



NATIONAL CONFERENCE of STATE LEGISLATURES

The Forum for America's Ideas

Polling Place Requirements

States vary considerably in terms of statutory requirements regarding polling places. For instance:

- 31 states mandate using public buildings as polling locations when practicable; this designation may or may not include schools
- 19 states specifically mention using school buildings as polling locations
- 4 states specifically mention churches as polling locations, but none require that churches be available (Delaware, Illinois, New York and Oklahoma)
- 8 states explicitly permit the use of privately-owned buildings as polling places under certain circumstances (California, Delaware, Illinois, Louisiana, Nevada, Ohio, Oklahoma, Tennessee)
- 3 states specifically restrict polling places based on proximity to alcohol-selling establishments (Illinois, Louisiana and Massachusetts)

Washington and Oregon hold elections entirely by mail; therefore, polling place requirements aren't applicable. Of the 48 remaining states, 47 require local election officials to designate polling locations. The one exception is South Carolina, which allows the state General Assembly to designate polling locations in certain circumstances.

Polling Place Statutes	Requires or Encourages use of Public Buildings	Requires or Encourages use of Schools	Allows use of other locations	Responsible Party (Local or State)
Alabama Ala. Code § 17-6-4 Ala. Code § 11-46-25	Not specified	Not specified	Not specified	Board of Commissioners (Local)
Alaska Alaska Stat. § 15.15.060 Alaska Stat. § 15.15.090	Not specified	Not specified	Not specified	Election supervisor and election board chairperson (Local)
Arizona Ariz. Rev. Stat. § 16-248 Ariz. Rev. Stat.	Not specified	Yes	Not specified	Board of Supervisors (Local)

Source: National Conference of State Legislatures

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For more information, contact NCSS's Elections Team at 303-364-7700.

§ 16-411				
Arkansas Ark. Code § 7-5-101	Not specified	Not specified	Not specified	Board of Election Commissioners (Local)
California Cal. Elec. Code § 12280-12288	Yes	Yes	Mobile homes	County election officials (Local)
Colorado C.R.S.A. § 1-5-102.9	Yes (note: CO will use only mailed ballots and vote centers beginning in 2014)	Not specified	Not specified	County Clerk and Recorder (Local)
Connecticut Conn. Gen. Stat. § 9-169	Not specified	Not specified	Not specified	Registrar of voters or legislative body of town/city (Local)
Delaware Del. Code tit. 15, § 4512	Yes	Yes	Encourages use of firehouses, community buildings, churches, financial institutions, lobbies or apartment buildings; allows use of private businesses	Department of Elections (Local)
Florida Fla. Stat. § 101.71	Yes	Not specified	Not specified	Supervisor of Elections (Local)
Georgia Ga. Code Ann. § 21-2-265 Ga. Code Ann. § 21-2-266	Yes	Yes	Not specified	Superintendent of County or Governing Authority of Municipality (Local)
Hawaii Haw. Rev. Stat. § 11-92.1	Yes	Yes	Not specified	Not specified
Idaho Idaho Code Ann. § 34-302	Not specified	Not specified	Not specified	Board of County Commissioners (Local)
Illinois 10 ILCS 5/7-41	Yes	Yes	Churches or private schools	Board of Election Commissioners (Local)

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10 ILCS 5/11-4				
10 ILCS 5/11-4.1				
Indiana Ind. Code § 3-11-8 3.1 Ind. Code § 3-11-8-4	Yes	Yes	Not specified	A county executive (Local)
Iowa Iowa Code § 49.21	Yes	Not specified	Not specified	County Commissioner of elections (Local)
Kansas Kan. Stat. Ann. § 25-2703	Not specified	Not specified	Not specified	County election officers (Local)
Kentucky Ky. Rev. Stat. §117.065(2)	Yes	Not specified	Not specified	Not specified
Louisiana LSA-R.S. 18:533	Yes	Not specified	Private property if no public building available	Governing authority of each parish (local)
Maine 21-A M.R.S.A. § 627	Not specified	Not specified	Not specified	Municipalities (local)
Maryland Md. Code, Elec Law § 10-101	Yes	Not Specified	Not specified	Local Board of Elections (Local)
Massachusetts M.G.L.A. 54 § 24	Not specified	Not specified	Not specified	Alderman in cities (Local)
Michigan Mich. Comp. Laws § 169.224	Yes	Yes	Not specified	City, Village or Township Legislative Body (Local)
Minnesota Minn. Stat. § 204B.16	Yes	Yes	Public colleges and universities	Municipal and County Government (Local)
Mississippi Miss. Code Ann.	Yes, with permission from the controlling entity	Yes, with permission from the controlling entity	Not specified	Board of Supervisors (Local)

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§ 23-15-259				
Missouri Mo. Rev. Stat. § 115.115 Mo. Rev. Stat. § 115.117	Yes	Not specified	Not specified	County clerk (Local)
Montana Mont. Code Ann. § 13-3-105	Yes	Not specified	Not specified	County Governing Board (Local)
Nebraska Neb. Rev. Stat. § 32-904 Neb. Rev. Stat. § 32-905	Yes	Not specified	Not specified	County election commissioner or county clerk (Local)
Nevada Nev. Rev. Stat. § 293.437	Yes	Not specified	Privately owned locations may be rented if no public location available	County or city clerk (Local)
New Hampshire N.H. Rev. Stat. § 658:2	Not specified	Not specified	Not specified	Town Selectmen (Local)
New Jersey N.J. Rev. Stat. § 19:8-2 N.J. Rev. Stat. § 19:8-3	Yes	Yes, with permission from the controlling entity	Not specified *	County Board of Elections (Local)
New Mexico N.M. Stat. § 1-3-7	Yes	Yes	Not specified	Board of County Commissioners (Local)
New York NY ELN Law § 4-104	Yes	Yes	Churches/places of worship	Local Board of Elections (Local)
North Carolina N.C. Gen. Stat. § 163-129	Yes	Yes	Churches	County Board of Elections (Local)
North Dakota	Not specified	Not specified	Not specified	Board of County Commissioners for

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N.D. Cent. Code § 40-21-03.1 N.D. Cent. Code § 15.1-09-13				counties/ Governing Body for cities (Local)
Ohio Ohio Rev. Code § 3501.29	Yes	Yes	Private buildings, removable buildings	County Board of Elections (Local)
Oklahoma Okla. Stat. tit. 26A, § 263123 Okla. Stat. tit. 26, § 263120	Yes	Yes	Churches, businesses	Governing Board of any Municipality (Local)
Oregon	Not specified; a vote-by mail state			
Pennsylvania 25 P.S. § 2727 25 P.S. § 1322(c) 25 P.S. § 302 25 P.S. § 527	Yes	Yes	Not specified	County Board of Elections (Local)
Rhode Island R.I. Gen. Laws § 17-19-21 R.I. Gen. Laws § 17-18-15	Not specified	Yes; schools will not be in session when used	Not specified	County Election Commission (Local)
South Carolina S.C. Code Ann. § 7-7-10	Not specified	Not specified	Not specified	General Assembly (State) and County Election Commission (Local)
South Dakota S.D. Codified Laws § 12-14-1 S.D. Codified Laws § 12-14-9	Not specified	Not specified	Not specified	Board of County Commissioners (Local)
Tennessee	Yes	Yes	Private buildings	County Election Commission

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Tenn. Code Ann. § 2-3-101				(Local)
Tenn. Code Ann. § 2-3-107				
Texas Tex. Elec. Code § 43.002 Tex. Elec. Code § 43.031	Yes	Not specified	Federal military base or facility, if no public building available.	County Clerk (Local)
Utah Utah Code § 20A-5-403	Not specified	Not specified	Not specified	“Election Officer” (Local)
Vermont Vt. Stat. Ann. tit. 17A, § 2501 Vt. Stat. Ann. tit. 17A, § 2502	Yes	Not specified	Not specified	Board of Civil Authority (Local)
Virginia Va. Code Ann. § 24.2-310	Yes	Not specified	Not specified	Governing Body of County/City/Town (Local)
Washington	Not specified; a vote-by-mail state			
West Virginia W. Va. Code, § 3-1-7 W. Va. Code § 3-1-23	Not specified	Not specified	Not specified	County Commission (Local)
Wisconsin Wis. Stat. § 5.25 Wis. Stat § 5.35	Yes	Not specified	Not specified	Board of Election Commissioners (Local)
Wyoming Wyo. Stat. § 22-12-101 Wyo. Stat. § 22-12-102	Not specified	Yes	Community colleges	County Clerk (Local)

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*Churches not mentioned but known to be used, per New Jersey's Office of Legislative Services