

Poll Watchers

Information Packet

Published October 10, 2016



Denver Elections Division

200 West 14th Avenue, Suite 100

Denver, Colorado 80204

720-913-VOTE (8683) ★ www.denervotes.org

Contents

Introduction.....	2
Who May Be a Poll Watcher.....	2
Family Relationship Prohibition	3
Who May Appoint Poll Watchers.....	3
General Election	3
Recount.....	3
Appointing Authorities	3
How to Appoint Poll Watchers.....	3
Certification of Poll Watchers.....	4
Visiting Locations.....	5
What May Poll Watchers Do?	5
Challenges.....	6
SOS Rule 8.1.5 and Viewing Confidential and Personally Identifiable Information.....	7
SOS Rule 8.6 and Removal of Watchers from a Location.....	7
Maximize Your Effectiveness.....	7
Get a List	7
Voter Lists Online	8
Watching Ballot Processing	8
Election Night	8
Visit Us Online	8
Reference Websites.....	9

Note: An electronic version of this packet is available on the Denver Elections Division website at www.DenverVotes.org → Campaign Information → Campaign Forms.

After reviewing this packet, if you have questions about poll watcher procedures and duties in Denver, contact the Elections Division Communications Office at 720-865-4872.

Introduction

This packet is meant to serve as a general guide for poll watchers and appointing authorities. It was prepared to assist appointing authorities in following the statutes, rules, and guidelines for appointing poll watchers in Denver.

Provisions for watchers are detailed in Colorado Revised Statutes (C.R.S.) §§ 1-7-105, 1-7-106, 1-7-107, and 1-7-108, and in Secretary of State (SOS) Election Rule 8. Because legal provisions are subject to periodic amendment, it is the sole responsibility of poll watchers and appointing authorities to comply with any and all statutes and rules governing poll watching.

Duly appointed observers may watch voting, processing, ballot counting, canvass, and recounts.

There are three categories of “observers” who are permitted at voting locations:

- **Official Observers** are appointed by the Colorado Secretary of State or by the federal government.
- **Media Observers** are credentialed members of the news media.
- **Poll Watchers** are certified and credentialed by the county clerk and recorder.

This information packet is written for the third category of observers: **Poll Watchers** who are certified by the county clerk and recorder. The packet provides detailed information on the rights of and limitations on poll watchers and on the process of appointing poll watchers in the City and County of Denver.

Who May Be a Poll Watcher

A watcher must be registered to vote in the State of Colorado and may serve in any county (see SOS Rule 8.1). In addition:

- If appointed by a party, poll watchers must be either affiliated with that party or unaffiliated.
- If appointed by an unaffiliated candidate, poll watchers must be unaffiliated.
- State ballot question proponent and opponent groups appointing poll watchers must be registered with the Colorado Secretary of State.
- Municipal ballot question proponent and opponent groups appointing poll watchers must be registered with the Denver Elections Division for campaign finance reporting purposes.

Note: In a General Election and in a Congressional Vacancy Election, candidates and party officers may visit Voter Service and Polling Centers to observe the progress of voting (see C.R.S. § 1-7-106). No poll watcher certificate is required.

Family Relationship Prohibition

Candidates and members of their immediate families by blood, marriage, or civil union to the second degree **may not be** poll watchers for that candidate (see C.R.S. § 1-7-108(2)).

Who May Appoint Poll Watchers

Under state law, certain individuals and entities are entitled to appoint poll watchers, depending on the type of election (see C.R.S. §§ 1-7-105, 1-7-106, and 1-7-107).

General Election

- A political party with a candidate on the ballot
- A registered issue committee for or against an issue on the ballot
- An unaffiliated candidate on the ballot
- A write-in candidate

Recount

- A candidate involved in recount
- A registered issue committee involved in recount
- A political party involved in recount

Note: A candidate who is subject to a recount is allowed to appoint himself/herself or a family member as a poll watcher. Recount watching is not subject to the family relationship prohibition.

Appointing Authorities

- For **political parties** (both major and minor), the county party chair is the appointing authority who may appoint poll watchers (see C.R.S. § 1-7-106).
- For **issue committees**, the registered agent or designated filing agent is the appointing authority (see C.R.S. § 1-7-106 and SOS Rule 8.1.1).
- For **recounts**, the county party chair, candidate, or issue committee official is the appointing authority (see SOS Rule 8.10).

How to Appoint Poll Watchers

Poll watchers at Denver voting locations must be certified and credentialed by the Denver Elections Division (see SOS Rule 8.1). Please send in your poll watcher requests as early as possible. We strongly recommend that you do not wait until the last few days before the election, as we cannot guarantee timely processing of poll watcher requests received after the close of business on the Friday before an election. Requests must be processed through the voter registration database, and then certificates are created.

1. Download and complete the *Poll Watcher Appointment List* spreadsheet found on the Denver Elections Division website at www.DenverVotes.org → Campaign Information → Poll Watcher. **Please use the electronic form if at all possible.** List the following information:
 - a. the names of those individuals you wish to appoint,
 - b. their residential addresses,
 - c. their Voter ID numbers, if known, and
 - d. the names of the voter service and polling centers (“VSPC”) where each poll watcher will be assigned. “All VSPC locations” is an acceptable choice if there are no family relationship prohibitions.
 - A list of the current election’s voter service & polling centers and their addresses is included as a tab on the spreadsheet.
 - DED Ballot Processing Rooms is also a location choice.
 - e. Additionally, if appointing a watcher to have access to view confidential or personally identifiable information (SOS Rule 8.1.5), that selection should be noted.
 - Note in the appropriate column on the *Poll Watcher Appointment List* spreadsheet the date the required SOS training for viewing confidential and personally identifiable information was completed. (See more about SOS Rule 8.1.5 below.)
2. Submit your list by email to electionscomm@denvergov.org.

Tip: The appointing authority should include an electronic signature with the appointment spreadsheet. The e-signature will be inserted on the signature line of each certificate issued. If including an electronic signature, attach the file to your email when you submit your appointment list. Electronic signatures should be in .jpg or .gif format.

Certification of Poll Watchers

The processing of poll watcher certificates will begin upon receipt of the appointment lists from the appointing authority.

1. Once your *Poll Watcher Appointment List* is received by the Denver Elections Division, all names will be compared to the statewide voter registration database to verify registration status.
2. A *Poll Watcher Certificate of Appointment and Oath* will be created for each qualified name. Each certificate will list the voter service and polling centers requested.
3. Completed certificates will be sent by email to the appointing authority. You can then print them and distribute to your poll watchers.
4. If an electronic signature was not submitted by the appointing entity, the “Appointment of Watcher” portion of each certificate must be filled out and signed by the appointing authority in order for the certificate to be valid.

Visiting Locations

Upon entering a location, a poll watcher must show a valid *Poll Watcher Certificate of Appointment and Oath* to the location’s supervisor, who will then administer the “Oath of Watcher.”

Following that, both the poll watcher and the supervisor must sign the oath section of the certificate in the appropriate places (see C.R.S. § 1-7-108(1) and SOS Rule 8.4). The watcher will then sign the *Observer Log* and be issued an *Official Poll Watcher Badge*. The watcher keeps the signed certificate.

Note: Poll watchers may be designated to observe at multiple locations and ballot processing rooms, but no more than one watcher from the same appointing authority may be present at the same time at any one voting service and polling location.

Additionally:

- If a watcher leaves a location, but returns later in the day to the same location, another *Poll Watcher Certificate of Appointment and Oath* is not necessary.
- If a watcher is replaced during the day, the replacement watcher must have a valid *Poll Watcher Certificate of Appointment and Oath* for that location.
- A *Poll Watcher Certificate of Appointment and Oath* is not transferable to another individual.
- Political party attorneys are not allowed inside voting locations unless they are duly appointed watchers or are casting a ballot (see SOS Rule 8.3).
- A watcher may not possess a cell phone or other electronic device while watching election activities where confidential or personally identifiable information may be within view. The watcher should not bring the device into the location.

What May Poll Watchers Do?

A watcher may:	A watcher may not:
<ul style="list-style-type: none"> • Observe election activities in more than one location • Leave a location and return without presenting another certificate of appointment • Be within a reasonable distance to read documents, writings or electronic screens, and hear election-related discussions between judges and electors 	<ul style="list-style-type: none"> • View confidential or personally identifiable information until he or she has completed the required training* • Transfer a certificate of appointment to another watcher • Commit or encourage fraud • Violate his or her oath

Continued...

A watcher may (continued):	A watcher may not (continued):
<ul style="list-style-type: none"> ● Personally observe each step of the election* ● Receive a list of all voters who have cast a ballot in the county ● Challenge electors according to C.R.S. § 1-9-203 and SOS Rule 9 ● Ask to escalate ballot envelope signatures for secondary review ● Contact the designated watcher contact if he or she disputes an election judge’s action ● Assist in the correction of discrepancies ● Be in the immediate voting area only when no voters are present <p>*To observe steps with confidential or personally identifiable information, the watcher must complete a state-approved training course.</p>	<ul style="list-style-type: none"> ● Abuse or threaten an election official or voter ● Attempt to determine how any elector voted ● Disclose or record any confidential voter information he or she may observe ● Disclose any results before the polls are closed ● Personally interrupt or disrupt the processing, verification, and counting of any ballots or any other stage of the election ● Write down any ballot numbers or any other personally identifying information ● Touch or handle the official signature cards, ballots, mail ballot envelopes, provisional ballot envelopes, voting or counting machines, or machine components ● Interfere with the orderly conduct of any election process, including issuance of ballots, receiving of ballots, and voting or counting of ballots ● Interact with election judges other than a designated watcher contact, unless he or she is asking to escalate a signature ● Use an electronic device to take or record pictures, video, or audio in any polling location or other place election activities are conducted ● Possess a cell phone or other electronic device while watching election activities where confidential or personally identifiable information may be within view

Challenges

Watchers (or any registered voter) may challenge a suspected ineligible voter (see C.R.S. § 1-7-108(3)). **Such a challenge must be in writing and addressed to the supervisor, not to the voter being challenged.**

Once challenged, the supervisor will ask the voter a particular set of questions and will fill out a *Voter Challenge Form*. Both the supervisor and the challenger must sign the form. Depending on the voter's answers to the questions, the voter will be given either a regular ballot or a provisional ballot. Challenges to mail ballots may be for an incomplete or incorrect affidavit on the returned envelope, forgery of a deceased person's signature on the affidavit, or submission of multiple ballots. **Such a challenge must be addressed to the supervisor or room lead.**

SOS Rule 8.1.5 and Viewing Confidential and Personally Identifiable Information

If a watcher would like to observe election activities where confidential or personally identifiable information may be within view, he or she must complete an online training course (see SOS Rule 8.1.5). A list of the activities a trained watcher is able to view as well as a link to the training course is available at www.sos.state.co.us → Elections & Voting → Election Information → Watchers. (See Also "Reference Websites" at the end of this information packet.) At the end of the training the watcher will be prompted to print a certificate of completion. The watcher must print this certificate and present it with the *Certificate of Appointment and Oath* to the location's supervisor upon arrival. Trained watchers will receive a color-coded badge to indicate that he or she is able to view confidential and personally identifiable information.

SOS Rule 8.6 and Removal of Watchers from a Location

A watcher can be removed from a location upon finding that the watcher:

- committed or encouraged fraud in connection with his or her duties;
- violated the Oath of Watchers;
- was abusive or threatening toward election officials or voters; or
- committed any of the following misdemeanors:
 - Interfering with an election official during an election
 - Inducing an election official to violate his/her election duties
 - Impeding, preventing, or otherwise interfering with an elector's right to vote
 - Compelling or inducing any elector to give or refrain from giving his/her vote at any election. (See C.R.S. § 1-13-701 and § 1-13-713)

Note: If the Denver Elections Division removes a watcher, it will immediately inform the appointing authority who may appoint an alternate watcher (see SOS Rule 8.6).

Maximize Your Effectiveness

Get a List

You can obtain voter registration information. Our *Product & Services Catalog* is available at www.DenverVotes.org → Products & Services. You can also call 720-913-VOTE (8683) and ask to be transferred to the Denver Elections Division customer service team.

Voter Lists Online

Lists of voters who have voted are posted online beginning October 18, 2016. This data is uploaded daily and multiple times on Election Day. Go to www.DenverVotes.org→ Campaign Information→ Voter Data. You must log in to download the data files. Because this data is available electronically, lists of voters who have voted will not be posted at voter service centers.

Watching Ballot Processing

Watchers who have completed the state's training course may be present for ballot receipt and processing, otherwise watchers may join the public and observe the processing from behind large glass windows.

Election Night

Candidates, media, watchers, and the general public are invited to visit the Denver Elections Division on Election Night to watch ballot processing and to follow election returns. The building is open to the public as long as ballot counting continues. Please bring your cell phone with you as there are no public phones in the building. There is public wifi in the building for your laptop or tablet.

Visit Us Online

The information in this packet and other useful poll watching information are available at www.DenverVotes.org→ Campaign Information→ Poll Watchers.

Additionally, you will find other useful products and services on the website, including:

- Sample ballots
- Historical election results
- District and precinct maps

Occasional customer service alerts and information will be issued to campaign and party contacts via email and Twitter.



Phone: 720-865-4872



Fax: 720-913-8600



www.DenverVotes.org



electionscomm@denvergov.org



www.Facebook.com/DenverElections



www.Twitter.com/DenverElections



Reference Websites

- Colorado Revised Statutes
<http://sos.state.co.us/pubs/elections/LawsRules/files/Title1.pdf>
- Elections Division, Colorado Secretary of State
www.elections.colorado.gov
- Colorado Secretary of State Election Rules (8 CCR 1505-1)
http://www.sos.state.co.us/pubs/rule_making/CurrentRules/8CCR1505-1Elections.html
- Colorado Secretary of State Watcher Information Page
www.sos.state.co.us/pubs/elections/watchers.html
- Colorado Secretary of State Election Watcher Training
<http://cosos.learnercommunity.com/products/1007/watchers-and-observers>
- Denver Elections Division, Spanish site
www.denervota.org

Notice: The references to specific federal or state laws contained in this document are not guaranteed to constitute an exhaustive list of applicable legal provisions. The references provided in this packet are provided as a courtesy and convenience. Users are expected and strongly advised to do their own legal research.