

Morris County Poll Worker Bulletin

Primary Election June 4, 2019

Assigned Board Workers Must Report to their Assigned Polling Location by 5:15 AM



NEW NO ELECTIONEERING SIGN



Below is the new NO ELECTIONEERING sign that will be enclosed in the canvas bag and should be posted inside the polling location.



NO ELECTIONEERING

THIS MEANS:



NO Campaign • Candidate • Party Literature

NO Wearing Campaign • Candidate • Party Buttons, Hats, Shirts, Signs, etc!

(NJSA 19:34-15 Electioneering within or about polling place; disorderly persons offense.)

If a person shall distribute or display any circular or printed matter or offer any suggestion or solicit any support for any candidate, party or public question within the polling place or room or within a distance of ONE HUNDRED FEET of the outside entrance to such polling place or room, he shall be guilty of a disorderly persons offense.

Any questions call 973-285-6715



NEW CHALLENGERS INFORMATION PACKET

This Packet was distributed to all the Municipal Clerks, Municipal Chairmen and to anyone requesting Challengers Badges. It will also be enclosed in the Clear Envelope located in the Green Canvas Bag on Election Day.

What is a Challenger?

A Challenger is a person who is appointed by a Candidate, Political Party Chair (Democrat or Republican), or proponent or opponent of a public referendum.

A Candidate in the Election may also act as a Challenger on behalf of him or herself.

A Challenger is permitted by law to **observe the voting process** in a polling place or at the location where mail-in ballots are counted (the Board of Election Office) and can **challenge a voter's right to vote or the validity of a mail-in ballot**. NJSA19:7-1, et sq.; NJSA 19:7-2; NJSA 19:7-3; NJSA19:7-5

What is the appointment process:

No later than two weeks before the Election, appointment papers must be filed with the County Board of Elections and must list the name of each Challenger and the corresponding assigned election district(s). NJSA 19:7-3

Are there any Challenger restrictions?

Yes, Challengers cannot:

- ⇒ Speak directly to the Voters
- ⇒ Sit with the Poll Workers
- ⇒ Stand over the Poll Workers
- ⇒ Touch any Election materials
- ⇒ Go to the voting machines during the voting hours
- ⇒ Challenge the Voter directly
- ⇒ Participate in the signature comparison process, it is the responsibility of the Poll Worker.
- ⇒ Harass or intimidate Voters or cause any disturbance in the polling place. NJSA 19:34-29
- ⇒ Wear any campaign insignia whatsoever. This includes buttons or clothing with indicia related to any Candidate, a Political Party or referendum NJSA 19:34-15
- ⇒ Decline, refuse or neglect to wear the Challenger Badge or fail to present the Challenger Credentials to the Poll Worker District Board upon arrival at the polling place. NJSA 19:7-6
- ⇒ Challenge any Voter on the basis of race, ethnicity, expected manner of voting, or the location of the Voter's actual residence in a housing complex, ward or other part of town or county. NJSA 19:15-18

What is the challenge process in the polling place?

If a Challenger knows, suspects or reasonable believes that a Voter is not qualified to vote, the Challenger must assert the challenge before the Voter votes.

The challenger may not ask any questions directly to the voter. All questions must be directed to the Poll Worker Board Members. The Challenger must tell the Poll Workers why he or she is challenging the Voter (for example, a Challenger may claim that the Voter moved out of State before Election Day).

The Challenger must complete and sign a Challenger Affidavit (found in the Election Day supply bag) in which the Challenger specifies his or her reason(s) for challenging the Voter.

When the Poll Worker Board receives the completed Challenger Affidavit, a Poll Worker will read aloud to the Voter the “Information for Challenged Voter” sheet which explains the Voter’s rights. The challenged Voter should fill out and sign the “Challenged Voter Affidavit” and provide suitable identifying document for inspection. The acceptable identifying documents are listed on the Challenged Voter Affidavit.

After the Voter completes the Affidavit, the Poll Worker Board Members must review the Affidavit and the identifying document and then vote on whether to permit the Voter to vote.

At least three Poll Worker Board Members must vote against the Voter to uphold the challenge and prevent the Voter from voting . **A tie vote works in favor of the Voter and he or she will be permitted to vote in the voting machine. NJSA 19:15-18.2 & NJSA 19:15-24**

All Poll Worker Board Members must sign the Challenged Voter Affidavit. One copy of the Challenger’s Affidavit is given to the challenged Voter and one to the Challenger. The Poll Worker Board will retain the original and return it to the County Board of Elections.

Once the Voter votes, the challenge ends.

Upholding the Challenge

If the Poll Worker Board Members uphold the challenge and determine that the Voter may not vote, the Poll Worker Board must provide the Voter with the **Challenged Voter Information sheet** and inform the Voter of his or her right to appear before a Superior Court Judge for a review of the matter.

If the Voter goes to Court and the Judge decides in the voter’s favor, the Judge will issue a Court Order permitting the Voter to vote on the voting machine. The Voter should sign his or her name on the Court Order before leaving the courtroom.

When the Voter presents the Court Order to the Poll Worker Board, the Poll Workers will instruct the Voter to sign the Court Order again in their presence.

The Poll Workers must compare the signatures and, if he or she is satisfied that the signatures match, the Poll Worker will issue the Voter a Voting Authority slip.

The Poll Workers must retain the Court Order, place it in the poll book and return it with the Election supplies at the close of polls.

Who is allowed in the polling place?

The polling place is a limited public forum. The only persons allowed therein are Election Officials (Municipal Clerk, Board of Election Commissioners, and Master Poll Workers), duly credentialed Challengers, the Candidates, the Voters and the Voters' dependent children (regardless of age) and Law Enforcement Officers present to preserve the peace and the enforcement of the Election Laws. **NJSA 19:15-8**

What is "Electioneering"?

It is any activity or display of materials that is intended to advocate, solicit or suggest support for a Candidate, Political Party or Public Referendum. **NJSA 19:34-15**

On June 14, 2018, the United States Supreme Court issued an opinion in Minnesota Voters Alliance v. Mansky, 585 U.S. - (2018). This decision reinforces the need for county boards of elections to continue to be vigilant when enforcing New Jersey's electioneering laws by strictly following the time-honored practice of prohibiting in polling places, and within 100-feet of polling locations, any apparel, accessories, or other displays that identify--in one way or another--candidates, political parties, or public questions appearing on the ballot. Other political displays unrelated to such candidates, political parties or public questions appearing on the ballot are permitted to be worn or displayed by persons approaching and entering a polling location.

The County Board of Elections is emphasizing to poll workers the importance of adhering to the established practice of prohibiting at the polls only the political badges, buttons, insignia, t-shirts or other displays that reasonably can be read or viewed to identify, support or oppose any candidates, political parties, or public questions appearing on the ballot. Strict enforcement of this practice is especially critical now that the Supreme Court has held that states may only prohibit political speech in the polls that demonstrably relates to the election at hand.

Some enforcement decisions at the polls may not be as easy as most, and Poll Workers should, as always, refer any questions on Election Day to their County Board of Elections who in turn will consult with the Attorney General's office whenever there is any question whether a particular t-shirt, button, or badge should be banned from the polls.

Where is the Protected Zone?

It extends 100 feet from the outside entrance(s) of the polling place up to and including the polling room. **NJSA 19:34-6 & NJSA 19:34-15**

What if there is Electioneering activity going on in the polling place?

The first line of defense is the Poll Worker Board which should immediately restrain any such activity. For example, if a Challenger is displaying a campaign button, he or she should be told to take it off. If the Challenger is soliciting voters in the polling place to support his or her Candidate, the Poll Worker Board should tell the Challenger to stop. **NJSA 19:6-15**

Is Exit Polling permitted?

Pursuant to a Federal Consent Decree, the Media Outlets represented by Edison-Mitosky Research (ABC, AP, CBS, CNN, Fox News and NBC) may conduct Exit Polling **within** one hundred feet of the outside entrance to the polling place. Exit Polling is not considered Electioneering.

The Media Outlets contact the Board of Elections prior to Election Day, to provide them the municipality and polling location(s) for which they will conduct their exit polling.

The Board of Elections issues a Credential Letter to the Media Outlets to show the Poll Workers at the specified location. Prior to Election Day, the Board of Elections will contact the Municipal Clerk and Poll Workers that the Media will be conducting Exit Polling.