

Challenger's Guide



Issued By:

Somerset County Board of Elections

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INTRODUCTION

A Challenger is a person appointed to observe the conduct of an election on behalf of:

a candidate

a political party, or

the proponents or opponents of a question

A Challenger's role in an election is established by Title 19 of the New Jersey State Statutes.

This guide has been designed to familiarize Challengers with their basic responsibilities. The integrity of elections is a concern of all citizens, and although Challengers 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 inquiries as to the application of the challenger statutes and law should be addressed to individual legal counsel.

PERSONS ALLOWED IN THE POLLING PLACE

Who is allowed inside the polling place?

1. Election judge, inspector and clerks.
2. Challengers with badges/certificates.
3. Persons admitted to vote.
4. Any dependent children of voters.
5. Candidates for office.
6. Persons providing assistance to a voter.
7. Election Officials, Board of Elections Commissioners and Staff.
8. Law Enforcement Authorities. (19:15-8)

QUALIFICATION OF CHALLENGERS

What are the qualifications of a Challenger?

A Challenger must be a registered voter in the county in which the election is held. (19:7-3)

Does a Challenger need to live within the election district in which the Challenger is serving?

No, but must be a registered voter in the county in which he/she is serving. (19:7-3)

Can a person serve as a Challenger in an election if the Challenger is a candidate running for a public office?

Yes, a candidate is automatically a Challenger.

Are elected public officials allowed to serve as Challengers in any election?

Only, if appointed to serve or is on the ballot as a candidate.

APPOINTMENT OF CHALLENGERS

Who appoints a Challenger for political parties? (19:7-1)*

1. The County Chairperson of each political party may appoint two (2) Challengers per election district.
2. A Municipal Chairperson may appoint for the political party two (2) Challengers for each election district within the municipality.
3. A candidate for election may appoint two (2) Challengers for each election district; but only two (2) Challengers shall be allowed to represent candidates nominated in and by the same petition.

*Please be informed that it has been a long-standing administrative practice of the Board of Elections to accept appointment papers for a County or Municipal Chairperson in which 2 persons are appointed to represent more than one district. In such cases, these two persons receive a badge and certificates for each election district. (This is commonly known as At - Large)

Can candidates authorize a local Municipal Chairperson to appoint Challengers?

Yes, candidates for Federal, State, County and Local offices can authorize the local chairperson to appoint Challengers on their behalf.

1. A letter by the candidate(s) giving authorization to the Municipal Chairperson must be filed with the County Board of Elections not later than the second Tuesday preceding each election.

When a public question appears on a ballot, can there be Challengers?

Yes, proponents and opponents of a public question can request Challengers. The county board may at its discretion appoint two (2) Challengers for each election district.

FILING FOR A CHALLENGER CERTIFICATE

When is the filing deadline? (19:7-3)

1. Challenger appointment papers are to be filed with the County Board of Elections not later than the second Tuesday preceding each election. In addition, appointment papers must be properly filed.
2. Appointment papers must include the Challenger's name, address and district where they are challenging.
3. All appointment papers must be signed by the appropriate appointing authority. (County Chairman, Candidate, Municipal Chairman)

What does the challenger receive from the Board of Elections that is needed in the polling place?

1. A Challenger must have a certificate, with a raised seal to be presented to the board worker (Judge or Inspector) and must wear a badge while in the polling place. (19:7-6)
2. A Challenger can only challenge in the district in which they are appointed.

What happens if the Challenger is moved to another district?

The certificate and badge must be returned to the Board of Elections by the candidate, Municipal Chairperson, etc. A new certificate and badge will be issued for the new voting district.

ACTIVITIES A CHALLENGER CAN OBSERVE

- A. Be present at the polling place to observe the opening of the machine and the examination of the counter to ascertain whether or not it registers zero (000). (19:52-1)
- B. Observe voters casting their ballot.
- C. Be present at the close of an election; observe the counting and tallying of the votes.

CHALLENGERS AT THE POLLING PLACE

- A. 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 voter's name. (19:52-2)
- B. Voters are not required to go to the Challengers first to check in. Challengers cannot impede the voter's progress. (19:34-6)
- C. Challengers may not sit at the same table as board workers. Nor may they handle any voting instrument. (Books, voting authorities, etc.)

D. Challengers may not electioneer nor wear buttons, pins, or T-Shirts showing candidate or political party support. (19:34-15)

DUTIES AND PRIVILEGES OF CHALLENGERS

What are the duties of a Challenger?

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

How is a challenge made?

The challenge is made to one of the board workers who will report the challenge to the judge of elections.

What procedures are necessary when making a challenge?

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 conviction under Federal or any State laws, is entitled to vote. A challenge may also be based on personal identification. An affidavit must be completed and signed by the challenger, stating why the voter should not be allowed to vote. (19:15-18.1)

The voter must complete an affidavit and show one form of documentation that displays current residency. (Driver's license, current utility bill etc.)

How is a decision made on a challenged voter?

The board workers, after reviewing the voter's document, vote on allowing the voter to vote. A majority vote in the affirmative or negative determines the voter's right to vote. A tie vote 2 - 2, allows the voter to vote.

The vote by the board workers is always recorded in the computerized poll book and initialed by all board workers.

Is there recourse if the 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 Somerset County Board of Elections Office with a copy of the challenger's affidavit and voter's affidavit. The Board of Elections will make arrangement to appear before the judge.

REMOVAL OF CHALLENGERS

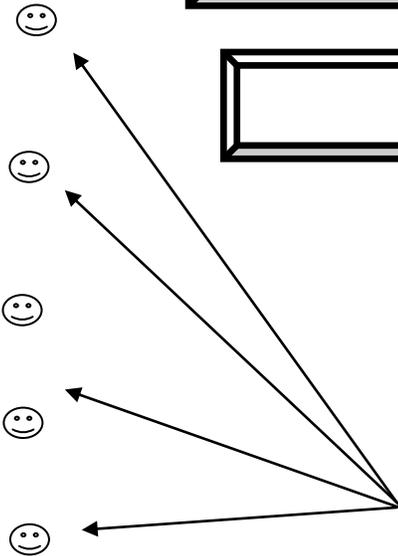
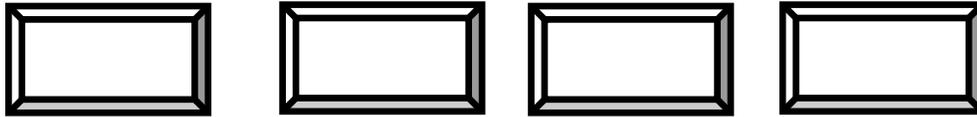
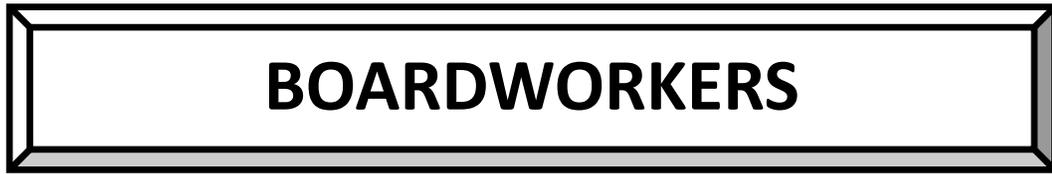
Can a challenger's certificate be revoked?

Any appointing authority has the right up to and including Election Day to replace/revoke challenger certificates and badges. A new badge and certificate is issued by the Board of Elections.

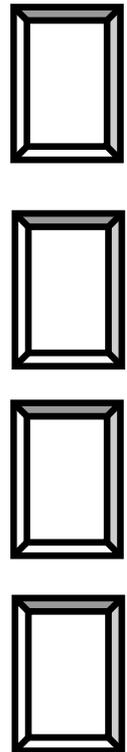
The County Board of Elections has both the right to issue and revoke a challenger's certificate up to and including the day of the election. (19:7-4)



“SUGGESTED” POLLING PLACE SETUP



VOTERS



This is a “Suggested” set-up for the Polling Place. Depending upon the space that is available, you may want to use this as a guide. REMEMBER, Challengers should be close enough so that they can hear the voter’s name and address when it is announced.