Rule 8. Watchers

8.1 A watcher must affirm that he or she is qualified to act as a watcher under Colorado law. The county clerk must accept the appointment of all eligible watchers duly certified by a political party, candidate, or issue committee under sections 1-1-104(51), 1-7-105, 1-7-106, or 1-7-107, C.R.S.

8.1.1 The registered agent or designated filing agent for an issue committee is the authorized representative to appoint watchers for the issue committee.

8.1.2 The county clerk must confirm a watcher's eligibility before allowing the watcher to perform his or her duties. If the county clerk is unable to confirm the watcher's eligibility, the clerk must promptly inform the appointing entity.

8.1.3 A watcher may provide a copy of his or her current registration record from the Secretary of State's website with the Certificate of Appointment to satisfy the eligibility-confirmation requirement.

8.1.4 A watcher for an issue committee may provide a TRACER print-out of the issue committee registration with the Certificate of Appointment to show that the person appointing the watcher is permitted to appoint under Rule 8.1.1.

8.1.5 A watcher must complete a training provided by or approved by the Secretary of State before observing election activities where confidential or personally identifiable information may be within view. To verify completion of the training, a watcher must provide his or her training certificate of completion with the Certificate of Appointment.

8.2 Interested parties may appoint and certify watchers to observe recall elections held under Article 12, Title I, C.R.S., in accordance with sections 1-7-106 and 1-7-107, C.R.S.

8.3 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.

8.4 A watcher may be certified to observe more than one location in which the county is conducting election activities. A watcher must present a Certificate of Appointment at each location where the watcher is designated to observe, unless the county clerk has established an alternate process.

8.4.1 If a watcher leaves a location but returns to the same location, another certificate of appointment is not necessary.

8.4.2 A new watcher who is replacing an original watcher must provide his or her certificate of appointment for that polling location.

8.4.3 A certificate of appointment as a watcher is not transferable to another individual.

8.5 A watcher must take the oath described in section 1-7-108(1), C.R.S.

8.6 Removal of Watchers.

8.6.1 A county clerk or his or her designee may remove a watcher upon finding that the watcher:

(a) Committed or encouraged fraud in connection with his or her duties;

(b) Violated any of the limitations outlined in Rule 8.15;

(c) Violated his or her oath; or

(d) Was abusive or threatening toward election officials or voters.

8.6.2 Upon removal of a watcher, the county clerk must inform the political party, candidate, or committee who appointed the watcher.

8.6.3 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.

8.7 The county clerk must submit a watcher accommodation plan to the Secretary of State by email using the approved form no later than 90 days before an election.

8.7.1 Watchers may be present at each stage of the conduct of the election, including when electors are voting or when election judges are present and performing election activities.

8.7.2 The county clerk must provide, and identify in some manner, at least one primary contact for watchers at each location where election activities are performed when watchers are present.

8.7.3 At voter service and polling centers, 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.

8.7.4 Watchers must remain outside the immediate voting area while an elector is voting. The six-foot limit in Rule 1.1.27 applies only to voting.

8.8 The minimum number of watchers the county clerk must accommodate for each appointing entity is as follows:

8.8.1 In a central count facility, one watcher per central count process, but in any case not less than one watcher for every ten election judges.

8.8.2 During signature verification, one watcher for every four election judges.

8.8.3 At each Voter Service and Polling Center, one watcher, or one watcher per Voter Service and Polling Center process.

8.8.4 The number of watchers permitted in any room at one time is subject to space limitations and local safety codes.

8.9 A watcher may observe election activities at a group residential facility, as defined in section 1-1-104(18.5), C.R.S., only if the watcher contacts the county clerk beforehand to arrange the time and location. While at a group residential facility, a watcher must maintain an adequate distance from the elector so the elector may mark or receive assistance marking his or her ballot in private. A watcher may not enter a voter's private room or apartment unless the voter consents.

8.10 Watchers are subject to the provisions of section 1-5-503, C.R.S.

8.10.1 A watcher may witness and verify activities described in Title 1, C.R.S. If election officials are conducting election 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.

8.10.2 Watchers must be permitted access that would allow them to attest to the accuracy of election-related activities. 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.

(a) Election activities include:

(1) Setup and breakdown of Voter Service and Polling Centers.

(2) Voter check-in and registration activities.

(3) Ballot receipt and processing.

(4) Signature verification of mail ballot envelopes at close enough distance to challenge the signature.

(5) Ballot duplication.

(6) Ballot tabulation.

(7) The logic and accuracy test and post-election audit.

(8) Provisional ballot processing.

(9) UOCAVA ballot processing.

(10) Canvass.

(11) Recount.

(b) Witness and verify means to personally observe actions of election officials in each step of the conduct of an election.

8.11 The county clerk must provide a list of all voters who have cast a ballot in the county. If requested, the county clerk must make the list available at least daily at the clerk's main office or provide the list electronically.

8.12 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.

8.13 During initial signature review by an election judge, the county clerk may allow a watcher to escalate ballot envelope signatures for secondary review by a bipartisan team of election judges.

8.14 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:

8.14.1 Attempt to determine how any elector voted;

8.14.2 Disclose or record any confidential voter information that he or she may observe; or

8.14.3 Disclose any results before the polls are closed.

8.15 A watcher may not:

8.15.1 Personally interrupt or disrupt the processing, verification, and counting of any ballots or any other stage of the election, except as permitted by the county clerk under Rule 8.13.

8.15.2 Write down any ballot numbers or any other personally identifying information about the electors.

8.15.3 Touch or handle the official signature cards, ballots, mail ballot envelopes, provisional ballot envelopes, voting or counting machines, or machine components.

8.15.4 Interfere with the orderly conduct of any election process, including issuance of ballots, receiving of ballots, and voting or counting of ballots.

8.15.5 Interact with election judges other than a designated watcher contact, except as permitted by the county clerk under Rule 8.13.

8.15.6 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.

8.15.7 Use any electronic device to take or record pictures, video, or audio in any polling location or other place election activities are conducted.

8.15.8 Attempt to determine how any elector voted.

8.15.9 Disclose or record any confidential voter information as defined in section 24-72-204(8), C.R.S., that he or she may observe.

8.15.10 Disclose any results before the polls have closed.

8.16 Unless the county clerk has established another process, if a watcher disputes a decision made by an election judge or alleges a discrepancy, the watcher must alert the designated watcher contact.

8.17 The Secretary of State must approve Official Observers appointed by the federal government. Official observers are subject to Colorado law and these Rules. But an Official Observer is not required to be an eligible elector in the jurisdiction. This Rule does not apply to Official Observers appointed by the United States Department of Justice. Official Observers appointed by the Secretary of State are subject to the rules and regulations as prescribed by the Secretary of State. Official Observers must obtain a letter of authority from the Secretary of State and surrender the letter to the county clerk.

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 as outlined below:

Guidelines for Member of the Media Who Observe Election Counts and Recounts (to be distributed to members of the Colorado Press Association):

The Colorado State Association of County Clerks and Recorders, Colorado Broadcasters' Association and Colorado Press Association have collaborated to develop the following guidelines and protocols for use when members of the media observe the counting or recounting of ballots. You are strongly encouraged to follow these guidelines to allow meaningful media access while not disrupting the work of county clerks to count ballots or doing anything to compromise the integrity of the election process.

1. *If practical, please contact the county clerk's office prior to coming to observe the counting of ballots. If the county clerk knows you are coming, it will be easier to accommodate your request for a place to observe the count or to interview an election official.*

2. *At the discretion of the county clerk, a specific viewing area for members of the media and other observers may be available. To the extent practicable, the area will have been designated with sight lines to allow you to observe and take pictures or video of the counting process. If there are insufficient sight lines for you to take the photos or video you need, the county clerk may be able to make arrangements to accommodate your needs.*

3. *Please observe counting procedures without disrupting the count. Please take pictures or video without the use of supplemental lighting. Do not talk to people participating in counting ballots. There may be workers who ask you not to include their images in your pictures or video. We encourage you to honor those requests if you can reasonably do so.*

4. *The Secretary of State's Election Rules state that if observers leave the area during a recount, they may not reenter without the consent of the county clerk. If you have occasion to leave the area, you may be denied re-admittance.*

5. *Please do not use the information you see when observing vote counts to report on partial election results. Please do not report anything that could be used to identify the person who casts a particular ballot.*

The Colorado State Association of County Clerks and Recorders, Colorado Broadcasters' Association and Colorado Press Association are all committed to working together to ensure the media has access to election counts and recounts, but that access is afforded in manners that do not disrupt the counts and do nothing to compromise the integrity of the process. Your cooperation in following these standards will help us to meet all these goals.