

# City of Burlington

## Rules & Guidelines for polling places

**For help with any issues or questions that need to be answered on Election Day please contact Sarah Montgomery, Presiding Officer, at (802)881-7618**

### **I. Restrictions on electioneering outside polling places (Burlington City Ordinance (BCO) 2-2)**

- A. Each polling place shall have a designated primary entrance and a primary access route connecting the primary entrance to the public street.
- B. Each polling place must establish a “*campaign-free zone*” that must include both:
  - 1. the area within a corridor extending 15 feet to each side of the designated primary access route and ending where the primary access routes reaches the city sidewalk; and
  - 2. the area within a 30 foot radius of the front of the polling place drawn from the center- point of the designated primary entrance door(s).
- C. No campaign literature, stickers, buttons, name stamps, information on write-in candidates or other political materials shall be placed, handed out or allowed to remain within the campaign-free zone.
- D. No candidate, election official or other person shall distribute election materials, solicit voters or otherwise campaign within the campaign-free zone.
- E. No person shall conduct exit polling, petition signature gathering or any other kind of surveying of voters within the campaign-free zone.
- F. The campaign-free zone at each polling place shall, to the extent practicable, be roped off or otherwise clearly designated by election officials.
- G. A copy of BCO Sec. 2-2, Restrictions on electioneering in areas proximate to polling places, must be posted at each polling place during the hours that the polls are open.

### **II. Restrictions on campaign literature inside the polling place**

- A. No campaign literature, stickers, buttons, name stamps, or information on candidates or issues on the ballot can be visible in the polling place.
- B. Voters may bring in a small card or folded paper to remind them of how they want to vote so long as the voter does not display it to others in the room. 17 VSA 2587

- C. Voters may bring in a label or sticker to affix to the ballot to vote for a write-in candidate.
- D. Do not try to remove buttons, etc. from a voter if the voter refuses to remove the item. You may ask the voter if they would be willing to cover up the item. If they are not willing, simply ensure the voter casts the ballot as quickly as possible and leaves the polling place with the item ASAP.

### **III. Checking in voters**

- A. A voter who approaches the table must announce their name. Election Officials shall find the name on the entrance checklist and repeat the name. Election Officials must speak loudly and clearly when checking in a voter. Election Officials shall also verify the voter's residence. Poll watchers have the right to hear the name of the voter who is checking in. 17 VSA 2563
- B. Election Officials must hand the ballot directly to the voter – a voter should not be allowed to help themselves. In the event the voter does or tries to help themselves to a ballot, the official should let them know that is not acceptable—kindly—and check to see that they only have one ballot. If this situation occurs, and the voter does take a ballot then the ward clerk or other election official should have this interaction with the voter so the other voters can continue to be checked in. 17 VSA 2565
- C. It is permissible for a voter to bring someone with them to assist them to vote. 17 VSA 2569
- D. If a voter needs the aid of election officials in marking a ballot, the assistance must be provided by two election officials of different party affiliations. 17 VSA 2569
- E. Voters who have question about registering, needing to update their name or address, or whose names do not appear on the checklist should be directed to the table for Voter Registration. Voter Registration or other election officials can help a voter determine whether this is his/her correct polling location or answer questions about whether or not their name is on the checklist.
- F. If a voter makes a mistake or spoils a ballot, give them a new one with no questions asked.

### **IV. Poll watchers (Side Checkers) & Challenges**

- A. Each organized political party, candidate not representing an organized party, and committee supporting or opposing any public question has the right to have not more than 2 representatives for each voting district in that polling place outside the guardrail to observe the voting process and challenging the right of any person to vote. 17 VSA 2564
- B. There is no restriction on the number of people outside the guardrail who are observing the election but the Ward Clerk is allowed to maintain order so that the voting process is not disrupted.

- C. Poll watchers (side checkers) must stay in the area designated by the Ward Clerk for viewing the voting process. They do not have the right to set up their own tables or require voters to stop and give their names.
- D. In order to preserve order, poll watchers (side checkers) may not talk to voters in a way that disrupts the smooth flow of the voters through the check in process or otherwise interferes with the check in process.
- E. As long as election officials speak loudly and clearly when checking in a voter, poll watchers may not insist that the officials repeat the name of a voter checking in.
- F. Poll watchers (side checkers), parties, candidates or committees do not have the right to view the entry checklist during Election Day.
- G. In the event order is not being maintained outside of the guardrail (i.e. too much noise), the Ward Clerk may request that the persons outside of the rail cease the disruptive activity. In the event the person or persons fail to cease the disruptive activity, the Ward Clerk may ask the person(s) to leave the polling place. If the person refuses to leave, the election official shall call the City Clerk office for assistance unless there is a real threat of harm or other emergency, in which case the police should be called.
- H. If, and only if, there is a dispute as to whether a person is representing a party, candidate or committee, the Ward Clerk may request the poll watcher (side checker) to produce evidence of appointment by the party, candidate or committee. Side checkers/poll watchers are not required to register with the City Clerk's Office or Ward Clerk prior to functioning in this capacity.
- I. Only official party, candidate or committee representative may officially challenge the right of a person to vote. There are only 2 reasons to challenge a voter on election day:
  1. the voter has already voted
  2. the voter is not the person whose name is on the checklist

In the event of a challenge for just these two reasons, the Inspectors of Elections present at the polling place must immediately convene, informally hear the facts and decide whether the challenge should be sustained. If the challenge is overruled, the person shall be immediately admitted within the guardrail and allowed to vote. If the challenge is sustained, the person shall not be admitted to vote unless before the polls close at 7 p.m. the person obtains a court order directing that the person be allowed to vote. If the person wishes to seek a court order please contact the Presiding Officer. 17 VSA 2564 and Section 3-21 City Charter.

**V. Conduct and Expectations of Election Workers**

- A. Election workers are expected to behave in a courteous, professional manner at all times.
- B. Election workers should not discuss their personal opinions about any candidate or ballot item, voter's party affiliation, or any other topic that could be perceived as unprofessional

or non-courteous. Voters can be sensitive to comments in polling places and all efforts should be taken to create a safe and welcoming environment.

- C. Any conversations with voters that delay other voters is discouraged.
- D. Workers should be conscious of voters' rights to privacy and take reasonable efforts to protect the sanctity of their ballot.
- E. Workers may not work at the polls if their name appears on the ballot in any contested race other than justice of the peace, ward clerk, or inspector of elections. 17 VSA 2456.

## **VI. Other**

- A. A voter has the right to mark their ballot, and deposit it in the tabulator, without having their choices observed by another person. Therefore, it is prohibited to take a photo of another voter's ballot. A voter may take a photo of their own ballot.
- B. A voter's progress into and out of the polling place must not be blocked.
- C. With regard to the press, election officials should not ask to see credentials since any member of the public has a right to observe what is happening at the poll, to take pictures and even speak to people as long as this is being done outside the guardrail, is not disruptive, and does not invade the privacy of the voting booth. The Ward Clerk may ensure that persons taking photos cannot photograph or otherwise record the votes of any individual.
- D. If a voter wishes to lodge a complaint they should be directed to speak to the Ward Clerk. The Ward Clerk should bring the voter to a quiet area away from other voters so they can speak privately. The Ward Clerk should complete an Incident Report Form (found in white binder). The voter should be given the opportunity to review and sign the completed form. The Ward Clerk should inform the voter that they also have the right to lodge or follow up on a complaint with the Assistant City Clerk or Chief Administrative Officer (Clerk Treasurer's Office in City Hall). The Ward Clerk should be sure to return the completed form to Clerk Treasurer's Office in the red folder.