

**Subject** Campaigning near a polling place

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## Summary

This bill narrows and further defines the scope of the existing prohibition in law on campaigning in or near a polling place.

Under current law, campaign material and political badges, buttons, and insignia are prohibited in a polling place or within 100 feet of the building where the polling place is located.

This bill proposes to instead prohibit items that identify candidates or political parties through use of a name, likeness, logo, or slogan, as well as items that identify a ballot question by its number, title, subject, slogan, or logo.

The restrictions would apply only during the hours in which a polling place is open for voting.

***Minnesota Voters Alliance v. Mansky.*** In 2018, the underlying law being amended by this bill was ruled unconstitutional by the U.S. Supreme Court, as a violation of the first amendment's free speech clause. The case, *Minnesota Voters Alliance v. Mansky*, was the result of a challenge filed after the 2010 general election, when a voter was told to remove or cover up a t-shirt and button that contained a message that the election judges determined to be political (but which did not identify a specific candidate or party on the ballot at the election).

The Supreme Court ruled that Minnesota's law provided too little guidance about what did or did not constitute "political" material, and therefore did not meet the requirement of an "objective, workable standard" as required by other first amendment case law.

The bill seeks to address the concerns of the Supreme Court and reinstate an enforceable restriction on activity in and near a polling place.

Case citation: *Minnesota Voters Alliance v. Mansky*, 585 U.S. \_\_\_\_; 138 S.Ct. 1876 (2018).