

### **IC 3-6-9**

#### **Chapter 9. Watchers for Primary, School Board, and Precinct Committeemen Candidates**

##### **IC 3-6-9-1**

###### **Request for watchers; written statement**

Sec. 1. (a) If:

(1) twenty-six percent (26%) or more of all candidates of a political party who are candidates for:

(A) nomination to elected offices at a county primary election (or municipal primary election within the municipality in which the municipal primary is to be conducted), not including candidates for delegates to the state convention or candidates for precinct committeemen; or

(B) precinct committeemen at an election for precinct committeemen, whose names are certified to the county election board as candidates to be voted for at the primary election for precinct committeemen; or

(2) any candidate or group of candidates for a school board office;

desire to have watchers at the polls in any precinct of the county or municipality, they shall sign a written statement indicating their desire to name watchers.

(b) If the candidates signing the statement are candidates for nomination at a county primary election or for election as precinct committeemen or to a school board office, the written statement shall be filed with the circuit court clerk of the county where the candidates reside.

(c) If the candidates signing the statement are candidates for nomination at a municipal primary election, the written statement shall be filed with the circuit court clerk of the county that contains the greatest percentage of the population of the election district.

*As added by P.L.5-1986, SEC.2. Amended by P.L.3-1987, SEC.39; P.L.10-1988, SEC.10; P.L.14-2004, SEC.14.*

##### **IC 3-6-9-2**

###### **Contents of written statement**

Sec. 2. The written statement required by section 1 of this chapter must designate:

(1) a person to act as attorney-in-fact for the candidates; and

(2) the precincts where the watchers are desired and where they are to serve.

*As added by P.L.5-1986, SEC.2.*

##### **IC 3-6-9-3**

###### **Limitation on appointments of attorney-in-fact**

Sec. 3. A candidate may not file more than one (1) appointment

of an attorney-in-fact.  
*As added by P.L.5-1986, SEC.2.*

#### **IC 3-6-9-4**

##### **Certification of watchers by attorney-in-fact**

Sec. 4. (a) An attorney-in-fact designated under section 2 of this chapter shall file with the circuit court clerk the names of the voters of the county or municipality who are to act as watchers in the precincts designated in the written statement.

(b) The attorney-in-fact may certify watchers from voters of the county or municipality without regard to precinct boundary lines.

(c) A watcher designated under this section:

(1) may not be a candidate to be voted for at the election, except as an unopposed candidate for precinct committeeman or state convention delegate; and

(2) must be a registered voter of the county.

*As added by P.L.5-1986, SEC.2. Amended by P.L.3-1997, SEC.49.*

#### **IC 3-6-9-5**

##### **Issuance of certificates to watchers**

Sec. 5. When the attorney-in-fact has certified the names of the watchers in writing under section 4 of this chapter to the circuit court clerk, the clerk shall immediately issue certificates to the persons named. The certificates entitle the watchers to go to the precincts designated in the statement. Each watcher's credentials must state the following:

(1) The name of the attorney-in-fact who certified the watcher to the clerk.

(2) The status of the individual as a watcher appointed under this chapter.

(3) The name of the individual serving as a watcher.

(4) If the watcher is acting on behalf of a school board candidate, or a group of political party candidates, the name of the school board candidate or political party whose candidates have petitioned for watchers under this chapter.

*As added by P.L.5-1986, SEC.2. Amended by P.L.230-2005, SEC.21.*

#### **IC 3-6-9-6**

##### **Filing of written statement**

Sec. 6. The written statement required by section 1 of this chapter may be filed with the circuit court clerk at any time until the official returns and ballots of the precincts have been delivered to the county election board.

*As added by P.L.5-1986, SEC.2. Amended by P.L.3-1993, SEC.27.*

#### **IC 3-6-9-7**

##### **Deputy circuit court clerk**

Sec. 7. If the circuit court clerk is not present with the county

election board, the clerk shall keep at least one (1) deputy in the room with the board at all times until the tabulation of the vote is final. The deputy must be qualified and ready to sign credentials for watchers when requests for the credentials have been properly filed. *As added by P.L.5-1986, SEC.2. Amended by P.L.3-1993, SEC.28.*

#### **IC 3-6-9-8**

##### **Right to credentials upon request**

Sec. 8. A watcher is entitled to credentials immediately upon request. Upon receipt of credentials, a watcher may proceed to the precinct at any time and proceed with the discharge of the watcher's duties.

*As added by P.L.5-1986, SEC.2.*

#### **IC 3-6-9-9**

##### **Repealed**

*(Repealed by P.L.3-1995, SEC.157.)*

#### **IC 3-6-9-10**

##### **Discharge of watcher**

Sec. 10. The circuit court clerk shall immediately revoke the power of a watcher when requested by the attorney-in-fact to discharge the watcher. The clerk shall provide forms for the purpose of requesting the discharge of a watcher.

*As added by P.L.5-1986, SEC.2.*

#### **IC 3-6-9-11**

##### **Appointment of new watcher; credentials**

Sec. 11. Upon discharge of a watcher under section 10 of this chapter, the circuit court clerk shall immediately appoint another watcher named by the attorney-in-fact. The new watcher has the same powers and duties as the watcher originally appointed and is entitled to credentials from the clerk. The credentials must state the name of the person whose credentials have been revoked. When the new watcher receives the credentials, the duties of the previous watcher immediately terminate.

*As added by P.L.5-1986, SEC.2.*

#### **IC 3-6-9-12**

##### **Limitation of number of watchers at polls**

Sec. 12. Only one (1) watcher representing a candidate or group of candidates may enter or be in the polls for a precinct at the same time, but watchers representing different groups may be in the polls at the same time.

*As added by P.L.5-1986, SEC.2. Amended by P.L.3-1987, SEC.41.*

#### **IC 3-6-9-13**

##### **Watcher rights**

Sec. 13. A watcher appointed under this chapter is entitled to do the following:

- (1) Enter the polls at least thirty (30) minutes before the opening of the polls and remain there throughout election day until all tabulations have been completed.
- (2) Inspect the paper ballot boxes, ballot card voting system, or electronic voting system before votes have been cast.
- (3) Inspect the work being done by any precinct election officer (except when a precinct election officer enters a confidential login or password to obtain access to an electronic poll book or to operate a voting system).
- (4) Enter, leave, and reenter the polls at any time on election day.
- (5) Witness the calling and recording of the votes and any other proceedings of the precinct election officers in the performance of official duties.
- (6) Receive a summary of the vote prepared under IC 3-12-2-15, IC 3-12-3-2, IC 3-12-3-11, or IC 3-12-3.5-3, signed by the precinct election board, providing:
  - (A) the names of all candidates of the political party whose primary election is being observed by the watcher and the number of votes cast for each candidate if the watcher is appointed under section 1(a)(1) of this chapter; or
  - (B) the names of all candidates at a school board election and the number of votes cast for each candidate if the watcher is appointed under section 1(a)(2) of this chapter.
- (7) Accompany the inspector and the judge in delivering the tabulation and the election returns to the county election board by the most direct route.
- (8) Be present when the inspector takes a receipt for the tabulation and the election returns delivered to the county election board.
- (9) Call upon the election sheriffs to make arrests.

*As added by P.L.14-2004, SEC.15. Amended by P.L.221-2005, SEC.12; P.L.169-2015, SEC.13.*