



Pennsylvania  
Department of State

# Guidance on Rules in Effect at the Polling Place on Election Day

Date: September 23, 2024

Version: 2.0

ARCHIVED – Refer to <https://www.pas.state.pa.us> for current information



The Department of State is committed to ensuring that elections run as smoothly and fairly as possible. The following document sets out the Department's guidance regarding the laws and rules in effect at the polling place to help voters, elections officials, attorneys and watchers understand their respective roles, responsibilities, and rights. We encourage county election officials and boards of elections to review these items with your county solicitor.

## Persons Explicitly Permitted in the Polling Place

The following persons are permitted in the polling place while voting is occurring:

1. Precinct election officials. These include the Judge of Election, the Inspectors (Majority and Minority), appointed clerks and machine operators.
2. Voters in the process of voting but no more than 10 voters at a time. Others waiting to vote must wait outside the area where voting is occurring.
3. Persons lawfully providing assistance to voters.
4. Poll watchers. Poll watchers are registered voters in the county who have been appointed by a party or candidate to observe at the precinct. One poll watcher per party and one poll watcher per candidate may be inside at any given time. Poll watchers must present their credentials from the county board of elections to gain access to the polling location. Additional information about poll watchers can be found below.
5. Overseers are registered voters of the precinct who may be appointed, upon petition, by all of the judges of the county Court of Common Pleas to supervise the election. 25 P.S. § 2685. Two overseers per precinct may be appointed, and they must belong to two different political parties.
6. Constables and deputy constables for the purpose of preserving the peace. (Other officials may be summoned by the local elections officials as needed. Please see section on police and peace officers below)

## Role of Judge of Elections

The Judge of Elections is the officer in charge of the polling place and enforces the rules for the conduct of election at the polling place (e.g., who is permitted within the polling place, the number of voters permitted inside, and electioneering rules). The Department interprets the Election Code as setting forth minimum requirements that must be met. The Judge of Elections is responsible for keeping order in the polling place and may call upon various law enforcement authorities to assist him or her to that end.



The Judge of Elections assigns the various election administration tasks to members of the district election board.

The Judge of Elections determines whether challenges to the identity or residency of voters are made in good faith. If the identity and residency of the voter is established to the Judge of Election's satisfaction, the voter may be permitted to vote normally on the machine or by ballot as appropriate. See "challenges" below for procedures relating to challenges.

## Issuing Ballots to Eligible Voters

Residents must check in to the polling location with district election officials upon entering the polling place. The district election official (poll worker) will locate their name in the district register, verify the printed information with the resident, and issue ballots to eligible voters.

The district register (also known as the poll book) includes many notations that the poll worker must read and act upon prior to issuing a ballot. These notations include:

### **Must Present Identification**

The only time district election officials may ask a voter for proof of identification is when this designation is printed next to the voter's name in the poll book. It will appear when it is the voter's very first time voting or if it is the first time voting in that specific district.

### **Inactive Voter – Affirmation Required**

The voter must sign the Affirmation of Elector before being permitted to sign the district registry and receive a ballot.

### **ATV – Assistance to Vote**

This stands for "Assistance to Vote" and indicates that the voter has previously communicated a need to receive assistance to vote. Their name, the name of the person providing the assistance, and the reason assistance is being provided are to be entered into the log of assisted voters. Please refer to the section titled "Assistance to Vote" for additional information.

### **Need Current Signature**

This indicates that the county election office needs the elector's current signature to complete their profile in the Statewide Uniform Registry of Electors.

### **Remit Mail-In Ballot or Vote Provisionally // Remit Absentee Ballot or Vote Provisionally**



This indicates that the voter requested a mail-in or absentee ballot but did not yet return it to the county. The elector can either surrender their mail-in or absentee ballot to the poll worker to vote by regular ballot or vote by provisional ballot. If the mail ballot is to be surrendered, the elector must also provide the white, outer envelope with the Voter's Declaration printed on it. The district election officer is to write "VOID" on both the envelope and the ballot, indicate in the poll book that the ballot was surrendered, and secure the voided ballot in a container designated by the county.

### **Mail-In Ballot Cast/Not Eligible // Absentee Ballot Cast Not Eligible**

ny elector who has returned their absentee or mail-in ballot prior to the printing of poll books will not be listed in the poll book but will appear on a separate listing. This indicates that the elector has returned their mail-in or absentee ballot to the county, and they are only eligible to vote using a provisional ballot.

Once a person present in the polling place has been found to be a qualified elector with an entitlement to cast a ballot in the polling place, the voter is to sign the poll book. Their name is entered onto the numbered list of voters, and the election officer or clerk may issue an official ballot.

Only one ballot is to be removed at any one time or given to an elector, except in the case of a spoiled ballot.

After receiving their ballot from the district election official, the voter may utilize a voting booth to make their selections.

Only one person is permitted to be in a voting booth at a time unless the voter is being assisted.

Other than the election officers, no one is permitted to take or remove any ballot from the polling place.

### **Poll Watchers (25. P.S. § 2687)**

Poll watchers are registered voters in the county who have been appointed by a party or candidate to observe at the precinct.

- Watchers must be identified in advance and assigned to specific precincts. Watchers receive a credential from the county board of elections and must present the credential upon demand.
- Each party is entitled to appoint three watchers per precinct and each candidate is entitled to appoint two watchers per precinct. However, only one watcher for each candidate or for each party shall be present in the polling place at any one time. Watchers must always remain outside the enclosed space where voting occurs.



- The watcher must be a registered voter of the county in which the watcher is appointed. Typically, party watchers may watch at any precinct in the county. Candidate watchers can watch in any precinct in which the candidate is on the ballot.
- Watchers allowed in the polling place are permitted to keep a list of voters. Because of this, election officials must clearly and audibly announce the name of every voter who appears to vote.
- Watchers allowed in the polling place are among the persons entitled to challenge the qualifications of voters on the permitted grounds, i.e. identity and residency. See “Challenges” below.
- During times when voters are not present in the polling place, watchers are permitted to inspect the poll book and the numbered lists of voters, but they are not permitted to mark or alter those documents in any way.
- **Watchers may not engage voters or otherwise interfere with the orderly process of voting.** Watchers should direct all challenges and other comments directly to the Judge of Elections who is the official in charge at the polling place.
- Watchers may not engage in electioneering while inside the polling place, which includes wearing apparel or accessories that signify support for a candidate or party.

## Police Officers and Other Peace Officers

Generally, police officers are not permitted in the polling place. Uniformed or plain-clothes police officers must remain 100 feet or more from the entrance of a polling place.

The exceptions to this rule are:

- when a police officer is personally voting;
- when the polling place is located in a building that also houses a police station; and
- when police officers are summoned to preserve the peace. (25 P.S. § 3060).

If necessary, the local election officials or three voters in the precinct may call upon local officials, including constables, sheriffs, or police officers to:

- Clear a path to the door if it is obstructed and preventing voters from voting;
- Maintain order; and



- Quell any disturbance if it arises.

Uniformed peace officers, such as constables or sheriffs, stationed in a polling place may have the effect of intimidating voters. The Department recommends that counties balance the potentially intimidating effect of uniformed constables in the polling place with the need to preserve peace.

## Items Brought Into the Polling Place

The following guidance relates to questions that typically arise about specific items that might be brought into a polling place.

### Firearms

- Voters who have a legal right to carry a firearm generally cannot be prohibited from entering the polling place to vote.
- However, Pennsylvania law prohibits firearms in certain places, such as schools and courthouses. So, if such places are used as polling places, voters may not carry firearms inside.
- Although a voter with a legal right to carry a firearm into a polling place where it is not otherwise prohibited may not be precluded from voting, certain other behavior is illegal. Individuals inside or outside the polling place who behave aggressively with a firearm, or who ostentatiously demonstrate that they are carrying a firearm or engage in behavior either is intended to or has the effect of intimidating voters should be removed and reported to the appropriate authorities for investigation and prosecution.
- It is illegal under Pennsylvania law to use any means to intimidate or attempt to intimidate voters either inside or outside of polling locations. Intimidating behavior can include words or actions. Further, it is illegal for anyone to block or attempt to block, by any means, the entrance to the polls.
- To ensure that everyone has safe access to the polls, the Department recommends voters leave any guns at home or disabled and out of sight in a locked vehicle before entering a polling place. All polling places should be equipped with information regarding the Department of State's hotline to report complaints of voter intimidation, election fraud, or other election crimes: 1-877-VOTESPA (1-877-868-3772). To the extent there is an emergent unsafe situation, individuals should call 911 immediately.



## Electronic Devices

- Although the Election Code does not address the use of electronic devices in the polling place, the Department recommends that counties adopt commonsense rules that take into account the need for order in the polling place and the right of citizens to vote unimpeded.
- Recent court cases have found a First Amendment right to take “ballot selfies,” i.e., a picture of oneself voting.
- The Department recommends that voters who want to take a picture of themselves voting take care that they not disclose the selections of voters other than themselves. The Department recommends that voters wait until after they leave the polling place to post ballot selfies on social media.
- The counties may permit other persons (such as poll watchers) who are lawfully in the polling place to use portable electronic devices but should consider limiting the location of use to outside the area where voting occurs. For example, poll watchers may be permitted to have portable electronic devices as long as the devices remain 6 feet away from the area where voting occurs.

## Campaign and Election Materials

- The Election Code prohibits electioneering at the polling place. 25 P.S. § 3060. This prohibition extends to the local election officials, and those officials (Judge of Elections, Inspectors and Clerks) should not wear partisan apparel or buttons.
- Poll watchers who remain in the polling place must also refrain from wearing partisan apparel or buttons. No signs or other campaign material should be present in the polling place.
- Enforcement of the prohibition on electioneering should not prevent eligible voters from voting. Thus, in the Department’s view, individual voters who appear at the polling place to exercise their right to vote are permitted to wear clothing, buttons or hats that demonstrate their support for particular candidates. However, voters who are in the polling place to vote should not campaign for their chosen candidates, and Judges of Election should ask those voters to refrain from doing so while in the polling place.
- Voters are also permitted to bring campaign literature into the polling place and the voting booth if it will assist them in making their selections. However, the campaign literature should be removed when the voter leaves. The Judge of Elections should, from time to time during the course of the day, make a “sweep” of the room and remove all campaign literature left in the polling place.
- Any other person, voter not in the process of voting, or campaign worker, as well as all campaign signs and other electioneering materials, must be located at least 10 feet away from the entrance to the room where voting occurs.



## Challenges to Voters to the Right to Vote and Resolution of Challenges

### Grounds

- A person is presumed to be a *bona fide* qualified elector and must be allowed to vote if his or her name appears in the poll book.
- Voters who are lawfully in the polling place, local election officials, poll watchers, and overseers may challenge a voter's right to vote.
- Such challenges are limited to **identity** and **residency**, i.e., that the voter is not the person they say they are or that the voter does not live in the voting precinct.
- A voter's eligibility to register to vote is not a permissible challenge at the polls. The laws governing voter registration include a process for such challenges and that process occurs before the election.

### Process

- The Judge of Elections has the obligation to determine if a challenge is based on actual evidence and rests on a good faith belief that the challenged voter is not who they say they are or live in the voting district. For a residency challenge to be sustained, there would need to be un rebutted evidence that the voter has permanently moved out of state. Further, if the voter has recently moved within the county or state, they are permitted to vote one last time at their former address provided they affirm their new address. The Judge of Elections must not permit frivolous challenges that are not supported with a stated good faith basis, routine challenges that appear to be done for the purposes of obstruction and delay, or challenges that seem to be targeted on the basis of the personal characteristics of the voter.
- If the Judge of Elections is satisfied as to the identity and residency of the voter or believes that the challenge does not have a good faith basis, the voter should be permitted to vote normally.
- If the Judge of Elections cannot determine in good faith the residency or identity of the voter, the voter shall be permitted to bring another voter from the precinct to sign an affidavit vouching for the challenged voter's identity or residence.
- Once that procedure is followed, the voter must be permitted to vote normally.
- A challenged voter who is unable or unwilling to find a witness to vouch for him or her must be given a provisional ballot.
- The elected officers of the precinct (Judge of Elections, Majority and Minority Inspectors) have the responsibility of determining the qualifications of the persons presenting themselves to vote. In the event of a disagreement, the Judge of Elections decides.





## Illegal Behavior and Penalties

- The two Inspectors of Election must swear an oath that they will not, without just cause, delay or refuse to permit any person to vote whom they believe to be entitled to vote.
- The Judge of Elections must swear that he or she will use his or her best endeavors to prevent any fraud, deceit or abuse in carrying on the election process in the election district, including in the course of voter challenges.
- Anyone who intentionally refuses to permit a person to vote who is entitled under the law to vote commits a crime under the Federal Voting Rights Act of 1965 and the Pennsylvania Election Code.
- Using lists compiled from returned mail from private direct mailings to challenge voters is illegal and does not amount to a good faith basis for challenging voters.
- Routine challenges based on race or ethnicity or other protected traits are unlawful. It is unlawful to challenge every African American, every Latino, every student, etc. who appears to vote.

## Close of Polls

As soon as the polls have been closed and the last voter has voted, the Judge of Elections is to announce the number of ballots issued to voters, the number of ballots issued to the district, and the number of spoiled ballots. These numbers should also be entered into the General Returns of Votes Cast. The district election officers will then compare the number of names marked as voting in the district register and the numbered lists of voters. Those numbers are also announced, and the number of electors who have voted is written into the General Returns of Votes Cast. Any discrepancies must be reconciled, and if reconciliation is not possible the differences are to be noted in the General Returns of Votes Cast.

When tabulation of votes is provided for by the voting system, the district election officers are to operate the appropriate function on the automatic tabulating equipment to tabulate the ballots cast during the election. They must prepare a report, in duplicate, that shows the total number of voters whose ballots have been tabulated; the total number of votes cast for each candidate whose name appears on the ballot; the total number of write-in votes properly cast for each office on the ballot; and the total number of votes cast for or against any question appearing on the ballot.

All reports and returns must be signed by all district election officers.

The election officers will then place all the ballots cast -- including those declared void, spoiled, and cancelled -- together with one set of tally papers, one numbered list of voters, sealed, and one oath of each election officer into a container specified by the county, and lock and seal each container so that nothing can be inserted until it is opened again.



After the tabulation of all ballots, the automatic tabulating equipment or other component of the voting system must be locked and sealed so that no further ballots may be deposited or removed. The equipment should be suitably packaged, secured for storage, and held at the polling place for delivery to the county election board.

If district tabulation of votes is not provided for by the voting system, it is the responsibility of the county board of elections to make the election results for each election district available to the public.

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Version	Date	Description
1.0	10.2016	Initial document release
2.0	9.23.2024	Updates to language and layout