

# DO'S AND DON'TS ON ELECTION DAY

## For Campaigners and Authorized Representatives

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### I. CAMPAIGNERS (CAMPAIGN WORKERS AND CANDIDATES)

1. Campaigners **must be** and **stay** at least 40 feet away from **any entrance** to the building in which the polling place is located. This 40-foot "campaign-free" zone is referred to as the "Prohibited Area." Restrictions which apply to the Prohibited Area also apply to polling place itself. Code of Virginia, § 24.2-604
2. There is no limit to the number of campaigners allowed outside of the Prohibited Area. § 24.2-604
3. Campaigners **cannot** hinder or delay a person from entering or leaving a polling place. § 24.2-604
4. Loudspeakers **cannot** be used within 300 feet of any polling place. § 24.2-605
5. Campaign materials, including sample ballots, may be distributed on election day on the property on which a polling place is located and outside of the building containing the polling place except as specifically prohibited by law (that is, they cannot be distributed inside the Prohibited Area). §§ 24.2-310(E), 24.2-604
6. Campaign signs/posters may not be posted inside the Prohibited Area or polling place. Whether signs/posters can be posted outside of the Prohibited Area may be subject to the management of the property, or local ordinance. (For example, a private organization may be willing to have its building serve as a polling place, but does not allow placement of sign posts in its lawn.)
7. On sample ballots, any official authority statement of a local electoral board or the State Board of Elections must be deleted, and replaced with the publishing candidate's or group's authority statement (or "disclaimer"). § 24.2-622

For federal offices, the authorization notice required by federal law must be used.

For all other offices, the required identification on campaign material is specified in the

Code of Virginia. For details, see the State Board of Elections website ([www.sbe.virginia.gov](http://www.sbe.virginia.gov)) under "campaign finance disclosure" and look for the summary of campaign finance laws for a candidate or for your type of group/committee. § 24.2-955 et seq.

If you have questions relating to either the basic or the additional requirements for identification of print media, radio and television campaign advertisements, call SBE and ask for the Manager of the Campaign Finance Division.

- 8 Samples of any ballot (or part of a ballot) **cannot** be printed on **white or yellow** paper and **must** contain the words SAMPLE BALLOT in type no smaller than twenty-four point. § 24.2-622
- 9 The voter is allowed to carry sample ballots and campaign material into the polling place but **must not display** them to other voters. §§ 24.2-622, 24.2-604
10. No officer of election shall sign or otherwise mark any paper, form, or item, other than one furnished by the State Board, his electoral board, or general registrar, at his polling place during the hours that the polls are open. § 24.2-650

## II. PARTY AND CANDIDATE AUTHORIZED REPRESENTATIVES ON ELECTION DAY (General Information and Requirements)

1. In a **primary** election, each **primary candidate** on the ballot in that election is entitled to representation, as discussed below, before, during and after the election.

In a **general election or special election** each **political party** with one or more nominees on the ballot in that election is entitled to representation (even if the nominees are running for local offices for which party names are not listed on the ballot).

The political organizations which currently meet the definition of a "political party" under Virginia state law (§ 24.2-101) -- and therefore entitled to party representation inside the polls during elections in which they have a nominee on the ballot -- are the Democratic Party and the Republican Party. Other groups may qualify to put their names on the ballot beside names of their candidates, but are not entitled to representatives.

In a **general election or special election** each **independent candidate** on the ballot in that election is entitled to representation.

Write-in candidates are not entitled to representatives at any time, but they or their supporters may be able to witness the counting of votes in the precinct after the polls close (as chosen "bystanders"). See section V below and § 24.2-655.

2. The chairman of the political party or the independent/primary candidate entitled to representatives, as appropriate, must provide a notice of authorization. The notice should be done by one of the following methods:
  - a. Provide, at least 5 days prior to the election, a list of authorized representatives for each precinct to the local electoral board; or
  - b. Provide a list of the authorized representatives for the precinct to the chief officer of election at the polling place; or
  - c. Provide each authorized representative with a letter (or photocopy thereof) signed

by the party chairman or the independent/primary candidate. The representative **must** give this letter (or photocopy thereof) to the chief officer of election at the polling place.

### III. AUTHORIZED REPRESENTATIVES BEFORE POLLS OPEN (§ 24.2-639)

#### 1. General and Special Elections

- **One** authorized representative of each political party with a nominee on the ballot in that election
- **One** authorized representative of each independent candidate on the ballot in that election

#### Primary Elections

- **One** authorized representative of each primary candidate on the ballot in that election

2. Representative **must be** a qualified voter of the city or county in which the polling place is located.
3. Representative **must** have a written statement (or photocopy thereof) signed by the party chairman or the independent candidate he represents. This statement (or photocopy thereof) should be presented to the chief officer of election if not presented previously (see section II above). Letter is not required if representative before the polls open is the authorizing candidate.
4. Before opening the polls, each officer shall examine the equipment and see that no vote has been cast and that the counters register zero. The officers shall conduct their examination in the presence of the party and candidate representatives (if present) See § 24.2-639 for additional procedures before the polls open.

### IV. AUTHORIZED REPRESENTATIVES WHILE POLLS ARE OPEN (§ 24.2-604)

1. The Officers of Election, at their discretion, may allow a maximum of **three** authorized representatives from each political party with a nominee on the ballot in that election and three from each independent or primary candidate on the ballot in that election when the pollbook has less than three divisions/stations.

When the pollbook is divided (or there are multiple electronic pollbook stations), **one** representative from each party and **one** from each independent/primary candidate **must be allowed** for each pollbook division/station. **No more than three representatives** per party/candidate are allowed even if the pollbook has more than three divisions/stations.

2. A representative **must be** a qualified voter of the city or county in which the polling place is located.
3. Representatives may stay all day **or** they may come and go in shifts as determined by the party or independent/primary candidate.
4. The representative **cannot** be the candidate.
5. The representative **cannot** in any way hinder or delay a voter.
6. The representative **cannot** give, offer or show any ballot, ticket or other campaign material.
7. The representative **cannot** influence any person in casting his ballot.

8. The representative **cannot** hinder or delay any officer of election.
9. The representative **cannot** sit at the registration table with the officers of election but must be placed behind the registration table in a position that enables him to see and hear the voting process. The representative has a right to immediately appeal to the local electoral board if he is dissatisfied with the Chief Officer's decision on placement.
10. A representative may mark or make his own list of those who have voted and make his own notes. An officer **cannot** provide any lists to representatives.
11. A representative may challenge a voter who is known or suspected not to be a duly qualified voter. The person challenging a voter must complete and sign a statement of challenger form stating the specific reason for the challenge. The challenged voter will be offered a written statement (page 2 of the same form) attesting to their qualifications to vote. If the voter signs the statement he or she **must be allowed** to vote in the normal manner. If the voter refuses to sign the statement he or she will not be allowed to vote. Challenges should not be made frivolously. § 24.2-651
12. A voter who is physically disabled or unable to read or write (including a voter who needs the ballot translated into another language) may be assisted, if he so requests, by an officer of election or other person of his choice who is **not** his employer, an officer of his union, nor an agent of his employer or union. A blind voter may be assisted by an officer of election or any other person of his choice.

All voters requiring assistance must take an oath and vote in the normal manner. A blind voter is not required to sign the oath. For a voter who is unable to sign, the assistant shall write "voter unable to sign" and print the voter's name.

The person assisting **any** such voter must take an oath to vote as the voter directs and not to reveal how the voter voted. § 24.2-649

The **authorized representative is prohibited from providing assistance** to any voter **or** wearing any indicator that he is available to assist any voters either inside the polling place or within 40 feet of any entrance to the polling place. (This is a law change, effective 7/1/2009. The same restriction applies to any neutral observer authorized by the electoral board to be inside the polling place.) § 24.2-604

13. **If voter asks an Officer of Election to translate the ballot:**
  - The officer must first ask any authorized representatives of the parties/candidates who are in the polling place whether they have a volunteer available who can interpret for the voter in the requested language. (If so, the representative would briefly exit the polling place to get the volunteer interpreter.)
  - If available, one interpreter per such party or candidate will be allowed to listen to the officer assist the voter.
  - The *Request for Assistance* form must be completed by the voter and assistant.
  - Any party/candidate interpreter(s) must complete Part C of the form stating that the interpreter will not attempt to influence the voter's vote or reveal how the voter votes.
  - The voter may choose one of the interpreters to assist instead of the officer. The newly designated assistant must be qualified to assist (see above) and complete a new assistance form accordingly.
  - These provisions were added to the law in 2009, amending § 24.2-649.
14. The officers of election have the authority to remove any representative who does not adhere to the aforementioned guidelines.

## V. REPRESENTATIVES AT CLOSE OF POLLS (§ 24.2-655)

1. Each political party with a nominee on the ballot in that election may have **two** representatives and an independent/primary candidate on the ballot in that election may have **one** representative at the polling place to witness the counting of ballots and ascertainment of results.
2. Again, the representative **must be** a qualified voter of the city or county in which the polling place is located.
3. Representative **must** have a written statement (or photocopy thereof) signed by his party chairman or the independent candidate he represents. This statement (or photocopy thereof) should be presented to the chief officer of election if not presented previously (see section II above).
4. This representative **may be** the candidate or someone other than the representatives used while the polls are open. Letter is not required from authorizing candidate who is representing himself.
5. After the polls are closed, if there are fewer than four authorized representatives (in total) at the polling place who request to be present while the votes are ascertained, the officers shall notify any **bystanders**, and select one or more bystanders to be present with any representatives so that there are as many as **four (total) bystanders and representatives** present during the count. This law does not limit the total number of authorized representatives after the polls close. (§ 24.2-655)
  - A person who wants to watch the counting as a bystander is advised to let the chief officer of election know, before the polls close, that he or she will be waiting outside the polling place (and outside the 40 foot prohibited area) immediately after the polls close in case there are fewer than four authorized representatives.
  - There are no qualifications in the Code for the "bystanders" so, for example, a bystander may be selected who is not a registered voter in the county or city (a requirement for all representatives).
  - **Write-in candidates** in general or special elections are not entitled to representatives at any time, but may use the bystander provision to get their observers into the polling place during the count if there are fewer than 4 authorized representatives at the polling place after the polls close.
5. The representatives and bystanders present **cannot** leave until the final results are ascertained and the chief officer of election has opened the doors and announced the results of the election, and may not communicate with any person outside the polling place by any means during the counting and ascertainment. **There are no exceptions to this rule.**
6. Representatives and bystanders present may witness the counting and ascertainment of results but **may not** touch or handle any ballot, voting machine or official document.
7. The representatives and bystanders present shall have an unobstructed view of the officers of election and their actions while the absentee ballots are cast, votes are counted, and returns are completed, and may make their own notes during the counting and ascertainment.

## VI. REPORTING ALLEGED ELECTION DAY PROBLEMS

Any alleged voting discrepancies should be reported to the chief or assistant chief officer of election, the local electoral board and/or the State Board of Elections **at the time they occur**. If complaints are received at the time they occur corrective action, if necessary, can be taken. If reports are not made until the election is completed there is little, if anything, that can be done to remedy the situation.

## VII. WHAT HAPPENS AFTER ELECTION DAY

On election night, the local registrar's office will post UNOFFICIAL results to the State Board of Elections website. After election day, any corrections, additions or changes to these unofficial results (for example, when provisional ballots are counted) will be explained in the notes on the website.

**The electoral board for the city or county will meet on the day after the election to decide the validity of each provisional ballot offered (§ 24.2-653) and to canvass the results of the election (§§ 24.2-671 through 24.2-678).**

The following are entitled to representation during the **provisional ballots meeting**:

- In a **general or special election**, one representative of each political party with a nominee on the ballot in that election, and one representative of each independent candidate on the ballot in that election;
- In a **primary election**, one representative of each primary candidate on the ballot in that election.
  - Representative must be a qualified voter of the city or county;
  - Representative may be the candidate;
  - Representative must have a letter signed by the authorizing party chair or independent/primary candidate (unless representative is that candidate, in which case no letter is required). Letter may be a photocopy.
  - Representative may not impede the orderly conduct of the determination.

Voters who cast provisional ballots may present evidence to the board. The provisional ballot meeting may be adjourned from day to day if necessary. The canvass cannot be completed until the Electoral Board has reached a decision on every provisional ballot. Then the valid provisional ballots are counted by the board and added to the locality's results as if a separate precinct.

The **canvass** is a public, open meeting of the electoral board. Anyone may attend; however, there are special provisions for party/candidate representation.

In a **general or special election**, each political party with a nominee on the ballot and each independent candidate on the ballot; or in a **primary**, each primary candidate on the ballot shall be entitled to have representatives present when the local electoral board meets to ascertain the results of the election.

- Each such party and candidate shall be entitled to have at least as many representatives present as there are **teams** of officials working to ascertain the results, and the room in which the local electoral board meets shall be of sufficient size and configuration to allow the representatives reasonable access and proximity to view the ballots as the teams of officials work to ascertain the results.
- The representatives and observers lawfully present shall be prohibited from interfering with the officials in any way.
- TIP: Authorization letters are not required for representatives at the canvass, but may be provided, at the option of the authorizing party chairman or independent/primary candidate.

The local electoral board certifies the winners for locally elected offices, and reports the county's or city's results for federal, statewide, general assembly and shared offices to the State Board of Elections, which certifies those winners in a public meeting.

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The next page in this PDF file contains a one-page summary of the information detailed above. This summary is also available as a separate document on the SBE website. If you have any additional questions about election laws or procedures, call the State Board of Elections, or contact your city or county's General Registrar or Electoral Board.