

1                   **MAYOR AND COMMISSIONERS OF THE TOWN OF PERRYVILLE**  
2   **Ordinance 2023-05**

3  
4  
5 **Introduced By: Mayor Matt Roath**

6  
7 **Date Introduced: February 7, 2023**

8  
9 **Amendments Adopted: N/A**

10  
11 **Date Adopted: February 7, 2023**

12  
13 **Date Effective: February 27, 2023**  
14

15  
16  
17 **AN ORDINANCE concerning**

18  
19   **POLL WATCHERS**

20  
21 **FOR** the purpose of repealing Ordinance 2022-18 to correct technical errors; regulating the  
22 presence of poll watchers in polling places during Town elections; providing that the provisions  
23 of this Ordinance are severable; and generally relating to regulation of polling place conduct in  
24 the Town of Perryville.

25  
26 **BY**     repealing  
27         Ordinance 2022-18 (adopted January 3, 2023)

28  
29 **BY**     adding  
30         Chapter 2 Elections and Election Districts  
31         Sections 2-3  
32         Code of the Town of Perryville  
33

34  
35   **EXPLANATION:**

36                   CAPITALS INDICATE MATTER ADDED TO EXISTING LAW  
37                   ((Double Parenthesis)) indicate matter deleted from existing law.  
38                   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.

34  
35                   **SECTION 1. BE IT ENACTED BY THE MAYOR AND COMMISSIONERS OF**  
36 **THE TOWN OF PERRYVILLE** that Ordinance 2022-18, adopted January 3, 2023, is hereby  
37 repealed.  
38

39           **SECTION 2. AND BE IT FURTHER ENACTED BY THE MAYOR AND**  
40 **COMMISSIONERS OF THE TOWN OF PERRYVILLE** that new Section 2-3 is hereby  
41 added to the Code of the Town of Perryville, to be under Chapter 2 - Elections and Election  
42 Districts, and to read as follows:

43                           **Chapter 2 – ELECTIONS AND ELECTION DISTRICTS**

44 **§ 2-3. WHO ADMITTED TO POLLING PLACE; WATCHERS.**

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

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

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

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

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

71  
72                   (3) REMAIN IN THE POLLING PLACE UNTIL ALL POST–VOTING  
73 TASKS HAVE BEEN COMPLETED AND THE ELECTION JUDGES LEAVE THE  
74 POLLING PLACE;

75  
76                   (4) MAINTAIN A LIST OF REGISTERED VOTERS WHO HAVE VOTED;

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

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

83  
84  
85  
86  
87  
88  
89  
90  
91  
92  
93  
94  
95  
96  
97  
98  
99  
100  
101  
102  
103  
104  
105  
106  
107  
108  
109  
110  
111  
112  
113  
114  
115  
116  
117  
118  
119  
120  
121  
122  
123  
124  
125  
126  
127  
128

(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.

(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;

129 (4) PHYSICALLY HANDLING ANY ORIGINAL ELECTION  
130 DOCUMENT OR ELECTION EQUIPMENT;

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

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

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

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

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

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

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

175           **SECTION 3. AND BE IT FURTHER ENACTED BY THE MAYOR AND**  
176 **COMMISSIONERS OF THE TOWN OF PERRYVILLE** that if any section, subsection,  
177 provision, sentence, clause, phrase or word of this Ordinance is for any reason held to be illegal  
178 or otherwise invalid by any court of competent jurisdiction, such invalidity shall be severable,  
179 and shall not affect or impair any remaining section, subsection, provision, sentence, clause,  
180 phrase or word included within this Ordinance, it being the intent of the Mayor and  
181 Commissioners that the remainder of the Ordinance shall be and shall remain in full force and  
182 effect, valid and enforceable.  
183

184           **SECTION 4. AND BE IT FURTHER ENACTED BY THE MAYOR AND**  
185 **COMMISSIONERS OF THE TOWN OF PERRYVILLE** that this Ordinance shall become  
186 effective at the expiration of twenty (20) calendar days following approval by the  
187 Commissioners.  
188

189           ADOPTED this 7<sup>th</sup> day of February, 2023.  
190

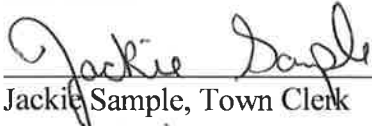
191 **SEAL:**

**MAYOR AND COMMISSIONERS OF  
THE TOWN OF PERRYVILLE**

By: 

Matt Roath, Mayor

197  
198 **ATTEST:**

199   
200 Jackie Sample, Town Clerk  
201

202  
203 Date: 2/7/2023

