



**GUIDANCE CONCERNING POLL WATCHERS
AND AUTHORIZED REPRESENTATIVES**

October 5, 2022

Version: 2.1

1 BACKGROUND

This guidance addresses the role of poll watchers at polling places, and the role of authorized representatives at the pre-canvass and canvass of ballots.

2 POLL WATCHER QUALIFICATIONS

Who can be a poll watcher

A poll watcher must:

- be a qualified registered elector of the county where the election district (polling place) is located for which the watcher is appointed;
- be identified and receive official county credentials in advance; and
- be assigned to specific precincts.

Where an individual can serve as a poll watcher

When a poll watcher is not serving in the election district for which the poll watcher was appointed, he or she may serve in any other election district in the same county in which the poll watcher is a qualified registered elector.

How an individual becomes a poll watcher

- Each poll watcher must obtain a certificate from the County Board of Elections, which states the poll watcher's name and the name of the candidate, party, or political body the poll watcher represents.
- Poll watchers are required to show their certificates to the local board of elections when requested to do so.
- If a poll watcher loses their certificate or if the certificate is destroyed, the poll watcher may appear before the Court of Common Pleas on election day and after swearing an oath or affirmation may immediately receive a replacement watcher's certificate issued by the Court.

3 POLL WATCHERS AT THE POLLING PLACE

Who can be at the polling place

There are limits on the number of poll watchers that can serve in each election district/polling place:

- **Each candidate** may appoint **two poll watchers** for each election district in which the candidate appears on the ballot.
 - **However, only one poll watcher may be present in the polling place at one time for each candidate.**
- **Each political party and political body** which has nominated candidates on the ballot may appoint **three poll watchers** for each election district at any general, municipal or special election in which the candidates of such party or body are on the ballot.
 - **However, only one poll watcher may be present in the polling place at one time for each for each party or political body.**

Where poll watchers can be within the polling place

- Poll watchers must **remain outside the enclosed space of the polling place.**
- Poll watchers can be in the polling place **from the time election officers meet prior to the opening of the polls until the time that the counting of votes is complete.**
- Poll watchers may be permitted to inspect the voting check list and numbered lists of voters, **but only when voters are not present in the polling place either voting or waiting to vote.** The Judge of Elections shall allow poll watchers to inspect the voting check list and either of the numbered lists of voters maintained by the County Board of Elections. The Judge of Elections shall supervise or delegate supervision to other poll workers over a poll watcher's inspection of these documents.

What poll watchers CAN do at the polling place

Poll watchers can:

- keep a list of voters
- inspect a numbered list of voters and voting check list, but only when there are no voters in the polling place and under the supervision of a poll worker
- make good faith challenges to an elector's identity or continued residence in the election district
- lodge permitted challenges directly with the Judge of Elections

What watchers CANNOT do at the polling place

Poll watchers cannot:

- **make challenges** to an elector's identity, continued residence in the election district, or qualifications as an eligible voter **based on race, national origin, appearance,**

surname, language, religion or other characteristic not relevant to the qualifications to vote.

- **engage in electioneering** while inside the polling place or within 10 feet of the entrance to the polling place. Though watchers are representatives of candidates or political parties and political bodies, they are not entitled to electioneer on behalf of their candidate, political party, or political body while inside the polling place. Electioneering includes soliciting votes, posting or displaying written or printed campaign materials, and handing out pamphlets or other campaign paraphernalia.
- **engage, attempt to influence, or intimidate voters or engage in voter intimidation.** Voter intimidation and threatening conduct are illegal under federal and Pennsylvania law. Any activity by a poll watcher that threatens, harasses, or intimidates voters, including any activity that is intended to, or has the effect of, interfering with any voter's right to vote, whether it occurs outside the polling place or inside the polling place, is illegal.

Examples of voter intimidation include but are not limited to:

- Photographing or videotaping voters
- Disseminating false or misleading election information to voters
- Blocking the entrance to a polling place
- Confronting, hovering, or directly speaking to or questioning voters
- Engaging in threatening behavior
- Asking voters for documentation

Poll watchers also cannot

- **mark upon or alter any official election records**
- **review or access the contents of ballot boxes and other election records, except those records outlined in the section entitled 'What poll watchers CAN do at the polling place'**
- **otherwise interfere with or impinge on the orderly process of voting.**

What poll watchers must do

- follow county and poll worker instructions regarding health and safety protocols in the polling place;
- remain in the polling place after the voting is complete, but only outside the enclosed space where ballots are being counted and voting machines are being canvassed.

While the Judge of Elections at the polling place may not deter or interfere with a duly appointed watcher who is exercising her or his privileges as a watcher, the **Judge of Elections is obligated to remove a watcher who is engaging in activities that are prohibited**, including those referenced in this section.

The Judge of Elections has a duty to maintain order and ensure that the rules are being followed at the polling place. A Judge of Elections may call upon a constable, deputy constable, police officer or other peace officer to aid in maintaining order.

Challenges from poll watchers

Poll watcher may lodge challenges to a voter's qualifications to vote under the following parameters:

- Challenges must be made on a good faith basis.
- Challenges to a voter's qualifications must be lodged directly with the Judge of Elections.
- Poll watchers cannot interfere with the voter. Poll watchers are not permitted to approach voters in the polling place.
- **Challenges cannot be based on race, national origin, appearance, surname, language, religion or other characteristic not relevant to the qualifications to vote.**

Judge of Elections' duty to address challenges

- The Judge of Elections has the obligation to determine if the challenge is based on actual evidence and whether there is a good faith basis to believe that the person is not or may not be a qualified elector.
- The race, ethnicity, national origin, language, and religion of a person presenting themselves to vote are not sufficient bases for mounting a challenge. Discriminatory challenges that interfere with the free exercise of the elective franchise are unlawful under Pennsylvania law.
- The Judge of Elections must not permit routine or frivolous challenges that are not supported by a stated good faith basis and evidence that a person is or may not be eligible.
- The Judge of Elections may not affirm a challenge or refuse a ballot to a voter unless the election officers of the precinct (Judge of Elections, Majority and Minority Inspectors) are satisfied that the challenger has proven the voter's ineligibility on proper grounds and with sufficient evidence. The elected officers of the precinct have the responsibility of determining the qualifications of the person presenting themselves to vote. In the event of disagreement, the Judge of Elections decides.

4 AUTHORIZED REPRESENTATIVES AT THE PRE-CANVASS AND CANVASS

Parties and candidates are permitted to designate authorized representatives to observe the pre-canvass and canvass meetings where mail-in and absentee ballots are counted and recorded.

Who can serve as an authorized representative

- An authorized representative does not need to be a qualified elector in the county.
- An individual who served as a poll watcher may serve as an authorized representative if a party or candidate also designates that individual as an authorized representative for pre-canvassing or canvassing meetings.

How many authorized representatives are permitted

- one representative of each candidate; and
- one representative for each political party

Where are authorized representatives permitted

Authorized representatives are permitted to be present for

- the pre-canvass meeting
- canvass meetings
- meetings in which the county board of elections make determinations regarding provisional ballots.

What authorized representatives may do

- Observe the opening of envelopes containing official absentee and mail-in ballots at the pre-canvass meeting
- Observe the counting and recording of absentee and mail-in ballots at the canvass meeting
- Observe determinations regarding provisional ballots
- Challenge an absentee or mail-ballot application prior to 5:00 pm on the Friday prior to an election, but only on the good faith grounds that the applicant is not a qualified elector

What authorized representatives may not do:

- Engage in, attempt to intimidate, or interfere with the pre-canvass or canvass of the absentee and mail-in ballots.
- Disclose the results of any portion of the pre-canvass meeting prior to the close of polls on Election Day. It is a violation of Pennsylvania law for persons observing,

attending, or participating in the pre-canvas meeting to disclose the result of any portion of the pre-cavass prior to the close of the polls on election day.

- Make challenges to mail-in or absentee ballots based on signature analysis
- Interfere with, hinder, or unlawfully delay a district election board or the County Board of Elections in the conduct of its duties. It is likewise a violation of Pennsylvania law to interrupt or improperly interfere with any election officer in the execution of his or her duties.

Challenges by authorized representatives

- Authorized representatives (which includes poll watchers that have been designated by a candidate or political party to serve as authorized representatives during the pre-cavass or canvass) may not challenge an absentee or mail-in ballot during the pre-cavass or canvass of the ballots.
- Absentee and mail-in ballot applications may only be challenged prior to 5:00 pm on the Friday prior to the election, and only on good faith grounds that the applicant was not a qualified elector. No other challenges are permitted.
- Challenges to mail-in or absentee ballots, based on signature analysis, are not permitted at any time.

Authorized representatives must follow county and state instructions regarding health and safety protocols in the facility.

County Election officials will notify the candidate, party or political body whom the representative represents if the individual is asked to leave a pre-cavassing or canvassing meeting for engaging in prohibited activities. The candidate, party, or political body will have an opportunity to replace the removed representative.

5 WATCHERS AND REPRESENTATIVES AT COUNTY ELECTION OFFICES, SATELLITE OFFICES, AND BALLOT RETURN SITES

Poll watchers and authorized representatives have **no** legal right to observe or be present at county election offices, satellite offices or designated ballot return sites, except to vote their own ballot or to perform personal tasks expressly permitted by the Election Code.

###

Version	Date	Description
1.0	10.6.2020	Initial document release
1.1	10.28.2020	Revised to include Universal Face Covering information
2.0	9.26.2022	Reformatted and restructured
2.1	10.5.2022	Correct drafting error on p. 2