



Cape May County Board of Elections



Challenger Information

Introduction

Challenger- (*Poll Watcher*) - person appointed to observe the conduct of an election on behalf of a candidate, political party and/or the proponents or opponents of a question.

*A challenger's role in an election was established by Title 19 of the New Jersey State Statutes.

This challenger's guide has been designed to familiarize challengers with their basic responsibilities. The integrity of elections is a concern of all citizens and although poll watchers may represent particular candidates, political parties or specific questions, their main interest is in the conduct of a fair and honest election.

This guide is for general reference only. Any specific inquires as to the application of the challenger statutes and law should be addressed to individual legal counsel.

Persons Allowed in the Polling Place (19:15-8)

1. Election Poll Workers (judge, inspectors and clerks)
2. Challengers with proper badges and certifications
3. Persons admitted to vote
4. Any dependent children of voters
5. Candidates for office (no badge or certification required)
6. Persons providing assistance to a voter
7. Elections officials (Members or Employees of the Board of Elections, County and Municipal Clerks)
8. Law enforcement authorities
9. Interpreters

Qualifications of Challengers

1. A challenger must be a registered voter in the county in which the election is held, but does not have to live within the district they are serving. (19:7-3)
2. Candidates for office are automatic challengers in an election.

Appointment of a Challenger

Challengers for Political Parties may be appointed by any of the following:

1. The County Chairperson of each political party may appoint two challengers per election district.
2. A Municipal Chairperson may appoint two challengers for each election district.
3. A candidate for election may appoint two challengers for each election district, but only two challengers shall be allowed to represent candidates nominated.

*Candidates for Federal, State, County and Local offices may authorize a local chairperson to appoint challengers on their behalf.

Filing for Certification as a Challenger

Filing Deadline/Information needed:

- 1. Challenger appointment papers are to be filed with the County Board of Elections no later than the second Tuesday preceding each election.**
2. Appointment papers must include a challenger's name, address and district where they will be challenging.
3. The appropriate appointing authority must sign all appointment papers. (County Chairman, Candidate, Municipal Chairman)

*Challengers will receive a certificate to present to the board workers at the polling place and a badge to be worn at all time while in the polling place. Challengers may only challenge in the district in which he/she is appointed and certified too.

* In the case that a challenger is moved to another district, they will have to return their badge and certificate to the Board of Elections and receive a new one before they may be allowed to challenge at their newly assigned district.

Observations to be made by Challengers:

1. Observe the opening of the machine and the examination of the counter to confirm whether or not it registers zero. (19:52-1)
2. Observe voters entering the voting booth.
3. Be present at the close of an election to observe the counting and tallying of the votes.

Challengers at the Polling Place:

1. Challenger tables are arranged by the board workers in a location that does not interfere with the voters but close enough to hear the board workers call the voters' names. (19:52-2)
2. Voters are not required to go to the challengers to check-in. Challengers can not impede the voter's progress. (19:34-2)
- 3. Challengers may not sit at the same table as board workers, nor may they handle any voting materials. (Books, voting authorities, lists, etc.)**
4. Challengers may not electioneer, wear buttons, pins or t-shirts showing candidate or political party support.
- 5. Challengers may not use cellular phones in the polling place!**

Duties and Privileges of Challengers

Duty- The primary duty of a challenger is to observe the election, keep record of who votes and challenge any voter for whom they have a reasonable basis to believe is not qualified to vote.

Making a challenge- A challenge is made to one of the board workers who will report the challenge to the judge of elections.

Procedure:

1. A challenger declares a challenge on a belief that the voter is not qualified to vote. The basis of a challenge may include citizenship, age or residency. A challenge may also be based on criminal disfranchisement. *No person who is serving a sentence or is on parole (or federal supervised release) or probation as a result of a conviction under any Federal or State laws is entitled to vote.
2. An affidavit must be completed by the challenger, stating why the voter should not be allowed to vote and sign the affidavit. (19:15-18.1)
3. This voter must complete an affidavit and show one form of documentation that displays current residency. (Driver's license, current utility bill, etc.)

Outcome decision on a challenged voter:

1. After reviewing the voter's documentation, the board workers vote on allowing the voter to vote. A majority votes in the affirmative or negative determines the voter's right to vote. A tie 2-2 allows the voter to vote. *The vote by the board workers is always recorded in the poll books and initialed by board workers.
2. If a voter is denied the right to vote, the voter always has the right to appear before a Judge of Superior Court. The Board workers should direct the voter to the Board of Elections Office with a copy of the challenger's affidavit and the voter's affidavit. The Board of Elections will make arrangements to appear before the judge.

Removal of a Challenger

Any appointing authority including the County Board of Elections has the right to replace/revoke challenger certificates and badges before or on the day of an election.