

June 11, 2015

VIA EMAIL

Suzanne Staiert
Deputy Secretary of State
1700 Broadway
Denver, CO 80290

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Dear Deputy Secretary Staiert:

First, we extend to you and Secretary of State Williams our thanks and appreciation for the creation of the Watcher Advisory Panel. Election Watchers fulfill an essential but an often under-appreciated role in our elections, so this effort to clarify and strengthen that role can potentially make an important contribution to improving both the integrity and transparency of Colorado elections.

We are concerned, however, that sufficient weight be given to the constitutional and statutory basis for the essential functions, rights and responsibilities assigned to Watchers. Colorado election law states in CRS 1-7-108(3) that:

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.

That is a strong statement in statute of the independent role of Watchers in serving the goals of election security and verifiability. Nowhere in statute is this vital, independent role diminished or compromised. While this independent role may need periodic clarification and elucidation, in our view it should not be restricted or circumscribed in ways that would adversely impact election security, verification activities or citizen confidence in the integrity of our elections.

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We recognize, however, that because Watchers are appointed independently from the elected Clerks who conduct elections and have duties requiring a functional interface with both Clerks and the Election Judges, occasional frictions and disagreements will inevitably occur. Where disagreements and frictions can be eliminated or minimized by additional rulemaking or administrative guidelines while remaining consistent with current law, that is highly desirable. Yet, Watchers cannot and must not be treated as mere "citizen volunteers" to be pushed aside in the name of maximum efficiency.

We suggest the advisory panel's efforts can yield positive benefits if recommendations are organized into three classes. First and most important would be the clarification, explanation and elucidation of the important Watcher duties, rights and responsibilities authorized in current law. Second, the panel can make recommendations for rulemaking to further clarify and strengthen those rights, duties and responsibilities. And third, the panel can make recommendations for changes in statute where needed to advance the shared public policy goals of election transparency, verifiability and accountability.

Please share this letter with the members of the Watcher Advisory Panel as public comment on the issues under consideration by that body.

We look forward to seeing the recommendations from the panel and to working with Secretary Williams to implement worthwhile changes to further improve the administration of election law.

Sincerely,



Senator Kevin Lundberg



Senator Laura Woods



Senator Ray Scott



Senator Tim Neville

Cc: Secretary of State Wayne Williams
Colorado Republican Party Chairman Steve House
Colorado Senate Majority Leader Mark Scheffel
Colorado House Minority Leader Brian DelGrosso
Becky Mizel, Chair, Colorado Republican Party Election Oversight Committee