECTION 7.** In Colorado Revised Statutes, 24-72-305.6, **amend**

24 (2) as follows:

25 **24-72-305.6. County clerk and recorder access to criminal**

26 **history records of election judges and employees - rules.** (2) A county

27 clerk and recorder may request, in his or her discretion, the criminal 8-138

history records ~~1~~ from the public website maintained by the Colorado

2 bureau of investigation for an election judge OR WATCHER, AS DEFINED IN

3 SECTION 1-1-104 (51), serving in the county. The secretary of state may,

4 by rule promulgated in accordance with article 4 of this title TITLE 24,

5 require that certain duties may be performed only by those election judges

6 OR WATCHERS for whom a county clerk and recorder has requested

7 criminal history records pursuant to this subsection (2). Such duties may

8 include accessing, OR OBSERVING ELECTORS' RECORDS IN, the statewide

9 voter registration system established pursuant to section 1-2-301. C.R.S.

10 **SECTION 8. Act subject to petition - effective date -**

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

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

13 general assembly (August 9, 2017, if adjournment sine die is on May 10,

14 2017); except that, if a referendum petition is filed pursuant to section 1

15 (3) of article V of the state constitution against this act or an item, section,

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

17 will not take effect unless approved by the people at the general election

18 to be held in November 2018 and, in such case, will take effect on the

19 date of the official declaration of the vote thereon by the governor.

20 (2) This act applies to elections conducted on or after the

21 applicable effective date of this act.