


# **Poll Watchers Information Packet**



**Denver Elections Division**

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**Note:** An electronic version of this packet is available on the Denver Elections Division website at [www.DenverVotes.org](http://www.DenverVotes.org) → Campaign Hub → Poll Watchers

After reviewing this packet, if you have questions about poll watcher procedures and duties in Denver, contact the Elections Division Administrative Office at 720-865-4861.

## Introduction

This guide is intended for use by poll watchers and watcher appointing authorities. This guide is for training purposes only and does not constitute, nor is a substitute for, legal advice.

Provisions for watchers are found throughout Title 1 of the Colorado Revised Statutes and the Secretary of State’s Election Rules, with emphasis on Election Rule 8. Statutory and rule provisions will be cited throughout this guide.

This guide will cover critical information such as, and not limited to, who may be a watcher, what a watcher is allowed to observe, who may appoint watchers, what a watcher may not do, and how a watcher is certified.

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

**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.**

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## Who May Observe

Certain individuals are granted access to observe, in-person, a variety of election day and pre-election day activities such as voting, ballot processing and counting, and canvass. These individuals are typically certified or credentialed by the relevant authorities in order to partake in many election observation activities. There are three categories of observers who are permitted at voting and election operations locations:

- Official Observers appointed by the Secretary of State.
  - These observers may be either appointed by the Secretary of State or the federal government. An official observer is not required to be an eligible elector in the jurisdiction in which they are allowed to observe. Official observers must obtain a letter of authority from the Secretary of State and provide this letter to the county clerk.
- Media Observers
  - Individuals from the media who are allowed to observe all election activities. See Secretary of State Election Rule 8.18.
- Poll Watchers
  - Individuals selected by certain interested parties in an election to observe election activities.

Official Observers	SOS Election Rule 8.17
Media Observers	SOS Election Rule 8.18

## Who May Be a Poll Watcher

A watcher, also known as a “poll watcher”, is a category of persons allowed to observe either an individual election process or multiple stages of election operations. A watcher must be registered to vote in the State of Colorado and may serve in any county (SOS Rule 8.1.4). In addition:

- If appointed by a party, via a political party chairperson, poll watchers must be either listed in the statewide voter registration database (SCORE) as affiliated with that party or unaffiliated (C.R.S. § 1-1-104 (51)).
- If appointed by an unaffiliated candidate, poll watchers must be listed in SCORE as unaffiliated.
- If appointed by a state ballot question proponent or opponent group, that group must be registered with the state as an issue committee either supporting or opposing the ballot question. The watcher must be appointed by either the issue committee’s registered agent or designated agent.
- 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 (C.R.S. § 1-7-108(2)).

Definition of watcher; watcher must be a registered voter of Colorado; affiliation; must not be a candidate on the ballot	Section 1-1-104(51), C.R.S.
Need not be a resident of county they are designated at.	SOS Election Rule 8.1.4
Immediate family member of candidate prohibition.	C.R.S. 1-7-108(2)
Watcher for proponents or opponents of a ballot measure.	SOS Election Rules 8.1.1, 8.1.3, 8.1.7, C.R.S. 1-7-106.
Watchers at general and congressional vacancy elections	C.R.S. 1-7-106
Watchers at nonpartisan elections	C.R.S. 1-7-107
Watchers at primary elections	C.R.S. 1-7-105

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## Who May Appoint Poll Watchers

Under state law, certain individuals and entities are entitled to appoint poll watchers, depending on the type of election.

### General Election

- The following entities are entitled to watchers at a 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.
- The entities listed above are entitled to the following number of watchers:
  - One watcher per central count process. Also, the party is entitled to not less than one watcher for every ten election judges at a central count facility.
  - One watcher for every four election judges during the signature verification process.
  - One watcher per VSPC.

Entities who are entitled to watchers at a general or congressional vacancy election.	C.R.S. 1-7-106(1)
Number of watchers each entity is entitled to.	C.R.S. 1-7-106(2)(a)
Space limitations and local safety codes.	C.R.S. 1-7-106(2)(b)

### Non-Partisan Election

- The following entities are entitled to watchers at non-partisan elections:
  - A candidate for office in a nonpartisan election
  - A registered issue committee for or against an issue on the ballot
- The entities listed above are entitled to one watcher per VSPC. In a non-partisan coordinated election, the entities above are allowed the following:
  - One watcher per central count process. Also, the party is entitled to not less than one watcher for every ten election judges at a central count facility.
  - One watcher for every four election judges during the signature verification process.
  - One watcher per VSPC.

Entities who are entitled to watchers at a nonpartisan election.	C.R.S. 1-7-107
Number of watchers each entity is entitled to for a coordinated election.	Election Rule 8.8

## Primary Election

- The following entities and candidates are entitled to watchers at primary elections:
  - A political party participating in the Primary Election.
  - A candidate on the ballot.
- A participating political party is entitled to the following watchers:
  - One watcher per central count process. Also, the party is entitled to not less than one watcher for every ten election judges at a central count facility.
  - One watcher for every four election judges during the signature verification process.
  - One watcher per VSPC.
- A candidate on the ballot is entitled to the following watchers:
  - One watcher per VSPC.
    - A candidate is entitled to no more than one watcher at any one time at each VSPC.
  - Watchers at each place votes are counted at in each county.

Entities who are entitled to watchers at a primary election.	C.R.S. 1-7-105
Number of watchers each entity is entitled to for a primary election.	C.R.S. 1-7-105(1)(a)(I) & C.R.S. 1-7-105(2)

## Recount

- The following entities are entitled to watchers during recount elections:
  - A candidate involved in recount.
  - A registered issue committee involved in recount.
  - A political party involved in recount.

\*\*Please note that the number of watchers permitted in a room at one time is subject to space limitations and local safety codes.

**Note:** A candidate who is subject to a recount can appoint themselves 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 (C.R.S. § 1-7-106).
- For **issue committees**, the registered agent or designated filing agent is the appointing authority (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 (SOS Rule 8.1).

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## How to Appoint Poll Watchers

Poll watchers at Denver voting locations must be certified and credentialed by the Denver Elections Division (SOS Rule 8.1.8). 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 Request Form* spreadsheet found on the Denver Elections Division website at [www.DenverVotes.org](http://www.DenverVotes.org) → Campaign Hub → Poll Watchers → How to Appoint Poll Watchers. **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”) or drop box** 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 VSPCs and drop boxes with their addresses is included as a tab on the spreadsheet.
    - DED Ballot Processing Rooms is also a location choice.
    - Watchers for drop boxes must include the date & time they will be observing.
  - e. Additionally, if appointing a watcher to have access to view confidential or personally identifiable information or observing voters dropping ballots off at a drop box (SOS Rule 8.1.8), that selection should be noted.
    - Note in the appropriate column on the *Poll Watcher Appointment Request Form* spreadsheet the date the required SOS training for viewing confidential and personally identifiable information was completed. (SOS Rule 8.1.8)
2. Submit the form by email to [CRCompliance@denvergov.org](mailto:CRCompliance@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, .png, or .gif format. Appointment certificates are not valid without an appointing authority signature.

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## 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 Request Form* 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.
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.

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## 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 (C.R.S. § 1-7-108(1) and SOS Rule 8.5). The watcher will then sign the *Observer Log* and be issued an *Official Poll Watcher Badge*. The watcher will keep the signed certificate. Drop box watchers must submit their *Poll Watcher Certificate of Appointment and Oath* and *identification badge* provided by the appointing entity to the Denver Elections Division for review before observing a box without a VSPC (SOS Rule 8.4.4).

**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.
- 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.
- Appointing entities must provide a *Poll Watcher Identification Badge* to drop box watchers to be worn at all times during observation. The watcher will have to provide the badge for the Elections Division to review prior to observing.



Watcher leaving and returning.	Election Rule 8.4.1
Watcher is replaced.	Election Rule 8.4.2
Certificate of appointment non-transferrable.	Election Rule 8.4.3
Political party attorneys inside VSPCs	Election Rule 8.3
Mobile phone while watching election activities where voters' confidential or PII is within view.	Election Rule 8.14.8
Drop box identification badge displayed at all times while watching a drop-box.	Election Rule 8.15
Refusing to wear approved drop-box badge.	Election Rule 8.14.14



## What May Poll Watchers Do?

### A watcher may:

- 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.
- 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 and submit written complaints in accordance with C.R.S. 1-1.5-105 and Rule 13.
- Contact the designated watcher contact if they dispute an election judge's action.
- Assist in the correction of discrepancies.
- Be in the immediate voting area only when no voters are present.
- Use a mobile phone to send or receive text messages **while not in a location where voters' confidential or personally identifiable information is within view.**

\*To observe steps with confidential or personally identifiable information, the watcher must complete a state-approved training course.

Voting booths and ballot boxes in plain view	C.R.S. 1-5-503
SOS Training to view PII	Rule 8.1.8
Challenge Form & Questions	C.R.S. 1-9-203
Watchers allowed access to these activities	8.10.2

### A watcher may not:

- View confidential or personally identifiable information until they have completed the required training.\*
- Transfer a certificate of appointment to another watcher
- Commit or encourage fraud
- Violate their oath
- Abuse or threaten an election officials or voters
- Personally interrupt or disrupt the processing, verification, and counting of any ballots or any other stage of the election, including lodging repeated challenges of voters or mail ballots on bases that are not authorized by statute or these rules after being advised that such bases are not authorized.
- Write down any ballot numbers or any other personally identifying information about the electors.
- 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.
- Communicate with election judges about that judge's duties while that election judge is currently on duty, unless the judge is the designated watcher contact.
- Use any electronic device to take or record pictures, video, or audio in any polling location or other place election activities are conducted.
- Have in their open and visible possession any mobile phone or other electronic device while watching election activities where voters' confidential or personally identifiable information is within view.
- Attempt to determine how any elector voted.
- Disclose or record any confidential voter information as defined in C.R.S. section 24-72-204(8) that he or she may observe.
- Disclose any results before the polls have closed.
- Attempt to intimidate or interfere with an election judge or other election officials during the discharge of that judge or official's duties.

Revoke watcher certificate	Rule 8.14
Watcher affirmation	8.13
Oath	C.R.S. 1-7-108(1)

## What May Drop Box Poll Watchers Do?

A watcher may:	A watcher may not:
<ul style="list-style-type: none"> <li>• Observe election activities in more than one location.</li> <li>• Leave a location and return without presenting another certificate of appointment.</li> <li>• Personally, observe drop boxes from a six-foot distance.</li> <li>• Contact the designated watcher contact if he or she disputes an election judge's action.</li> <li>• Use a mobile phone to send or receive text messages or make a call <b><u>while not in a polling location or other place where election activities are conducted.</u></b></li> </ul>	<ul style="list-style-type: none"> <li>• Transfer a certificate of appointment to another watcher</li> <li>• Commit or encourage fraud</li> <li>• Violate their oath</li> <li>• Abuse or threaten an election officials or voters</li> <li>• Personally interrupt or disrupt any other stage of the election.</li> <li>• Write down any ballot numbers or any other personally identifying information about the electors.</li> <li>• Touch or handle mail ballot envelopes.</li> <li>• Interfere with the orderly conduct of any election process.</li> <li>• Communicate with election judges about that judge's duties while that election judge is currently on duty, unless the judge is the designated watcher contact.</li> <li>• Use any electronic device to take or record pictures, video, or audio in any polling location or other place election activities are conducted.</li> <li>• Have in their open and visible possession any mobile phone or other electronic device while watching election activities where voters' confidential or personally identifiable information is within view.</li> <li>• Attempt to determine how any elector voted.</li> <li>• Disclose or record any confidential voter information as defined in C.R.S. section 24-72- 204(8) that he or she may observe.</li> <li>• Disclose any results before the polls have closed.</li> <li>• Attempt to intimidate or interfere with an election judge or other election officials during the discharge of that judge or official's duties.</li> <li>• Attempt to dissuade a voter from returning a ballot or multiple ballots to a drop box.</li> <li>• Openly carry a firearm within one hundred feet of a drop box or polling location.</li> <li>• Remove or fail to wear an approved badge identifying themselves as a watcher.</li> </ul>

## In-Person Challenges

Watchers (or any registered voter) may challenge a suspected ineligible voter (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 In-Person 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.

Watchers can challenge a voter's right to vote	C.R.S. 1-9-201(2)
Challenge questions	C.R.S. 1-9-203
Challenging an in-person voter	Election Rule 9.1

## Mail Ballot Challenges

Challenges to mail ballots may be for 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. Challenges must be in writing and on an SOS approved *Voter Challenge-Mail Ballot form*.**

If an individual challenges a mail ballot for any reason other than for forgery of a deceased person's signature or for submission of multiple ballots cast by the same voter for the same election, then the election judge must forward the challenge to the county clerk and otherwise process the mail ballot as normal.

A mail ballot may not be challenged solely on the basis of the signature that appears on the mail ballot.

Basis for mail ballot challenge	C.R.S. 1-9-207(1)
Mail ballot cannot be challenged solely on signature	C.R.S. 1-9-207(2)
Mail Ballot challenges in general	Election Rule 9.2
Count ballot if challenge made for reason other than forgery of deceased person's signature or submission of multiple ballots	Election Rule 9.2.3

## SOS Rule 8.1.8 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 or observing voters dropping off ballots at a drop box, he or she must complete an online training course (SOS Rule 8.1.8). 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](http://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 or the observation of voters dropping off ballots at a drop box.

## 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 their duties;
- Violated any of the election laws or rules;
- Violated the Oath of Watchers;
- Was abusive or threatening toward election officials or voters;
- Attempted to dissuade a voter from returning a ballot or multiple ballots to a drop box;
- Refused or fails to wear an approved badge identifying themselves as a watcher while observing a ballot drop box; or
- Committed any of the following misdemeanors:
  - Interfering with an election official during an election (C.R.S. § 1-13-701)
  - Inducing an election official to violate his/her election duties (C.R.S. § 1-13-701)
  - Impeding, preventing, or otherwise interfering with an elector’s right to vote (C.R.S. § 1-13-711)
  - Compelling or inducing any elector to give or refrain from giving his/her vote at any election. (C.R.S. § 1-13-713)

Upon removal of a watcher, the county clerk must inform the political party, candidate, or committee who appointed the watcher. A removed watcher may be replaced by an alternate watcher duly certified in accordance with C.R.S. sections 1-7-105, 1-7-106, or 1-7-107.

**Note:** If the Denver Elections Division removes a watcher, the Division will immediately inform the appointing authority who may appoint an alternate watcher (see SOS Rule 8.6.2).

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## Maximize Your Effectiveness

### Get a List

You can obtain voter registration information. Our *Product & Services Catalog* is available at [www.DenverVotes.org](http://www.DenverVotes.org) → Data & Maps → Request Additional Data. You can also call 720-913-8683 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 during an active election. This data is uploaded daily and multiple times on Election Day. Go to [www.DenverVotes.org](http://www.DenverVotes.org) → Data & Maps → 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 Wi-Fi in the building for your laptop or tablet.

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## Visit Us Online

The information in this packet and other useful poll watching information are available at [www.DenverVotes.org](http://www.DenverVotes.org) → Campaign Hub → 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.



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[www.DenverVotes.org](http://www.DenverVotes.org)



[CRCompliance@denvergov.org](mailto:CRCompliance@denvergov.org)



[www.Facebook.com/DenverElections](http://www.Facebook.com/DenverElections)



[www.Twitter.com/DenverElections](http://www.Twitter.com/DenverElections)



## Reference Websites

- Colorado Revised Statutes  
<http://www.lexisnexis.com/hottopics/colorado/>
- Elections Division, Colorado Secretary of State  
<https://www.coloradosos.gov/pubs/elections/main.html?menuheaders=5>
- Colorado Secretary of State Election Rules (8 CCR 1505-1)  
[https://www.coloradosos.gov/pubs/rule\\_making/CurrentRules/8CCR1505-1/Rule8.pdf](https://www.coloradosos.gov/pubs/rule_making/CurrentRules/8CCR1505-1/Rule8.pdf)
- Colorado Secretary of State Watcher Information Page  
<https://www.coloradosos.gov/pubs/elections/watchers.html>
- Colorado Secretary of State Election Watcher Training  
<https://soclearns.csod.com/selfreg/register.aspx?c=%255e%255e%255eQh1CIXZUXSNwVN6BmYFa%252fxmq7lp9hTaa6cgVGlaV5Gw%253d>

**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.