

Role & Responsibilities of Challengers On Election Day

On Election Day, registered voters go to the polls to cast their votes. There, they will encounter two types of workers: a) poll workers (“district board members”), whose job it is to manage the machines, registration books and questions by voters, and b) challengers, whose job it is to monitor the conduct of the election to assure the integrity of the process. Poll Workers are hired by the Board of Elections. Challengers are named by Candidates or Political Parties, and are appointed by the Board of Elections.

Challengers have three roles.

- 1) Monitor election procedures to verify that the Laws are followed.
- 2) Assure that only legally-entitled registered voters cast votes, and that ineligible people do NOT cast votes (challenging on reasonable belief that someone is not qualified to vote)
- 3) On behalf of their political party, they keep a record of who votes and report on the progress of the election, to help maximize the turnout of their party’s voters.

Appointment of Challengers. The appointment and function of challengers is governed by the Law (Title 19).

- **Eligibility.** Only persons registered to vote in the county where they will challenge are eligible. (19:7-3) They must be registered in the political party for which they will serve.
- **Appointment.** Individuals who want to work as challengers are nominated by their municipal or county political party chairman, but are officially appointed by the county Board of Elections. The deadline for nominations to be received by the Board is the second Tuesday before the election (October 23 in 2012). (19:7-3)
- **Identification.** Those who are appointed will receive identification, including a badge, from the Board of Elections, generally in the week before the election. The badge must be worn at all times while inside the election polls, and the identification card must be surrendered to the chief poll worker upon arrival. These verify the appointment of the challenger and identify on behalf of which political party or candidate they serve. (19:7-6)
- **Appointment Restrictions.** There are restrictions on how many challengers may serve:
 - Two from each political party, nominated by the county chairperson
 - Two representing each candidate or group of candidates listed on the same petition, nominated by the candidate or group
 - Two from each political party, nominated by the municipal chairperson (for municipal elections)
 - Two, representing each side of a public question on the ballot, appointed by the County Election Board. (19:7-1,1)
- **Automatic Challengers.** Candidates whose names are on the ballot and district Board of Elections members automatically serve as challengers in all districts where they serve; they do not need any special identification or permits.
- **Quantity of Challengers.** Unless permission is given by the District Board of Elections, only **one** representative for each candidate, party or public question may challenge **at a time**. If permission is granted for more than one challenger to be present at any one time, the same permission must be given to all candidates, both political parties, or both sides of a public question.

Responsibilities and Authority of Poll “District Board” Officials & “Master Poll Worker”

Just as poll officials have responsibilities to conduct the election, they ALSO have a responsibility to locate challenger tables in a location that a) does not interfere with the process, but b) is sufficiently proximate that challengers can CLEARLY HEAR the names and addresses of voters called out by poll workers, and SEE those who wish to vote – BEFORE they are given voter permission slip. Challengers have authority to question the placement of challenger tables if these conditions are not met.

Responsibilities and Authority of Challengers

1. Voters are NOT required to go to the Challenger Table to check in, but poll workers ARE required to call out the name and address of every person seeking to vote, loudly and clearly enough that every challenger can hear it clearly.
2. Challengers work only with poll (“district board”) workers, not with the voter. Challengers cannot address or speak to the voter in cases of a challenge, but must address the district poll workers, who, in turn, will deal with the question or issue and the voter.
3. Challengers cannot sit or stand behind the table holding the registration books.
4. Challengers cannot touch the registration books.
5. Challengers cannot harass or intimidate voters or cause disruption in the polling place (challenging a voter on a legitimate basis is not “harassment” or “disruption”).
6. Challengers cannot wear partisan or political buttons, signs or clothing. They must wear the challenger identification badge while serving.
7. Cell phones ARE permissible, but should be used away from the voting so as not to cause any disruption.
8. Challengers may only serve in the District to which they are appointed.

Voting & Challenge Procedures

1. **Announcement of Voter Names.** Poll workers must ask each voter his or her name and address, and clearly announce the voter’s full name and address, so that challengers can clearly hear it, before the voter is issued his or her permission to vote or enters the voting machine. Challengers have the right to sufficient time to locate the voter’s name in their records to verify eligibility.
2. **Authority.** Challengers have the authority to question or challenge (to the poll worker) the right to vote of any voter, and may direct questions to the board worker to determine or verify the right to vote.
3. **Reasons to Challenge.** A prospective voter should be challenged if he or she is:
 - a. Suspected of personally not being registered to vote (**not being who you say you are**)
 - b. Suspected of being under 18 years of age
 - c. Suspected of not being a United States citizen
 - d. Suspected of not living in the county for 30 full days prior to the election
 - e. Suspected of serving a sentence, or being on parole or probation because of conviction for any indictable offense (19:15-20, 19:4-1)
4. **Restrictions on Challenging:**

It is a violation of law for a challenger to challenge a voter for any of these reasons:

 - a. On basis of how you think the person will vote
 - b. On basis of race or ethnic origin of the voter
 - c. On basis of where within the town or county the voter lives

Other restrictions – Challengers may not visit/inspect the voting machine (except to vote) during voting hours, but they can ask poll officials to inspect the voting machine during the election

5. **THE CHALLENGE PROCEDURE:**

- a. **When To Challenge:** A Challenge must be made **AFTER** the voter gives their name/address to the Board Worker and **BEFORE** the voter enters the voting machine.
 - b. **How To Challenge:** The challenger announces a challenge to the chief poll worker (not to the voter).
 - c. **What Happens Upon a Challenge** – the Board Worker must read aloud the information of Form C-3, “Information for Challenged Voter” and inquire of the voter for evidence or information to answer the challenge.
 - d. **After all questions are addressed,** a vote must be taken by the Board Workers to determine, by majority vote of the district poll workers, the question, “Shall a ballot be given to this person by the Board?”
 - e. **Tie Vote** – In case of a tie vote on that question, the voter IS allowed to vote.
 - f. **If the right to vote is denied:**
 - i. The Challenger must complete and sign Form C-2, “Challenger’s Affidavit,” which the Board Workers must also sign; the form is then added to the official records book of the election.
 - ii. The Voter must then complete Form C-4, “Challenged Voter Affidavit,” which must also be signed by the Board Workers, and added to the official records book of the election.
 - iii. If a Board Member does not agree with a decision and wishes to file a protest, a record of dissent must be entered in the poll book, followed by the dissenter’s signature.
 - iv. **Record Keeping** – EVERY challenge and determination of the Board must be recorded on the forms provided by the Commission of Registration.
 - v. **APPEAL RIGHTS** – **If the right to vote is denied,** the voter may appeal the Board Workers’ decision to a Superior Court Judge who will be on duty in the County Seat during election hours. The voter must bring with him/her a COPY of the Challenger’s Affidavit (C-2) and the Challenged Voter Affidavit (C-4). Board Workers have full instructions on this process.
6. **Observation of Counting of Ballots.** Challengers have the authority to remain at the polls after closing to be present when the votes are counted or machines tabulated, and may challenge the counting or rejecting of any ballot.