

These comments are based on DRAFT 12.22.16 of LLS 17-0530.01 Bob Lackner

Be it enacted by the General Assembly of the State of Colorado:

2 **SECTION 1.** In Colorado Revised Statutes, **amend** 1-7-105 as
3 follows:

[Historically, watchers have been fully credentialed by the appointing entity, typically the party. The form shows a signature line for the appointing official of the entity who attests to the eligibility of the watcher. The receiving official is the supervisor judge at the precinct polling place who applies the oath and then signs the form. The oath itself contains attestation as to eligibility that is sufficient for the purpose. The county clerk has always had the opportunity to subsequently reject watchers for cause after they are performing the role. However, more recently, particularly in large counties, clerks and recorders have on their own established other ways of credentialing watchers that are more centralized and give the power to the clerk to review and authorize the watcher. This practice implies that the clerk might reject a watcher before they appear, or delay the opportunity to watch for a period of time. This has never been the intent of the law, but this bill attempts to memorialize those new less desirable habits. This change is not favorable to watchers. In fact nothing in this bill is particularly favorable to watchers or the watcher role. Unfortunately, Some of the new specifications of whom can authorize a watcher are clarifying but not really necessary in practice.]

4 **1-7-105. Watchers at primary elections.** (1) Each political party
5 participating in a primary election ~~shall be~~ is entitled to have ~~a watcher~~
1 WATCHERS in ~~each precinct in~~ the county. THE CHAIRPERSON OF THE
2 COUNTY CENTRAL COMMITTEE OF EACH POLITICAL PARTY SHALL SELECT
3 THE NAMES OF THE PERSONS WHO WILL REPRESENT THEIR POLITICAL
4 PARTY IN THE COUNTY AS A WATCHER. IF THE CHAIRPERSON IS NOT ABLE
5 TO MAKE THE APPOINTMENTS, THE CHAIRPERSON OF THE STATE CENTRAL
6 COMMITTEE OF THE POLITICAL PARTY OR ANOTHER OFFICIAL OF THE STATE
7 POLITICAL PARTY SHALL MAKE THE APPOINTMENTS. The chairperson OR
8 OTHER OFFICIAL of the county central committee of each political party
9 shall certify the persons selected as watchers on forms provided by the
10 county clerk and recorder and submit the names of the persons selected
11 as watchers to the county clerk and recorder. To the extent possible, the
12 chairperson OR OTHER OFFICIAL shall submit the names ~~by the close of~~
13 ~~business on the Friday immediately preceding the election~~ NO LATER
14 THAN THE WEDNESDAY BEFORE THE DATE ON WHICH THE VOTING SERVICE
15 AND POLLING CENTERS ARE REQUIRED TO BE OPEN. <{*Do we need to make*
16 *any change to accommodate presidential primary elections?* }>

[1.This language is dangerously close to preventing the appointment of a watcher after the Wednesday before VSPC opening. The positive element here is that parties are encouraged to appoint watchers and commence watching early. The negative is that it is not obvious that watchers can effectively be appointed when they are most needed,

namely if a problem has arisen or a narrow margin loss has already been announced. Statute must clearly support the watcher bringing to the local supervisor election judge sufficient documentation to allow them to commence watching immediately, otherwise the law will obstruct necessary oversight. Current rules actually do allow the watcher to bring along documentation proving eligibility of themselves and the appointing entity. I don't know why reference to that language is not seen here. I suspect because the authors of the bill did not try to avoid making a central gateway for watching that could become an obstruction.

2. The idea of a clerk-created form for watchers is entirely the practice of a very few large counties, particularly Denver. Almost all of our counties have not and will not make such a special form and will rely solely upon the SOS single page form that is signed by an appointing entity and carried by the watcher to the location to be watched. I watched in over 30 counties in 2016. I do know better than anyone the practices in the field.]

17 (2) In addition, candidates for nomination on the ballot of any
18 political party in a primary election ~~shall be~~ ARE entitled to appoint ~~some~~
19 ~~person~~ WATCHERS to act on their behalf in every ~~precinct~~-COUNTY in
20 which they are a candidate. Each candidate shall certify the persons
21 appointed as watchers on forms provided by the county clerk and recorder
22 and submit the names of the persons selected as watchers to the county
23 clerk and recorder. To the extent possible, the candidate shall submit the
24 names ~~by the close of business on the Friday immediately preceding the~~
25 ~~election~~ NO LATER THAN THE WEDNESDAY BEFORE THE DATE ON WHICH
26 THE VOTING SERVICE AND POLLING CENTERS ARE REQUIRED TO BE OPEN.

[ditto previous comments 1,2]

27 **SECTION 2.** In Colorado Revised Statutes, **amend** 1-7-106 as
1 follows:

2 1-7-106. Watchers at general and congressional vacancy

3 elections. Each participating political party or issue committee whose
4 candidate or issue is on the ballot, and each unaffiliated and write-in
5 candidate whose name is on the ballot for a general or congressional
6 vacancy election, is entitled to have no more than one watcher at any one
7 time in each voter service and polling center in the county and at each
8 place where votes are counted in accordance with this ~~article~~-ARTICLE 7.

[3. Previous statute allowed one watcher per precinct. Precinct polling places are gone. Now SOS rules call for a watcher per area where a function is taking place. This 1-7-106 is the place where most elections are regulated. This language must be clear that multiple watchers are allowed in central count facilities, as well as in VSPCs (subject to space limitation caveats that are in rule). Recent SOS rules now allow for multiple watchers in the signature verification area alone where multiple judges are performing the same task

in large counties (sometimes 10 or more teams working in the same area on the same role). In that case, there are (and must be) multiple watchers allowed in one area of central count.]

9 IN THE CASE OF AN ISSUE COMMITTEE, THE REGISTERED AGENT OF THE
10 ISSUE COMMITTEE IS THE AUTHORIZED REPRESENTATIVE OF THE ISSUE
11 COMMITTEE ENTITLED TO APPOINT ONE OR MORE WATCHERS UNDER THIS
12 SECTION. The chairperson of the county central committee of each major
13 political party, the county chairperson or other authorized official of each
14 minor political party, the issue committee, or the write-in or unaffiliated
15 candidate shall certify the names of one or more persons selected as
16 watchers on forms provided by the county clerk and recorder and submit
17 the names of the persons selected as watchers to the county clerk and
18 recorder. To the extent possible, the chairperson, authorized official, issue
19 committee, or candidate shall submit the names ~~by the close of business~~
20 ~~on the Friday immediately preceding the election. The watchers shall~~
21 ~~surrender the certificates to the election judges at the time they enter the~~
22 ~~voter service and polling center and are sworn by the judges~~ NO LATER
[4. The deletion of this language regarding surrendering the certificates to the election judges is of deep concern since this is the dominant practice for watchers in the state of Colorado and has been for decades. It is the most efficient and convenient and timely for watchers who may need access on short notice.]

23 THAN THE WEDNESDAY BEFORE THE DATE ON WHICH THE VOTING SERVICE
24 AND POLLING CENTERS ARE REQUIRED TO BE OPEN. This section does not
[ditto the first two comments (1,2) about timing of appointment and who controls appointment.]

25 prevent party candidates or county party officers from visiting voter
26 service and polling centers or drop-off locations to observe the progress
27 of voting.
[5. This language mysteriously serves the party officials who may also appoint watchers but it does not serve unaffiliated candidates or issue committee registered agents.]

1 **SECTION 3.** In Colorado Revised Statutes, **amend** 1-7-107 as
2 follows:

3 **1-7-107. Watchers at nonpartisan elections.** Candidates for
4 office in nonpartisan elections, and proponents and opponents of a ballot
5 issue, are each entitled to appoint ~~one person to act as a watcher~~
6 WATCHERS in every ~~polling place~~ COUNTY in which they are a candidate
7 or in which the issue is on the ballot. IN THE CASE OF PROPONENTS AND

[6. Non partisan elections are not always managed by one or more counties. Often they are run by municipalities and special districts and may in fact be precinct polling place elections or entirely mail ballot elections without the use of VSPCs. This language fails to account for these situations. "Polling place" is a better phrase but central count facilities must also be included.]

8 OPPONENTS OF A BALLOT ISSUE, THE REGISTERED AGENT OF THE
9 PROPONENTS OR OPPONENTS, AS APPLICABLE, IS THE AUTHORIZED
10 REPRESENTATIVE OF SUCH PROPONENTS AND OPPONENTS ENTITLED TO
11 APPOINT ONE OR MORE WATCHERS UNDER THIS SECTION. The candidates
12 or proponents and opponents shall certify the names of persons so
13 appointed to the designated election official on forms provided by the
14 official and submit the names of the persons selected as watchers to the
15 county clerk and recorder. To the extent possible, the candidate,

[7. This previous sentence is too confusing. It mixes DEO with county clerk and recorder. Apparently it intends to allow either or both to insert obstacles to watching?]

16 proponent, or opponent shall submit the names ~~by the close of business~~
17 ~~on the Friday immediately preceding the election~~ NO LATER THAN THE
18 WEDNESDAY BEFORE THE DATE ON WHICH THE VOTING SERVICE AND
19 POLLING CENTERS ARE REQUIRED TO BE OPEN.

[ditto comments 1,2]

20 **SECTION 4.** In Colorado Revised Statutes, 1-7-108, **amend** (3);
21 and **add** (4) and (5) as follows:

22 **1-7-108. Election watchers - requirements - duties - oath or**
23 **affirmation - definitions.** (3) (a) (I) Each watcher ~~shall have the right to~~
24 MAY maintain a list of eligible electors who have voted, to witness and
25 verify each step in the conduct of the election from prior to the opening
26 of the polls through the completion of the count and announcement of the
27 results, to challenge ineligible electors, and to assist in the correction of
1 discrepancies IN ACCORDANCE WITH SUBSECTION (3)(a)(II) OF THIS
2 SECTION.

3 (II) IF A WATCHER SEES A POTENTIAL DISCREPANCY, HE OR SHE
4 MAY COMMUNICATE WITH THE SUPERVISOR JUDGE OR WATCHER CONTACT
5 AND REQUEST THAT THE DISCREPANCY BE CORRECTED. IF THE SUPERVISOR
6 JUDGE REVIEWS THE POTENTIAL DISCREPANCY AND DISAGREES WITH THE
7 WATCHER, THE WATCHER SHALL INFORM HIS OR HER APPOINTING
8 AUTHORITY OF THE POTENTIAL DISCREPANCY. THE WATCHER'S
9 APPOINTING AUTHORITY MAY THEN CONTACT THE COUNTY CLERK AND
10 RECORDER OR THE SECRETARY OF STATE IN AN ATTEMPT TO RESOLVE THE

11 ISSUE, FILE AN ACTION UNDER SECTION 1-1-113 (1), OR TAKE ANY OTHER
12 ACTION THE APPOINTING AUTHORITY DEEMS APPROPRIATE UNDER THE
13 CIRCUMSTANCES. <{Do we need to define "watcher contact"}>

[8. Watchers have been restricted from communicating with voters in the polling place as well as election judges other than the supervisor judge. The reason for this is to avoid electioneering as well as to avoid interference with the judge role. That restriction has created an adversarial relationship between staff and judges on the one hand and watchers on the other. This is regrettable but may be unavoidable. There should be no further restriction on the communication scope of watchers. In particular they should not be restricted to communicating about discrepancies only to a supervisor judge or other assigned contact and to the appointing entity. Of course watchers should be able to communicate with the clerk, with staff, with SOS staff, press and anyone else about a discrepancy. This new statutory language amounts to a gag rule on watchers under a very likely interpretation of what this language says.]

[9. In over half of the counties in CO the clerk is the watcher contact and the single VSPC is also the location of central count. In most of these it is absurd to think of naming a watcher contact- in fact most or all of the election judges may be election staff or even the clerk him/herself.]

14 (b) THE WATCHER MAY OBSERVE THE PROCESS OF SIGNATURE
15 VERIFICATION.

[10. Observation is not the role of the watcher. It is witness and verify, challenge and assist in correction of discrepancies for every step in the conduct of the election. Not simply observe. Note that this above line ought not be necessary as signature verification is obviously a step in the conduct of the election. However, counties have argued that judges are given access to PII that the public may not see by law and since watchers are considered simply public, therefore watchers may not watch signature verification. Recent SOS rules have overruled this interpretation without solving the statutory restriction. Clearly, watchers under oath must be allowed to witness, verify, challenge and assist in correction of discrepancy of elector signatures. See comment #17.]

16 (4) BEFORE BEGINNING THE DUTIES OF A WATCHER, EACH PERSON
17 APPOINTED AS A WATCHER SHALL TAKE AN OATH OR AFFIRMATION IN
18 SUBSTANTIALLY THE FOLLOWING FORM:

19 "I,, DO SOLEMNLY SWEAR (OR AFFIRM) THAT I AM A
20 CITIZEN OF THE UNITED STATES AND THE STATE OF COLORADO; THAT I AM
21 AN ELIGIBLE ELECTOR WHO RESIDES IN THE COUNTY OF OR
22 WITHIN THE POLITICAL SUBDIVISION; (IN CONNECTION WITH A
23 PARTISAN ELECTION) THAT I AM A MEMBER OF THE PARTY AS
24 SHOWN ON THE REGISTRATION BOOKS OF THE COUNTY CLERK AND

25 RECORDER (OR THAT I AM UNAFFILIATED WITH A POLITICAL PARTY, AS
26 APPLICABLE, OR THAT, IN THE CASE OF AN ELECTION IN WHICH A BALLOT
27 ISSUE IS ON THE BALLOT, I AM A SUPPORTER OR OPPONENT OF THE BALLOT
1 ISSUE, AS APPLICABLE); THAT I WILL PERFORM THE DUTIES OF WATCHER

[11. It is obstructive to the watcher role that a watcher should have to attest to supporting or opposing a ballot issue. This extra unnecessary language will stand in the way of election integrity and should not be here.]

2 ACCORDING TO LAW AND THE BEST OF MY ABILITY; THAT I WILL NOT TRY
3 TO DETERMINE HOW ANY ELECTOR VOTED, NOR WILL I DISCLOSE HOW ANY
4 ELECTOR VOTED IF IN THE DISCHARGE OF MY DUTIES AS WATCHER SUCH
5 KNOWLEDGE COMES TO ME; THAT I HAVE NEVER BEEN CONVICTED OF ANY
6 ELECTION OFFENSE OR FRAUD AND THAT, IF ANY BALLOTS ARE COUNTED
7 BEFORE THE POLLS CLOSE ON THE DATE OF THE ELECTION, I WILL NOT
8 DISCLOSE THE RESULT OF THE VOTES UNTIL AFTER THE POLLS HAVE
9 CLOSED AND THE RESULTS ARE FORMALLY ANNOUNCED BY THE
10 DESIGNATED ELECTION OFFICIAL."

[12. This attestation about election offense or fraud is unclear. Is that election fraud? Or any fraud? Doesn't this attestation make unnecessary a background check that will cost the appointing entity money and thereby give preferential treatment to entities that are wealthy to obtain oversight? An appropriate attestation should be sufficient, such as "I have never been convicted of a felony, etc."]

[13. "Formally announced" is another opportunity for obstruction of the watcher role. What is the legal definition of "formally announced?". When must such formal announcement occur? In some cases it could be days after election day, especially if problems have been encountered. Watchers have been referred to the DA as a result of this language in unreasonable attempts to thwart oversight. "Formally announced" should be deleted from the legislative text. Once the polls have closed, there should be no limitation on sharing information about the election tabulation. On the other hand, voters may be voting after the polls have closed, and so even this language remains problematic. Which polls are referred to here? Local polls or all polls? At central count 7PM is the appropriate deadline. At a VSPC, when the last voter has departed is the correct deadline.]

11 (5) FOR PURPOSES OF THIS PART 1, "APPOINTING AUTHORITY"
12 MEANS THE PERSON RESPONSIBLE FOR SELECTING AN INDIVIDUAL TO
13 SERVE AS A WATCHER, AND "CONDUCT OF THE ELECTION" MEANS EACH
14 STAGE OF THE ELECTION IN WHICH ELECTORS ARE MARKING AND CASTING
15 BALLOTS OR WHEN ELECTION JUDGES ARE PRESENT AND PERFORMING
16 ELECTION-RELATED ACTIVITIES.

[14. What is “this Part 1?” Is it 1-7-108 (3) (a) (I)? If so I see no use of “appointing authority” there. Probably this was meant to refer to the CORA code in Section 6.]

[15. “Person responsible for selecting” isn’t the appropriate terminology. Person signing the watcher certificate would be more appropriate, but again I do not know what is the scope of this definition.]

[16. The meaning of “steps in the conduct of the election” is the heart of the watcher statute. Here, for the first time the watcher role is being drastically curtailed by the effect of subsection 1-7-108 (5). Supporters of election integrity will strenuously object to this massive reduction in scope of watching. This language limits watching to only the cases where voters are voting and election judges are “PRESENT AND PERFORMING ELECTION-RELATED ACTIVITIES.”

There are vast areas of election conduct that do not apply to this restriction. Among them- adjustments to voter rolls, designing ballots, printing and fulfilling ballots, carrying and taking in ballot envelopes, giving credit for voting, processing undeliverable envelopes, testing voting systems, loading trusted builds, operating signature verification and other central count tabulation systems, making reports, checking for discrepancies, reporting results, preparing information for canvass- there are many many steps in the conduct of the election that may not be performed by election judges and therefore must not be removed from the scope of watching. In many counties these steps are conducted by staff if not the county clerk personally. In some cases they are also performed by vendors.]

17 **SECTION 5.** In Colorado Revised Statutes, 1-2-302, **amend** (8)
18 as follows:

19 **1-2-302. Maintenance of computerized statewide voter**

20 **registration list - confidentiality.** (8) The secretary of state shall provide
21 adequate technological security measures to prevent unauthorized access
22 to the computerized statewide voter registration list. The secretary of
23 state, the department of revenue, the department of public health and
24 environment, the department of corrections, and the clerk and recorders
25 shall not sell, disclose, or otherwise release a social security number, a
26 driver's license or a state-issued identification number, or the unique
27 identification number assigned by the secretary of state to the voter
1 pursuant to section 1-2-204 (2.5) or electronic copies of signatures
2 created, transferred, or maintained pursuant to this section or section
3 42-1-211 C.R.S., to any individual other than the elector who created such
4 signature absent such elector's consent; except that nothing in this
5 subsection (8) prohibits the sale, disclosure, or release of an electronic

6 copy of such signature for use by any other public entity in carrying out
7 its functions. ~~or the sale, disclosure, or release of a photocopied or~~
8 ~~microfilmed image of an elector's signature.~~

[17. It is obvious that for any oversight to function, the state issued voter ID number as well as envelope ID numbers must be public knowledge and not PII. This existing statute is problematic as it provides the excuse for counties to prevent watchers from even seeing signatures in the SCORE database or for that matter SSNs, dates of birth etc that are (unnecessarily if not carelessly) exposed in SCORE when signature verification is taking place. Other times when this data is visible is at a VSPC when the voter is present. Clearly, for oversight, this personal information if accessible to either staff or judges must be accessible to the watcher. It is simply unnecessary for the watcher to record PII- but it is necessary for the watcher to be able to record voter name, voter ID and envelope ID and make notes about evidence for discrepancy in order to function in the role.

This is the place in statute to make corrective changes to allow oversight of the remote eligibility check of the CO elections. The above phrase “or a state-issued identification number, or the unique identification number assigned by the secretary of state to the voter pursuant to section 1-2-204 (2.5) or” should be replaced by, simply, “or the state issued identification number issued in lieu of a driver’s license number or”. Then a specific exception should be made for watchers to gain access to this data without removing a physical copy (of specific PII- signature, DOB, SSN). Taking away a list of names and VoterIDs or envelope IDs must be OK. I have been stopped from doing so under this statute myself.]

[18. The 2016 watcher bill contained the following language that actually did slightly improve upon the watcher role: “except that nothing in this
5 subsection (8) prohibits ... INCLUDING THE DISCLOSURE
3 OF ANY SUCH INFORMATION TO AN INDIVIDUAL PERFORMING THE DUTIES
4 OF A WATCHER IN ACCORDANCE WITH SECTION 1-7-108 WHO HAS ALSO
5 SUCCESSFULLY PASSED A CRIMINAL BACKGROUND CHECK IN ACCORDANCE
6 WITH SECTION 24-72-305.6 (4), C.R.S. NOTHING IN THIS SECTION
7 PROHIBITS A WATCHER, IN ACCORDANCE WITH SECTION 1-7-108, WHO HAS
8 ALSO SUCCESSFULLY PASSED A CRIMINAL BACKGROUND CHECK IN
9 ACCORDANCE WITH SECTION 24-72-305.6, C.R.S., [C.R.S. 24-72-305.6] FROM VIEWING
10 SIGNATURES DURING THE CONDUCT OF AN ELECTION.
I wonder why this exception was removed from the 2017 draft of the bill.]

9 **SECTION 6.** In Colorado Revised Statutes, 24-72-305.6, **add** (4)
10 as follows:

11 **24-72-305.6. County clerk and recorder access to criminal**

12 **history records of election judges, employees, and watchers.**

13 (4) BEFORE APPOINTING AN INDIVIDUAL AS A WATCHER UNDER THE
14 "UNIFORM ELECTION CODE OF 1992", ARTICLES 1 TO 13 OF TITLE 1, THE
15 APPOINTING AUTHORITY, AS DEFINED IN SECTION 1-7-108 (5), SHALL
16 ASSUME THE COSTS OF A BACKGROUND CHECK FOR ANY WATCHER WHO,
17 IN THE COURSE OF EXERCISING HIS OR HER DUTIES AS A WATCHER, MAY
18 OBSERVE ELECTORS' RECORDS IN THE STATEWIDE VOTER REGISTRATION
19 DATABASE DURING THE PROCESS SPECIFIED IN SECTION 1-7.5-107.3 (2)(a).

[19. This citation is the signature verification language, but nowhere here is the VSPC use of SCORE referred to, that also is a time and place where watchers will come into contact with elector PII. So I recommend deleting the phrase "DURING THE PROCESS SPECIFIED IN SECTION 1-7.5-107.3 (2)(a)." and allowing the sentence to refer in general to SCORE.]

[20. The requirement that the "appointing authority" pay for a background check with no criterion for rejection is unreasonable and will no doubt prove to be an obstacle. In the case of Denver, political parties may appoint over a thousand watchers. The creation of a pay to play threshold is diametrically opposed to the principle of election transparency and oversight.]

20 NO LATER THAN JANUARY 1, 2018, THE SECRETARY OF STATE SHALL
21 PROMULGATE RULES, IN ACCORDANCE WITH ARTICLE 4 OF THIS TITLE 24,
22 TO MORE EFFECTIVELY IMPLEMENT THIS SUBSECTION (4), INCLUDING ANY
23 RULES NECESSARY TO:

24 (a) CREATE A SYSTEM WHEREBY AN ELECTION OFFICIAL MAY
25 EASILY RECOGNIZE A WATCHER WHO IS OBSERVING ELECTORS' RECORDS
26 IN CONNECTION WITH THE SIGNATURE VERIFICATION PROCESS; AND *<I*
27 *made this change to conform the language of this subsection (4)(a).* *>*

1 (b) RESEARCH AND IDENTIFY, IN CONSULTATION WITH COUNTY
2 CLERK AND RECORDERS, THE MOST COST-EFFECTIVE OPERATION FOR
3 CONDUCTING THE BACKGROUND CHECK.

[21. The background check must have a set criterion for passage or rejection if it is to be required. It must be obtainable from multiple sources. It must be possible to put the background check in place without any significant delay in the ability to watch. And the background check must not represent any cost obstacle to watchers or appointing entities. The above language:" CREATE A SYSTEM WHEREBY AN ELECTION OFFICIAL MAY EASILY RECOGNIZE A WATCHER WHO IS OBSERVING ELECTORS' RECORDS" isn't sensible. This makes more sense: "CREATE A SYSTEM WHEREBY ANY PERSON MAY EASILY RECOGNIZE A WATCHER WHO HAS TAKEN THE OATH in CRS 1-7-108 (4).

What was probably meant was better described in the 2016 bill: “(4) (a) BEFORE AN INDIVIDUAL IS TO BE APPOINTED UNDER THE "UNIFORM ELECTION CODE OF 1992", ARTICLES 1 TO 13 OF TITLE 1, C.R.S., TO SERVE AS A WATCHER IN ANY ELECTION WITH ACCESS TO CONFIDENTIAL ELECTION INFORMATION, A BACKGROUND CHECK OF THE APPOINTEE MUST BE CONDUCTED. ONLY WATCHERS WHO HAVE ACCESS TO CONFIDENTIAL ELECTION INFORMATION ARE REQUIRED TO UNDERTAKE A BACKGROUND CHECK PURSUANT TO THIS SECTION. IN COLLABORATION WITH THE COUNTY CLERKS AND RECORDERS, THE SECRETARY OF STATE SHALL CREATE A SYSTEM WHEREBY WATCHERS WITH ACCESS TO CONFIDENTIAL INFORMATION ARE EASILY RECOGNIZABLE TO ELECTION OFFICIALS AND OTHERS EMPLOYED IN VOTING SERVICE AND POLLING CENTERS SUCH AS, FOR EXAMPLE, THROUGH THE USE OF COLOR-CODED IDENTIFICATION BADGES.

4 SECTION 7. Act subject to petition - effective date -

5 applicability. (1) This act takes effect at 12:01 a.m. on the day following
6 the expiration of the ninety-day period after final adjournment of the
7 general assembly (August 9, 2017, if adjournment sine die is on May 10,
8 2017); except that, if a referendum petition is filed pursuant to section 1
9 (3) of article V of the state constitution against this act or an item, section,
10 or part of this act within such period, then the act, item, section, or part
11 will not take effect unless approved by the people at the general election
12 to be held in November 2018 and, in such case, will take effect on the
13 date of the official declaration of the vote thereon by the governor.

14 (2) This act applies to elections conducted on or after the
15 applicable effective date of this act.