

Election Activity Watchers – Colorado law & regulations

| Activity | Statute or Rule | Allows: |
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| Definition of Watcher | 1-1-104(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. If selected by a political party chairperson, a party candidate, or an unaffiliated candidate, the watcher shall be affiliated with that political party or unaffiliated as shown on the registration books of the county clerk and recorder. |
| Arrangement of voting equipment or voting booths and ballot boxes | 1-5-503 | The voting equipment or voting booths and the ballot box shall be situated in the polling location so as to be in plain view of the election officials and watchers. No person other than the election officials and those admitted for the purpose of voting are permitted within the immediate voting area, which is considered as within six feet of the voting equipment or voting booths and the ballot box, except by authority of the election judges or the designated election official, and then only when necessary to keep order and enforce the law. |
| Watchers at primary elections | 1-7-105 | (1) Each political party participating in a primary election shall be entitled to have a watcher in each precinct in the county. The chairperson of the county central committee of each political party shall certify the persons selected as watchers on forms provided by the county clerk and recorder and submit the names of the persons selected as watchers to the county clerk and recorder. To the extent possible, the chairperson shall submit the names by the close of business on the Friday immediately preceding the election. (2) In addition, candidates for nomination on the ballot of any political party in a primary election shall be entitled to appoint some person to act on their behalf in every precinct in which they are a candidate. Each candidate shall certify the persons appointed as watchers on forms provided by the county clerk and recorder and submit the names of the persons selected as watchers to the county clerk and recorder. To the extent possible, the candidate shall submit the names by the close of business on the Friday immediately preceding the election. |
| Watchers at general and congressional vacancy elections | 1-7-106 | Each participating political party or issue committee whose candidate or issue is on the ballot, and each unaffiliated and write-in candidate whose name is on the ballot for a general or congressional vacancy election, is entitled to have no more than one watcher at any one time in each voter service and polling center in the county and at each place where votes are counted in accordance with this article. The chairperson of the county central committee of each major political party, the county chairperson or other authorized official of each minor political party, |

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| | | the issue committee, or the write-in or unaffiliated candidate shall certify the names of one or more persons selected as watchers on forms provided by the county clerk and recorder and submit the names of the persons selected as watchers to the county clerk and recorder. To the extent possible, the chairperson, authorized official, issue committee, or candidate shall submit the names by the close of business on the Friday immediately preceding the election. The watchers shall surrender the certificates to the election judges at the time they enter the voter service and polling center and are sworn by the judges. This section does not prevent party candidates or county party officers from visiting voter service and polling centers or drop-off locations to observe the progress of voting. |
| Watchers at nonpartisan elections | 1-7-107 | Candidates for office in nonpartisan elections, and proponents and opponents of a ballot issue, are each entitled to appoint one person to act as a watcher in every polling place in which they are a candidate or in which the issue is on the ballot. The candidates or proponents and opponents shall certify the names of persons so appointed to the designated election official on forms provided by the official and submit the names of the persons selected as watchers to the county clerk and recorder. To the extent possible, the candidate, proponent, or opponent shall submit the names by the close of business on the Friday immediately preceding the election. |
| Requirements of watchers | 1-7-108 | (1) Watchers shall take an oath administered by one of the election judges that they are eligible electors, that their name has been submitted to the designated election official as a watcher for this election, and that they will not in any manner make known to anyone the result of counting votes until the polls have closed. (2) Neither candidates nor members of their immediate families by blood, marriage, or civil union to the second degree may be poll watchers for that candidate. (3) Each watcher shall have the right to maintain a list of eligible electors who have voted, to witness and verify each step in the conduct of the election from prior to the opening of the polls through the completion of the count and announcement of the results, to challenge ineligible electors, and to assist in the correction of discrepancies. |
| Method of counting paper ballots | 1-7-307 | (4) All persons, except election judges and watchers, shall be excluded from the place where the ballot counting is being held until the count has been completed. |
| Electronic vote-counting – procedure | 1-7-507 | (1) All proceedings at the counting centers shall be under the direction of the designated election official and the representatives of the political parties, if a partisan election, or watchers, if a nonpartisan election. No persons, except those authorized for the purpose, shall touch any ballot, ballot card, "prom" or other electronic device, or return. |
| Manner of early voting – securing ballots cast during early voting | 1-7.5-107.2 | (1) An eligible elector who receives a mail ballot may cast the ballot at a voter service and polling center prior to election day. Ballot boxes must be locked and sealed each night with a numbered seal under the supervision of the election judges or watchers, and the designated election official |

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| | | shall retain possession of the keys until he or she transfers the same to the counting place pursuant to section 1-7.5-203 for preparation to count and tabulate. When a seal is broken, the designated election official and a person who is not of the same political party as the designated election official shall record the number of the seal and maintain the seal along with an explanation of the reasons for breaking the seal. |
| Counting mail ballots | 1-7.5-107.5 | The election officials at the mail ballot counting place may receive and prepare mail ballots delivered and turned over to them by the designated election official for tabulation. Counting of the mail ballots may begin fifteen days prior to the election and continue until counting is completed. The election official in charge of the mail ballot counting place shall take all precautions necessary to ensure the secrecy of the counting procedures, and no information concerning the count shall be released by the election officials or watchers until after 7 p.m. on election day. |
| Watchers at voter service and polling centers | 1-7.5-114 | Any political party, candidate, proponents, or opponents of a ballot issue entitled to have watchers at voter service and polling centers each has the right to maintain one watcher in the office of the designated election official and each voter service and polling center during the period in which mail ballots may be applied for or received. |
| Hours a counting place open for receiving and counting mail ballots | 1-7.5-202 | (3) The election officials in charge of the counting place shall take all precautions necessary to ensure the secrecy of the counting procedures, and no information concerning the count may be released by the election officials or watchers until after 7 p.m. on election day. |
| Right to vote may be challenged | 1-9-201 | (1) (a) A person's right to vote at a polling location or in an election may be challenged. (b) If a person whose right to vote is challenged at a polling location refuses to answer the questions asked or sign the challenge form in accordance with section 1-9-203 or take the oath pursuant to section 1-9-204, the person shall be offered a provisional ballot. If the person casts a provisional ballot, the election judge shall attach the challenge form to the provisional ballot envelope and indicate "Challenge" on the provisional ballot envelope. (2) An election judge shall challenge any person intending to vote who the judge believes is not an eligible elector. In addition, challenges may be made by watchers or any eligible elector of the precinct. (3) A challenge at a polling location shall be made in the presence of the person whose right to vote is challenged. |
| Canvass board for partisan elections – appointment, fees, oaths | 1-10-101 | (1) (a) At least fifteen days before any primary, general, congressional vacancy, or special legislative election, the county chairpersons of each of the two major political parties in each county shall certify to the county clerk and recorder, in the manner prescribed by such clerk and recorder, the appointment of one or more registered electors to serve as a member of the county canvass board. The appointees, together with the county clerk and recorder, constitute the county canvass board. Each minor political party whose candidate is on the ballot and each |

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| | | unaffiliated candidate whose name is on the ballot in such election may designate, in the manner prescribed by such clerk and recorder, one watcher to observe the work of the county canvass board. |
| Recounts for congressional, state, and district offices, state ballot questions, and state ballot issues | 1-10.5-102 | (2) The secretary of state shall notify the county clerk and recorder of each county involved by registered mail and facsimile transmission 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 thirtieth day after any election. The secretary of state shall promulgate and provide each county clerk and recorder with the necessary rules and regulations to conduct the recount in a fair, impartial, and uniform manner, including provisions for watchers during the recount. Any rule or regulation concerning the conduct of a recount shall take into account the type of voting system and equipment used by the county in which the recount is to be conducted. |
| Interfering with watcher | 1-13-702 | Any person who intentionally interferes with any watcher while he is discharging his duties set forth in section 1-7-108 (3) is guilty of a misdemeanor and, upon conviction thereof, shall be punished as provided in section 1-13-111. |
| Disclosing or identifying vote | 1-13-712 | (3) No election official, watcher, or person shall reveal to any other person the name of any candidate for whom a voter has voted or communicate to another his opinion, belief, or impression as to how or for whom a voter has voted. |
| Release of information concerning count | 1-13-718 | Any election official, watcher, or other person who releases information concerning the count of ballots cast at polling locations or of mail-in or mail voters' ballots prior to 7 p.m. on the day of the election is guilty of a misdemeanor and, upon conviction thereof, shall be punished as provided in section 1-13-111. |
| Definition of Watcher | Rule 1.1.46 | "Watcher" has the same meaning as in section 1-1-104(51), C.R.S. (a) A watcher may be appointed for a recall election in the same manner as in a primary election. (b) For the purpose of appointing a watcher, the proponent or opponent of a ballot measure means a registered issue committee supporting or opposing the ballot measure. (c) A designated watcher need not be a resident of the county he or she is designated in as long as he or she is an eligible elector in the State of Colorado. |
| Voter registration at a voter service and polling center | Rule 2.13 | For the purpose of providing information to watchers, the person registering voters or updating voter registration information in a voter service and polling center must maintain a log that includes the name and residential address of each elector who registers or updates his or her registration record, or verbally confirm each elector's name and residential address. |
| Qualifications, Oath, and Certificates | Rule 8.1 | Watchers must affirm that they are qualified under sections 1-1-104(51), 1-7-105, 1-7-106, 1-7-107, and 1-7-108(2), C.R.S., as applicable. Watchers must take the oath described in section 1-7-108(1), C.R.S. and, upon first entering the polling location, surrender the certificate of |

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| | | <p>appointment to the supervisor judge at each location where the watcher is designated to observe. 8.1.1 If a watcher leaves a polling location but returns to the same location, another certificate of appointment is not necessary. 8.1.2 A new watcher who is replacing an original watcher must provide an original certificate of appointment for that polling location. 8.1.3 A certificate of appointment as a watcher is not transferable to another individual.</p> |
| Political party attorney | Rule 8.2 | <p>A political party attorney may not be in the polling location unless he or she is a duly appointed watcher or is casting his or her ballot.</p> |
| Voters appearing at polling location | Rule 8.3 | <p>The supervisor judge must provide to each watcher on request a list, log, check-in card, or other similar information of voters appearing in the polling location to vote. The watcher may not remove the information or documents from the polling location. A watcher may maintain a list of eligible electors who have voted by using only information provided by the supervisor judge or a list of electors previously maintained by the watcher. [Section 1-7-108(3), C.R.S.]</p> |
| Watchers subject to the provisions of 1-5-503 | Rule 8.4.1 | <p>The designated election official must position the voting equipment, voting booths, and the ballot box so that they are in plain view of the election officials and watchers.</p> |
| Access to election-related activities, including recall | Rule 8.4.2 | <p>Watchers must be permitted access that would allow them to attest to the accuracy of election-related activities, including recall elections. This includes personal visual access at a reasonable proximity to read documents, writings or electronic screens and reasonable proximity to hear election-related discussions between election judges and electors. Witness and verify means to personally observe actions of election officials in each step of the conduct of an election.</p> <p>(a) Election-related activities include all activities in a polling location and ballot processing and counting, such as: (1) Observing voter check-in and registration activities. (2) Witnessing the signature verification of mail ballot envelopes at close enough distance to verify or challenge the signature. (3) Witnessing ballot duplication to verify accuracy according to voter intent. (4) Observing the tabulation process or display screens of voting equipment at any time that an elector is not in the immediate voting area for purposes of voting or casting a ballot. (5) Witnessing hand count tabulations as they are being conducted. (6) Observing all documents and materials during the LAT and post-election audit.</p> <p>(b) Watchers must remain outside the immediate voting area while an elector is voting. (c) Watchers may be present at each stage of the conduct of the election, including the setup and breakdown of polling locations and ballot receipt and processing. (d) Watchers may be present during provisional ballot processing, signature verification, and UOCAVA ballot processing, but</p> |

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| | | may not have access to confidential voter information. (e) The number of watchers permitted in any room at one time is subject to local safety codes. |
| Access to ballot processing and counting | Rule 8.4.3 | A watcher may witness and verify activities described in Title 1, C.R.S., that are outside the immediate voting area, including ballot processing and counting. If election officials are conducting elections activities in separate rooms or areas of a building or buildings, the county clerk must allow additional watchers to observe and verify each separate activity in each room or area in the building or buildings. |
| Canvass board | Rule 8.4.4 | Watchers appointed under this Rule 8 may observe the canvass board while it performs its duties. |
| A watcher may: | Rule 8.4.5 | A watcher may track the names of electors who have cast ballots, challenge electors under section 1-9-203, C.R.S., and Rule 9, and submit written complaints in accordance with section 1-1.5-105, C.R.S., and Rule 13. A watcher may observe all activities in a polling location and the processing and counting of ballots. A watcher may be present at each stage of the election including the receiving and bundling of the ballots. |
| Oath – watchers must affirm they will not: | Rule 8.5 | In addition to the oath required by section 1-7-108(1), C.R.S., a watcher must affirm that he or she will not: 8.5.1 Attempt to determine how any elector voted or review confidential voter information; 8.5.2 Disclose or record any confidential voter information that he or she may observe; or 8.5.3 Disclose any results before the polls are closed. |
| A watcher may not: | Rule 8.6 | A watcher may not: 8.6.1 Personally interrupt or disrupt the processing, verification, and counting of any ballots or any other stage of the election. 8.6.2 Write down any ballot numbers or any other identifying information about the electors. 8.6.3 Touch or handle the official signature cards, ballots, mail ballot envelopes, provisional ballot envelopes, voting or counting machines, or machine components. 8.6.4 Interfere with the orderly conduct of any election process, including issuance of ballots, receiving of ballots, and voting or counting of ballots. 8.6.5 Interact with election judges except for the supervisor judge. 8.6.6 Use a mobile phone or other electronic device to make or receive a call in any polling location or other place election activities are conducted. 8.6.7 Use any electronic device to take or record pictures, video, or audio in any polling location or other place election activities are conducted. 8.6.8 Attempt to determine how any elector voted. 8.6.9 Disclose or record any confidential voter information as defined in section 24-72-204(8), C.R.S., that he or she may observe. 8.6.10 Disclose any results before the polls have closed. |
| Recount | Rule 8.8 | Watchers, Official Observers, and Media Observers may be present during a recount. Watchers, Official Observers, and Media Observers must be qualified and sworn in for a recount as described in Rule 8.1 and are subject to all other provisions related to the recount process. Any |

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| | | political party or candidate involved in the recount or proponents or opponents of an issue or question involved in the recount may appoint one or more watchers to be present at any time during the recount. A candidate who is subject to a recount may appoint himself or herself, or a member of the candidate's family as a watcher at a recount. [Sections 1-7-105 and 1-7-106, C.R.S.] |
| Voter list | Rule 8.10 | To assist Watchers in performing their tasks at a polling location, the county clerk must provide a list of all voters who have voted or returned a ballot in the county. The county clerk must make the list available at least daily at the clerk's main office or provide the list electronically |
| Acceptance of appointment | Rule 8.11 | The county clerk must accept the appointment of all eligible watchers duly certified by a political party, candidate or committee under sections 1-1-104(51), 1-7-105, 1-7-106, or 1-7-107, C.R.S. |
| Removal of Watchers | Rule 8.12 | 8.12.1 A county clerk or his or her designee may remove a watcher upon finding that the watcher: (a) Commits or encourages fraud in connection with his or her duties; (b) Violates any of the limitations outlined in Rule 8.6; (c) Violates his or her oath; or (d) Is abusive or threatening toward election officials or voters. 8.12.2 Upon removal of a watcher, the county clerk must inform the political party, candidate, or committee who appointed the watcher. 8.12.3 A removed watcher may be replaced by an alternate watcher duly certified in accordance with sections 1-7-105, 1-7-106, or 1-7-107, C.R.S. |
| Multiple certificates | Rule 8.13 | Watchers may be certified to observe more than one polling location. See section 1-7-106, C.R.S. |
| Recall | Rule 8.14 | Watchers may be appointed to observe recall elections held under Article 12, Title I, C.R.S., and must be certified in accordance with sections 1-7-106 and 1-7-107, C.R.S. |
| Challenging and in-person voter | Rule 9.1 | 9.1.1 Under Section 1-9-201, C.R.S., an election official, watcher, or eligible elector of the precinct may challenge an elector's right to vote. A person whose eligibility is challenged while voting in-person, must be offered a regular ballot by an election judge if the person satisfactorily answers the applicable challenge questions specified in section 1-9-203, C.R.S., and this Rule. If the person challenged provides unsatisfactory answers or refuses to answer the challenge questions, an election judge must offer the person a provisional ballot. |
| Canvassing | Rule 10.3.5 | Role of Watchers. Watchers appointed under section 1-10-101(1)(a), C.R.S., may observe the board while it performs its duties, subject to Rule 8. |
| Recount | Rule 10.11 | Watchers and observers during a recount 10.11.1 The Secretary of State may appoint official observers in any recount. 10.11.2 Each candidate or the candidate's watcher, media observers, and official observers, may be present and witness the recount in accordance with Rule 8. 10.11.3 The recount board must take the canvass board oath, assisting election judges must take the election judge's oath, and any person observing the recount must take a watcher's oath. |

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| | | 10.11.4 Complaints. A watcher may submit a complaint in writing to the county clerk or designee. Written complaints during a recount will be addressed in accordance with Rule 13. |
| County security | Rule 20.4.5 | Access to where election management software is used is limited to authorized election officials and watchers only. Messengers or runners delivering ballots between the preparation room and computer room must wear distinguishing identification. |
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