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Quick Reference Guide for Poll Watchers

Watching During Local Voter Registration

Election Law §5-206, 5-218

- **Who appoints the watchers?** Each political party or independent body who is entitled to nominate candidates for the upcoming election.
- **How many watchers does each party get**? Two for each registration meeting.
- **What are the qualifications for watchers**? They must be registered voters in the city or county where they are serving.
- **What do the watchers need**? A document signed by the chairman or secretary of the county, city, town or village committee of a political party or an independent body. They need to give that document to one of the election inspectors.
- **What can the watchers do?**
    - They can check any challenge list provided by the county Board of Elections.
    - They can challenge a person's registration if they suspect the person doesn't qualify.

Watching at a Nursing Home

Election Law §8-407

- **Who appoints the watchers?** Any person, political committee or independent body entitled to appoint watchers for the election district in which any such facility is located.
- **What can the watchers do?** They can attend if a bipartisan team is visiting to distribute absentee ballots.

Watching During Elections

Election Law §7-202. 8-102, 8-500, 8-502, 8-506, 9-102

- **Who appoints the watchers?**
    - For primary elections: The chair or other officer of any party committee, or a candidate on the ballot.
    - For general, special, town of village election: The chair or other officer of any party committee, any independent body or any political committee supporting or opposing any ballot measure
- **How many watchers does each group get**? Three per election district, but only one within the guard-rail at any time.
- **What are the qualifications for watchers**? They must be registered voters in the city or county where they serve. However, a qualified voter in New York State who is a licensed attorney can be a watcher at any polling place. No one can be a watcher in a district where they are on the ballot.
- **What do the watchers need**? A certificate in writing signed by the appointing authority
- **What can the watchers do?**

- Be present at least 15 minutes before the unlocking and examination of any voting machine or ballot box
- Watch the protective and public counters on voting machines during the election
- See when the voting system is ready to accept ballots and when a voter has finished casting a ballot
- Ensure all ballot boxes are empty before voting starts and watch them be locked.
- See a printed zero tape at the start
- Be inside the guard-rail area[1]
- See every part of the polling place
- Challenge an individual's right to vote at the polls, by early mail, by absentee, or by military, special federal or special presidential ballot
- Watch the results tape be printed when the polls close
- Stay for the signing of the inspectors' returns and the announcement or posting of results, including time for the watchers to compare those two documents.

Watching During the Canvass

Election Law §9-209

- **Who appoints the watchers?** The same people who had authority on Election Day.
- **How many watchers does each group get**? Three per election district.
- **What can watchers do?** Observe, "without objection," the review of early mail, absentee, military and special ballot envelopes; or a cured ballot; or a federal write-in absentee ballot; or an affidavit ballot.

Watching During the Post-Election Audit

Election Law §9-211, 9 NYCRR 6210.18

- **Who appoints the watchers?** Same as those who had authority on Election Day.
- **What can the watchers do?** Observe the random selection process and the audit.

Other information:

- Watchers cannot violate voter privacy by seeing how someone is voting. They must follow poll workers' instructions, avoid interacting with voters and not disrupt the process.
- Watchers can aid a voter under Election Law §8-306, provided: it is the voter's choice; that the watcher meets the qualifications of aiding and that the watcher-turned-assistant takes the oath not to influence or record how the individual votes.
- While Election Law §8-502 permits a watcher to challenge a voter's eligibility to vote based on a signature mismatch, there is no law or court case that says the watcher has the right to be seated directly behind or next to the poll inspector -- especially if the comparison screen on the poll book can be turned to show the challenging watcher from where they are seated.

[1] The guard rail area is the voting area where the scanners, marking devices, ballot boxes, secure storage containers, privacy booths and all other voting related equipment is situated. (Election Law 8 -102(1)(d)).

WATCHER CERTIFICATE

Election Law §5-206

FOR USE ON DAYS OF VOTER REGISTRATION

Date of Registration: _____

Appointing Authority: _____
(Insert name of political party or independent body here)

Name of person appointed as watcher: _____

Place where watcher is to appear: _____
(Insert town/village/city and election district/Assembly district numbers here)

Signature of Appointing Authority Individual: _____

Print name of Appointing Authority Individual: _____

Title of Appointing Authority Individual: _____

GUIDELINES

* Watchers shall be appointed by the duly authorized chair or secretary of the county, city, town or village committee of such political party or independent body.

- Each watcher must be a qualified voter of the city or county in which he or she is to serve, with one exception. A qualified voter in New York State who is licensed to practice law may be a watcher at any voter registration site.

* Not more than two watchers from the same political party or independent body may be appointed to serve at the same election district.

* Watcher certificates must be delivered to and filed with one of the inspectors at the election district.

* Watchers may be present at least fifteen minutes before the start of registration until after the completion of the duties of the board of inspectors for that day of registration.

* Watchers may examine any challenge list furnished by the board of elections.

(Sample prepared by the State Board of Elections)

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WATCHER CERTIFICATE

Election Law, Sections §8-500 & §9-209(5)
FOR USE DURING EARLY VOTING, ON ELECTION DAY OR DURING BOE REVIEW OF BALLOT ENVELOPES

Date: _____

Appointing authority:_____
(Insert name of political party or committee/independent body/candidate here)

Name of person appointed as watcher: _____

Poll site where watcher is to appear: _____
(Insert town/village/city and election district/Assembly District numbers here)

Signature of Appointing Authority Individual: _____

Print name of Appointing Authority Individual: _____

Title of Appointing Authority Individual: _____

GUIDELINES

- At a general, special, town or village election, watchers shall be appointed by the chair or other officer of any party committee, independent body whose candidates are upon the ballot, or political committee supporting or opposing a ballot proposal.
- At a primary election, watchers shall be appointed by the chair or other officer of any party committee or any candidate on the ballot.
- Each watcher must be a qualified voter of the city or county in which he or she is to serve, with one exception. A qualified voter in New York State who is licensed to practice law may be a watcher at any polling place.
- Watcher certificates must be delivered to an inspector at the election district.
- Not more than three watchers for any appointing authority may be appointed to serve at the same election district at the same time.
- Watchers may be present at the polling place at least fifteen minutes before the unlocking and examinations of any voting machine or ballot box at the opening of the polls, until after the signing of the inspectors' returns and proclamation of the result.
- Not more than one watcher for any appointing authority may be within the guard rail at any one time.
- No person shall be appointed or act as a watcher who is a candidate for any public office to be voted for by the voters of the election district in the same election in which the watcher is to serve.

(Sample prepared by the State Board of Elections)
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