

Election Polling Site Committee

Final Report - July 10, 2019

Background

Due to increasing national violence in school settings, parents have requested that the School Board close schools when elections take place in a school building. The School Board most recently responded by closing Rye Elementary School (RES), where elections take place, and Rye Junior High (RJH), and converted the election day into a teacher workshop/parent conference day. The School Board has asked the Town to consider other viable locations because converting election days into teacher workshop days may not always be the best educational option and extends the school year.

In addition to concerns of gun violence, it should be noted that school officials are also concerned about managing traffic and ensuring safety at RES during student dismissal when elections take place at this location.

Assignment

On April 8, 2019, in response to a School Board request, the Select Board created an ad-hoc committee to investigate potential election sites other than Rye Elementary School. This ad-hoc committee held meetings on May 2, June 6 and July 2. Additionally, members toured the Rye Congregational Church on May 2 and Abeniqui Country Club on May 22. Several members also inspected the parking lot and entrance walk at the Seacoast Science Center.

Committee Members

The Select Board appointed the following residents and town officials to this Committee:

Donna DeCotis, Town Clerk

Robert Eaton, Town Moderator

Mike Magnant, Town Administrator*

Paula Tsetsilas, Rye School Board*

Kevin Walsh, Rye Police Chief

*At the first meeting members voted these individuals as co-Chairs

Data Collection

The first order of business was to understand the number of elections held each year in Rye. Moderator, Robert Eaton, explained that elections take place in four-year cycles 4:1:3:1. The Committee overlaid this election cycle with the school calendar to determine the number of elections that fall within each school year through 2023. When applying these dates to a school calendar (Sept-June), you will find a 2:3:1:3 ratio. The breakdown is as follows for 2020-23:

TRADITIONAL CALENDAR

Calendar Year 2020 (4):

Pres Primary (Jan or Feb)*

Local Election (Mar)

State Primary (Sept)

Pres Election (Nov)

Calendar Year 2021 (1):

Local Election (Mar)

Calendar Year 2022 (3):

Local Election (Mar)

State Primary (Sept)

General Election (Nov)

Calendar Year 2023 (1):

Local (Mar)

SCHOOL CALENDAR

2019-20 School Year (2)

Presidential Primary (Jan or Feb)*

Local Election (Mar)

2020-21 School Year (3)

State Primary (Sept)

Presidential Election (Nov)

Local Election (Mar)

2021-22 School Year (1)

Local Election (Mar)

2022-2023 School Year (3)

State Primary (Sept)

General Election (Nov)

Local Election (Mar)

**There is no deadline for setting a date, but it will likely be announced in September/October.*

The Committee also needed to understand the number of residents who vote to ascertain the impact on traffic flow and the volume of visitors into the school. The average in-person voter turnout by election type is as follows:

Local (last 5 elections): 1,326

State Primaries (5): 1,221

Presidential (3): 3,084

General Election (3): 2,670

Presidential Primary (2):2,146

The Committee also reached out to moderators and town administrators in other New Hampshire municipalities to see how they handle elections where a school is used as a polling place. The responses received are summarized in Appendix 1.

Election Requirements

In the initial meeting Robert Eaton, Donna DeCotis and Chief Walsh explained the requirements to run a fair, accessible and safe election that complies with all State and federal election laws. The Committee prepared a matrix outlining how each venue met these requirements (see Appendix 2).

Regarding election timing, it is important to note that the calendar is dictated by statute with some flexibility offered for local elections. According to RSA 40:13, the “second session of the annual meeting, to elect officers..., to vote on questions required by law to be inserted on ...[the] official ballot, and to vote on all warrant articles from the first session on official ballot, shall be held on the second Tuesday in March, the second Tuesday in April, or the second Tuesday in May, as applicable. If it offers any relief to the schools, Rye could vote to change the local election to April or May, but it would still have to be the second Tuesday of either month. As to statewide elections and primaries, the Town has no control over choosing the date as general elections must be held on the 1st Tuesday after the 1st Monday in November. Similarly, the Town has no say over the date of the Presidential Primary which is set by the Secretary of State, usually in January or February, and always on a Tuesday.

Potential Alternate Sites

The Committee brainstormed potential alternate sites which included Abeniqui Country Club, Rye Congregational Church and the Seacoast Science Center. The Committee discussed, but quickly ruled out, Rye Junior High School due to limited parking, and The Surf Club because it is only open to private members.

The Science Center was later ruled out because of 1) the lengthy walkway to the front entrance (160 yards) makes accessibility difficult for the elderly, and 2) exposure to harsh natural elements during the winter or in inclement weather.

The Committee spent a great deal of time considering Rye Congregational Church. In addition to a ban on electioneering on Church property imposed by the Church, and concerns about the Constitutional prohibition against the establishment of religion, the biggest issue with this venue was that the hallway leading to the voting area was very long and narrow, and the door into the voting area itself was even narrower. These factors would substantially impede the flow of voters in and out of the polls and would greatly inhibit wheelchair accessibility (particularly since wheelchair voters would have to exit through the same narrow gauntlet being used by incoming voters). Additionally, the polling space is irregularly shaped and would prevent the Moderator and election workers from properly observing the conduct of the election. (See Appendix 2)

Abenaqui was also given substantial consideration. It has ample parking, an elevator and a fairly large voting area (albeit smaller than at RES). However, the Club ruled out use of this venue for September elections when the Club was still open. The Committee recognized that if the polling place was changed from election to election, voter confusion would result, likely disenfranchising voters. Other issues with Abenaqui included line-of-sight impediments within the polling place itself that would prevent the Moderator from properly monitoring voting and resolving voting issues, and lack of an appropriate place for electioneering that permitted interaction with voters.

Recommendations

The Committee unanimously concluded that the only location available that would maintain the integrity and overall safety of elections in Rye is the Rye Elementary School. As a result of the Committee's investigation and discussion, the Town and the School may want to consider the following suggestions if school is held during smaller elections:

1. Better manage vehicular traffic during student dismissal.
2. Determine the feasibility of separating the student body from the general population similar to other towns/districts as reported in Appendix 1.
3. Increase police presence from 2 to 3 officers to ensure student safety and ease parental concerns. It should be noted that while voting brings many members of the public into the school who would not normally be there, it also brings with it a substantial police presence that would otherwise be absent.
4. Continue collaboration between the Town of Rye and the Rye School District to keep our schools safe, including effective communication to parents to ease their safety concerns.
5. Convene this or a similarly constituted committee to prepare an "after-action" report after every election to review the conduct of the election and consider whether any changes can be made to make the school safer (see Appendix 3, Town of Derry "After Election Report", as a sample).

Other Considerations

1. After a Committee of Conference negotiated differences between bills adopted by the New Hampshire House and Senate, both chambers voted on strictly party lines to make schools gun-free zones. Under the legislation, only law enforcement officers, members of the

military, or people authorized by the local school board, could bring guns into schools. See HB 564. Were this legislation to become law, it might offer reassurance to parents. However, it faces a likely veto from Governor Sununu. Given that it only passed the Senate by a vote of 14-10, and the House by a 197-146 vote, such a veto would undoubtedly be sustained.

2. As the Town continues to discuss options for the town center, if appropriate election space is created, the recommendations of this Committee should be reconsidered.

We hope you find this report helpful as the Town and School work to protect residents' voting rights while ensuring safety to our students.

Respectfully submitted,

Paula Tsetsilas, Rye School Board, Co-Chair

Michael Magnant, Town Administrator, Co-Chair

Kevin Walsh, Chief of Police

Donna DeCotis, Town Clerk

Robert G. Eaton, Town Moderator

APPENDIX 1

Town

School Use During Elections

Auburn	Auburn has historically held its elections in our local elementary school and will continue to do so into the future. Our school will generally close on election days, instead scheduling teacher workshop days or the annual parent/teacher conference day. On the days when they don't cancel school, they seal off the gymnasium area as best they can from the rest of the school to prevent access by the public to school. Hot lunch is still prepared in the cafeteria but is placed on carts and served in the classrooms.
Barrington	They do all of the town/primary voting in the Middle School gym.
Bedford	When they built a new high school "a deal was made to give the Town use of it for elections. We don't need to ask – the schools use those days for teacher workshops."
Bennington	For elections we use the MultiPurpose Room of the elementary school and all election workers and voters access the MultiPurpose Room through the entrance to that room off the parking lot. Voters are not allowed into the building from the main student entrance. The Town also provides hall monitors that are situated outside of the classroom wing; the monitor ensures no one comes into the school from the MultiPurpose Room. The doors to the classroom wing are closed. Students have lunch in their classrooms that day.
Derry	We use both our middle schools as polling places. For town elections, schools remain open. We use the gymnasium at each location, which is close to the entrance, and are able to adequately segregate the students from the public with the assistance of police details. We use a church as our third location for major elections. The School District has agreed to close the schools for federal and state elections.
Durham	Durham holds its elections at the Oyster River High School. We have worked closely with school staff at the high school to segregate the election venue to the extent possible, to secure the internal school entrances between the polling location with police officers/staff, and in the case of the presidential general election, school at the high school is closed for the day. In some instances, the district schedules a teacher in-service training on election days so that students are not in the building.
Gilford	We stopped using an elementary school a few years ago for all the reasons you have identified. We now use a community center adjacent to the Town Library where there is adequate parking and sufficient room for all the voting booths.
Gilmanton	Gilmanton holds its elections at Town Hall.
Greenland	Elections held at Greenland Central School. They either have a teacher workshop or they are closed for voting, depending on the election.
Hanover	"[W]e have police on call and doing stop-by check ins but not present continually. In addition, the location is at an end to the school with a separate entrance so there is minimal mingling of the voter/student pop[ulation]."
Hollis	"We cordon off the gym where we vote and have two officers on duty to not allow anyone beyond."
Lee	Our voting for elections and the SB2 town voting happens at the Public Safety Complex from 7am to 7pm (the hours are excellent, I think)

Londonderry	Elections are held in the high school gym that is in a separate building from the rest of the school. "On state and federal elections . . . the high school is off and teachers are at workshops. Local elections however, school remains open and only half the gym is utilized for the election, while the other half is used by gym classes. Police are at all elections, both inside and directing traffic." The town has nearly 20,000 registered voters.
Marlborough	"The schools have been helpful in coordinating workshop days with election ones, resulting in no students in the buildings."
Milford	The Town has no polling place alternative to the middle school gym. "School is in session at the March town elections, when turnout is low. For the other three elections, teacher workshop days are held. A police officer is in the polling place throughout the day. Another two-three officers are outside directing traffic, watching and being generally available."
Milton/Rochester	Elections are held in the basement of a local church.
New Durham	We hold all elections at the Elementary school and due to safety concerns the School District has elected to close the school on election days. Staff does work but off site for continuing ed., again due to concern for staff safety. They are not happy about the use, but are accommodating.
Newmarket	"School is closed for federal elections. Otherwise school remains open but we lock the doors between the gym and the school and the police monitor the parking lot. The school is the most secure and heavily monitored location so it is considered the safest place to hold elections even if school is in session."
Plaistow	"We confine our voting to our gym at our elementary school, and have a police officer on duty to maintain the peace and not allow access to any other area of the school."
Plymouth	Plymouth holds the elections at the Elementary School in the gym from 7a to 7p. The Chief usually covers until about 4p and if an officer comes to cover and it isn't his regular shift, they get overtime.
Rindge	"Our school district has a policy not to conduct school on voting days. . . . Given that students have a week off for a Christmas break, a winter break and a spring break plus holidays, there are other ways to avoid pushing the school year into the summer if it's really an issue."
Tilton	"[W]e used to use the middle school gym, but there was no way to barricade the hallways which gave access to the classrooms, so we moved to [the] High School Gym, which has doors to prevent access to the rest of the building. We always have police officers present should an issue come up"
Wentworth	"[W] e have police in school every election. . . . We also have no other place we can use."
Windham	Elections are held at our high school. There was a big to do a while back regarding detail officers being armed.

APPENDIX 2

Rye’s Potential Election Sites

Evaluation Matrix

Requirement	RES	Rye Congregation Church	Abenaqui Country Club	Seacoast Science Center
Parking	95 lined spaces 34 unmarked spaces +2 handicapped Additional parking along exit to Sagamore (approx. 52 spaces) and Sagamore itself	129 spaced (un-lined) + 7 handicapped	Ample parking; People might be crossing while vehicles exit; all parking dedicated to election parking	70 lined spaces + 2 handicapped
ADA Accessibility	One level entrance, wide, handicap spaces directly adjacent to entrance (can create handicap spaces from fire lanes)	Poor; narrow doorways and hallways are restrictive and present safety concerns and problematic traffic flow; cannot enter doorway when assisting the elderly side-by-side; This becomes a 2-way traffic flow situation for ADA accessibility	May need to mark off more handicap spaces; elevator entrance; longer walking distance to election site; if not using elevator there, voters need to go up short flight of stairs (slip,trip, fall concerns)	Poor

Distance from parking lot to main entrance	Very good	ADA parking is further away than RES; and need to cross entering and exiting vehicle traffic; parking is further for all voters	Comparable to RES	Approx 160 yards from parking lot to building entrance
Side door for alternate pickup	Yes	Yes	Yes, the “front” door” but is not ADA accessible as there are a set of stairs (defeats purpose); if handicapped in one way and out the same way	
Vehicle traffic Flow	Very good; entrance and exit and ability to use entrance as exit at same time; very efficient	Similar to RES but requires another staff person on Washington Road to manage traffic flow; Minimum of 3 officers (overtime)	Comparable to RES with long, wide driveway	
Voter traffic Flow	Lowest security needs to maintain effective traffic and pedestrian flow; Enter through one door/exit another in polling area; orderly and organized for large crowds (ie. presidential election)	Bottlenecks because of long, narrow hallway	Enter thru one door, exit another; pass by waiting line to exit	
Room Size	Usually use whole gym for	42' x 48' (smallest of all locations)	51'7" x 54'3"; includes a	

	<p>presidential and general election when school is closed; 64x x96' total gym area</p> <p>(half size is 64x 48')</p>		substantial lost area blocked by pillars	
Emergency Evacuation/Security Needs	Best scenario because fewer employees for lock-down needs; school has electronic locking system; indoor and outdoor cameras	Challenging because several entrances; no auto locking system	No auto locking system	No auto locking system
Moderator's Viewing	Excellent; moderator can see and manage all; direct line of site in all directions; managing electioneers is easy; wide viewing area; good observation and fast	Poor. All the rooms are self-contained rather than wide open. Moderator would need to move from place to place for observation.	Good, but obstructive view with pillars; not ideal for managing electioneering	
Electioneering	Works very well; separate but maintained with even amount of space to voters; good non-invasive balance; good for public safety	Prohibited on-site per church. Would need to be located by the street and limits chance for interaction and creates safety issue.	Electioneering may block entrance to pro-shop (does that impact retail); if on porch removed from voter parking area	May not be allowed

Kitchen Access	Yes	Yes	Yes	
Floorplan and voter flow (inside room)	Very well; because funnel in and out; accommodates the numbers of booths needed (need 57 booths for presidential election. This includes special voting tent for visual/hearing impaired)	Very difficult in large presidential election bc might not fit all booths, absentee ballots and all other tables; could interfere with voter privacy	Tight	
Viewing area	Very good. Use the stage gives observers better perspective into crowd and separates them from voter flow.	Have a stage but limited in view; not as elevated so not as easy to see into audience	Would need to be roped off; limited because of pillar obstructions	
Weather factors (snow removal)	Very good. Town has complete control over. Reduces employees to outside exposure on extremely cold days.	Not town property; would require coordination between DPW and church's private contractor (who pays?); responsiveness issues	Not town property; would require coordination between DPW and church's private contractor (who pays?); responsiveness issues	
Exhibitors (PTA, etc)	Located in exit area allows for better voter traffic flow; exhibitors appreciate this availability; separates	Not enough space to accommodate outside organizations	Large, marked off area for PTA and other organizations	

	electioneers from general public			
Church and State	No issue	Poor. It is a church. Also a large cross when enter doorway in hall area. Could be offensive to some and violates separation of church and state (establishment of religion)	No issues	
Other considerations	Fine-tuned the process over many years; voters know the process and location		Needs Abenaki Board approval; don't know if there is an expense; not available until October during the fall	Exposed to elements

APPENDIX 3

TOWN OF DERRY, NH
AFTER ELECTION REPORT AND
RECOMMENDATIONS MOVING FORWARD

- 1) Schools will be closed for State & Federal Elections and Presidential Primary, using two polling locations and for safety of the students. ACTION DCSD
- 2) Encourage Pinkerton Academy to provide space for Middle School professional development on election days when school close ACTION: DCSD with SUPPORT FROM ALL
- 3) Check into Town Ordinance creation to deal with Election rules re: traffic and parking. a. Recommended Ordinance change:

Chapter 150-3 by adding section C. as follows:

C. The Town Council hereby authorizes the Chief of Police to limit or alter parking regulations set forth in Chapter 150 of the Town of Derry's Ordinances

The Chief of Police may, for the purpose to address temporary or unanticipated traffic conditions, post "Official traffic signage" to limit or alter parking regulations set forth herein for a period of not more than 60 consecutive days without further Council approval. ACTION TOWN COUNCIL

- 4) Traffic concerns at WRB need to be addressed by closing school and having traffic routed around the building to keep off road. ACTION DCSD, POLICE & CERT
- 5) Investigate options to redirect non-voting traffic away from WRB and South Main Street. ACTION – CHIEF GARONE AND DPW DIRECTOR FOWLER
- 6) Use of CERT to help direct voters and traffic in Federal Elections: ACTION CHIEF GAGNON
- 7) Better Signage is needed to view lines for registration check: ACTION JIM MORGAN WITH DAN HEALEY
- 8) Install a portable corral to lead voters more efficiently through the lines: ACTION JIM MORGAN WITH DAN HEALEY
- 9) Better public messaging about the election locations and districts: ACTION TOWN STAFF
- 10) Potential Shuttle of election workers from remote parking to polls to free up parking: ACTION TOWN STAFF WITH DCSD TRANSPORTATION VENDOR
- 11) Election Booth QTY: OBSERVATION NO ACTION
- 12) First aid kits available at elections – Should we also have a Portable Defib? ACTION CURRENTLY AVAILABLE – RECONFIRM PRIOR TO EACH ELECTION
- 13) An additional police officer at WRB to wall off unauthorized persons from entering the school (March Elections): ACTION CHIEF GARONE
- 14) DCSD to work on school calendar for Federal Elections. Presidential Primary is up in the air until set School is aware. ACTION DCSD
- 15) March 2019 elections will be held at Hood and WRB with the addition of an officer at WRB: STATEMENT NO ACTION
- 16) Plans need to be in place for Feb. 2020 Presidential Primary; September 2020 State Primary; & Nov. 2020 Presidential Election. STATEMENT NO ACTION