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Protecting New York State's Election Poll Sites

New York polling places are controlled and secure election environments**.** State law determines who may be present and both state and federal law protect voters from obstruction, intimidation, and interference.

Early Voting and Election Day Poll Sites are Controlled by Election Officials and Inspectors Bipartisan boards of elections designate poll sites. New York Law protects the authority of bipartisan elections commissioners and their staff over polling places zealously. Barriers to voting can take many forms, and only exclusive bipartisan control over ingress and egress through a polling place is sufficiently protective. While the polls are open, New York law does not treat that space as a generally open public place. A person needs a lawful election-related basis for being present in the polling place.

Election Officials and Inspectors Shall:

- Preserve good order within and around the polling place
- Keep access to the polling place unobstructed
- Direct unauthorized persons to leave restricted areas
- Respond to conduct that disrupts voting or violates Election Law

Who May Be Inside the Polling Place?

- Election inspectors, poll clerks, and other authorized election personnel
- Voters who have been admitted for the purpose of voting
- Properly credentialed poll watchers See EL §8-500 and below.
- Persons admitted by the bipartisan commissioners (media, non-partisan observers, etc.).
- Children accompanying a voting parent or guardian EL §8-104(2)
- Other persons specifically authorized by law (Congressional observers and DOJ monitors, student observers, international observers)

A person does **not** have an unrestricted right to enter or remain in a polling place merely because they are a government employee, law enforcement officer, candidate, campaign representative, advocacy organization representative, member of the media, or self-described observer.

The Guard-Rail Before voting begins, election inspectors must establish a guard-rail, containing voting equipment, ballots, privacy booths, ballot boxes, and secure storage containers, defining the voting area. EL §8-102(1)(d) Unauthorized persons may not enter the guard-rail.

Poll Watchers Election law outlines who may appoint poll watchers and each group or body is limited to three per election district, but only one per election district within the guard-rail at any time. Poll watchers must be registered voters in the city or county where they serve. However, a qualified voter in New York State who is a licensed attorney can be a watcher at any polling place. No one can be a watcher in a district where they are on the ballot. Watchers need a certificate in writing signed by the appointing authority. Please see Quick Reference Guide for Poll Watchers with Watcher Certificates 9.13.2024 for more information.

100' Buffer Zone Under Election Law § 8-104(1), electioneering is prohibited inside the polling place and within a 100-foot radial distance from entrances designated by the inspectors. Political banners, buttons, posters and placards are likewise prohibited in the protected area.

The John R. Lewis New York Voting Rights Act (NYVRA) Election Law §17-212 prohibits conduct that obstructs, impedes, or otherwise interferes with access to a polling place or election office, as well as interference with a voter that causes or reasonably would cause delay in voting or the voting process. The law authorizes judicial remedies and enforcement actions. Conduct does not necessarily have to physically prevent someone from casting a ballot before legal protections become relevant.

Polling Places are Sensitive Locations New York Penal Law §265.01-e expressly identifies "any location being used as a polling place" as a sensitive location for purposes of the state's restrictions on possession of firearms, rifles, and shotguns, subject to the statutory exceptions. This provides another statutory safeguard designed to separate the exercise of the franchise from armed presence at polling locations. Militias are not permitted at the polls It is illegal for people to organize as private militias without permission from the state. See N.Y. Mil. Law §240(1) It is a felony to assemble or try to assemble as a paramilitary organization, with knowledge of its purpose, and to practice with a military weapon to support the organization's purpose. N.Y. Mil. Law §240(6)(a).

IF A PERSON ATTEMPTS TO ENTER OR DEMANDS ENTRY

1. Identify — Ask who the person is and why they seek access.
2. Verify — Check credentials, statutory authority, and Board instructions.

IF THE PERSON IS UNAUTHORIZED

3. Direct — Give a clear lawful direction that the person must leave or remain outside a restricted area. Do not willingly permit unauthorized access within the guard-rail.
4. Contact — Call the Ulster County Board of Elections immediately at 845-334-5470
5. Protect Voting — Keep voters moving; protect ballot secrecy and avoid unnecessary disruption.
6. Document — Keep a record of the incident, either on the challenge report or other forms provided by the Commissioners.

Remain calm. Ensure staff and voter safety. Call the County Board. Your County Commissioners will escalate to the New York State Board of Elections.

Federal Protections Federal law independently prohibits intimidation, threats, and coercion directed at voters or people assisting voters. Section 11(b) of the Voting Rights Act, 52 U.S.C. § 10307(b), prohibits anyone, whether acting under color of law or not, from intimidating, threatening, coercing, or attempting to intimidate, threaten, or coerce a person for voting or attempting to vote, or for helping another person vote. Likewise, 52 U.S.C. § 10101(b) prohibits intimidation, threats, and coercion intended to interfere with voting in covered federal elections and 18 U.S.C. § 594 makes voter intimidation in federal elections a federal criminal offense. The National Voter Registration Act also provides criminal penalties for knowingly and willfully intimidating, threatening, or coercing someone who is registering, voting, attempting to vote, or assisting another person in exercising protected rights in an election for federal office. It is illegal for a member of the United States armed forces, through force, threat, intimidation, or advice, to prevent or try to prevent a voter from fully exercising their voting rights. 18 U.S.C. §593It is illegal for troops, military, or armed federal law enforcement officers to be at a poll site unless "such force [is] necessary to repel armed enemies of the United States."18 U.S.C. §592

Poll sites are administered by election officials—not outside individuals or organizations. Election inspectors have legal authority and responsibility to maintain order and protect the voting process. When there is uncertainty about whether someone is authorized to enter or remain in a poll site, **contact the Ulster County Board of Elections at 845-334-5470 and follow Board instructions.**