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Frequently Asked Election Questions

This document is intended to aid with commonly asked questions. Please note, other questions may arise that are not covered on this sheet. Do not redistribute.

Topic	Reference	Explanation
150 Ft. Rule (Campaigning near polling place)	23-15-895	It is unlawful for campaign literature to be posted, distributed, or worn within 150 feet of any entrance of the voting precinct. Bailiff is responsible for enforcing this rule.
30 Ft. Rule (Unobstructed access to the Voting Booth)	23-15-245	The Bailiff must ensure a lawful, peaceful, and orderly election by seeing that a space of 30ft. in every direction from the polls or room is kept clear of all persons except elections officials, voters waiting to vote, or poll watchers.
Affidavit Voting	23-15-573	Any person declaring they are a registered voter in the jurisdiction in which they offer to vote, but their name does not appear upon the poll books may vote affidavit.
Poll Watcher Prohibitions	23-15-577	Poll watchers of a candidate representative shall not: move about the polling place greeting voters; influence voters, interrupt the election process; or distribute campaign literature within 150 feet of any entrance where the election is being held.
Voter Assistance	23-15-549	A voter who declares to the poll worker that he requires assistance by reason of blindness, disability, or inability to read/write may be given assistance by a person of their choice except their employer, employer's agent, or voter's union. Poll managers are vested with the discretion of determining the truth or falsity of the reason claimed for assistance.
Voter Identification	HAVA 2002	Only those who are unverified first time mail-in registrants since Jan. 1, 2003, may have to provide ID.
Voter Instruction	23-15-437 23-15-517	Voters needing additional instruction on how to properly cast a vote may have two (2) election officers enter the booth and give such additional instructions.
Voter Intimidation		Voter intimidation is strictly prohibited under state and federal law and is considered a felony.
Campaigning on Private Property Near Polling Place		If a polling place is within 150 ft. of private property; the owner of the private property may display campaign literature.
Curbside Voting	23-15-541	A disabled voter may request to have a poll worker provide a ballot outside at the voter's car. Two managers must carry the pollbook, receipt book and ballot outside and, if there are less than three managers inside of the polling place, all voting must stop until the managers conducting the curbside voting have returned.
Absentee Ballots	23-15-713	Generally, students living outside the municipality, electors who will be outside of the municipality on Election Day, disabled persons, or electors over the age of 65, may request to vote by absentee ballot.

Disturbances at the Polling Place		If anyone becomes unruly or abusive, the bailiff may ask him to leave. If he will not leave, call the sheriff, constable or police. All managers and persons in the voting place are to aid in keeping peace. Law enforcement officers must handle the situation and leave the premises.
Instructions for Voters Who Cast Affidavit Ballots	23-15-573	Under HAVA, the affidavit procedures must provide instructions on how to vote by affidavit ballot and an access number to verify that the disposition of the vote.
Intoxication		All intoxicated or disorderly persons disturbing the peace via noise or violence in the polling place shall be arrested, jailed, or kept in custody.
Poll Watchers	23-15-577 23-15-245	Each candidate shall have the right, either in person or by representative, to be present at the polling place to be placed in a suitable position to carefully inspect the manner in which the election is held. Candidates are allowed only one poll watcher. Each political party may have up to two poll watchers.
Sample Ballots		It is permissible for an individual voter to bring a sample ballot into the polling place for the voter's own use as a reminder of the candidate(s) for whom he/she intends to vote. A voter however, cannot be permitted to use the sample ballot as campaign literature in attempting to influence other voters within the polling place.
Viewing the Ballot Box	23-15-911	In the presence of the Municipal Clerk, at any time within 12 days after the canvassing and examination of the box and its contents by the election commission or executive committee, as the case may be, any candidate or their representative authorized in writing shall have the right of full examination of said box and its contents upon 3 days notice of application to the opposing candidate(s).
Voter Qualifications	23-15-11	Voter must be 18 years of age, resident of the municipality or ward, not declared insane by a court, and not convicted of a disenfranchising crime.
Voter Relocated, Change Address	23-15-13	Any voter who moves from one voting precinct to another within the same municipality shall not be disqualified to vote 1) as long as 30 days prior notice was given of the transfer or 2) if the change occurred within 30 days of the election, the voter shall be allowed to vote in the new ward by affidavit ballot as provided in Section 23-15-573.
Disputes in the General Election		Disputes are directed to the Election Commission.
Contesting an Election	23-15-951	Within 20 calendar days after the general election, a person may file a petition with the circuit clerk with the petition setting forth the grounds upon which the election is contested.