

39 Chapter 29, Elections, is hereby repealed, and new Section 29-17 is hereby added to Chapter 29
40 to stand in the place of the Section so repealed, and to read as follows:

41 **Chapter 29 – ELECTIONS**

42 **§ 29-17. WHO ADMITTED TO POLLING PLACE; WATCHERS.**

43
44 (A) IN ORDER TO ENSURE OPEN AND TRANSPARENT ELECTIONS, POLL
45 WATCHERS SHALL BE PERMITTED IN ALL ELECTIONS. POLL WATCHERS SHALL
46 COMPLETE A POLL WATCHERS CERTIFICATE AS PROVIDED FOR BY THE BOARD
47 OF ELECTIONS. POLL WATCHERS FOR RECALL ELECTIONS SHALL ALSO COMPLY
48 WITH SECTION C3-11 OF THE TOWN OF PERRYVILLE CHARTER.

49
50 (B) GENERAL RULES AND RIGHTS. POLL WATCHERS SHALL BE
51 RESPECTFUL OF THE RESPONSIBILITIES OF THE ELECTION JUDGES. POLL
52 WATCHERS HAVE CERTAIN RIGHTS ENUMERATED BELOW, AND ELECTION
53 JUDGES ARE REQUIRED TO PROTECT THOSE RIGHTS. THE REQUIREMENT THAT
54 THE ELECTION JUDGES PROTECT THOSE RIGHTS, IS NOT ABSOLUTE. AN
55 ELECTION JUDGE MAY REMOVE A POLL WATCHER WHO EXERCISES THOSE
56 RIGHTS IN A MANNER THAT INTERFERES WITH THE WORK OF THE ELECTION
57 JUDGES IN CONDUCTING THE ELECTION AND CARRYING OUT THEIR ASSIGNED
58 TASKS.

59
60 (C) PERMITTED ACTIVITIES OF A POLL WATCHER. POLL WATCHERS
61 HAVE THE RIGHT TO:

62
63 (1) ARRIVE AT THE POLLING PLACE THIRTY (30) MINUTES
64 BEFORE VOTING STARTS. A POLL WATCHER WHO ARRIVES LATE MAY NOT BE
65 PERMITTED IN THE POLLING PLACE UNTIL AFTER VOTING STARTS;

66
67 (2) ENTER OR BE PRESENT AT THE POLLING PLACE AT ANY TIME
68 DURING VOTING HOURS;

69
70 (3) REMAIN IN THE POLLING PLACE UNTIL ALL POST-VOTING
71 TASKS HAVE BEEN COMPLETED AND THE ELECTION JUDGES LEAVE THE
72 POLLING PLACE;

73
74 (4) MAINTAIN A LIST OF REGISTERED VOTERS WHO HAVE VOTED;

75
76 (5) ENTER AND LEAVE A POLLING PLACE TO TAKE OUT
77 INFORMATION IDENTIFYING WHO HAS VOTED; AND

78
79 (6) BRING PEN, PAPER, FOOD AND FOLDING CHAIR, IF ONE IS NOT
80 PROVIDED.

81
82 (D) WHO CAN HAVE A POLL WATCHER. POLL WATCHERS ARE

83 PERMITTED FOR ELECTIONS OF CANDIDATES TO ELECTED POSITIONS, FOR
84 RECALL OF ELECTED OFFICIALS, AND FOR VOTING ON MEASURES PRESENTED
85 TO THE VOTERS. EACH CANDIDATE TO OFFICE AND EACH PROPONENT AND
86 OPPONENT OF THE RECALL OF AN ELECTED OFFICIAL AND OF A MEASURE
87 PRESENTED TO THE VOTERS, IS PERMITTED TO HAVE NO MORE THAN ONE (1)
88 POLL WATCHER IN THE POLLING ROOM AT THE SAME TIME.

89
90 (E) BEFORE THE POLLS OPEN. POLL WATCHERS MAY ARRIVE AT THE
91 POLLS PRIOR TO THE OPENING OF POLLS. POLL WATCHERS MAY OBSERVE THE
92 ACTIVITIES OF SETTING UP THE VOTING STATIONS, POSTING OF POLLING
93 PLACES SIGNS, AND OPENING AND PREPARING ANY VOTING UNITS FOR VOTING.
94 POLL WATCHERS MAY VERIFY THAT NO VOTES HAVE BEEN CHECKED IN OR
95 HAVE BEEN REGISTERED. WHILE POLL WATCHERS ARE PERMITTED TO OBSERVE
96 THE OPENING OF THE POLLS, POLL WATCHERS MAY NOT INTERFERE WITH THE
97 WORK OF THE ELECTION JUDGES. A POLL WATCHER MAY BE REMOVED IF A
98 MAJORITY OF THE ELECTION JUDGES IN THE POLLING PLACE AGREE THAT THE
99 PRESENCE OF THE POLL WATCHER WILL PREVENT THE TIMELY OPENING OF THE
100 POLLS.

101
102 (F) POSITIONING OF POLL WATCHERS. POLL WATCHERS WILL BE
103 POSITIONED NEAR THE CHECK-IN JUDGES AND INSIDE THE VOTING ROOM SO
104 THAT EACH VOTER IS SEEN AND HEARD AS THE VOTER CHECKS IN. THE CHIEF
105 JUDGE SHALL DETERMINE WHERE THIS POSITION WILL BE. IF A POLL WATCHER
106 FEELS THAT A VOTER IS NOT WHO HE OR SHE CLAIMS TO BE, THE POLL
107 WATCHER MAY CHALLENGE THE VOTER'S IDENTITY. EXCEPT AS DESCRIBED
108 ABOVE, POLL WATCHERS MAY NOT MOVE AROUND THE POLLING PLACE
109 DURING VOTING HOURS.

110
111 (G) PROHIBITED ACTIVITIES OF POLL WATCHERS. POLL WATCHERS ARE
112 ALSO PROHIBITED FROM:

113
114 (1) DETERMINING HOW A VOTER VOTED OR INTENDS TO VOTE;

115
116 (2) TALKING TO ANY VOTERS IN A POLLING PLACE, OR WITH ANY
117 VOTERS HEADING TO VOTE THAT ARE WITHIN ANY AREA DESIGNATED AS A "NO
118 CAMPAIGNING OR POLITICKING ZONE." IF A VOTER INITIATES CONTACT WITH A
119 POLL WATCHER INSIDE A POLLING PLACE OR WITHIN A "NO CAMPAIGNING OR
120 POLITICKING ZONE", THE POLL WATCHER SHALL ADVISE THE VOTER THAT THE
121 POLL WATCHER IS PROHIBITED FROM TALKING TO THE VOTER UNTIL THE
122 VOTER HAS VOTED AND SHALL REFER THE VOTER TO AN ELECTION JUDGE TO
123 RESPOND TO ANY QUESTIONS THE VOTER MAY HAVE;

124
125 (3) ASSISTING ANY VOTER IN VOTING;

126
127 (4) PHYSICALLY HANDLING ANY ORIGINAL ELECTION
128 DOCUMENT OR ELECTION EQUIPMENT;

129
130 (5) USING ANY CAMERAS, RECORDING OR OTHER ELECTRONIC
131 DEVICES, SUCH AS CELL RECORDERS, PHONES, PAGERS LAPTOPS, TABLETS,
132 PDA'S, OR SMART PHONES. POLL WATCHERS MUST BE OUTSIDE A POLLING
133 PLACE AND BEYOND A NO ELECTIONEERING ZONE TO USE ANY ELECTRONIC
134 DEVICE;

135
136 (6) ACTING AS VOTER ADVOCATES OR ATTEMPTING TO
137 EXERCISE POLITICAL INFLUENCE WHILE IN A POLLING PLACE;

138
139 (7) HAVING ANY POLITICAL MATERIALS, NEWSPAPERS, OR NEWS
140 MAGAZINES IN A POLLING PLACE OR WEAR ANYTHING WITH A POLITICAL
141 MESSAGE, INCLUDING BUTTONS, SHIRTS, HATS, STICKERS AND THE LIKE.

142
143 (8) CHALLENGING THE ACT OF AN ELECTION JUDGE, EXCEPT
144 THAT IF A POLL WATCHER BELIEVES THAT AN ELECTION JUDGE HAS
145 IMPROPERLY PERFORMED A TASK OR NEGLECTED TO PERFORM A REQUIRED
146 TASK, THE POLL WATCHER SHOULD NOTIFY THE CHIEF ELECTION JUDGE AND
147 NOTIFY THE CANDIDATE, THE OFFICIAL, OR THE BALLOT MEASURE PROPONENT
148 OR OPPONENT THEY REPRESENT, WHO THEN MAY SEEK WHATEVER REMEDIES
149 ARE PROVIDED FOR BY LAW.

150
151 (H) ARRIVING AT A POLLING PLACE AFTER VOTING STARTS. POLL
152 WATCHERS SHALL INTRODUCE THEMSELVES TO THE CHIEF ELECTION JUDGE,
153 SHOW PROOF OF IDENTIFICATION AND SUBMIT FOR RECORD KEEPING, AN
154 APPROVED COPY OF A POLL WATCHERS CERTIFICATE FROM THE ELECTION
155 CLERK. POLL WATCHERS WILL BE RECORDED IN BY THE CHIEF JUDGE. POLL
156 WATCHERS ARE TO TAKE THEIR ASSIGNED SEATS. A POLL WATCHER MUST
157 LEAVE A POLLING PLACE BEFORE BEING REPLACED BY ANOTHER POLL
158 WATCHER OF THAT CANDIDATE.

159
160 (I) AFTER THE POLLS CLOSE. POLL WATCHERS DESIRING TO OBSERVE
161 THE POLL CLOSING ACTIVITIES MUST BE IN THE POLLING PLACE BEFORE THE
162 POLLS CLOSE. THE CHIEF ELECTION JUDGE RESERVES THE RIGHT TO DENY
163 ACCESS TO ANY POLL WATCHER AFTER THE POLLS HAVE CLOSED, UNTIL AFTER
164 THE VOTES HAVE BEEN COUNTED AND THE RESULTS POSTED. POLL WATCHERS
165 SHALL NOT BE INVOLVED IN ANY COUNTING OF VOTES, HANDLING OF ANY
166 BALLOTS OR PART OF ANY QUESTIONS OR DISCUSSIONS. POLL WATCHERS MAY
167 ASK TO SEE ANY BALLOTS THAT ARE IN QUESTION BUT ARE PROHIBITED FROM
168 TOUCHING.

169
170 (J) REMOVAL OF POLL WATCHERS. POLL WATCHERS MAY BE
171 REMOVED FOR VIOLATING ANY OF THE PROVISIONS OF THIS SECTION.

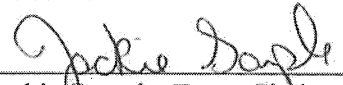
172
173 **SECTION 2. AND BE IT FURTHER ENACTED BY THE MAYOR AND**
174 **COMMISSIONERS OF THE TOWN OF PERRYVILLE** that if any section, subsection,

175 provision, sentence, clause, phrase or word of this Ordinance is for any reason held to be illegal
176 or otherwise invalid by any court of competent jurisdiction, such invalidity shall be severable,
177 and shall not affect or impair any remaining section, subsection, provision, sentence, clause,
178 phrase or word included within this Ordinance, it being the intent of the Mayor and
179 Commissioners that the remainder of the Ordinance shall be and shall remain in full force and
180 effect, valid and enforceable.

181
182 **SECTION 3. AND BE IT FURTHER ENACTED BY THE MAYOR AND**
183 **COMMISSIONERS OF THE TOWN OF PERRYVILLE** that this Ordinance shall become
184 effective from the date that Charter Amendment Resolution No. 2022-02 becomes effective, and
185 if Charter Amendment Resolution No. 2022-02 is not adopted or does not take effect, this
186 Ordinance shall be rescinded without further action of the Mayor and Commissioners.

187
188 ADOPTED this 3rd day of January, 2023.

189
190 **SEAL:** **MAYOR AND COMMISSIONERS OF**
191 **THE TOWN OF PERRYVILLE**
192
193
194 By: 
195 Matt Roath, Mayor
196

197 **ATTEST:**
198 
199 Jackie Sample, Town Clerk
200
201 Date: 1/3/2023
202