

706 POLL WATCHERS AND ELECTION OBSERVERS

- 706.1 Each candidate and each proponent or opponent of a proposed ballot measure may petition the Board for credentials authorizing poll watchers at any voting place and/or ballot counting place.
- 706.2 Persons who wish to witness the administration of elections, including nonpartisan or bipartisan, domestic or international organizations, who are not affiliated with a candidate or ballot measure may petition the Board for credentials authorizing election observers at any voting place and/or ballot counting place.
- 706.3 Each petition shall be filed with the Board, not less than two (2) weeks before each election and shall be on a form furnished by the Board. The Board reserves the right to accept petitions filed less than two (2) weeks before each election.
- 706.4 At the time of filing, the poll watcher petition form shall contain the following information:
- (a) The name, address, telephone number, and signature of the candidate or ballot measure proponent or opponent (“applicant”);
 - (b) The office for which the applicant is a candidate or the short title of the measure which the applicant supports or opposes;
 - (c) The name, address, email address, and telephone number of the poll watcher supervisor, if one is designated by the candidate, proponent, or opponent;
 - (d) The locations where access credentials are sought;
 - (e) The names, addresses, email addresses, and telephone numbers of at least two (2) and not more than three (3) persons who are authorized to collect the poll watcher badges from the Board on behalf of the candidate or ballot measure proponent or opponent for distribution to the authorized poll watchers;
 - (f) The names, addresses, email addresses, and telephone numbers of all persons who will serve as poll watchers on behalf of the candidate or measure proposer or opponent; and
 - (g) A certificate from the applicant that each poll watcher selected shall conform to the regulations of the Board with respect to poll watchers and the conduct of the election.

- 706.5 At the time of filing, the election observer petition form shall contain the following:
- (a) The name, address, email address, and telephone number of the organization or individual seeking credentials;
 - (b) The name, address, email address, and telephone number of the election observer supervisor, if a person is designated by an organization;
 - (c) The names, addresses, email addresses, and telephone numbers of all observers who will be receiving badges;
 - (d) The locations where access credentials are sought;
 - (e) The names, addresses, email addresses, and telephone numbers of at least one (1) and not more than three (3) persons who are authorized to collect the election observer badges from the Board on behalf of the organization or individual seeking credentials for distribution to the authorized election observers; and
 - (f) A certificate from the applicant that each election observer selected shall conform to the regulations of the Board with respect to election observers and the conduct of the election.
- 706.6 The Board may limit the number of poll watchers or election observers to ensure that the conduct of the election will not be obstructed or disrupted, except that:
- (a) Each qualified candidate shall be entitled to one (1) poll watcher in each of the voting places where his or her name appears on the ballot.
 - (b) Each proponent or opponent of a ballot measure who has timely filed a verified statement of contributions with the Office of Campaign Finance shall be entitled to one (1) poll watcher in each voting place where the ballot measure appears on the ballot.
- 706.7 The Board and its designees may, at their discretion, rotate credentialed poll watchers and election observers in and out of voting places and/or ballot counting places on an equitable basis in the event of space constraints. The Board and its designees may grant preference to poll watchers over election observers, and organizations over individuals.
- 706.8 The Executive Director shall make a ruling on poll watcher and election observer petitions not less than ten (10) days prior to an election.
- 706.9 In making a determination of the number of watchers or observers allowed, the Executive Director shall consider the following:

- (a) The number of candidates or requesting organizations;
- (b) Whether the candidates are running as a slate;
- (c) The number of proponents and opponents of ballot measures and proposed Charter amendments;
- (a) The physical limitations of the voting places and counting places; and
- (b) Any other relevant factors.

706.10 Within twenty-four (24) hours of the denial of a petition for credentials, the Executive Director shall issue public notice of such denial on the Board's website.

706.11 The Board shall issue a badge for each authorized poll watcher, election observer, or authorized watcher representing the proponents or opponents of ballot measures. A completed badge must include the watcher or observer's name and the name of the candidate or party represented by the watcher, or any organization being represented by the observer. Badges that do not include this information are incomplete and cannot be used for access to voting or counting places.

706.12 Badges shall be numbered consecutively, and consecutive numbers issued to each candidate, organization, proponent, or opponent.

706.13 All badges shall be worn by the authorized poll watcher or election observer in plain view at all times when on duty at the voting place or counting place.

706.14 An authorized alternate poll watcher or election observer may, in the discretion of the watcher or observer supervisor, be substituted for a watcher or observer at any time; provided, that notice is first given to the designated representative of the Board at the voting place or ballot counting place.

706.15 A poll watcher shall be allowed to perform the following acts:

- (a) Observe the count;
- (b) Unofficially ascertain the identity of persons who have voted (unless the information needed to do so would undermine the grant of confidential voter status);
- (c) Report alleged discrepancies to the Site Coordinator; and
- (d) Challenge voters in accordance with the procedures specified in this chapter, if the watcher is a registered qualified elector.

- 706.16 An election observer shall be allowed to perform the following acts:
- (a) Observe the count;
 - (b) Unofficially ascertain the identity of persons who have voted (unless the information needed to do so would undermine the grant of confidential voter status); and
 - (c) Report alleged discrepancies to the Site Coordinator.
- 706.17 No poll watcher or election observer shall, at any time, do any of the following:
- (a) Touch any official record, ballot, voting equipment, or counting form;
 - (b) Interfere with the progress of the voting or counting;
 - (c) Assist a voter with the act of voting;
 - (d) Talk to any voter while the voter is in the process of voting, or to any counter while the count is underway; provided, that a watcher or observer may request that a ballot be referred for ruling on its validity to a representative of the Board;
 - (e) In any way obstruct the election process; or
 - (f) Use any video or still cameras inside voting and counting locations if such use is determined by the Site Coordinator to be disruptive or to interfere with the election administration process.
- 706.18 A candidate may not serve as a poll watcher at any voting place.
- 706.19 If a poll watcher or election observer has any questions, or claims any discrepancy or error in the voting or the counting of the vote, the watcher or observer shall direct the questions or complaint to the Site Coordinator. In each vote center, the Site Coordinator shall be the representative of the Board to whom the poll watchers or election observers shall direct all questions and comments. In counting places, the Executive Director shall identify those representatives to whom poll watchers and election observers shall direct all questions and comments.
- 706.20 Any poll watcher or election observer who, in the judgment of the Board or its designated representative, has failed to comply with any of the rules contained in this section, or has engaged in some other prohibited activity or misconduct, may be requested to leave the voting place or the counting place.

- 706.21 If a poll watcher or election observer is requested to leave, that watcher's or observer's authorization to use credentials shall be cancelled, and he or she shall leave the voting place or counting place forthwith.
- 706.22 An authorized alternate poll watcher or election observer may be substituted for a watcher or observer who has been removed.

SOURCE: Final Rulemaking published at 39 DCR 2467, 2482 (April 10, 1992); as amended by Final Rulemaking published at 51 DCR 7406 (July 30, 2004); as amended by Final Rulemaking published at 56 DCR 5753, 5755 (July 17, 2009); as amended by Final Rulemaking published at 57 DCR 4245, 4249 (May 14, 2010); as amended by Emergency and Proposed Rulemaking published at 57 DCR 7081 (August 6, 2010)[EXPIRED]; as amended by Final Rulemaking published at 57 DCR 11123, 11124 (November 26, 2010); as amended by Final Rulemaking published at 61 DCR 625 (January 24, 2014); as amended by Final Rulemaking published at 62 DCR 14744 (November 13, 2015); as amended by Final Rulemaking published at 65 DCR 6543 (June 15, 2018); as amended by Final Rulemaking published at 67 DCR 14502 (December 11, 2020); as amended by Final Rulemaking published at 69 DCR 009504 (July 29, 2022); as amended by Final Rulemaking published at 70 DCR 012730 (September 22, 2023); as amended by Final Rulemaking published at 70 DCR 015793 (December 15, 2023).