Guidance Concerning Voter Privacy at the Polling Place

Date: September 25, 2023

Version: 1.1

County boards of elections must implement adequate procedures to assure compliance with the constitutional and statutory requirements that secrecy in voting be preserved.[1] This document summarizes the statutory requirements related to voter privacy and outlines the Secretary of the Commonwealth's guidance to ensure conformance to those requirements.

Polling Place Layout

General Layout and Preparations

The polling place must be arranged 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. Diagrams A, B, and C provide examples.

---

[1] *See* Pa. Const. Art. VII, § 4; Sections 530(a), 1107-A(1), 1110-A(b.1), and 1112-A(b)(6) of the Pennsylvania Election Code, *codified at* 25 P.S. §§ 2730(a), 3031.7(1), 3031.10(b.1), 3031.12(b)(6).
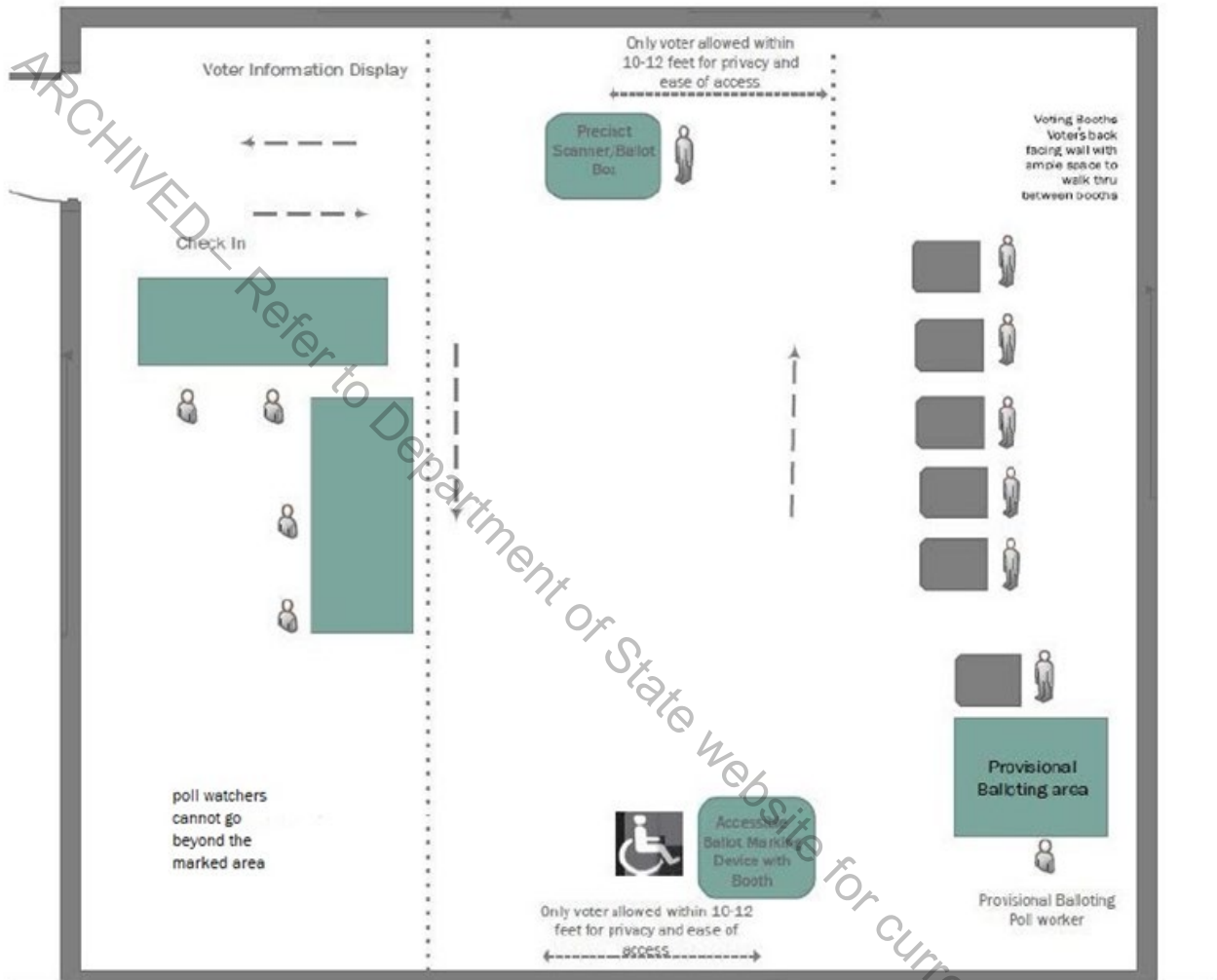
Diagram A

Diagram B

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

Accessible Ballot Marking Device

Precinct Scanner/Ballot Box

Voting Booths, voter's back facing the wall.

Provisional Balloting area

Voter Information Display

poll watchers cannot go beyond the marked area
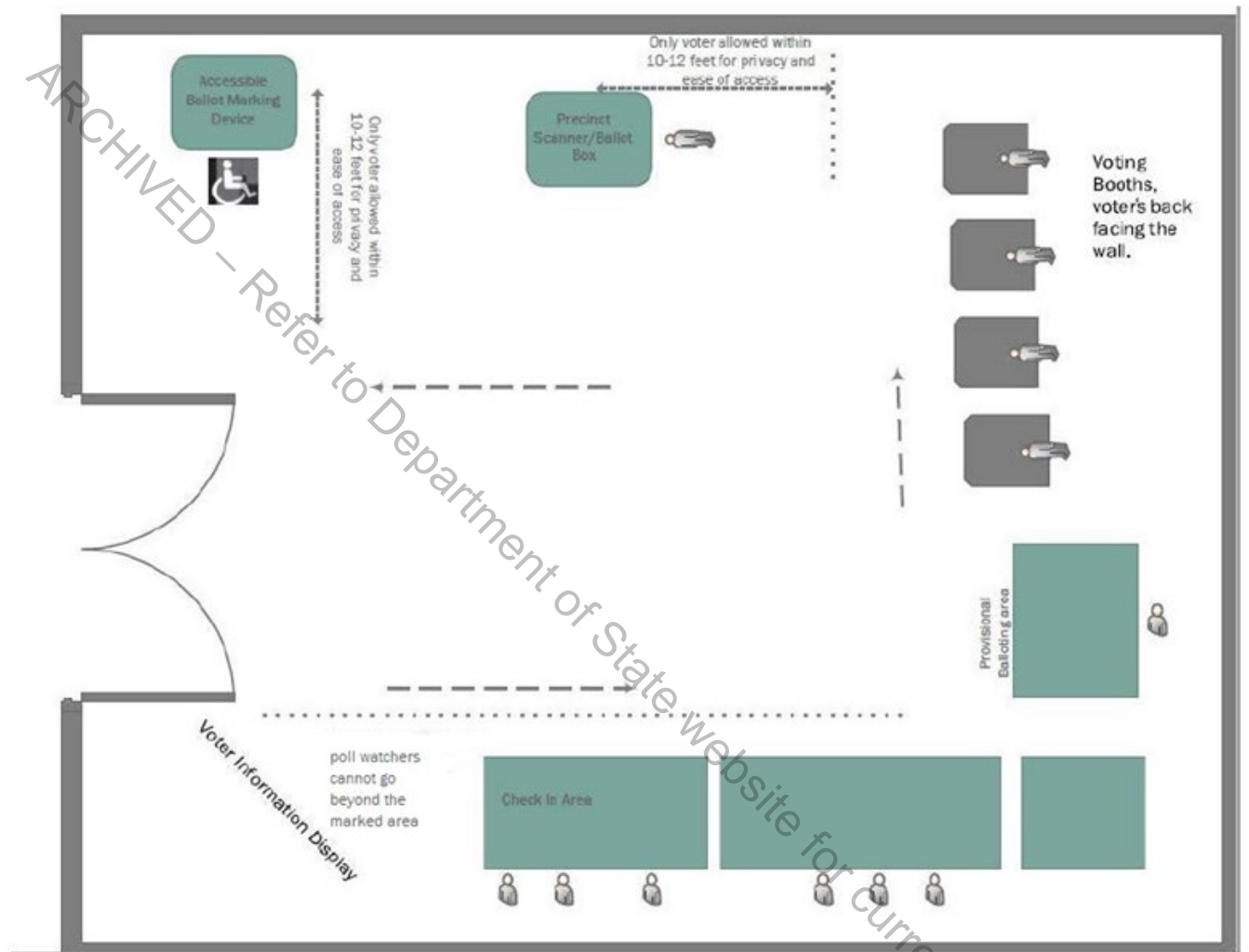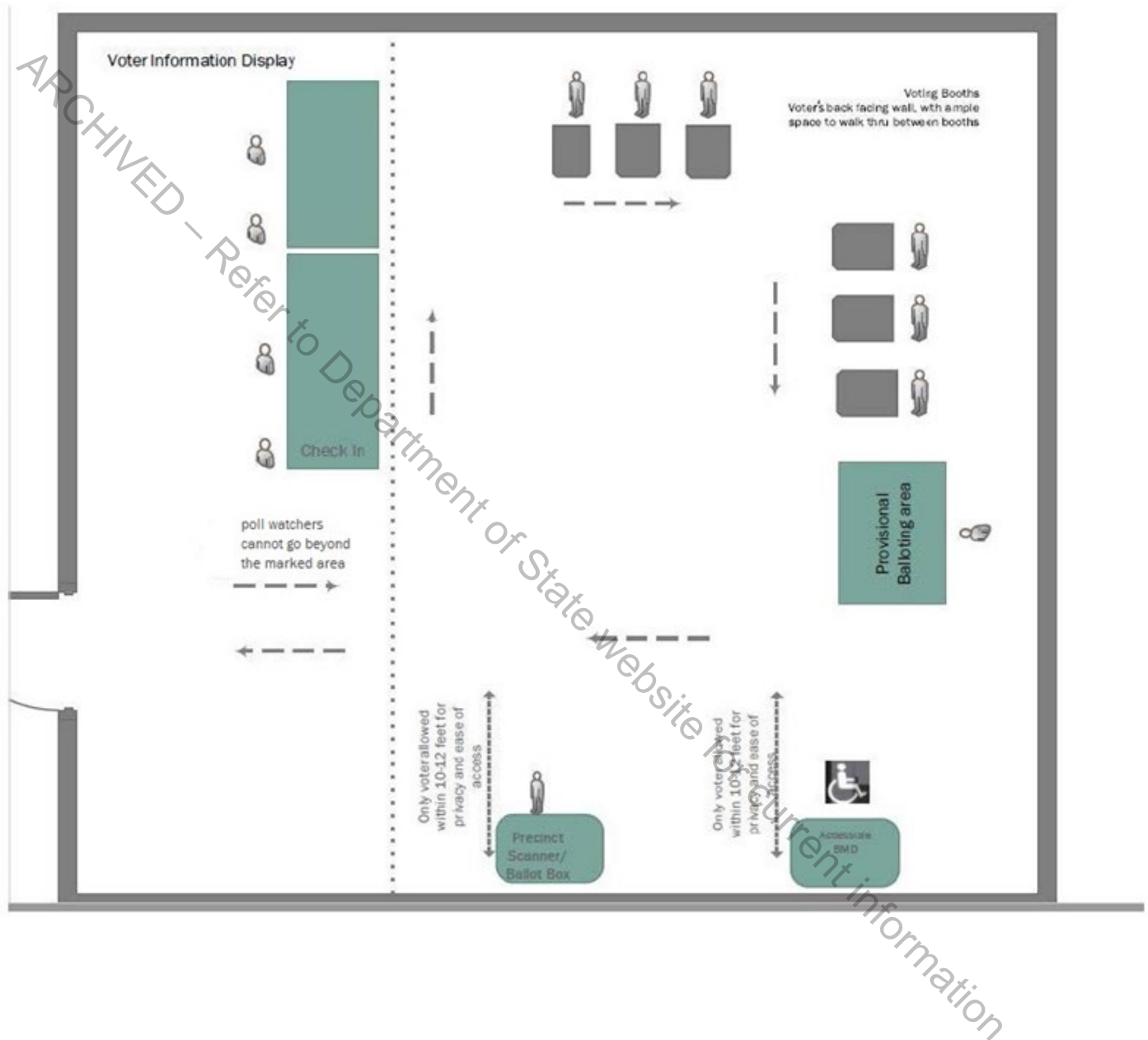
Check In Area

Diagram C

The county election board must take steps before Election Day to incorporate voter secrecy in their polling place arrangement by supplying each polling place with voting booths, screens, guard rails, signs, or barriers to manage traffic flow and ensure privacy during voting.[2]

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 to at least one voting booth should include ample room to turn a wheelchair **with a DOJ-suggested minimum of a 60-inch diameter circle without obstruction**. You can find other suggested methods for ADA accommodation at https://archive.ada.gov/votingchecklist.pdf.

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 enough poll book stations. If necessary, officials should divide the poll book by alphabet ranges.

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 ballot marking device (BMD) ballots that require a voter to carry their marked ballot to another location, voters must be provided with privacy sleeves, envelopes, or folders of the appropriate size to maintain secrecy while carrying 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 provide 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.

---

[2] *See* Section 530(a) of the Pennsylvania Election Code, *codified at* 25 P.S. § 2730(a).

Examples of Ballot Covers

The county board of elections must 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 BMD.

County boards 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

Voting Booth with Curtain

BMDs 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 it.

Standalone Privacy Screens

Wherever possible, booths and BMDs should be arranged near a wall to provide for maximum voting privacy. The voter's back should not be facing an area where other voters can gather.

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.
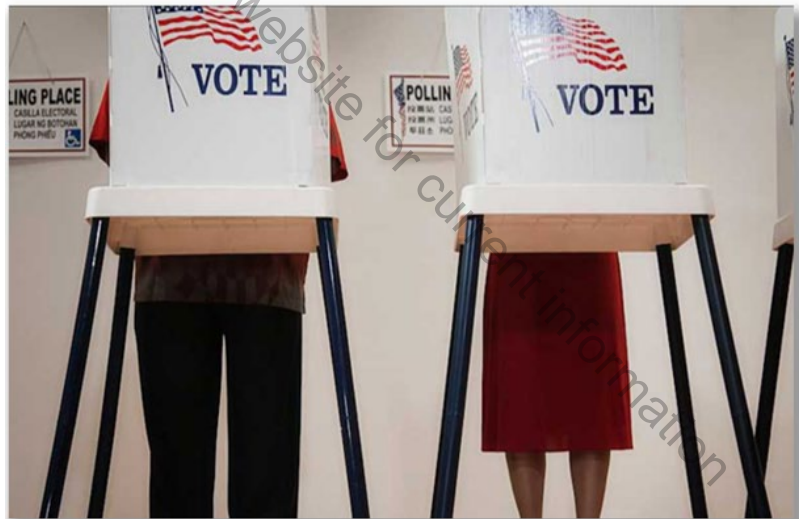
Voting booths arranged along a wall to prevent "stand behind."

Voting Booth with Table & Privacy

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.

Voters with disabilities must be able to cast their vote privately and independently. They must also be provided with enough 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

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 boards of elections must set up precinct scanners with privacy hoods, covers or other equipment, as recommended by the manufacturer, or take other measures that physically 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

Poll Worker Education to Ensure that Voter Privacy is Maintained

Poll worker training must ensure that poll workers are clear on how to proceed through and utilize the setup, procedures, and materials described herein to allow voters 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 the precinct scanner displays the ballot insertion prompt when the next voter is directed to a scanner to scan a ballot. For BMDs or hybrid devices, poll workers must be trained to ensure that the voters have completed the process of printing and collecting the ballot or completed the voting session before directing another voter to the station.

Version	Date	Description
1.0	03.11.2020	Initial document release
1.1	09.25.2023	Update to formatting and examples on page 6.