

Arizona Poll Watchers: Rules and Constraints

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Poll watchers, referred to as “political party observers” or “observers” in Arizona, are individuals who monitor polling places and ballot counting sites. While observers play an important role in providing transparency, they can also be a potential source of disruption and intimidation. For this reason, all states have a series of regulations and constraints regarding who can serve as poll watchers and what they can do. Arizona’s, which derive both from the state’s election code and from guidance issued by the secretary of state, are:

Appointment

- Under Arizona law, only the county chairman of each political party represented on the ballot may appoint observers to voting locations.¹ Only one observer may be appointed per voting location, unless the parties agree to allow more observers.²
- Observers may be at Election Day voting locations, early voting locations, central counting places, and emergency voting centers.³
- Arizona law requires observers to be Arizona residents and registered to vote in Arizona.⁴
- According to the secretary of state’s guidance, observers must provide their credentials to poll workers at their assigned voting location.⁵

Role of Observers

- Observers monitor the election process without causing disruptions.⁶
- Observers can challenge a voter’s eligibility but must do so in writing with clear and convincing evidence.⁷ All challenges must be directed to poll workers.⁸ Challenges to a voter’s qualifications for reasons such as the voter’s race, religion, language, appearance, national origin, or name are not permitted.⁹

Prohibited Activities

¹ Ariz. Rev. Stat. § 16-590. See also Arizona Secretary of State, *2023 Arizona Elections Procedures Manual (AEPM)*, December 2023, 138, https://apps.azsos.gov/election/files/epm/2023/EPM_20231231_Final_Edits_to_Cal_1_11_2024.pdf.

² Ariz. Rev. Stat. § 16-590. See also *AEPM*.

³ Ariz. Rev. Stat. § 16-590. See also *AEPM*.

⁴ Ariz. Rev. Stat. § 16-590(D). See also *AEPM*, 138.

⁵ *AEPM*, 139.

⁶ *AEPM*, 138–41.

⁷ *AEPM*, 194–96; and Arizona Secretary of State, “Guidance on Voting Location Conduct,” last accessed April 4, 2024, <https://azsos.gov/elections/about-elections/guidance-voting-location-conduct>.

⁸ *AEPM* and “Guidance.”

⁹ “Guidance.”

To prevent observers from disrupting elections, Arizona law makes the following activities a misdemeanor if committed within 75 feet of any voting location:¹⁰

- **Electioneering:** It is illegal for anyone, including observers, to conduct campaign-related activities, known as electioneering, within the 75-foot limit.¹¹ Observers, as well as poll workers and election officials, are also prohibited from wearing clothing with a political message.¹²
- **Photography and Video:** It is illegal for anyone, including observers, to take photographs or videos while within the 75-foot limit.¹³
- **Carrying Firearms:** It is illegal for any private citizen, including observers, to carry a firearm within the 75-foot limit.¹⁴

The secretary of state's guidance further prohibits observers from:¹⁵

- **Obstruction:** Observers may not obstruct poll workers or the voting process.¹⁶
- **Voter Interaction:** Interacting or talking with voters within 75 feet of a voting location, including offering assistance to voters, is not permitted for observers.¹⁷
- **Election Worker Interaction:** Observers who have questions or objections about proceedings should raise them to the designated point of contact and not to any other election worker. Observers are not entitled to interrogate election workers, hover over them when asked to step back, or demand that workers enforce the rules.¹⁸
- **Intimidation or Influence:** Attempting to intimidate or influence a voter is not allowed.¹⁹ Intimidation can include, but is not limited to, raising one's voice or taunting a voter, blocking entrances, following voters around, impersonating law enforcement (including wearing official-looking apparel), raising frivolous challenges, or communicating about possible voter fraud in an intimidating manner.²⁰
- **Touching Election Materials:** Observers cannot touch or handle election materials.²¹
- **Disobeying Instructions:** When poll workers and election officials give lawful instructions, observers must follow them.²²

Federal and state law strictly prohibit all people, including observers, from engaging in voter intimidation. Any action that makes a voter feel intimidated, threatened, or coerced (including any effort to prevent a voter from registering to vote, voting, or voting for or against

¹⁰ Ariz. Rev. Stat. § 16-515(H), (M); and Ariz. Rev. Stat. § 13-3102(M).

¹¹ Ariz. Rev. Stat. §§16-411(H); Ariz. Rev. Stat. § 16-515; and Ariz. Rev. Stat. § 16-1018.

¹² Ariz. Rev. Stat. § 16-515(F).

¹³ Ariz. Rev. Stat. § 16-515(G)-(H); and Ariz. Rev. Stat. § 16-1018(4).

¹⁴ Ariz. Rev. Stat. § 13-3102(A)(11). See also "AEPM," 182.

¹⁵ "Guidance;" and *AEPM*.

¹⁶ "Guidance." See also *AEPM*, 140-41.

¹⁷ "Guidance." See also *AEPM*, 140-41.

¹⁸ "AEPM," 140.

¹⁹ "Guidance;" and *AEPM*, 141.

²⁰ *AEPM*, 182-83.

²¹ *AEPM*, 140.

²² "Guidance." See also *AEPM*, 140-41.

any candidate or ballot measure) could constitute voter intimidation, regardless of whether it breaks a specific rule.²³

Removal

- Arizona’s secretary of state has expressly advised that election workers may remove observers from voting locations if they break the rules or fail to follow instructions, which is a very broad authority.²⁴
- Poll workers and election officials should remove observers for failing to comply with a request to stop an activity that interferes with the election process, election staff, or poll workers or violates state, federal, or tribal law (if applicable).²⁵
- Any observer who engages in prohibited activities may also face criminal charges.
- Poll workers should inform the officer in charge of elections of difficult situations involving disruptive people, including observers. Inspectors and marshals may contact law enforcement for assistance but should use sound judgment in deciding whether doing so is necessary.²⁶

²³ 18 U.S.C. §§ 241, 594; 52 U.S.C. § 10101(b); and Ariz. Rev. Stat. § 16-1013.

²⁴ *AEPM*, 139, 141; and “Guidance.”

²⁵ *AEPM*, 139, 141; and “Guidance.”

²⁶ *AEPM*, 182.