MAYOR AND COMMISSIONERS OF THE TOWN OF PERRYVILLE
Ordinance 2022-18

Introduced By: Mayor Matt Roath

Date Introduced: December 6, 2022

Amendments Adopted: N/A

Date Adopted: January 3, 2023

Date Effective: Effective Date of Charter Amendment Resolution 2022-02

AN ORDINANCE concerning

POLL WATCHERS

FOR the purpose of regulating the presence of poll watchers in polling places during Town elections; providing that the provisions of this Ordinance are severable; specifying when this Ordinance becomes effective; and generally relating to regulation of polling place conduct in the Town of Perryville.

BY repealing
Chapter 29 Elections
Section 29-17
Code of the Town of Perryville

BY adding
Chapter 29 Elections
Sections 29-17
Code of the Town of Perryville

EXPLANATION:
CAPITALS INDICATE MATTER ADDED TO EXISTING LAW
((Double Parenthesis)) indicate matter deleted from existing law.
Underlining indicates amendments to bill.
Strike-Out indicates matter stricken from bill by amendment or deleted from the law by amendment
*** indicates omitted text that is not amended by this ordinance.

SECTION 1. BE IT ENACTED BY THE MAYOR AND COMMISSIONERS OF
THE TOWN OF PERRYVILLE that Section 29-17 of the Code of the Town of Perryville,
Chapter 29, Elections, is hereby repealed, and new Section 29-17 is hereby added to Chapter 29 to stand in the place of the Section so repealed, and to read as follows:

Chapter 29 – ELECTIONS

§ 29-17. WHO ADMITTED TO POLLING PLACE; WATCHERS.

(A) IN ORDER TO ENSURE OPEN AND TRANSPARENT ELECTIONS, POLL WATCHERS SHALL BE PERMITTED IN ALL ELECTIONS. POLL WATCHERS SHALL COMPLETE A POLL WATCHERS CERTIFICATE AS PROVIDED FOR BY THE BOARD OF ELECTIONS. POLL WATCHERS FOR RECALL ELECTIONS SHALL ALSO COMPLY WITH SECTION C3–11 OF THE TOWN OF PERRYVILLE CHARTER.

(B) GENERAL RULES AND RIGHTS. POLL WATCHERS SHALL BE RESPECTFUL OF THE RESPONSIBILITIES OF THE ELECTION JUDGES. POLL WATCHERS HAVE CERTAIN RIGHTS ENUMERATED BELOW, AND ELECTION JUDGES ARE REQUIRED TO PROTECT THOSE RIGHTS. THE REQUIREMENT THAT THE ELECTION JUDGES PROTECT THOSE RIGHTS, IS NOT ABSOLUTE. AN ELECTION JUDGE MAY REMOVE A POLL WATCHER WHO EXERCISES THOSE RIGHTS IN A MANNER THAT INTERFERES WITH THE WORK OF THE ELECTION JUDGES IN CONDUCTING THE ELECTION AND CARRYING OUT THEIR ASSIGNED TASKS.

(C) PERMITTED ACTIVITIES OF A POLL WATCHER. POLL WATCHERS HAVE THE RIGHT TO:

1. ARRIVE AT THE POLLING PLACE THIRTY (30) MINUTES BEFORE VOTING STARTS. A POLL WATCHER WHO ARRIVES LATE MAY NOT BE PERMITTED IN THE POLLING PLACE UNTIL AFTER VOTING STARTS;

2. ENTER OR BE PRESENT AT THE POLLING PLACE AT ANY TIME DURING VOTING HOURS;

3. REMAIN IN THE POLLING PLACE UNTIL ALL POST–VOTING TASKS HAVE BEEN COMPLETED AND THE ELECTION JUDGES LEAVE THE POLLING PLACE;

4. MAINTAIN A LIST OF REGISTERED VOTERS WHO HAVE VOTED;

5. ENTER AND LEAVE A POLLING PLACE TO TAKE OUT INFORMATION IDENTIFYING WHO HAS VOTED; AND

6. BRING PEN, PAPER, FOOD AND FOLDING CHAIR, IF ONE IS NOT PROVIDED.

(D) WHO CAN HAVE A POLL WATCHER. POLL WATCHERS ARE
PERMITTED FOR ELECTIONS OF CANDIDATES TO ELECTED POSITIONS, FOR
RECALL OF ELECTED OFFICIALS, AND FOR VOTING ON MEASURES PRESENTED
TO THE VOTERS. EACH CANDIDATE TO OFFICE AND EACH PROONENT AND
OPPONENT OF THE RECALL OF AN ELECTED OFFICIAL AND OF A MEASURE
PRESENTED TO THE VOTERS, IS PERMITTED TO HAVE NO MORE THAN ONE (1)
POLL WATCHER IN THE POLLING ROOM AT THE SAME TIME.

(E) BEFORE THE POLLS OPEN, POLL WATCHERS MAY ARRIVE AT THE
POLLS PRIOR TO THE OPENING OF POLLS. POLL WATCHERS MAY OBSERVE THE
ACTIVITIES OF SETTING UP THE VOTING STATIONS, POSTING OF POLLING
PLACES SIGNS, AND OPENING AND PREPARING ANY VOTING UNITS FOR VOTING.
POLL WATCHERS MAY VERIFY THAT NO VOTES HAVE BEEN CHECKED IN OR
HAVE BEEN REGISTERED. WHILE POLL WATCHERS ARE PERMITTED TO OBSERVE
THE OPENING OF THE POLLS, POLL WATCHERS MAY NOT INTERFERE WITH THE
WORK OF THE ELECTION JUDGES. A POLL WATCHER MAY BE REMOVED IF A
MAJORITY OF THE ELECTION JUDGES IN THE POLLING PLACE AGREE THAT THE
PRESENCE OF THE POLL WATCHER WILL PREVENT THE TIMELY OPENING OF THE
POLLS.

(F) POSITIONING OF POLL WATCHERS. POLL WATCHERS WILL BE
POSITIONED NEAR THE CHECK-IN JUDGES AND INSIDE THE VOTING ROOM SO
THAT EACH VOTER IS SEEN AND HEARD AS THE VOTER CHECKS IN. THE CHIEF
JUDGE SHALL DETERMINE WHERE THIS POSITION WILL BE. IF A POLL WATCHER
FEELS THAT A VOTER IS NOT WHO HE OR SHE CLAIMS TO BE, THE POLL
WATCHER MAY CHALLENGE THE VOTER’S IDENTITY. EXCEPT AS DESCRIBED
ABOVE, POLL WATCHERS MAY NOT MOVE AROUND THE POLLING PLACE
DURING VOTING HOURS.

(G) PROHIBITED ACTIVITIES OF POLL WATCHERS. POLL WATCHERS ARE
ALSO PROHIBITED FROM:

(1) DETERMINING HOW A VOTER VOTED OR INTENDS TO VOTE;

(2) TALKING TO ANY VOTERS IN A POLLING PLACE, OR WITH ANY
VOTERS HEADING TO VOTE THAT ARE WITHIN ANY AREA DESIGNATED AS A “NO
CAMPAIGNING OR POLITICKING ZONE.” IF A VOTER INITIATES CONTACT WITH A
POLL WATCHER INSIDE A POLLING PLACE OR WITHIN A “NO CAMPAIGNING OR
POLITICKING ZONE”, THE POLL WATCHER SHALL ADVISE THE VOTER THAT THE
POLL WATCHER IS PROHIBITED FROM TALKING TO THE VOTER UNTIL THE
VOTER HAS VOTED AND SHALL REFER THE VOTER TO AN ELECTION JUDGE TO
RESPOND TO ANY QUESTIONS THE VOTER MAY HAVE;

(3) ASSISTING ANY VOTER IN VOTING;

(4) PHYSICALLY HANDLING ANY ORIGINAL ELECTION
DOCUMENT OR ELECTION EQUIPMENT;
(5) Using any cameras, recording or other electronic devices, such as cell recorders, phones, pagers, laptops, tablets, PDA's, or smart phones. Poll watchers must be outside a polling place and beyond a no electioneering zone to use any electronic device;

(6) Acting as voter advocates or attempting to exercise political influence while in a polling place;

(7) Having any political materials, newspapers, or news magazines in a polling place or wear anything with a political message, including buttons, shirts, hats, stickers and the like.

(8) Challenging the act of an election judge, except that if a poll watcher believes that an election judge has improperly performed a task or neglected to perform a required task, the poll watcher should notify the chief election judge and notify the candidate, the official, or the ballot measure proponent or opponent they represent, who then may seek whatever remedies are provided for by law.

(H) Arriving at a polling place after voting starts, poll watchers shall introduce themselves to the chief election judge, show proof of identification and submit for record keeping, an approved copy of a poll watchers certificate from the election clerk. Poll watchers will be recorded in by the chief judge. Poll watchers are to take their assigned seats. A poll watcher must leave a polling place before being replaced by another poll watcher of that candidate.

(I) After the polls close, poll watchers desiring to observe the poll closing activities must be in the polling place before the polls close. The chief election judge reserves the right to deny access to any poll watcher after the polls have closed, until after the votes have been counted and the results posted. Poll watchers shall not be involved in any counting of votes, handling of any ballots or part of any questions or discussions. Poll watchers may ask to see any ballots that are in question but are prohibited from touching.

(J) Removal of poll watchers. Poll watchers may be removed for violating any of the provisions of this section.

SECTION 2. And be it further enacted by the mayor and commissioners of the town of perryville that if any section, subsection,
SECTION 3. AND BE IT FURTHER ENACTED BY THE MAYOR AND COMMISSIONERS OF THE TOWN OF PERRYVILLE that this Ordinance shall become effective from the date that Charter Amendment Resolution No. 2022-02 becomes effective, and if Charter Amendment Resolution No. 2022-02 is not adopted or does not take effect, this Ordinance shall be rescinded without further action of the Mayor and Commissioners.

ADOPTED this 3rd day of January, 2023.

SEAL:  

MAYOR AND COMMISSIONERS OF THE TOWN OF PERRYVILLE

By: Matt Roath, Mayor

ATTEST:

Jackie Sample, Town Clerk

Date: 1/3/2023