Guidance Concerning Voter Privacy at the Polling Place

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Version: 1.0

County boards of elections must implement adequate procedures to assure compliance with the constitutional and statutory requirements that secrecy in voting be preserved. *See* Pa. Const. Art. VII, § 4; Pennsylvania Election Code §§ 530(a), 1107-A(1), 1110-A(b.1), and 1112-A(b)(6), 25 P.S. §§ 2730(a), 3031.7(1), 3031.10(b.1) and 3031.12(b)(6). This document summarizes the statutory requirements related to voter privacy and outlines the Secretary's guidance to ensure conformance to those requirements.

Polling Place Layout

General Layout and Preparations

- The polling place must be arranged in such a way as to facilitate an orderly flow of voters throughout the voting process, with an emphasis on providing an environment that permits voters to mark and cast their ballots privately. The polling place arrangement must take into consideration voter foot traffic and exterior windows when arranging the room. See diagrams A, B and C for examples.
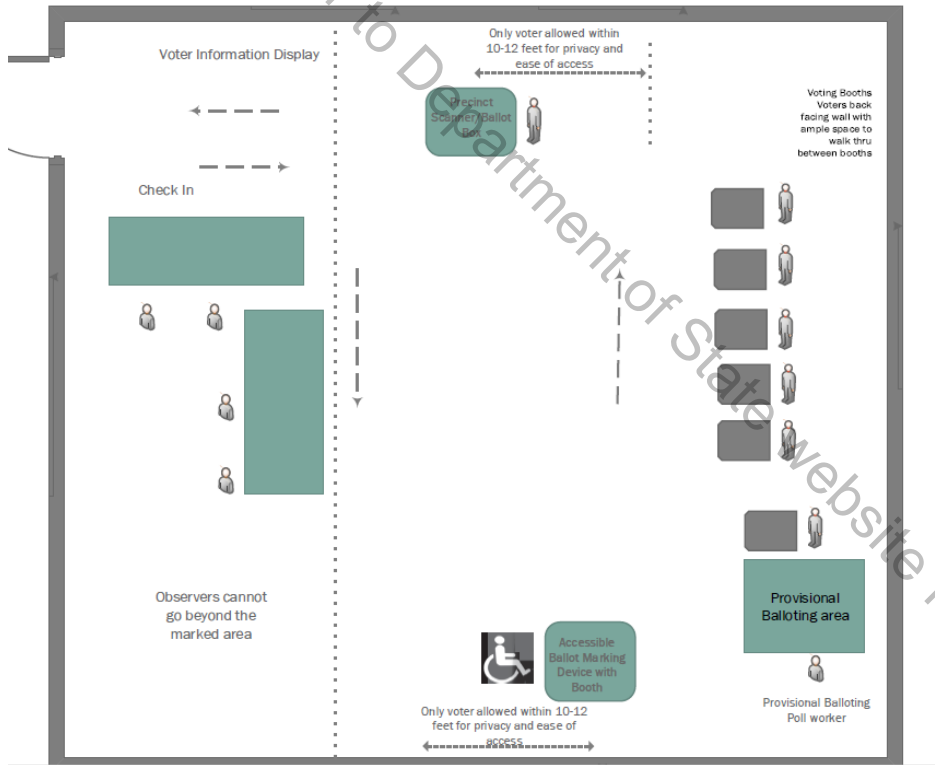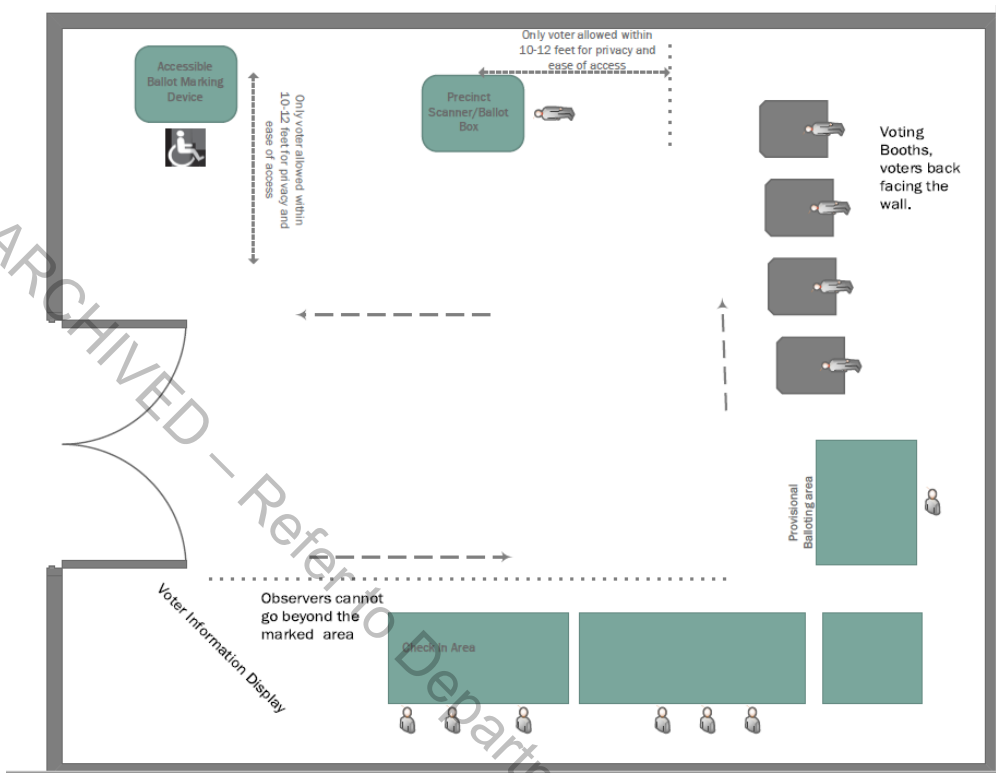
Voter Information Display

Only voter allowed within 10-12 feet for privacy and ease of access

Voting Booths Voters back facing wall with ample space to walk thru between booths

Diagram A

Check In

Observers cannot go beyond the marked area

Precinct Scanner/Ballot Box

Accessible Ballot Marking Device with Booth

Only voter allowed within 10-12 feet for privacy and ease of access

Provisional Balloting area

Provisional Balloting Poll worker

Diagram B

Only voter allowed within 10-12 feet for privacy and ease of access

Accessible Ballot Marking Device

Precinct Scanner/Ballot Box

Only voter allowed within 10-12 feet for privacy and ease of access

Voting Booths, voters back facing the wall.

Provisional Balloting area

Voter Information Display

Observers cannot go beyond the marked area

Check In Area

Diagram C

Voter Information Display

Voting Booths
Voters back facing wall, with ample space to walk thru between booths

Check In

Observers cannot go beyond the marked area

Provisional Balloting area

Only voter allowed within 10-12 feet for privacy and ease of access

Only voter allowed within 10-12 feet for privacy and ease of access

Precinct Scanner/ Ballot Box

Accessible BMD
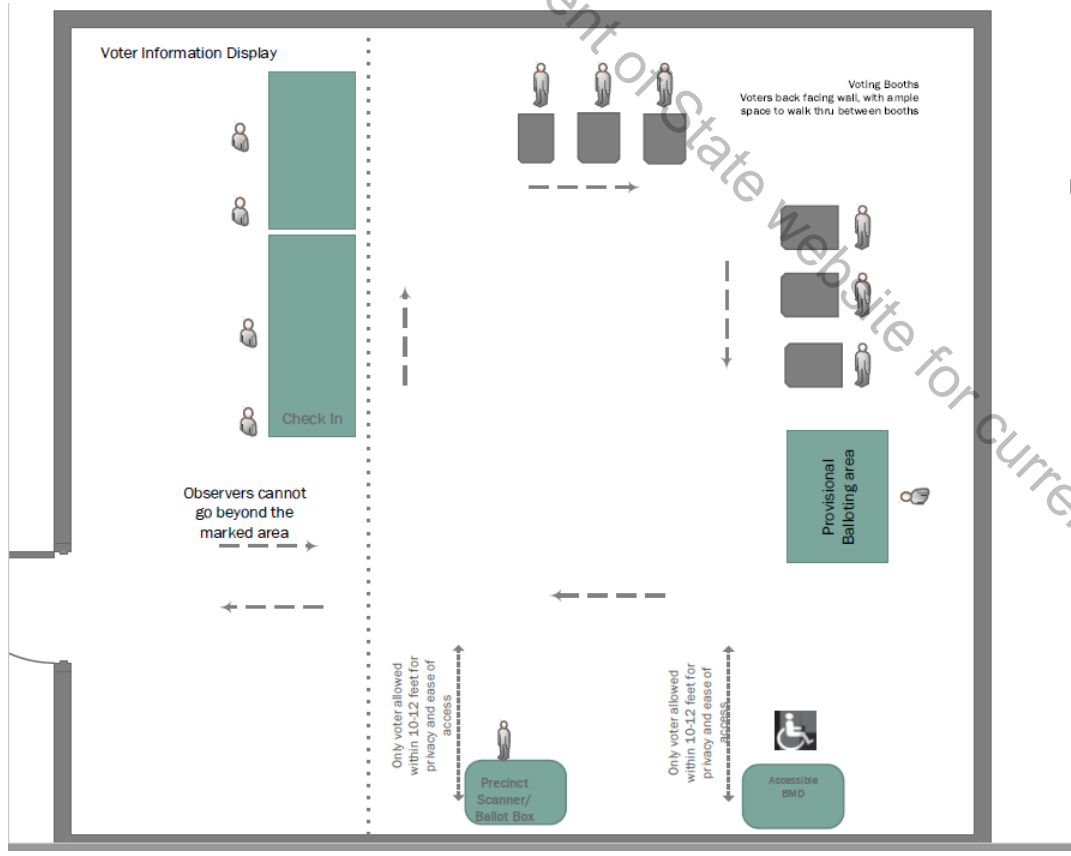
- The county election board must take steps before election day to incorporate voter secrecy in their polling place arrangement by supplying to each polling place voting booths, screens, guard rails, signage or

barriers required to manage traffic flow and ensure privacy during voting. *See* Pennsylvania Election Code § 530(a), 25 P.S. § 2730(a).

- The path to the voting station or the scanner or ballot box, as applicable, must be clear of obstructions to ensure unimpeded access to and from these areas. The path should include ample room to turn a wheelchair. The ADA polling place accessibility standards suggest a minimum of 60x60 inches. See F6 on the ADA Polling Place Accessibility Checklist.

Check-in Station

- The area where voters present themselves to vote or "check-in" must be arranged to process voters in an orderly manner.
- To prevent lines from forming in this area, county or local boards must provide a sufficient number of poll book stations. If necessary, officials may divide the poll book by alphabet ranges where necessary.
- A public area for poll watchers and voters waiting to be checked-in must be established and must be clearly distinguishable from the voting area. The public area must provide ample space to observe and wait one's turn without disrupting the voting process and without any opportunity to impede voter privacy.
- For counties issuing hand-marked paper ballots or BMD-marked ballots that require a voter to carry her marked ballot to another location, voters must be provided with privacy sleeves, envelopes or folders of the appropriate size to carry marked ballots in the polling place when they move between the voting area and the area where they cast their ballots (e.g., taking marked ballots from the marking booth to the scanner or ballot box). Poll workers must hand out the sleeve to the voters at check-in and instruct voters on its purpose and usage. The privacy sleeves, whether supplied by a voting system manufacturer or by the county boards of elections, must completely cover the ballot.

Examples

- The county board of elections shall direct each local election board to post in each booth informational posters containing information on how to carry ballots in the privacy sleeves to the scanner or ballot box and emphasizing that the voting process is not complete until they cast the ballot.

Example

Voter Privacy Instructions

To maximize voter privacy,
1. Proceed to the voting area to mark your ballot.
2. If there are no voting booths or ballot marking devices immediately available, be sure to give voters who are in the act of marking their ballot adequate privacy. Do not hover near voters who are in the act of voting.
3. When a private voting booth or ballot marking area is available, proceed to mark your ballot in private.
4. After you mark your ballot, place it in the privacy folder before taking your ballot to the ballot scanner.
5. Take your ballot to the scanner and wait for your turn to place your ballot into the scanner. Be sure to stand back and provide voters in front of you with privacy to scan their ballot.
6. Once it is your turn at the scanner, remove your ballot from the privacy folder and feed your ballot into the scanner.
7. Wait for your ballot to successfully scan. You will know that your ballot was successfully scanned when the public counter "ticks up".

If you have any questions, please alert a polling place official.

Voting Stations

- Polling places must be provided with an area where voters may mark their ballot, either on preprinted paper ballots or with a ballot marking device (BMD).
- County board of elections can either use commercially available voting booths or use privacy screens that can be set up on existing tables for creating the enclosed space for voters to mark their pre-printed ballots.

Standalone Privacy Screen

Voting Booth with Curtain

- Ballot Marking Devices used by voters to mark their ballots must be equipped with suitably designed voting booths or privacy screens that enable voters to privately make their selections and print their ballot.
- Regardless of whether a polling location is using voting booths or BMDs, the ballot marking area for individual voters must be arranged in such a manner as to prevent others from seeing a voter's ballot while the voter is in the process of marking their ballot.

Standalone Privacy Screens Arranged Back-to-Back

- Wherever possible, booths and ballot marking devices should be arranged so that the voter's back faces a wall to provide for maximum voting privacy.
- Enough space should be allowed between voting booths and BMDs to permit voters to access the ballot marking areas without disturbing or impeding the privacy of other voters.

Voting Booths Arranged on Wall to Prevent "Stand Behind."

- In addition to privacy booths, county boards of elections may take other physical measures that prevent other individuals in the polling place from seeing voters marking and casting their ballots. For example, tables with temporary privacy screens may be used. Polling officials must ensure that the privacy screens are set up leaving enough space in between to prevent an individual from seeing a voter's ballot while the voter is in the process of marking their ballot.

Voting Booth with Table & Privacy Screen

- Voters with disabilities must not only be able to cast their vote privately and independently, but they also must be provided with ample space to allow for a potential mobility device or person accompanying the voter to provide assistance. Further, voters with disabilities may have assistive technology or personal notes that they need to place within their reach. They may also need room to place the printed ballot on a flat surface when using simple personal technology, such as magnifiers.

Voting Booth Arrangement with Accessible Voting Area

Scanning/Exit Stations

- Precinct scanners must be positioned in the polling place in such a manner that allows voters to cast their ballots in secret.
- There must be clear signage on where voters must wait for their turn to scan their ballot.

- County boards of elections must ensure that the lines for scanners will not interfere with the privacy of voters marking or casting their ballots.
- County board of elections must set up precinct scanners with privacy hoods, covers or other equipment, as recommended by the manufacturer, or take other physical measures that prevent other individuals in the polling place from observing how a voter has marked their ballot.
- Precinct scanners must be set up with at least 10 feet of clearance on the sides and the front of the device.

Precinct Scanner with Privacy Screen

Poll Worker Education to Ensure that Voter Privacy is Maintained

- Poll worker training must ensure that voters are clear on how to proceed through and utilize the setup, procedures and materials described herein to complete the voting process in private.
- County boards of elections must ensure that poll worker training specifically addresses situations where a voter may request assistance during the voting process. Poll workers must know how to properly respond to requests for voter assistance while maximizing voter privacy in conditions such as, resolving ballot error messages displayed on the scanner, BMD or any other voting system components; spoiling ballots at the voter's request; and issuing emergency and provisional ballots.
- County boards of elections must ensure that poll worker training specifically addresses how poll workers should assist voters with disabilities in a manner that doesn't compromise their privacy. The training must focus on how to give instructions before and during a voting session. Jurisdictions must refer to the appropriate voting system certification report and use the recommendations from the Department of State's accessibility examiner while training poll workers on how to assist voters with disabilities.
- Poll worker training must make it explicit that voter privacy must be maintained, irrespective of any unexpected situation that happens at the polling place. Some common examples that may require emphasis are handling unexpected lines at the polling place, malfunctions of polling place equipment, and voter eligibility challenges.
- Poll workers must be trained to ensure that that the precinct scanner displays the ballot insertion prompt when the next voter is directed to a scanner to scan a ballot.

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Version History:

Version	Date	Description	Author
1.0	3.11.2020	Initial document release	Bureau of Election Security and Technology