MAYOR AND COMMISSIONERS OF THE TOWN OF PERRYVILLE

Ordinance 2023-05

Introduced By: Mayor Matt Roath

Date Introduced: February 7, 2023

Amendments Adopted: N/A

Date Adopted: February 7, 2023

Date Effective: February 27, 2023

AN ORDINANCE concerning

POLL WATCHERS

FOR the purpose of repealing Ordinance 2022-18 to correct technical errors; regulating the presence of poll watchers in polling places during Town elections; providing that the provisions of this Ordinance are severable; and generally relating to regulation of polling place conduct in the Town of Perryville.

BY repealing
Ordinance 2022-18 (adopted January 3, 2023)

BY adding
Chapter 2 Elections and Election Districts
Sections 2-3
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BY THE MAYOR AND COMMISSIONERS OF THE TOWN OF PERRYVILLE that Ordinance 2022-18, adopted January 3, 2023, is hereby repealed.
SECTION 2. AND BE IT FURTHER ENACTED BY THE MAYOR AND
COMMISSIONERS OF THE TOWN OF PERRYVILLE that new Section 2-3 is hereby
added to the Code of the Town of Perryville, to be under Chapter 2 - Elections and Election
Districts, and to read as follows:

Chapter 2 – ELECTIONS AND ELECTION DISTRICTS

§ 2-3. 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 PROPONENT 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.


(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 NEGLLECTED TO PERFORM A REQUIRED TASK, THE POLL WATCHER SHOULD NOTIFY THE CHIEF ELECTION JUDGE AND NOTIFY THE CANDIDATE, THE OFFICIAL, OR THE BALLOT MEASURE PROONENT 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 3. AND BE IT FURTHER ENACTED BY THE MAYOR AND COMMISSIONERS OF THE TOWN OF PERRYVILLE that if any section, subsection, provision, sentence, clause, phrase or word of this Ordinance is for any reason held to be illegal or otherwise invalid by any court of competent jurisdiction, such invalidity shall be severable, and shall not affect or impair any remaining section, subsection, provision, sentence, clause, phrase or word included within this Ordinance, it being the intent of the Mayor and Commissioners that the remainder of the Ordinance shall be and shall remain in full force and effect, valid and enforceable.

SECTION 4. AND BE IT FURTHER ENACTED BY THE MAYOR AND COMMISSIONERS OF THE TOWN OF PERRYVILLE that this Ordinance shall become effective at the expiration of twenty (20) calendar days following approval by the Commissioners.

ADOPTED this 1st day of February, 2023.

SEAL:

MAYOR AND COMMISSIONERS OF THE TOWN OF PERRYVILLE

By: [Signature]

Matt Roath, Mayor

ATTEST:

[Signature]

Jackie Singletary, Town Clerk

Date: 2/1/2023