



# ELECTIONEERING AND CONDUCT AT THE POLLS

Revised: August 23, 2012

There are numerous state and local laws that govern your conduct at the polling places on Election Day. We are asking that you and all of your volunteers abide by those rules and conduct yourselves at the polling places legally, safely and appropriately. Violations are enforced by our election boards, troubleshooters, deputies and local police agencies. Attached here are some of the most common rules which we insist you follow to ensure voter courtesy, safety, compliance with the law, and to protect important property and business interests of the polling place owners.

Persons present in the polling places on election days are subject to the directions and statutory responsibilities of the election officers. The election officers are charged with securing the ballots and voting process, preserving order at the poll, permitting no violation of election laws (A.R.S. § 16-535), prohibiting any ability to ascertain an elector's vote (A.R.S. § 16-1007), including videotaping in whole or in part of ballots or voting site, securing the ballots and election materials (A.R.S. § 16-602 et seq), restricting access to certain portions of the polling place (e.g., A.R.S. § 16-562 and §16-515), not releasing or divulging the results of any ballot counting until one hour after the close of the polls (A.R.S. § 16-551(C)), ensuring that no deadly weapons are carried into the polling place (A.R.S. § 13-3102 (11)), that there is no intimidation of any elector (A.R.S. § 16-1013), no interference with respect to voting (A.R.S. 16-1017), and that there is no interference in any manner with an officer of the election in the discharge of their duty (A.R.S. § 16-1004).

## POLLING PLACE CONDUCT

### 1. Courtesies

**ALL** voters, candidates, workers, polling place property owners, and the public deserve your courtesy and respect.

### 2. Electioneering Capability (A.R.S. § 16-411(H))

Except in the case of an emergency, any facility that is used as a polling place on Election Day shall allow persons to electioneer and engage in other political activity **outside** of the 75-foot limit in public areas and parking lots used by voters. Consult our website for the listing of any facilities which do not allow electioneering.

<https://recorder.maricopa.gov/pollingplace/pollingplacenelectioneering.aspx>

### 3. 75-Foot Limit (A.R.S. §§ 16-515, 16-1017 (2) and 16-1018 (1))

#### Inside the 75-Foot Limit

At each polling place, signs will be posted to mark the 75 foot limit. While the polls are open, a person shall not be allowed to remain inside except for:

- Voters for the purpose of voting
- A minor may accompany a voter into a polling place
- The voter may be accompanied and assisted by a person of the voter's own choice, except for a person who is a candidate in that election
- Election officials
- One representative of each political party represented on the ballot who has been appointed by the county chairman of that political party
- Challengers allowed by law.

Voters having cast their ballots shall promptly move outside the 75 foot limit and shall take any materials with them.

## **No electioneering may occur within the 75 foot limit**

***Electioneering occurs when*** an individual knowingly, intentionally, by ***verbal expression*** and in order to induce or compel another person to vote in a particular manner or to refrain from voting expresses support for or opposition to a candidate who appears on the ballot in that election, a ballot question that appears on the ballot in that election or a political party with one or more candidates who appear on the ballot in that election.

- A voter may carry anything he or she chooses to bring.
- A voter may wear any type clothing, with any slogan or candidate.
- A voter may not verbally campaign for the purpose of inducing someone to vote or refrain from voting for a candidate or ballot measure.

### **Outside the 75-Foot Limit**

Anyone can stand outside the 75 foot line and hand out materials or hold signs. As for posting signs outside the 75 foot limit, a person who wishes to post a sign on private property shall seek permission from the property owner. There are a few polling places that do not allow electioneering outside the 75 foot limit.

#### **4. Keeping Traffic and Walkways Clear**

The parking area, sidewalk or traffic way used by voters (whether on foot or in their vehicles), as well as in areas which may be used by voters with a disability for drive-up voting, the parking, sidewalk or trafficway **MUST BE KEPT CLEAR**. These rights of way or trafficways, whether or not they are in the 75-foot limit, may not be encroached with your signs, vehicles, tables, chairs, or supporters.

#### **5. Polling Place Abuse**

The owners of the facilities used as polling places have private property rights as well as liabilities for actions taken on their property. The County does not lease the entire premises for voting purposes and most of the facilities have normal business activities occurring on Election Day. An increasing number of facilities have expressed concern with Election Day abuse to their property, unauthorized borrowing of furniture or use of resources, interference with their customers or patrons, and concern with damage resulting from signs on the premises. We have advised polling place owners that the County does not have the power to enforce private property rights. Please note that you may need to seek permission from the private property owner for activities you wish to conduct on private property, and an owner may ask unauthorized persons, structures or signs to be removed from private property. After receiving a warning that conduct or presence is not permitted by the property owner, deputies or local police may be called upon by the owner to enforce the property owner's rights.

#### **6. Sign placement and tampering**

Many owners of the facilities used as polling places have specific preferences about Election Day signage. Some facilities have designated specific areas they have approved for sign placement; others prohibit signs anywhere on the premises. Do not place signs at the polling place without first checking with the property owner or manager. Unauthorized signs on private property may be removed and confiscated. State and many local laws also govern placement of signs on public and private property, as well as removal, alteration or defacing political signs.