



Useful Tips for Campaigns On Clean Voting

A message from Pennsylvania Attorney General Michelle A. Henry

Dear candidates, campaign staffers, and volunteers,

Thank you for being part of America's democratic process. There is nothing more fundamental to our nation than the willingness of ordinary Americans to step up by running for office or supporting those who do.

While you are focused on winning the race, it is important to always remember that you must obey all relevant federal, state, and local laws in the process. Failure to do so not only puts you at risk legally, it undermines our citizens' faith in our democratic institutions.

Election Day, of course, is the most important day in any campaign. It can also be the most emotionally charged, and can lead to people engaging in illegal conduct at the polls out of ignorance, competitiveness and in some cases, malice.

My office has created this guide to help you understand what activities are permitted and forbidden under the law when candidates, staffers, or volunteers work at the polls on election day. ***This document is not legal advice***; it is only meant as a guide. For actual legal advice, please consult an attorney.

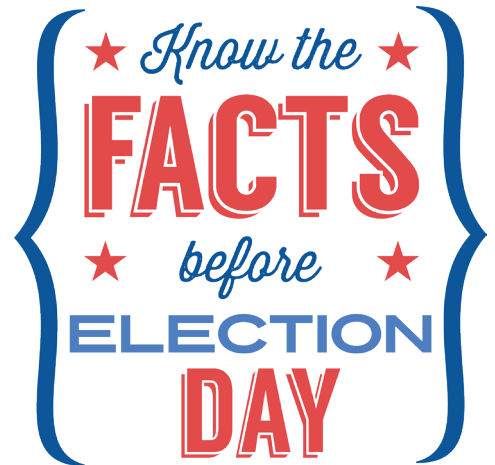
All the best,

Michelle A. Henry

INTRODUCTION

This guide is meant to outline the rules of the road for election day in Pennsylvania. While the goal is for this information to help you and your team stay within the law, it is not legal advice. For detailed legal advice, please consult an attorney. Additionally, during federal elections, additional federal laws may apply that are more restrictive than Pennsylvania law.

If you experience issues at the polls on election day, your first call should be to your county board of elections. They are your source for assistance on election day. You can also call the Pennsylvania Department of State at 1-877-VOTES-PA (1-877-868-3772). However, if you witness what you believe to be election-related crimes, please email our office at voting@attorneygeneral.gov. *If you feel unsafe for any reason, you should call 911 immediately.*



POLL WATCHERS

Duties of poll watchers

The role of a poll watcher is to help ensure that elections are free and fair. Their purpose is to watch how elections are being conducted and challenge or report any irregularities.

Poll watchers are not to be advocates for candidates, parties, or political bodies.

Who is entitled to appoint poll watchers

Candidates for nomination or election, political parties, and political bodies who have candidates on the ballot, are entitled to have poll watchers present at the polls during elections.

Number of poll watchers

Each candidate is entitled to two poll watchers per district. Each party or political body is entitled to three poll watchers per district.

Paying poll watchers

Poll watchers are not paid by the Counties. Political parties, political bodies, and/or candidates are responsible for paying them. However, poll watchers may not be paid more than \$120.00 per diem.

Who can serve as a poll watcher and where

Poll watchers must reside in the county where the election is occurring. When they are not working in the precinct (polling place) where they were appointed, they can go to other precincts within that county.

Poll watchers' certificates are required

The County Board of Elections issues a poll watcher certificate for each watcher for each election. These certificates are only valid for that one particular Primary or Election Day. Poll watchers must show their valid certificates upon request.

To obtain poll watchers' certificates, please contact your county's Board of Elections.

Poll watchers' attire

Poll watchers may not wear campaign clothing or gear while on duty.

Conduct of poll watchers

A poll watcher is not permitted to engage voters; instead, the watcher should direct concerns and/or issues to the Judge of Elections. Most importantly, a poll watcher cannot under any circumstances ask a voter who he or she is voting for or suggest who the voter should support.

Poll watchers are permitted to challenge voters based on an issue regarding residency or identity; however, the challenge cannot be made simply to cause confusion, disruption, annoyance, or otherwise dissuade individuals from voting. All challenges must be based on a legitimate concern.

From the time that the polls open until the last vote is cast, only one poll watcher per candidate (and one per party, etc.), may be present inside the polling place. Each watcher must remain at least six feet from where the voting is occurring (i.e., where the voting machines are placed). After the polls close, while the ballots are being counted, and the voting machines are being canvassed, all watchers are permitted in the polling place but they must still stay outside of the enclosed voting space.

CAMPAIGN LITERATURE ON ELECTION DAY

Please note that all of these rules are the most permissive allowable under Pennsylvania law. Property owners where polling places are located (such as schools or churches) have the right to set more restrictive rules. You must respect the rules of each precinct.

Campaign workers may hand out literature

Candidates, campaigns, parties, and others are permitted to have stands and give out their campaign literature at polling places on election day. However, this can only be done outside of polling locations. Candidates and campaigns must make certain their literature is offered to voters at a distance of 10 feet or more from the place where voting is occurring.

Literature must have the appropriate disclaimers on them

Campaigns and candidates should be mindful that literature or advertisements being handed out must have the appropriate disclaimer on it. Under Pennsylvania law, whenever any person, political action committee, political group or candidate spends money (makes an expenditure) for the purpose of financing communications

expressly advocating the election or defeat of a candidate, or ballot questions, through any broadcasting station, newspaper, magazine, outdoor advertising facility, direct mailing, or any other type of general public political advertising, the advertisement and/or communication must “clearly and conspicuously state the name of the person who made or financed the expenditure for the communication.” This includes mailers, lawn signs, billboards, television ads, radio spots, and campaign materials. The statute demands that the advertisement and/or communication must also indicate whether or not it is authorized by the candidate, his or her political committee, or their agent.

Voters may bring literature into the polls with them

In October 2016, the Pennsylvania Department of State opined that voters are permitted to bring campaign literature (e.g. small pamphlets and palm cards) into the polling place and the voting booth if it will assist them in making their selection. Election officials should conduct routine sweeps of the voting area in order to ensure that the campaign literature is not left lying around inside the polls.

Advocates must be at least 10 feet from the polling place

Electioneering within 10 feet of the polling place is illegal under Pennsylvania law. Specifically, the law states that anyone other than voters, people assisting voters, election officials, or police/peace officers in the course of their duty “must remain at least ten (10) feet distance from the polling place” while the polls are open.

The Pennsylvania Election Code defines the polling place as “the room provided in each election district for voting at a primary or election.”

Campaign Gear and Clothing

Candidates and campaign workers are permitted to wear campaign gear outside of the polling location. While wearing campaign attire, they must stay at least 10 feet from the distance of the polling place.

Candidates and campaign workers cannot wear their campaign gear inside the poll while working as poll watchers. Local election board workers cannot wear campaign gear or clothing supporting a particular party or candidate.

OFFICIAL POSTINGS AND MATERIALS

Posters created and hung by the County Election Board may not be manipulated by campaigns or candidates.

There are posters and signs hung up around polling places by local election board workers at the direction of the Pennsylvania Department of State and County Election Boards. These posters and signs must not be defiled, altered, or annotated in any way by anyone.

REPORTING ILLEGAL BEHAVIOR

If candidates or campaigns see illegal behavior, report it.

Sometimes candidates and campaign workers are in the best position to observe concerning behavior. They should report the behavior to the Judge of Elections first. The Judge of Election should demand that the illegal behavior cease immediately. However, if the behavior continues, the candidate(s) or campaign worker(s) should contact the police immediately. Note as much specific information as possible including what is said and by whom. When safe to do so, videotape or photograph the behavior that seems concerning to you and pass it along to the police. However, when using a cell phone or other video device that records audio, do not conceal using those devices.

Issues should also be reported to your county's Board of Elections, or the Department of State at 1-877-VOTESPA (1-877-868-3772). If you witness an election-related crime, please also report it to the Office of Attorney General at voting@attorneygeneral.gov.

If you are being antagonized, contact the police, and do not engage.

Notify the Judge of Elections of the issue. If problems persist, contact the police. It is unlawful for anyone to attempt to intimidate or influence voters or election officials.

If you feel unsafe, call 911 immediately.