

July 20, 2015

The Honorable Secretary Wayne Williams  
Colorado Department of State  
1700 Broadway, Suite 200  
Denver, CO 80290

The Honorable Secretary Williams:

Thank you for the opportunity to participate on the Watchers Advisory Panel. This panel brought a large group of stakeholders together to address the role of watchers during the election process.

Our goal as professionals in election administration is to provide an accessible and secure election process that is transparent, yet ensures that voter secrecy is never compromised. We are entrusted by our voters to facilitate the right to vote and to maintain public confidence in the process.

We believe that the panel's recommendations will give watchers increased access to the election process. The panel established the following fundamental recommendations that will allow for more clarity and structure in rule or statute:

- The panel identified that watching takes place in real time and is not post auditing.
- The panel established that "election activities" are defined as tasks that election judges perform or tasks that are assigned to staff (acting as judges) to be completed by rule or statute.
- The panel concluded that statutory authority in Colorado law for watchers to witness and verify must be read with other pieces of statute that outline limits. This contextual perspective allows for structure while increasing transparency.

If the panel's recommendations are accepted, it will require new or modified processes and procedures at the local level. In order to successfully develop and implement these concepts, election administrators will need time to develop best practices and to ensure that any unintended consequences can be identified and corrected. Below are areas of concern:

- The signature escalation process by individual watchers can differ greatly by county and the number of watchers within a county can also vary greatly. This variation may result inconsistent voter experiences across the state, thus great caution needs to be exercised in the development of rules.

- Health Care Facilities offer unique voter privacy challenges given that the process occurs at the voter's home. We believe that watchers must be required to arrange watching at a Health Care Facility beforehand with the designated election official. Election officials and election judges must be given the discretion and authority to require watchers to maintain adequate distance from the elector in order to allow for voter privacy.
- The formula for determining the number of watchers must be flexible. Physical limitations to the number of watchers that can be in one place without interfering with the election process is simply a reality of available space and a practical consideration of individual voter space. A watcher plan must be submitted to the Secretary of State's Office for review. By working collaboratively with the Secretary of State's Office, counties can balance the needs of transparency, security, safety, and personal space for voters and election judges.

We believe that watchers have a role in the election process. The watcher role should not be confused with the role and duties of citizen election judges. The election judges' roles and duties are very different from watcher roles in statute and in practical application. Election judges are representatives of their communities and are charged with conducting the election facilitated by the election administrators and their staff. Watchers have a vested interest in the outcome of the election which comes from the method of appointment. Watchers are not appointed by concerned citizens groups to ensure the integrity of elections; they are appointed by political parties, issue committees, and candidates to assist them in achieving the goals of those who appoint them.

We believe that clear delineation of watcher roles and responsibilities will ensure that Colorado elections are transparent while ensuring privacy for the voter. Thank you for allowing us to participate and have a voice on this important aspect of the election process.

Jean Alberico  
Garfield County Clerk and Recorder

Jim Candelarie  
Broomfield City and County Clerk

Amber McReynolds  
Director of Elections  
Denver Elections Division

Liz Olson  
Administrator of Elections  
El Paso County