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**Watchers and the signature verification process**

The Secretary of State's office is aware of several issues involving the roles and duties of watchers, election judges, and county election officials during the mail-in ballot signature verification process. This election alert addresses each issue and provides guidance to both watchers and county election officials.

**Question:**      **How close may a watcher be to an election judge who is verifying signatures?**

**Short Answer:** Watchers must provide an election judge reasonable space to verify signatures, but are not required to stand six feet away.

**Analysis:**      Section 1-5-503, C.R.S., states that no person may be within six feet of any voting equipment, voting booths, or ballot boxes when the voter is present. Secretary of State Election Rule 8.6 specifically states that watchers are subject to this limitation. No part of the signature verification process, even if a county uses a signature verification device, is included within the language of sections 1-5-503 or 1-1-104 (50.7), C.R.S. As such, the six-foot perimeter does not apply to the signature verification process. Though counties may designate a reasonable amount of space around the election judges who are verifying signatures, watchers must be at a reasonable distance to witness and verify.

**Question:**      **How many election judges must initially review a signature?**

**Short Answer:** Counties may assign a single election judge, but are strongly encouraged to assign a bipartisan team of two election judges. Election judges must be appointed under Article 6 of Title 1.

**Analysis:**      Section 1-8-114.5 (1), C.R.S., states that "an election judge shall compare the signature on the self-affirmation on each return envelope of each mail-in ballot with the signature of the eligible elector" stored in SCORE.

Despite the low statutory threshold of one election judge for the initial signature verification, many counties have found it easier and more expedient to assign a bipartisan team of two election judges to the initial signature review. Doing so alleviates many of the watchers' concerns, and provides for a more uniform verification process. The Secretary of State's office strongly recommends counties with resources to implement a bipartisan initial review process.

***Question:***      **How many watchers may view the signature verification process?**

*Short Answer:* One watcher per participating political party, one watcher per participating issue committee, and one watcher per each participating unaffiliated or write-in candidate may view the signature verification process.

*Analysis:* While a county clerk and recorder is not required to allow more than one watcher, a county clerk and recorder is encouraged to allow, taking into consideration space limitations, more watchers to view the signature verification process.

***Question:***      **If watchers cannot speak directly to election judges, how should a watcher raise objections during the signature verification process?**

*Analysis:* Section 1-9-207, C.R.S., states that a challenger may challenge the ballot of any elector using the challenge form. The election judge must deliver the challenge to the county clerk and recorder. Under section 1-9-209, C.R.S., the county clerk and recorder must deliver the challenge to the district attorney. The watcher is NOT challenging the voter in vast majority of cases. They are only asking for the signature to be review by a panel. Therefore, the Secretary of State's office encourages county clerk and recorders to establish a process whereby watchers may express concerns over signatures. Many counties have found it helpful to designate a liaison with whom watchers may communicate any concerns and with whom watchers may request an escalation of a signature to a bipartisan team of election judges.

Alternatively, Secretary of State Election Rule 8.6.6 states that watchers may file a HAVA complaint in accordance with section 1-1.5-105, C.R.S., and Secretary of State Election Rule 38, and file the complaint with either the county clerk and recorder or directly with the Secretary of State.