

Guidelines for Candidates and Political Parties Regarding Poll Watchers, Outside Poll Workers, and Placement of Political Signs

Arlington County, Virginia



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What Is a Poll Watcher?

Poll watchers are authorized representatives of a party or candidate allowed inside the polling place on Election Day. Typically, poll watchers are provided with a list of party or candidate supporters, and they listen for names of voters as they appear to vote. By marking known supporters off their lists, they can assist party or campaign officials in estimating how their candidates are doing in particular precincts. Other poll watchers may be assigned by their candidate or party to observe the opening or closing of the polls.

A poll watcher must present the Chief Officer of Election with an authorization form, which must be signed by the party chair or the candidate, as appropriate. Sample forms are located in the back of this booklet.

No candidate whose name is printed on the ballot shall serve as a representative of a party or candidate.

All persons serving as poll watchers in Arlington County must be qualified registered voters in Virginia. The Chief will ask the poll watcher to provide evidence of his Virginia voter registration by asking to see the poll watcher's Voter Identification Card. If the person does not have a voter card, the Chief will attempt to verify the individual's registration, either on the electronic pollbook or by calling the elections office. If the individual's registration cannot be verified, the person cannot serve as a poll watcher.

Poll watchers are not permitted to campaign inside the polling place.

Poll watchers are not to wear political clothing, buttons, signs, or in any way display preference to any party or candidate.

Poll watchers cannot loiter or congregate, give, offer, or show any ballot, ticket, or other campaign material to any person, stop or delay a qualified voter, or interfere with the orderly conduct of the election.

Poll watchers are prohibited from providing assistance to voters who need help in casting their ballots.

(Code of Virginia, §24.2-604 and §24.2-649)

What Characteristics Make a Good Poll Watcher?

Qualifications for good poll watchers include:

- Good hearing – poll watchers must be able to hear voters' names as the voters identify themselves and as election officers repeat the names of the voters. Some polling places are noisy. Election



Officers stating the voters' names have their backs to the poll watchers. They speak as loudly as possible but some have soft voices.

- Ability to pay close attention. The Election Officers are often extremely busy and have detailed instructions to follow in their jobs
- Ability to get along with others. The Election Officers and other representatives are there to guarantee a well-run, error-free election. Sometimes there are intense situations and all need to work together.

While there have seldom been disruptive incidents in Arlington polling places, the Officers of Election may require any person who is found by a majority of the officers present to be in violation of §24.2-604 of the Code of Virginia to remain outside of the prohibited area, which is 40 feet from the entrance to the polling place. Election Officers also have the authority to call police if they believe any individual is deliberately disrupting the election and refusing to follow directions. Any person found guilty of violating §24.2-604 shall be guilty of a Class 1 misdemeanor.

What Can Poll Watchers Do Before The Polls Open?

Poll watchers who come to observe the opening of the voting machines should be at the polling place at 5:00 a.m. These poll watchers must present a special authorization form from either the political party chair or the candidate, as appropriate.

They must remain until the polls open at 6:00 a.m. These poll watchers may observe what the Election Officers do as they open the polls, including examining the equipment to assure no votes have been cast before the polls open. Although the poll watchers may not assist or impede the operation of the Election Officers in any way, they should speak to the Chief Election Officer if they see any problem. If this does not resolve the problem, they should call Electoral Board at 703-228-3456.

Poll watchers should check with the Chief Election Officer if they want to ask questions about the process. If the Chief agrees, you may ask questions as long as you do not impede or delay the work of the Election Officers. Please understand, however, that sometimes the Chief and other Election Officers may be under a lot of stress at the beginning of the day, and may not want to have to take the time to answer your questions. While most Election Officers are happy to answer questions, please respect their wishes if they don't want you to bother them.

In General and Special Elections there may be one representative of each political party. Virginia currently recognizes only the Democratic and Republican parties as parties eligible to authorize representatives inside the polling place.

In Primary elections there may be one representative of each political party holding a primary.

(Code of Virginia, §24.2-639)

What Can Poll Watchers Do While The Polls Are Open?

During the day poll watchers typically sit behind the check-in tables where the Election Officers with the poll books sit. They are not permitted to sit at the tables with the Election Officers. The Chief Election Officer may designate specific areas in the polling place for poll watchers; this is done primarily to protect the privacy of voters.

Any separate table used for voters voting provisional ballots or for the Chief Election Officer to assist voters with questions or issues is not considered a check-in table.

Poll watchers usually check off the names of their supporters when they come to vote, from lists that have been provided to them in advance. You cannot view the poll book directly yourself, but if it is not busy, you can ask the Election Officers to check if certain of your supporters have voted. The Election Officers cannot give a list of those who have voted to the poll watchers.



In General and Special Elections there may be up to three representatives of each political party and one representative of each independent candidate, space permitting in the polling place.

In Primary Elections there may be up to three representatives of each candidate on the ballot, space permitting in the polling place.

The Chief Election Officer has the discretion of determining whether or not the polling place can accommodate multiple poll watchers representing a political party or candidate. At least one authorized poll watcher for each party/candidate must be allowed in the polling place. Please note that Arlington County now uses electronic pollbooks, so we no longer have alphabetic splits. This may make listening for voter names more difficult, as any voter can

check in at any pollbook station.

Poll watchers authorized to be inside the polling place during the day have the right to be close enough to hear how election officers resolve issues regarding voters. They do not, however, have the right to interfere with or disrupt the process. Any questions regarding procedures should be directed to the Chief or Assistant Chief Officers.

If any voter requests an election officer to assist him with his ballot in the voter's native language, prior to assisting the election officer must first ask the poll watchers present if any are proficient in the voter's language. If so, those poll watchers are permitted to listen, but not assist, as the election officer provides instructions or assistance to the voter. They must complete the appropriate section of the *Request for Assistance Form*.

Poll watchers may utilize hand-held wireless electronic devices such as tablets and smartphones for the purpose of recording lists of voters present, but they cannot use any such a device outfitted with a camera to take photos or video inside the polls. They are also prohibited from using phones inside the polls for audible purposes, which includes phone calls, although they can send and receive text messages. All phones must be set to silent or vibrate while inside the polls.

If an authorized poll watcher believes his right to properly observe the process has been obstructed and speaking to the Chief does not resolve the issue, the poll watcher should step outside the voting room and call the Electoral Board at 703-228-3456. No such calls are permitted inside the polling place.

(Code of Virginia, §24.2-604)

Are Candidates Allowed in the Polling Place?

Candidates on the ballot cannot serve as poll watchers, but they may enter the polling place only to vote or to visit for no longer than ten minutes. While inside the polling place, the candidate cannot campaign, hinder or delay voters, or in any way attempt to influence any person in casting his vote. The candidate will not be permitted to display any form of campaign material, such as buttons, stickers, or apparel, or to distribute campaign literature, while inside the polling place.

(Code of Virginia, §24.2-604)

What Other Individuals Are Allowed in the Polling Place?

In addition to authorized representatives of political parties or candidates serving as poll watchers, the following other individuals are authorized to be inside the polling place while the polls are open:

- Officers of Election, for the purpose of conducting the election.
- Qualified voters who are presenting themselves to vote.
- Children age 15 or younger, accompanying their parents when they come to vote.
- Persons chosen by voters to provide assistance in voting. The voter may bring any individual inside the polls with him for the purpose of providing assistance, provided the assistant is not the voter's employer or union representative, or a poll watcher authorized to be inside the polls. The person assisting does not need to be a qualified voter. The Officers of Election must assure that a *Request for Assistance* form has been completed for all assistance situations.
- Any member or representative of the Arlington County Electoral Board, including the general registrar, assistant registrars, and voting machine technicians.
- News media representatives, who are permitted to visit and film or take photographs inside the polling place, as long as they do not violate a voter's right to privacy and secrecy in casting his ballot. News media may not film or photograph any individual who specifically asks not to be filmed or photographed, nor may they disrupt the election in any way.
- Neutral observers who have expressly been granted authorization by the Arlington County Electoral Board to observe the election. These are typically foreign delegations interested in observing the democratic process in our country, or individuals from educational or non-profit organizations.
- The Electoral Board may approve the authorization of a simulated election for school children to take place at the same time as the regular election in a polling place. If such an election is held, the persons designated to run the simulated election, along with the minor students who will be voting in the election, are authorized to be inside the polling place.
- The general registrar and Electoral Board may also authorize an election page program, in which minor high school students are recruited to assist at the polls with specified tasks on Election Day.

(Code of Virginia, §24.2-604 and §24.2-649)

What Can Poll Watchers Do After the Polls Close?

When the polls close at 7:00 p.m., poll watchers are entitled to observe the closing of the polls. They cannot leave the polling place until the results have been called in to the Electoral Board office. These poll watchers must present a special authorization form from either the political party chair or the candidate, as appropriate.

The poll watchers are permitted to get close enough to the machines and tapes to read the numbers and information on the machines and the tapes. Although the poll watchers may not assist or impede the operation of the Election Officers in any way, they should speak to the Chief if they see any problem. If this does not solve the problem, they should call Electoral Board at 703-228-3456.

As in the beginning of the day, they should ask the Chief if the Election Officers will be

willing to answer their questions, but defer to the wishes of the Election Officers if they feel stressed and seem reluctant to take the time to answer.

In General and Special elections there may be two representatives of each party with a candidate on the ballot, and one representative of each independent candidate.

In Primary elections there may be one representative of each candidate whose name appears on the ballot.

If a party or candidate does not have an authorized representative to observe the closing of the polls, the Chief Election Officer will ask those congregated outside the Prohibited Area (forty feet from the entrance to the polling place), if any, if they would like to come in to observe on behalf that party or candidate.

(Code of Virginia, §24.2-655)

What Can Poll Workers Do Outside the Polling Place?

The Code of Virginia prohibits any person from loitering or congregating within 40 feet of the entrance to any polling place, and from attempting to give or display any literature or sample ballots for the purpose of influencing the vote of any individual within this prohibited area. It is also unlawful to hinder or delay any qualified voter from entering or leaving the polling place. Officers of election will post a notice outside each polling place, titled "Prohibited Area," which details the above.

Persons working outside the polls to promote a political party, candidate, or issue must remain outside this 40-foot prohibited area. Outside this area, they may distribute information to persons entering or leaving the polling place.

Please, however, be respectful of and sensitive to voters' wishes. Many voters are offended by the enthusiasm displayed by some outside poll workers, and may construe their actions as harassment. If a voter refuses to take your literature or speak to you, please do not press the issue but respect his wishes.

(Code of Virginia, §24.2-604)

What Can Pollwatchers Do in Regards to Provisional Ballots?

The Electoral Board will meet on the day after the election to review provisional ballots voted at the polls. The time of this meeting is determined in advance, and the meeting may further be recessed on a day-to-day basis as necessary for up to seven days as the Electoral Board waits for voters to present evidence of their eligibility to vote.

Once the Electoral Board has reached a decision on whether or not to accept each

provisional ballot, they will then count all accepted ballots and add the provisional count totals to the other election results as a separate precinct.

Because the provisional ballot meeting is considered a voting precinct the following rules apply in regards to authorized representatives:

- In a general or special election, one representative of each political party with a candidate on the ballot and one representative of each independent candidate may be present.
- In a primary election, one representative of each candidate on the ballot may be present.

All representatives must present a letter of authorization from the party chair or candidate, as appropriate.

Authorized representatives at the provisional ballot meeting may not ask questions or participate in the process; they are present as observers only.

The Precinct Provisional Ballots logs, provisional vote pollbooks, and other lists of provisional voters cannot be released or made available for public inspection by the Electoral Board, General Registrar, staff member, or any Officer of Election.

Voters of provisional ballots are entitled to have legal counsel or other similar representatives present. The Electoral Board may also have legal counsel or staff present.

(Code of Virginia, §§ 24.2-406, 24.2-407, 24.2-444; 42 USC 15482(a)(5))

What Are the Regulations Regarding Political Signs in Arlington County?

The Arlington County Board made considerable amendments to the *Arlington County Zoning Ordinance, § 13, Signs* in May 2013. Regulations pertaining to political signs fall under the following excerpted sections. The entire ordinance is available on the Arlington County website at www.arlingtonva.us (search for “zoning ordinance”).

§ 13.5. SIGNS IN R DISTRICTS AND FOR ONE- AND TWO- FAMILY DWELLINGS IN ALL DISTRICTS

§ 13.5.3 Freestanding and temporary signs

(This section pertains to political signs on private property.)

A. Defined

A sign that is affixed to the ground, or to a wall that is not part of a building, or to a fence; freestanding signs include but are not necessarily limited to signs mounted on monument-style foundations, or on fences or other approved accessory structures.

B. General Standards

Maximum size	6.5 sq. ft.
Maximum height	5 feet
Number	1 permanent; unlimited temporary
Permit required?	No
Separate lighting?	No
Automatic changeable copy	No

For individual townhouse dwellings, the same standards apply, except the number of temporary signs is limited to three per townhouse unit (§ 13.6.8).

§ 13.10 TEMPORARY SIGNS BY PRIVATE PARTIES IN PUBLIC RIGHT-OF-WAY

§ 13.10.5. Noncommercial temporary signs

(Pertains to signs erected in public areas on the days before an election.)

A. Political signs

Maximum number	To limit clutter, no more than 2 signs for any candidate, political issue or ticket or other entity in any median strip.
Maximum size	4.5 sq. ft.
Maximum height	4 ft.
Timing	Up to 31 consecutive days before and election or party nominating caucus called by: <ol style="list-style-type: none">1. A duly constituted government body, including all primaries; or2. A political party registered in the Commonwealth of Virginia, which signs shall be removed within five days after the election or nominating caucus to which they pertain
Location	In the median, subject to the limitations of § 13.10.2.A.

§ 13.10.2.A. states: Such signs may be placed only on that portion of the public right-of-way adjacent to a street, road, highway or sidewalk but not on landscaped beautification areas, traffic circles or control devices or signs, or any paved portion of a pedestrian refuge area, nor shall such signs be placed on or adjacent to any other public lands such as school sites, recreation fields, parks, and parkways.

“Signs at polling places” is defined as: Unlighted temporary political campaign signs erected on the day before or the day of an election, or a nominating caucus for a political party registered in the Commonwealth of Virginia on the lot of the officially designated polling place for a period not to exceed 24 hours. Each sign may be no larger than four and one-half square feet in area.



Authorization Forms

The following pages contain sample authorization forms for political parties and candidates to use for authorizing individuals to observe polls opening and/or closing, and for poll watching while the polls are open. These may either be reproduced as is, or you may utilize this format and print the information on your own letterhead.

The authorization form for while the polls are open should be given to the first individual scheduled to be inside the polling place, and may contain the names of all individuals scheduled for that precinct, eliminating the need to produce a separate authorization form for each person.

Please instruct your poll watchers to present their authorization form to the Chief Election Officer when they arrive at the polling place. Poll watchers are also advised to bring their Virginia Voter Registration Cards to the polls so the Chief can quickly verify they are registered voters.

AUTHORIZATION FORM

For Observation of the Opening and/or Closing of the Polls

This is to certify that _____ whose address is
_____, is hereby designated as a representative of
_____ (enter political party or candidate name) in
_____ Precinct for voting machine and ballot
container checking before the polls open and/or at such time as ballots are counted
and the voting machine totals are determined. This authorization form is required
under §24.2-604 of the Code of Virginia, and is valid only for the
_____ (enter election date) Election.

Party Chairman or Candidate's Signature

Date _____

Authorization Form For Poll Watchers While the Polls are Open

This is to certify that the following individuals are representatives of
_____ (name of the party or candidate) in the
_____ Precinct for the _____ (enter election date)
Election, as authorized by §24.2-604 of the Code of Virginia.

Party Chairman or Candidate's Signature

Date _____