

# COLORADO ELECTION TIP SHEET: 5 THINGS TO KNOW

## Newsgathering at polling places

### **No state statute prohibits newsgathering activities outside of polling places.**

The Colorado Revised Statute § 1-5-105 states that “No election-related activity may be conducted within one hundred feet of any building in which a polling location or drop-off location is located except that of the conduct of the election at the polling location or drop-off location.”

### **Additionally, Colorado prohibits interference with a voter while voting.**

Under section §1-13-711 of the Colo. Rev. Stat.: “Any person who interferes with any voter who is inside the immediate voting area or is marking a ballot or operating a voting device or electronic voting device at any election provided by law is guilty of a misdemeanor and, upon conviction thereof, shall be punished as provided in [section 1-13-111](#).”

### **Colorado also expressly prohibits voter intimidation by way of impeding, preventing or otherwise interfering with the free exercise of any elector.**

Under Colo. Rev. Stat. § 1-13-713, “It is unlawful for any person directly or indirectly, by himself or by any other person in his behalf, to impede, prevent, or otherwise interfere with the free exercise of the elective franchise of any elector or to compel, induce, or prevail upon any elector either to give or refrain from giving his vote at any election provided by law or to give or refrain from giving his vote for any particular person or measure at any such election. Each such offense is a misdemeanor, and, upon conviction thereof, the offender shall be punished as provided in [section 1-13-111](#).”

## Voter rolls

Voter registration records are [public records](#) under Colo. Rev. Stat. § 1-2-227. [Election records](#) are expressly declared open public records by Colo. Rev. Stat. § 1-4-504.

## Election returns

Election results are available from the Secretary of State’s Office every weekday through Election Day. The results report the number of ballots returned to county clerks for the Nov. 3, 2020, general election. You can find this information by viewing it from the [Press Releases page on the Secretary of State’s website](#), which directs you to daily updates, and/or the [Ballots Returned Graphic Summary](#).

On Election Day, results will begin to come in just after 7 p.m. MT. Final results will be located on the [Secretary of State’s website](#).

Journalists can call or email questions to the media contact at the Colorado Secretary of State’s Office at (303) 860-6903 or email Betsy Hart [betsy.hart@sos.state.co.us](mailto:betsy.hart@sos.state.co.us) or Steve Hurlbert, [steve.hurlbert@sos.state.co.us](mailto:steve.hurlbert@sos.state.co.us).

# Ballots

Ballots are [public records open to inspection](#) pursuant to Colo. Rev. Stat. § 24-72-205.5(1) (a). However, the designated election official is not permitted to fulfill a request for the public inspection of ballots “during the period commencing with the forty-fifth day preceding election day and concluding with the date either by which the designated election official is required to certify an official abstract of votes cast for the applicable candidate contest or ballot issue or ballot question ... or by which any recount is completed, as applicable, whichever date is later.” Colo. Rev. Stat. § 24-72-205.5(3)(a).

**Ballot selfies are permitted in Colorado.** Under Colo. Rev. Stat. § 1-13-712(b) (2017), “Any voter may show his or her voted ballot to any other person as long as the disclosure is not undertaken in furtherance of any election violation proscribed in this article 13.”

Some cities across the state are livestreaming ballot processing. For example, you can watch live, 24-hour footage of the room where Denver ballots are being received and counted at [Denervotes.org](http://Denervotes.org).

## Initial and recount processes

Under the Colo. Rev. Stat. § 1-10.5-102, “The secretary of state shall notify the county clerk and recorder of each county involved of a public recount to be conducted in the county at a place prescribed by the secretary of state. The recount shall be completed no later than the thirty-fifth 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. 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.”

- Public access to view a recount varies by county. However, an election watcher in Colorado can observe a recount. There are certain [eligibility requirements](#) watchers must comply with, according to the Colorado Secretary of State.
- Additionally, for recounts, parties, candidates, or ballot initiative committees can appoint watchers to watch the recount. Some counties, like Denver, [stream the recount online](#).

[Under 8 CCR 1505-1, 8.18](#), “Media Observers may witness all election activities. A county clerk may, in his or her discretion, require a media observer to appoint a pool reporter and a pool photographer to represent all media observers. All media observers are subject to the Guidelines established by the Colorado Press Association in conjunction with the Colorado County Clerks’ Association and the Secretary of State.”

A media “observer” is [defined as a member of the media who must have valid media credentials](#). It does not include private citizens interested in writing about or filming the voting process. [View the guidelines on page 41](#).