

Rule 8. Watchers

- 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 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.
- 8.2 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.
- 8.3 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.]
- 8.4 Watchers are subject to the provisions of section 1-5-503, C.R.S.
- 8.4.1 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.
- 8.4.2 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.
- (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.

- (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 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.
- 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.
- 8.4.4 Watchers appointed under this Rule 8 may observe the canvass board while it performs its duties.
- 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.
- 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.
- 8.6 A watcher may not:
- 8.6.1 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.
- 8.7 The Secretary of State must approve Official Observers appointed by the federal government. Official observers are subject to Colorado law and these Rules as they apply to Watchers. 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.
- 8.8 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 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.]
- 8.9 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 Recordors, 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.

- 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.
- 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.
- 8.12 Removal of Watchers.
 - 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.
- 8.13 Watchers may be certified to observe more than one polling location. See section 1-7-106, C.R.S.
- 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.