

Rule 27. Conducting Elections During Public Health Emergency

27.1 In addition to other requirements stated in these rules, the following requirements must be followed when conducting an election during a public health emergency.

27.1.1 Definitions

- (a) “Personal protective equipment” means equipment designed to protect the wearer from injury, or to prevent the spread of infection or illness, including facemasks, protective clothing, or gloves.
- (b) “Public health emergency” means a state of disaster emergency declared by the Governor under section 24-33.5-704, C.R.S., involving a public health emergency including the current COVID-19 pandemic.
- (c) “Public health guidelines” mean guidelines from state government, local governments, or the Secretary of State’s office which advise members of the public about how to protect their health and safety during the COVID-19 pandemic.

27.1.2 Unless infeasible, counties, election judges, election workers, watchers, and media observers must follow public health guidelines. In the event that there is a conflict in public health guidelines, counties must follow those guidelines issued by the State, unless the local health department requires more protective measures be taken.

27.2 Voter service and polling centers open

27.2.1 The county should conduct voter service and polling center operations in a building separate from the main county clerk’s office. Unless infeasible, if a voter service and polling center is located in the same building as the main county clerk’s office, the county must conduct voter service and polling center operations in a separate room or area from other election activities.

27.2.2 If a county clerk opens only the minimum number of voter service and polling centers required under section 1-5-102.9, C.R.S., then the county clerk must also identify back-up voter service and polling center locations sufficient to maintain the minimum number of VSPCs required by statute in the event of a closure, but no less than one, along with a list of essential voting equipment, to which the county can move the operations of a designated voter service and polling center to if a center has to close under Rule 27.2.3. The county should have a plan to make the transition to the back-up location as expeditiously as possible. On election day the county must make the transition to the new location as expeditiously as possible and not longer than two hours. The County must share this plan with the Secretary of State’s office in the manner directed by the Secretary of State. Election judges must still follow the requirements of section 1-5-108, C.R.S. in the event that a change in location is necessary.

27.2.3 A county clerk must provide notice to the Secretary of State’s office as expeditiously as possible when they close a voter service and polling center if there is a reasonable basis to expect COVID-19 contamination. The county should follow the Secretary of State guidance regarding contamination.

27.3 Protecting the health of election judges and staff

- 27.3.1 Unless infeasible, counties must have infrared thermometers and take the temperature of all county staff and election judges as they report at all locations.
 - 27.3.2 Unless infeasible, counties should encourage election judges and staff to take their own temperature before reporting to work. Judges and staff exhibiting a fever or other COVID-19 symptoms must report that information to their supervisor or other appropriate county official before reporting to work or during work hours.
 - 27.3.3 Clerks must allow election judges to stay home if they have any COVID-19 related symptoms, concerns, illness or are quarantined without losing pay.
 - 27.3.4 Election judges and staff members must wear masks, or other face covering, and any other personal protective equipment required by the county or location, at all times while serving as an election judge, performing duties for the county, or while otherwise in the presence of other people while serving as an election judge or staff member.
 - 27.3.5 Unless infeasible, counties must prepare a plan and identify election judges who are able to report to a new location or duty within two hours and shall be compensated for their service.
- 27.4 Protecting the health of watchers, media, observers, and the public
- 27.4.1 Watchers and observers must wear masks, and any other personal protective equipment required by the county or location, while at a voter service and polling center or location where other election activities are occurring and should maintain strict social distancing guidelines with a minimum of six feet between each person.
 - 27.4.2 Unless infeasible, counties must have infrared thermometers and take the temperature of all watchers and observers when they report to any location.
 - 27.4.3 Watchers and observers must follow the directions of county staff and these rules regarding the health and safety of voters, election staff, and judges. Any watcher who violates these rules or the directions of county staff regarding the health and safety of voters, election staff, and judges may be removed by the county clerk. In the event that a watcher is removed by the county clerk, the county clerk must provide the appointing authority with the opportunity to appoint a replacement watcher in accordance with Rule 8.6.
 - 27.4.4 Watcher or observers experiencing COVID-19 symptoms while at a voter service and polling center or location where other election activities are occurring must immediately report that to an appropriate county official and leave the location.
 - 27.4.5 Notwithstanding any rule to the contrary, if observation of an activity listed in Rule 8.10.2 cannot be feasibly accomplished by maintaining six feet of social distancing, then watchers must still be allowed to observe that activity. Watchers must still observe all other directives in this rule, and Rule 8 when observing activities.
- 27.5 Conditions at voter service and polling centers
- 27.5.1 Counties must use best efforts to maintain hygienic conditions within voter service and polling centers, including:
 - (a) Cleaning all voting equipment by following the cleaning guidelines from the equipment manufacturer; and

- (b) Cleaning all other surfaces used by voters after each use with other cleaners approved by the EPA for use against SARS-CoV-2 (COVID-19).

27.5.2 To the extent possible, counties must work to maintain strict social distancing guidelines with a minimum of six feet between each person present at the voter service and polling center.

27.6 Unanticipated events

27.6.1 If a county clerk needs to modify their election or locations in a way not contemplated by this rule due to the presence of a public health emergency, the clerk must contact the Secretary of State for assistance and approval.

