

Poll Watchers Guide

Revised January 2018

Prepared by the Office of the Iowa Secretary of State

(515) 281-0145
sos@sos.iowa.gov
<http://sos.iowa.gov/>

For more information, please contact the Secretary of State's Office or the county auditor.

Important Note: The information provided in this guide has been compiled in the Iowa Secretary of State's Office to assist candidates and the public in meeting the requirements of Iowa's election laws. If any errors in compilation or computation have occurred, or if there have been amendments to the *Iowa Code* or *Iowa Administrative Code*, the provisions of the *Iowa Code*, *Iowa Administrative Code*, and the session laws shall prevail.



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Overview

Who Are Poll Watchers

A poll watcher is a person who has official permission to be at the polling place on election day or in the room where absentee ballots are counted before the polls close.

[§49.104, 53.23]

The following persons cannot be poll watchers:

- A candidate for an office on the ballot,
- An incumbent officeholder, or
- A precinct election official working at the election.

[§39A.4(1)(b)(1), 39A.4(1)(c)(10)]

Poll watchers may also be called challenging committees or observers. Poll watchers acting as challengers must be registered voters in the county where the challenge occurs.

[§49.79]

Appointing Poll Watchers

Poll watchers may be appointed by the following:

- Political party executive or central committees,
- Non-party political organizations (NPPOs),
- Candidates who are “Nominated by Petition,” and
- Groups opposing or supporting public measures on the ballot

Exception: Poll watchers for public measures are not allowed for primary and general elections.

[§49.104]

Poll watchers must provide written permission at the polling place or absentee precinct to show they have been appointed as poll watchers. Candidates nominated by petition and NPPOs appointing poll watchers may use the “Poll Watcher Designation Form” for this purpose. Political parties must provide credentials to observers and challengers but the use of the official form is not required.

[§49.104]

Poll watchers representing groups opposing or supporting public measures must file the “Poll Watcher Designation Form” with the county auditor before election day. The auditor will appoint the poll watchers and notify them of the times they may serve as a poll watcher.

[§49.104(6)]

Number Allowed

Polling Place on Election Day

While the polls are open on election day, there is a limit to the number of poll watchers that can be in a polling place:

- 3 appointed by each political party that has a candidate on the ballot,
- 1 appointed by each NPPO that has a candidate on the ballot,
- 1 appointed by each candidate nominated by petition, and
- 3 for public measures on the ballot (except for primary and general elections).

[§49.104]

After the polls close, the process of counting the ballots is open to the public. However, no one other than the precinct election officials (PEOs) may handle ballots or participate in the count.

[§50.1A, 50.11]

Absentee Precinct While Ballots are Counted

The only poll watchers who are allowed by law to be in the room when the absentee and special precinct (ASVP) board is counting ballots on Monday or Tuesday before the polls close are:

- 5 appointed by each political party,
- 1 appointed by any NPPO that has a candidate on the ballot,
- 1 appointed by a candidate nominated by petition
- 1 representing support for a public measure on the ballot (except for primary and general elections), and
- 1 representing opposition for a public measure on the ballot (except for primary and general elections).

After the polls close, the process of counting the ballots is open to the public.

[§53.23(4)]

Poll Watcher Activities

At the Polling Place

Poll watchers at the polling place on election day may observe, but not interfere, with the election process. Poll watchers may:

- Look at the eligibility slips or voter rosters,
- Write down the names of people who have or have not voted,
- Challenge a voter's qualifications (see the "Challenges" section of this guide for more information), and
- Report perceived problems in the precinct to the county auditor.

Poll watchers may not:

- Handle the ballots, voting equipment, or election register,
- Inspect documents produced by voters for the purpose of establishing identity (these documents contain confidential information),
- Compare the signature on record to a signature on any document or ballot or ballot envelope,
- Disenfranchise voters by encouraging challenged voters to cast provisional ballots in precincts where they do not live,
- Engage in arguments with PEOs, voters, or other poll watchers,
- Interrupt, hinder, oppose, or talk to a voter while in line or while the voter is approaching the polling place,
- Solicit votes for candidates or questions,
- Offer advice or literature to voters,
- Wear buttons, stickers, jewelry, or clothing of a political nature, or
- Use polling place supplies.

[§49.104, 49.105]

At the Absentee Precinct

Observers cannot interfere with the duties of the ASVP board. Interference includes but is not limited to handling ballots and communicating or attempting to communicate information regarding the progress of the count while the board is counting ballots.

Observers may leave the room to report the names of voters whose ballots were rejected without being opened.

[§53.23(3)(b)(1), IAC 721—21.359(5)(a)]

Observers are prohibited from being present at a hospital, assisted living program or health care facility during the time that the special precinct election officers are delivering absentee ballots.

[§53.22(7)]

Challenges

Challenging Guidelines

A registered voter in the county or a PEO may challenge the qualifications of any person offering to vote.

[§49.79(1)]

Challenges must be made in writing. The challenger must complete a “Challenger’s Statement” form which is prescribed by the Secretary of State. The form must be signed and state the specific reason(s) for the challenge.

A separate form must be used for each challenge made. Blanket challenges are prohibited by Iowa law.

Exception: PEOs working at the polls on election day do not need to complete the challenger’s statement.

[§49.79(3)(a), 49.79(4)]

A challenge may be brought against a voter by claiming the voter is one of the following:

- Not a citizen of the United States,
- Less than 18 years of age on election day,
- Not a resident of at the address where the person is registered,
- Not a resident of the precinct where the person is offering to vote,
- Falsifying information on a registration form or on a declaration of eligibility,
- Convicted of a felony and the person’s voting rights have not been restored,
- Adjudged incompetent to vote and no subsequent proceeding has declared the person to be once again competent, or
- Deceased.

Voters cannot be challenged solely because they are changing their address at the polls on election day or they are registering to vote on election day.

[§49.79(2)]

Challenges at the Polling Place

The challenged voter may be asked questions by the PEOs and the challenger (if the PEOs have permitted the challenger to do so) to determine the qualifications of the voter. The voter may be questioned regarding the following information:

- Where the voter maintains a home,
- How long the voter has maintained a home at that location,
- If the voter maintains a home at any other location, and
- The voter's age.

The voter may present evidence to support the fact that the voter is qualified to vote.

[§49.80(2)]

A challenge may be withdrawn at the polling place or at anytime before the ASVP board meets to consider provisional ballots and challenged absentee ballots.

If the challenge is withdrawn at the polling place, the voter may cast a regular ballot. If the challenge is not withdrawn, the voter must be offered a provisional ballot.

[§49.79(5), 49.80(2), 49.81]

Challenges at the Absentee Precinct

Observers and ASVP board members may challenge absentee ballots at any time before the ballots are removed from the affidavit envelopes.

After a challenge is received, the auditor must notify the voter of the challenge and set aside the voter's absentee ballot. The notice must include information about the deadline by which the voter may present evidence to support the voter's qualifications.

[§53.31]