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ANSWERS TO COMMONLY ASKED QUESTIONS - APRIL 28, 1992
PREPARED BY THE COMMITTEE OF SEVENTY

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ANSWERS TO COMMONLY ASKED QUESTIONS - APRIL 28, 1992

These questions supplement A Guide to the Conduct of Polling Places on Election Day. In addition, here is an update to the Guide:

On page 10, paragraph 5 at the top should read, "The voter entitled to receive assistance then selects anyone he or she wants, then present at the polls, to aid him or her in casting the ballot. The person providing the assistance does not have to reside in the division. (You cannot, however, be assisted by your employer or an agent of your employer, and, if you belong to a union, you cannot be assisted by an officer or agent of your union.)"

1. What is this election about?

Almost all of the ballot is devoted to the major parties' primary elections:

Voters within the Democratic and Republican Parties will express their preference for President.

Voters will elect delegates and alternate delegates to their parties' national conventions.

Voters will select their parties' nominees for the offices of U.S. Senator, U.S. Representative, State Attorney General, State Auditor General, State Treasurer, State Senator (in odd-numbered districts), and State Representative.

Republican voters will elect their state committeemembers.

There is also one ballot question.

2. Who may vote in this election?

The answer to this question has two parts.

With respect to the candidates, only people who are presently registered in Philadelphia as Democrats or Republicans may vote.

With respect to the ballot question only, all people who are presently registered in Philadelphia are eligible to vote.

3. If I'm a registered Democrat or Republican, for whom may I vote?

Primaries are "closed" in Pennsylvania, which means that you may only participate in your party's primary. In other words, a registered Democrat may only choose among the candidates in the Democratic portion of the ballot, and a registered Republican may only choose among the candidates in the Republican portion of the ballot. (Or you may write in the names of other individuals you support.)

4. If I'm registered non-partisan (independent) or as a member of the Consumer Party, for whom may I vote?

No one. You may only vote on the ballot question.

5. What effect does reapportionment have on this election?

For many voters, it changes one or more of the following: their future U.S. Congressional District, their future State Senatorial District, or their future State Representative District.

Reapportionment does not affect a voter's Ward and Division, or where that voter should go to vote.

Brief explanation: Upon the completion of the 1990 U.S. Census, the law required that Pennsylvania's legislature (known as the Pennsylvania General Assembly) draw new boundaries for the U.S. Congressional Districts in Pennsylvania and both houses of the General Assembly - the State House and the State Senate.

The new boundaries have been drawn, although it took far longer than it was supposed to and there was a serious possibility that the April 28 primary would be postponed.

The new boundaries will determine who represents you in 1993 and thereafter. Since the candidates on the ballot now are seeking to represent you in 1993, the new boundaries also determine whose names will appear on the ballot at your polling place.

For example: If you have been in the Second Congressional District, you may find yourself in the First Congressional District beginning in 1993 because of reapportionment. If so, when you go to your polling place this Tuesday, you will see the candidates for the First Congressional District on your ballot.

NOTE TO OFFICE VOLUNTEERS: This transition is very confusing to many voters. Expect calls from voters who are upset because "their" candidate's name wasn't on the ballot. The probable reason is that, because of reapportionment, the candidate in question will no longer be representing that voter's area in 1993. If you get such a call, the person in Seventy's office who staffs the Ward/Division book can determine the caller's current and future districts.

6. May I vote by pulling the big party lever?

No. There is no such lever in a primary, since you are choosing which candidates within your party you want to support. The big lever operates only in November, when your party's nominees run against nominees of other parties.

7. May I split my ticket?

Anyone who asks this question is confused about the difference between a primary and a final election. Ticket-splitting (voting for candidates from different parties for different offices) happens in

November. In the primary, you are choosing among candidates from within your own party.

8. How does the delegate election process work?

The answer is different, depending upon whether you are voting in the Republican or Democratic primary.

Republican Primary:

On your ballot will be the names of people seeking election as delegates or alternate delegates to the Republican National Convention. The ballot will tell you how many people you may vote for. The winning delegates and alternate delegates on your ballot will represent your Congressional District at the convention.

All candidates for delegate run uncommitted, which means that if they are elected, technically they may vote for whichever presidential candidate they want at the national convention.

There is no formal connection between the presidential contest on Tuesday's ballot and the delegate contest. In other words, to determine who wins the race for delegate, you simply determine which of the candidates for delegate received the most votes. You do not have to consider who wins the presidential contest on the ballot.

Democratic Primary:

On your ballot will be the names of people seeking election as delegates or alternate delegates to the Democratic National Convention. The ballot will tell you how many people you may vote for. The winning delegates and alternate delegates on your ballot will represent your Congressional District at the convention.

The men and women running to be delegates are all pledged to a particular presidential candidate. At the convention, they are expected to vote for the candidate to whom they are pledged, although under party rules delegates are free to vote their conscience even on the first ballot.

The Democratic delegate results depend on how well the presidential candidates do in each Congressional District. For example, if Bill Clinton gets half of the votes in your Congressional District, he will get half of the delegates pledged to him.

Note: The Democratic rules are far more complicated than this. If the questioner wants more guidance, feel free to seek out help from Hal Fichandler or Fred Voigt.

Here are just a few of the complications:

- (1) The rules are designed to ensure a balance of men and women. If all of the highest vote-getters for delegate in your congressional district are the same sex, they will not all be allowed to serve as delegate.

(2) There is a minimum threshold: if you are a candidate for delegate and the presidential candidate to whom you are pledged receives less than 15% of the votes in your Congressional district, then you lose, even if you get more votes for delegate than anyone else.

(3) In some congressional districts, a presidential candidate may be entitled to more delegates than were listed on the ballot as pledged to that candidate. If this happens, there will be a post-primary caucus in that district: the presidential candidate will submit a list of three names for each slot to fill, and the members of the Democratic State Committee who live in that district will select the winner.

9. I recently moved. May I still vote?

If you moved more than 30 days before the election, the Election Code says that you may not vote unless you have re-registered at your new address. But if you moved within 30 days of the election, you may vote - at the polling place for your old address - so long as you still live somewhere in Pennsylvania.

NOTE: If you moved within the same division (so that you would be using the same polling place after the move as before), you may vote even if you moved more than 30 days before the election. But you should inform the County Board of Elections of your new address before the next election.

10. I haven't voted in a while. Am I still registered?

If you voted in the November 1989 election or in any election since then, you should still be registered. (Ron Castille was elected District Attorney in November 1989.) If the last time you voted was before the November 1989 election, your registration affidavit probably has been removed from the binder; if so, you will not be allowed to vote.

11. How do I find out where my polling place is?

If you know your ward and division, you can find the address for your polling place by consulting the list of polling places published in the Inquirer and Daily News the day before the election. If you don't know your ward and division, or if a newspaper is unavailable, a Committee of Seventy office volunteer can determine the location of your polling place.

OFFICE VOLUNTEERS: We have a book in our office which enables you to determine a voter's ward and division once you know his or her exact home address. Some callers will give you their ward and division and ask you to tell them the location of their polling place. Please do not assume that the callers have given you the correct information. Instead, ask for each caller's exact home address and confirm the ward and division.

12. Do I need to have my registration card with me to vote?

No, but if you have it, it may be helpful to bring it with you. The caller is referring to a pink or white registration verification card which she or he should have received shortly after registering. Although you're not required to have this card, it can come in handy, especially if you find that you have to go to election court.

13. I went to my polling place but it's closed. What now?

First, check the published list of polling places (and, if you're an office volunteer, any updated information in Seventy's office) to make sure that the caller went to the right address. If the caller went to the right place, then explain that one can only vote at one's designated polling place, so there is no recourse other than to wait for it to open. In the meantime, the caller should report the problem to the County Board of Elections by calling 686-1520 or 686-1523.

14. How are my polling place officials chosen?

Note: this answer does not cover what to do if a polling place official is missing on election day. See question 16.

The election board at each polling place usually consists of 5 officials: a Judge of Election (who is in charge), a Majority Inspector, a Minority Inspector, a Clerk, and a Machine Inspector. All 5 are supposed to reside in the division.

The Judge of Election, Majority Inspector, and Minority Inspector are elected to four-year terms by the voters within each division. The current officials were elected in the November, 1989 election.

The Clerk is appointed by the Minority Inspector (although a committeeperson may actually make the decision), and the Machine Inspector is appointed by the County Board of Elections.

In reality, many Judges of Election, Majority Inspectors, and Minority Inspectors are not elected. Why? Because in many divisions, no one ran for the position and in others, the person who was elected moved away, became ill, or decided not to do the job after all. When a vacancy occurs before election day, a Court of Common Pleas Judge is supposed to be informed so that he or she can appoint someone else to fill the vacancy, but this procedure is often ignored. Instead, shortly before each election, committeepople or ward leaders round up people to work at the polling place and tell them which positions to fill. This informal process works adequately in most divisions.

15. Does the election board at my polling place have to be bi-partisan?

No. The goal in the Election Code is to achieve a bi-partisan board. Generally, the Judge of Election and Majority Inspector will be from one party, and the Minority Inspector and Clerk will be from another. (The Machine Inspector gives one side or the other a 3 to 2 majority.) This bi-partisan result doesn't always happen, however, primarily because of the way last-minute vacancies are filled on election day. For further information, ask a staff member of the Committee of Seventy.

16. One (or more) of our polling place officials is missing. Now what?

See Page 7 of the "Guide to the Conduct of Polling Places," which describes how to select replacement officials. If you are a field volunteer, you may be called upon to help conduct a curbside election.

17. Two people claim they are the Judge of Election (or some other polling place official) at my polling place. How can we settle this dispute?

First, field and office volunteers should stress that under no circumstances can this dispute interrupt the voting process. The disputants (with the help of a field team, if one is there) should work out a compromise which will keep the polling place open until the dispute is resolved.

If one of the two people has credentials indicating that he or she should serve, and the other has none, you may be able to resolve the problem yourself:

Some polling place officials may have certificates of election which the County Board of Election mailed to them after the November, 1989 election. Other officials may have court orders appointing them to serve in today's election. Officials with such credentials have precedence over people without credentials.

No matter what credentials a would-be polling place official has, if he or she shows up at the polling place after 7 a.m., and if a replacement official has been chosen (see page 7 of "A Guide to the Conduct of Polling Places"), then that would-be official is out of luck.

In fact, many legitimate polling place officials will have no credentials to verify their position on the election board. If two people without credentials claim the same position, they should contact the County Board of Elections at 686-3469 or 686-3943, or Central Election Court (Courtroom 653, City Hall, 686-4311). A Committee of Seventy volunteer shouldn't try to decide who gets to serve in this situation, but should make sure that the election continues.

18. Can someone help me get to the polls?

There is no legal requirement that a person be given such assistance. We recommend, however, that the caller try to contact the Democratic City Committee (241-7800), the Republican City Committee (561-0650), his or her ward leader (see our Election Calendar), his or her committeepeople (we have the names, but not the phone numbers), or the campaign headquarters of a candidate the caller supports.

19. I never got my absentee ballot, although I requested one, and I can't get to the polls. Is there any way I can vote?

Not for this election. Be sure to report the problem to the County Board after the election. (Note: These callers are among the most distressed you will talk to. Encourage them to be sure to contact the County Board before it's too late if this should happen again - that is, before the deadline for submitting absentee ballots (the last Friday before the election).)

20. I've already voted by absentee ballot (or I received a ballot but didn't use it). May I vote in person now that I can make it to the polls?

Yes. (In fact, the law says that you must.) When you go to vote in person, the Judge of Election should set aside your unopened absentee ballot and it will not be counted. But polling place officials may not know this rule, so if they give you an argument, have them call the Committee of Seventy.

21. Are the rules for absentee ballots somewhat different this time?

Yes. Here is why (and how): until reapportionment was completed, it was impossible to know who would be running in which districts. As a result, the printing of the absentee ballots was held up briefly. In recognition of this, the time for getting a completed absentee ballot back to the County Board of Elections by mail was extended.

Your absentee ballot will be counted if:

1. It is received by the County Board of Elections by mail on or before May 8, 1992 at 5 p.m. AND
2. The official return envelope contains your signed "elector's declaration" dated no later than April 24, 1992 AND
3. The return envelope bears a postmark date no later than Monday, April 27, 1992.

If the usual rule controlled, the voter's completed absentee ballot would have had to be in the hands of the County Board of Elections no later than 5 p.m. on April 24 to be counted, whether it was mailed or personally delivered. This rule was made more lenient in the way described above.

Note that the regular deadline to apply for an absentee ballot - April 21 - was not extended. Nor was the deadline for an emergency application - April 24.

Also, the deadline for turning in your completed absentee ballot by physically delivering it to the County Board was not extended. The deadline was 5 p.m. on April 24.

Counting the ballots will be a little more complicated than usual because of the extension:

Absentee ballots that are received by the County Board of Elections by 5 p.m. on April 24 will be distributed unopened to the appropriate polling places prior to election day. They will be counted by election officials at the end of the election day. This is the usual way things are done.

However, valid absentee ballots that are received by the County Board by mail after April 24 at 5 p.m. will not be distributed to the various polling places on election day. Instead, they will be held by the County Board and counted after the May 8 deadline.

22. May I have assistance in voting?

Only if your registration affidavit has the appropriate boxes marked (indicating need for assistance, and reason). The caller should have checked those boxes when he or she first registered, or should have added that information in a subsequent registration affidavit.

If the need for assistance is indicated on the affidavit, the voter gets to decide who will help him or her. The Judge of Election does not control this decision, although the voter may ask the Judge of Election to provide the assistance.

Note: Polling place officials may erroneously believe that a voter can only be assisted by someone who is a registered elector in the division. That is no longer the law. A person entitled to assistance can ask anyone, regardless of his or her residence, with only a few exceptions: you cannot be assisted by your employer or an agent of your employer, and, if you belong to a union, you cannot be assisted by an officer or agent of your union. (Explanation: an amendment to the Federal Voting Rights Act of 1965 (42 U.S.C. § 1973aa-6, effective 1/1/84) supersedes state law.)

23. How do I write-in a vote?

Each voting machine comes with a "paper roll" on which you must write-in your candidate's name. To get to that paper roll and to have your vote count, you must pull aside the metal slot on the front of the voting machine that corresponds to the office you're interested in.

You should cast your write-in votes last, after you have pulled the levers of any other candidates you support. Also, you should ask the Judge of Election before you close the curtain to explain how to write-in.

The instructions for finding the correct slot are different, depending upon which voting machine is being used. There are three types of voting machine (Committee of Seventy volunteers have a sheet which tells what type of machine each ward uses):

Old Shoup: This machine has a vertical column of metal slots to the left of the printed ballot as you face the machine. First, push the metal latch which is next to the #13 slot to the right. Then, find the caption of the office that you want to write-in for (for example, "President"). Push aside the metal slot that is directly to the left of that caption. Write your candidate's name clearly on the exposed paper.

New Shoup: This machine has a vertical column of metal slots to the left of the printed ballot as you face the machine. First, push the write-in button that is at the top of the write-in column. Then, find the caption of the office that you want to write-in for (for example, "President"). Push aside the metal slot that is directly to the left of that caption. Write your candidate's name clearly on the exposed paper. (Continued on next page)

Jamestown: This machine has a row of slots running above the printed ballot. First, find the caption of the office you want to write-in for ("President," for example). Then, lift a metal slot that is above that caption. Write your candidate's name clearly on the exposed paper.

In each case, the paper will advance when you open the curtain, so no one will know for whom you voted.

24. May I cast a write-in vote by using a rubber stamp or a sticker with the candidate's name on it?

Yes, but you must stamp the candidate's name or place the sticker on the write-in paper inside the voting machine - just as if you were actually writing the candidate's name in with a pen.

Also, whoever hands out the stickers or the rubber stamp must stand more than 10 feet from the entrance of the polling place.

25. Someone handed me several pieces of partisan information outside the polling place. May I take the information with me into the polling booth?

Yes. But neither you nor anyone else may hand out campaign materials within 10 feet of the entrance of the polling place. And when you leave, take the materials with you.

26. When I went into the machine to vote, someone moved a lever outside of the machine. What were they doing?

They were setting the machine so you could vote.

27. I was having trouble voting and I pulled the lever to open the curtain so I could explain my problem. Then they wouldn't let me vote. Is that right?

Yes. Unfortunately, you voted when you pulled the lever. The Judge of Election is correct in not letting you vote again.

28. My name (affidavit) wasn't in the binder, so the Judge of Election wouldn't let me vote. Was that right? How can I vote?

That was right: the Judge of Election may not let someone vote whose name isn't in the binder, even if the Judge knows the individual and the individual has been voting there for decades. But there is a remedy which may enable you to vote today if you believe that you properly registered and that your name should have been in the binder:

First, make sure you went to the right polling place. Call the Committee of Seventy (545-0104) to confirm your ward and division and polling place.

If you are sure you went to the right polling place, you have two options:

You can go to "Election Court." Throughout the city, judges from the Philadelphia Court of Common Pleas have been assigned to police stations to sit as election court judges. (Field and office volunteers have a list of the Election Court locations.) If you go to one of these courts and swear that you were properly registered, the judge will usually issue a written order entitling you to vote. If you have your white or pink registration card, you should bring that and any other identification with you to election court. If you receive an order entitling you to vote, you must take it back to your polling place before 8:00 p.m. and present it to the Judge of Election, who must then let you vote.

!!!! Going to Election Court does NOT correct the problem for subsequent elections. Make sure the caller understands that he or she should re-register well before the next election.

There is another option: you can ask the County Board of Elections (686-1590) to bring a duplicate of your registration form to your polling place. The County Board keeps duplicates of every registered voter's affidavit, and employees will be available on election day to bring those duplicates to polling places. This is a risky alternative, however, because it depends upon a County Board employee getting to your polling place before the polls close. We recommend Election Court.

29. I registered as a Democrat, but my affidavit in the binder indicates that I'm a Republican (or vice versa). May I vote in my party's primary?

Maybe - but it won't be easy. First, consider how this happened. The affidavit in the binder is a form that you signed. If you simply marked the wrong box on the registration affidavit, you really are not entitled to help and you should re-register after the election.

Perhaps something went wrong for which you're not responsible. If you recently re-registered to change your party, perhaps the city's registration employees failed to replace your old affidavit with the new one in the binder. If so, you can go to election court and try to persuade the judge to issue a court order entitling you to vote in your chosen party. Or, call the County Board of Elections (686-1590) to find out what happened. If they find your most recent affidavit, then a County Board employee should bring it to your polling place (before 8 p.m.) so you can vote.

If someone "helped" you fill out a registration application, it's possible they recorded a different party than the one you intended. Your only hope - and it's a slim one - is election court.

If the court or County Board can't help you, the Judge of Election at the polling place is not allowed to ignore the binder: you may only vote in the primary of the party checked off on your affidavit in the binder.

If you do get a court order, you must take it to your polling place before 8 p.m. And re-register after the election!

30. My name isn't in the binder but I am listed on the street list. Is the Judge of Election correct in refusing to let me vote?

Yes. The binder controls. Each polling place serves a "division" of voters - approximately 600-800 people who live in the neighborhood. For each division, the County Board of Elections prepares a binder - a book which contains the original forms which you and other voters in your division filled out when you registered. The County Board also prepares a "street list" for each division - a computer-generated list of names, addresses, and party affiliations of the registered electors in that division. When there is a discrepancy between these two sources, the binder controls. If you are in the binder but you're not on the street list, you are entitled to vote. If you're not in the binder, the Judge of Election should not allow you to vote. Election Court is your best remedy.

31. The printed computer card with my name on it that I was supposed to sign at the polling place was missing. What are the rules?

The binder controls. If your registration affidavit in the binder is in order, then you are entitled to vote, even if there is no computer card in your name. The same is true if the computer card has information about you that is different from that on your registration affidavit: you get to vote. But: if there is only a computer card in your name and your affidavit is missing from the binder, then you must follow the instructions in question 28 in order to vote.

32. How much time may I take to vote once I've closed the curtain?

The election code sets a maximum of 3 minutes, but if others are not waiting to vote, the election officers may allow you a longer time. Voters should familiarize themselves with the ballot by examining the pink sample ballot posted at the polling place before they enter the voting machine.

33. If one voting machine has a long line of people and the other doesn't, may the polling place officials make us wait for the first machine?

No. Here's what's happening: for the sake of convenience, some polling place officials use one machine for Democratic voters and the other machine for Republicans. This makes it easier for the officials to count the votes at the end of the day, especially in primary elections. This practice is acceptable unless it causes voters to wait needlessly. If there is a line of voters waiting to vote, both machines should be used.

For this election (as for most), the voting machines in a polling place are identical to each other. Any voter, regardless of how she or he is registered, can use either machine. Some polling place officials may not realize this.

34. If I'm in line at the polling place by 8 p.m., but I haven't yet reached the voting machine, may I vote?

Yes. If you are in line by 8:00, you may vote, whether you are in line outside or inside the polling place. (This assumes you are qualified to vote and that your affidavit is in the binder.) But anyone arriving

at the polling place after 8:00 is not permitted to vote. This has been the law since 1971. (25 Purdon's Statutes, Section 3060(e).)

If the line is very long, it may take some time before all those in line by 8:00 have voted. This is entirely legal. To make sure that no one gets in line after 8, we recommend that one member of the Election Board refrain from voting during the day and that he or she should stand at the end of the line at exactly 8 p.m. This election official should be the last person permitted to vote.

35. Who is allowed to be inside the polling place - and who isn't?

From 6:30 in the morning until the polls open: Members of the election board and all people with watchers certificates are allowed inside. (Candidates are allowed two watchers per polling place.) Candidates and committeepeople are not permitted inside unless they have watchers certificates.

While the polls are open (from 7:00 a.m. until the last person in line at 8:00 p.m. has voted): The people allowed inside are the members of the election board, people with watchers certificates (limited to one watcher per candidate), people waiting to vote, and people rendering assistance to voters authorized to receive it. Candidates and committeepeople are allowed in only if they have watchers certificates. Police are allowed only if summoned by the Judge of Election.

When the polls close: Members of the election board, all persons with watchers certificates, and candidates are allowed inside.

Also allowed throughout the day: the City Commissioners (who run the city's election department), election department employees on official business, and voting machine mechanics.

Never allowed inside the polling place: the news media and volunteers for the Committee of Seventy.

Please note: There is no limit to the number of people who may stand around outside of the polling place. Anyone outside the polling place who is engaged in partisan political activity, however, must stand more than 10 feet from the entrance to the polling place.

36. May a polling place official also be a committeeperson?

Yes. For example, the same person can be both Judge of Election and a committeeperson. But that person absolutely cannot engage in any partisan political activities from 6:30 in the morning until the polls close. For the entire day, the individual must fulfill his or her responsibilities as a member of the election board and must act in a strictly non-partisan manner. Further, that person cannot take breaks in order to perform the various duties of committeepeople (for example, rounding up voters and campaigning for candidates).

37. A committeeperson (who is not a member of the election board) is trying to run things inside my polling place. Can she or he do that?

No. The person who should run things inside the polling place is the Judge of Election. A committeeperson is allowed inside only if he or she is also a polling place official, is voting or helping a voter legally entitled to assistance, or has a valid watcher's certificate.

(A committeeperson who is also Judge of Election should run things inside the polling place - but only because she or he is the Judge of Election.)

38. May city or court employees serve as polling place officials?

No. According to the Pennsylvania Election Code, city and court employees are ineligible to serve as polling place officials (judge of election, inspector, or clerk).

Note to field teams: If you find a city or court employee serving as a polling place official, don't try to remove him or her from the election board. That would exceed our authority and disrupt the election. Instead, take down the information, tell the individual what the law is, and tell him or her that Seventy will be contacting the County Board of Elections after the election.

39. May court or city employees work at the polls in some other capacity?

It depends. The answer is fairly complicated.

Court employees: A court rule approved by the Pennsylvania Supreme Court prohibits all court employees from engaging in partisan political activities, which includes working on behalf of partisan candidates. However, ballot questions are not considered to be partisan elections, so court employees may on their own time work at the polls to support or oppose the ballot question (handing out materials more than 10 feet from the polling place, for example).

City employees: The Philadelphia Home Rule Charter forbids most city employees from engaging in partisan political activity - that is, from working on behalf of partisan candidates. There is an important exception, however: employees of City Council may engage in partisan political activity, according to a 1952 opinion of the City Solicitor. Such individuals, therefore, may legally campaign on behalf of candidates on election day. Also, like court employees, all city employees may campaign for or against the ballot question, so long as they do it on their own time and more than 10 feet from the entrance to the polling place.

Note to field teams: If you find someone who appears to be violating one of these prohibitions (by handing out materials, rounding up voters, or serving as a pollwatcher, for example), you can explain to the person that he or she is violating a rule of employment, and that the Committee of Seventy plans to notify the person's employer after the election. Note that the person is not violating any provision in the Election Code.

40. What can watchers inside the polling place do?

First, consult page 4 of "A Guide to the Conduct of Polling Places on Election Day."

Candidates are entitled to two watchers for each polling place where their names are on the ballot.

When the polls are being set up in the morning and when the count is taken at the end of the night, all watchers are allowed inside the polling place. During the time for voting, however, there are limitations: each candidate may have only one watcher inside the polling place. Other watchers must remain outside the polling place, more than 10 feet from the entrance. (During the day, the watcher inside is free to change places with a watcher outside who represents the same candidate.)

Where can watchers stand inside the polling place? (The polling place is the room in which the voting occurs.) When the election officials are preparing the polling place in the early morning, all watchers must be permitted to examine all the counters on the machines to see that they are set at 000, so they must be permitted to stand somewhere in the room that allows them to exercise this right.

When the room is open for voting, watchers inside the room must stand "outside the enclosed space," which the Election Code describes as the "inner portion" of the room. The voting machines are supposed to be inside that enclosed space and positioned so that the ballots on the machines can be plainly seen by the election officers and watchers when the machines aren't occupied.

During the day, watchers inside the polling place should be trying to keep track of who comes to vote and should be providing this information to their partners outside the polling place. They are permitted to keep a list of voters and may challenge any would-be voter. Also, when each voter signs in to vote, a member of the election board must announce the voter's name loudly enough that all watchers in the polling place can hear it. May the watcher examine the sign-in form which the voter signs? The Election Code does not answer this question. Our position is that the Judge of Election may decide how much information to provide the watchers, but whatever he or she decides must apply equally to all watchers.

When the polls are closed and the count is being taken, all watchers are allowed inside the polling place, but they still are not permitted inside the enclosed space. But the counters on the voting machines must be fully visible to the watchers, whether those counters are in the front of the machine (Shoup) or on the rear (Jamestown). Also, when the election officials read aloud the vote totals on the counters (as they must), everyone there - including the watchers - must be given "ample opportunity" to compare the announced results with the counters on the machines. Thus, every watcher is entitled to personally observe the counters, no matter how you define "enclosed space."

If a Judge of Election refuses to allow a properly certified watcher into the polling place and you see no valid reason to justify this, you

should stress that such a refusal is a misdemeanor punishable by a fine or imprisonment. The same is true for anyone else who drives away a watcher by intimidation.

41. Are bars allowed to open on election day?

So long as the establishment has a "Sunday sales license," it may be open on election day during the hours it is normally allowed to do so on other days. Bars that do not have this license may not open until one hour after the polls close. Beer distributors are permitted to be open on election day; state stores are not.