



The Commonwealth of Massachusetts

William Francis Galvin, Secretary of the Commonwealth
Elections Division

Election Advisory #26-05

Electioneering within 150 Feet of Voting Locations

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Under Massachusetts law, electioneering, campaigning, signature-gathering and other specific political activities are prohibited within 150 feet of a voting location. The 150-foot rule applies to:

- Polling places on Election Day
- Early voting sites, during voting hours

Enforcement of the 150-Foot Rule is the responsibility of the presiding officer of the voting location. Because interpretation and enforcement of the law may depend a great deal on the discretion of the presiding officer, the Elections Division is providing this Advisory to clarify what does and what does not violate the law relative to campaign activity in and around voting locations.

Presiding officers must enforce the 150-Foot Rule according to the guidance in this Advisory, and are permitted to use their discretion only on matters not explicitly prohibited or allowed by this Advisory.

As a local election official, you must provide all presiding officers with a copy of this Advisory and make it available in each voting location.

Citations

The 150-Foot Rule is contained within section 65 of chapter 54 of the Massachusetts General Laws. Additional information about prohibited activity around voting locations may be found in 950 CMR § 52.03(22)(c) and 54.04(22)(c).

Prohibitions regarding hindrance or interference with a voter may be found in section 29 of chapter 56 of the General Laws. Section 46 of chapter 56 of the General Laws prohibits disturbing the peace or decorum at the polls. Sections 71 and 74 of chapter 54 of the General Laws authorize enforcement of the election laws by the presiding officer and police officer or constable at the voting location.

Applicability of the 150-Foot Rule

The 150-Foot Rule broadly prohibits political and campaign activities in the areas in and around voting locations during voting hours. The rule applies to polling places and early voting sites.

The application of the 150-Foot Rule is limited only to voting locations and the immediate vicinity of a voting location, so as not to place an unreasonable restriction on protected political speech.

The 150-Foot Rule does not apply to central tabulation facilities, advance ballot processing locations, ballot drop-boxes, or local election offices that are not located in the same building as a polling place or early voting site.

The 150-Foot Rule also does not apply to any event that takes place after Election Day, including post-election tabulation for the State Election.

Prohibited Activities

Under state statute and regulations, a person may not do anything within 150 feet of a voting location designed to aid or defeat or otherwise promote or oppose a candidate or question being voted on in that location.

Prohibited activities include:

- Holding certain political signs
- Wearing certain political apparel (t-shirts, hats, buttons, pins, stickers, etc.)
- Handing out campaign literature
- Distributing stickers for write-in campaigns
- Shaking hands or otherwise greeting voters (while being a candidate on the ballot)
- Asking voters to vote in a certain manner
- Hindering or interfering with voters who are voting or on their way to vote
- Soliciting signatures on any type of petition – **whether or not it pertains to the current election**

State law prohibits signature gathering of any kind within 150 feet of a voting location. This includes ballot question petitions, candidate nomination papers, and citizens' petitions.

Materials are considered to influence voters if they contain:

- A candidate's name
- The name of a candidate's policy proposal
- A candidate's slogan or image
- A political party name

Further, no person may hinder, delay, or interfere with a voter without lawful authority. This includes any attempt to induce a voter to disclose how they have voted before they deposit their ballot.

The prohibition against interfering with a voter protects voters who are voting or on their way to vote, which means that it extends outside the 150-foot area around a voting location. The 150-Foot Rule broadly prohibits political and campaign activities in the areas in and around voting locations during voting hours. The rule applies to polling places and early voting sites.

Allowed Activities

Allowed activities include:

- Campaigning for a candidate or ballot question not on the ballot in that location
- Campaigning for a candidate or issue on the ballot in a future election
- Holding a sign or wearing apparel that may be “political” but not intended to aid or defeat someone or something on the ballot
- Exit polling, if speaking to voters exiting the polling location

Voters may bring materials to assist them in the voting process, which may include campaign literature that would otherwise be prohibited in the polling place. These materials are allowed, as long as the voter does not display them to others.

Poll workers must regularly sweep voting booths, to ensure campaign literature and stickers are not left behind by voters.

Candidates for the State Election only may greet voters within 150 feet of the polling place as long as they are not printed on the State Primary ballot or running a write-in campaign for the State Primary. However, they cannot do anything to promote or oppose anyone on the ballot while they are within 150 feet of the polling place.

Exit polling is permitted within 150 feet of a polling place on Election Day, as long as the exit pollster does not interfere with a person or voter on their way to an election.

The display of materials, phrases, and slogans promoting an issue, position, or ideology not explicitly tied to a campaign or political party on the ballot cannot be prohibited under the 150-Foot Rule.

Enforcement of the 150-Foot Rule

The presiding officer of each voting location is responsible for enforcing the 150-Foot Rule and other laws regarding the maintenance of peace, order, and decorum at the voting location. Presiding officers must ensure that voting locations are unobstructed and that voters are not hindered.

At a polling location, the presiding officer is typically the Warden, though the city or town clerk may also be present and assist with enforcement. At an early voting location, the presiding officer is typically the local election official, but the local election official may authorize someone else to act in their stead.

To enforce the election laws, the presiding officer may issue orders to any voter, observer, election official, or other individual to comply with the laws and regulations, as described in this Advisory.

The police officer or constable assigned to a polling place enforces the election laws at the order of the presiding officer. The presiding officer may ask the police officer to take into custody anyone who, by disorderly conduct, interrupts or disturbs the proceedings of the election.

The presiding officer has significant discretion in determining what they believe amounts to a disturbance to the peace, an obstruction to the polling place, or a hindrance to the voters. They do not have the same discretion in determining violations of the 150-Foot Rule, as the terms and definitions of the rule are clearly defined in this Advisory and in statute.

Presiding officers may exercise discretion in matters pertaining to the 150-Foot Rule only when such matters are not provided for in this Advisory.

Enforcement of the 150-Foot Rule should occur in a manner that plainly and directly addresses the violations of the rule, without stating or implying bias or prejudice on the part of the presiding officer. Officials invoking the 150-Foot Rule must make every effort to emphasize that the voter's right to vote is not being infringed upon, and that (if applicable) the voter will be allowed to vote when they comply with the law.

Election workers should call the local election office if they or any voter is threatened or intimidated, or if a disturbance of any kind occurs.

If law enforcement is not present, election workers should call local law enforcement if they believe the safety of any person in the voting location is in jeopardy.

Questions & Complaints

Voters, election officials, campaign officials, members of the media, and members of the public may contact the Elections Divisions with any questions regarding the content of this Advisory or the enforcement of the 150-Foot Rule.

Those who have evidence that the 150-Foot Rule has been enforced in a manner that is inconsistent with this Advisory may file a complaint with the Elections Division's Legal Counsel.

The Elections Division may be contacted at elections@sec.state.ma.us or (617) 727-2828.