



RIGHTS OF WATCHERS, CANDIDATES & ATTORNEYS

Watchers, Candidates and Attorneys at Sessions of the County Board

Section 310 of the Election Code (Code), 25 P.S. § 2650, outlines the rights of watchers, candidates and attorneys as they relate to sessions of the county board of elections. (Such sessions include the computation, tabulation or canvassing of unofficial election returns on the night of the primary or election and the official computation and canvass that begin on the third day following the primary or election.)

- Any party, political body or body of citizens entitled to have watchers at any primary or election is also entitled to appoint watchers to represent the party, political body or body of citizens at public sessions of the county board. (Such watchers must be qualified electors of the county.) *Section 310(a)*
- Qualified watchers at sessions of the county board may exercise the same rights as poll watchers. *Section 310(a)*
- The county board of elections may limit the number of watchers present at any one time to no more than three for each party, political body or body of citizens. *Section 310(a)*
- Each candidate whose candidacy may be affected by matters pending before the county board, including any computation, canvass, recount or recanvass of returns, is entitled to be present and participate in the proceeding in person or by his or her duly authorized attorney. *Section 310(b)*
- Any candidate, attorney or watcher present at a recount or recanvass is entitled to examine the ballots and raise objections regarding such ballots. *Section 310(c)*

Appointment of Poll Watchers

Section 417 of the Pennsylvania Election Code, 25 P.S. § 2687, provides for the appointment of watchers. Under section 417(a), “[e]ach candidate for...election at any election shall be entitled to appoint two watchers for each election district in which such candidate is voted for.” In addition, “[e]ach political party and each political body which has nominated candidates...shall be entitled to appoint three watchers at any general...election for each election district in which the candidates of such party or political body are to be voted for.” 25 P.S. § 2687(a).

Act 2004-97 amended section 417(b) of the Code to read as follows:

Each watcher so appointed must be a qualified registered elector *of the county* in which the election district for which the watcher was appointed is located. Each watcher so appointed shall be authorized to serve in the election district for which the watcher was appointed and, when the watcher is not serving in the election district for which the watcher was appointed, in any other election district *in the county* in which the watcher is a qualified registered elector.... It shall not be a requirement that a watcher be a resident of the election district for which the watcher is appointed.

25 P.S. § 2687(b) (emphasis added).

Thus, under section 417(a) of the Code, a candidate, political party or political body is entitled to appoint as a watcher in any election district of a county *any registered qualified elector of that county*, without regard to the election district in which the watcher is a registered qualified elector within the same county.

And as amended by Act 97, any watcher appointed under section 417(a) of the Code is authorized to serve *in any other election district in the same county* when he or she is not serving in the election district for which the watcher was appointed.

Rights of Poll Watchers

Section 417 of the Code, 25 P.S. § 2687, outlines the rights of duly appointed poll watchers.

- Watchers allowed in the polling place are permitted to keep a list of voters. *Section 417(b)*
- Watchers allowed in the polling place are entitled to challenge the qualifications of voters in accordance with the provisions of section 1210(d) of the Code (25 P.S. § 3050(d)). *Section 417(b)*
- Watchers allowed in the polling place are entitled to inspect the voting check list and either of the two numbered lists of voters during those intervals when voters are not present in the polling place, provided that the watcher does not mark upon or alter any of these official records. (The judge of election must either personally supervise or delegate supervision of such inspection of the list or lists.) *Section 417(b)*

Public Inspection of Returns

- The general returns, which are returned **unsealed** by the various election districts, are open to public inspection as soon as they are received from the judges of election. None of the **sealed** election materials returned by the election officers may be opened by any person, unless ordered to do so by the return board or the court of common pleas. Section 1402(a), 25 P.S. § 3152.

Please note that none of the statutory provisions outlined in this document permit watchers, candidates or their attorneys to interfere with, hinder or unlawfully delay a district election board or the county board of elections in the conduct of its duties. Neither do any of these provisions permit watchers, candidates or attorneys to harass or intimidate voters or election officials. Therefore, a county board of elections may issue reasonable regulations, not inconsistent with law, regarding the conduct of its duties and the duties of its local election boards.