

ELECTIONEERING DISTANCES IN ALL 50 STATES

The table below summarizes certain aspects of laws regulating electioneering near polling places.

The U.S. Supreme Court has upheld specified distances in electioneering law. In *Burson v. Freeman*, 504 U.S. 191 (1992), the Court determined Tennessee §2-7-111(b) [summarized below] does not violate the First and Fourteenth Amendments of the *U.S. Constitution*. In its syllabus for the case, the Court states, "The section is a facially content-based restriction on political speech in a public forum and, thus, must be subjected to exacting scrutiny: The State must show that the regulation is necessary to serve a compelling state interest and that it is narrowly drawn to achieve that end. This case presents a particularly difficult reconciliation, since it involves a conflict between the exercise of the right to engage in political discourse and the fundamental right to vote, which is at the heart of this country's democracy.

"Section 2-7-111(b) advances Tennessee's compelling interests in preventing voter intimidation and election fraud. There is a substantial and long-lived consensus among the 50 States that *some* restricted zone around polling places is necessary to serve the interest in protecting the right to vote freely and effectively. The real question then is *how large* a restricted zone is permissible or sufficiently tailored. [emphasis in the original] A State is not required to prove empirically that an election regulation is perfectly tailored to secure such a compelling interest. Rather, legislatures should be permitted to respond to potential deficiencies in the electoral process with foresight, provided that the response is reasonable and does not significantly impinge on constitutionally protected rights."

<u>State; Citation(s)</u>	<u>Distance outside of polling place</u>	<u>Location from which the distance is measured</u> ⁽¹⁾	<u>Petitions or collection of signatures prohibited</u>	<u>Prohibition extends onto private property</u>	<u>Specifically mentions clothing</u>	<u>Active bills as of October 26, 2022</u> ⁽²⁾
Alabama Ala. Code § 17-9-50	30 feet	Building door	Not specified	Not specified	No	N/A
Alaska AS 15.15.170	200 feet	Polling place entrance	Not specified	Not specified	No	N/A
Arizona A.R.S. §§ 16-1018, 16-515	75 feet	Main entrance of polling location	Not specified	Not specified	No	N/A
Arkansas A.C.A. § 7-1-103	100 feet	Primary exterior entrance	Prohibited	Not specified	No displaying or dissemination of buttons, hats, or shirts containing electioneering information	N/A
California Cal.Elec.Code §§ 319.5, 18370; Cal.Pub.Util.Code § 22742	100 feet	Room where voting occurs, a satellite location, an election official's office, or an outdoor site where a voter can drop a ballot	Prohibits circulating an initiative, referendum, recall, or nomination petition or any other petition	Not specified	No name, title, likeness, logo	N/A
Colorado CO Rev Stat §§ 1-13-714, 31-10-1521	100 feet	Any polling location or in any public street or room or in any public manner	Prohibits soliciting signatures for a candidate petition, a recall petition, or a petition to place a ballot issue or ballot question on a subsequent ballot	Prohibited "in any public street or room or in any public manner"	No apparel promoting or opposing a candidate or displaying candidate's name, likeness, or campaign slogan	N/A

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Connecticut CGSA § 9-236	75 feet	Outside entrance; or in any corridor, passageway, or other approach leading from any outside entrance to the polling place or in any room opening upon any such corridor, passageway, or approach	Not specified; no "literature or any writing or drawing referring to issues, candidates or partisan topics"	Not specified	No	N/A
Delaware 15 Del.C. § 4942	50 feet	Building entrance	Not specified	Not specified	No "wearing of any button, banner or other object referring to issues, candidates or partisan topics"	N/A
District of Columbia DC ST § 1-1001.10; 3 DCMR § 707	50 feet	Entrance and exit of a polling place	Not specified	Not specified	No	none
Florida F.S.A. § 102.031	150 feet	Entrance to any polling place or secure ballot intake station	Prohibited	No person within 150 feet of a polling place, ballot intake station, or office where early ballots are requested and printed may engage in any activity with the intent to influence or effect of influencing a voter	No	N/A
Georgia Ga. Code Ann. §§ 21-2-413, 21-2-414	150 feet; 25 feet	Outer edge of building; any voter standing in line to vote	Prohibited	Exempts private offices and areas that cannot be seen or heard by voters	No	N/A
Hawaii HRS § 11-132	200 feet	Voting center or place of deposit building, any adjoining parking lot, any route of access from the parking lot, right-of-way to the building, any area designated for voters waiting to vote	Not specified	Not specified	If the voter "displays campaign material," the voter "shall remove or cover that material before entering"	N/A
Idaho I.C. § 18-2318	100 feet	Building	Prohibited	Not specified	No	N/A
Illinois 10 ILCS 5/17-29, 10 ILCS 5/7-41	100 feet	Any polling place (perimeter may be within a building)	Not specified	Church or private school that is a polling place may prohibit electioneering on the property of the church or private school	No	N/A
Indiana IC 3-11-8-16, 3-5-2-10, 3-14-3-16	50 feet or half the distance to the property line, whichever is greater	Polling place entrance	Not specified	Not specified	No clothing or button displaying a candidate name or likeness or support for the approval or defeat of a public question	N/A

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Iowa I.C.A. § 39A.4	300 feet	Building entrance	Not specified	Does not apply to the posting of signs on private property not a polling place, except any sign >90 square inches on a vehicle parked on public property within 300 feet of a polling place is prohibited	No	N/A
Kansas (current law) KSA 25-2430	250 feet	Polling place entrance	Not specified	Not specified	Electioneering includes wearing materials that clearly identify a candidate in the election or clearly indicate support or opposition to a question submitted election	N/A
Kentucky KRS § 117.235	100 feet	Building entrance or drop-box	Prohibited	Political signs authorized on private property	No	N/A
Louisiana LSA-R.S. 18:1462	600 feet	Polling place entrance	Prohibits petitions/signatures for recalls	Excludes private property not used as a polling place	No	N/A
Maine 21-A M.R.S.A. § 682	250 feet	Polling place entrance	Not specified	Prohibited only on public property; easement right of way is not public	Voter may wear button not exceeding 3 inches any dimension	N/A
Maryland MD Code, Election Law, § 16-206	100 feet; 25-100 feet in Montgomery County (local decision)	Entrance/Exit	Not specified	Not specified	No	N/A
Massachusetts M.G.L.A. 54 § 65	150 feet	Building entrance door	Prohibited	Not specified	No	none
Michigan M.C.L.A. 168.744	100 feet	Building entrance	Prohibited	Not specified	No	none
Minnesota M.S.A. § 211B.11	100 feet, or any public property on which a polling place is situated	Building	Not specified	Not specified	Current text of statute specific to items worn was found to be unconstitutional by the U.S. Supreme Court in <i>Minnesota Voters Alliance v. Mansky</i> (2018), 138 S.Ct. 1876 (No. 16-1435).	N/A
Mississippi Miss. Code Ann. § 23-15-895	150 feet	Building entrance	Not specified	Not specified	No	N/A
Missouri R.S.Mo. 115.637	25 feet	Outer door	Not specified	Not specified	No	N/A

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Montana MCA 13-35-211	100 feet	Any building entrance	Not specified	Not specified	May not wear any "insignia"	N/A
Nebraska Neb.Rev.St. § 32-1524	200 feet	Building or drop box	Prohibits petitions	May display yard signs on private property within 200 feet of a polling place, so long as the property is not under common ownership with polling place property	No shirt with candidate name, likeness, logo, or symbol or ballot measure's number, title, subject matter, logo, or symbol	N/A
Nevada N.R.S. 293.361, 293C.361, 293.740	100 feet	Building entrance, entrance to voting area	Prohibited	Allowed in a private residence or on commercial or residential property that is within 100 feet	May not prevent voting for wearing insignia if unreasonable to remove or cover it	N/A
New Hampshire N.H. Rev. Stat. §§ 659:43, 31:41-c	Determined by the moderator where the election is held	Within building and corridor to the entrance including parking lots and sidewalks; corridor >=10 feet wide and length determined by local official	Not specified	Town's power to regulate electioneering outside of corridors does not extend to private property	Distribution or posting of electioneering communications, including articles of clothing, is prohibited within the corridors	HB 87, on which the Senate requested an interim study, would prohibit only certain election officials from wearing clothing or paraphernalia that a reasonable person would believe explicitly advocates for or against any candidate, political party, or measure being voted
New Jersey N.J.S.A. 19:34-15, 19:34-6	100 feet	Outside polling place	Not specified	Not specified	No	AB 991 would prohibit electioneering within 100 feet of ballot drop box. SB 1436 would prohibits electioneering within 25 feet of person waiting in line at a polling place or ballot drop box.
New Mexico N.M.S.A. 1978, §§ 1-20-16	100 feet	Building, if a school, church, or private residence; Door to the voting site if not a school, church, or private residence	Not specified	Not specified	Electioneering includes t-shirts, hats	N/A
New York New York McKinney's Election Law § 8-104	100 feet	Building entrances	Not specified	No electioneering in any public street within the 100-foot radius to any entrance	No	AB 6341 would increase the distance to 600 feet or the entire property. AB 892 would prohibit electioneering on polling place property.
North Carolina N.C.G.S.A. § 163-166.4	50 feet; 25-50 feet if county board of elections so decides	Door to the polling place entrance	Not specified	Not specified	No	none

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North Dakota NDCC, 16.1-10-03, 16.1-10-06	100 feet	Polling place room entrance	Not specified	Yes, within the zone	May not wear any "political badge, button, or insignia"	N/A
Ohio R.C. §§ 3501.30, 3501.35	100 feet; 10 feet	Polling place; Any elector waiting to vote outside the 100-foot limit	May not loiter	Not specified	No	none
Oklahoma 26 Okl.St. Ann. §§ 7- 108, 16-111	300 feet	Ballot box	Not specified	Not specified	No	N/A
Oregon O.R.S. § 260.695	100 feet	Any building entrance	Prohibited	Not specified; excludes public address systems heard within 100 feet of building	No	N/A
Pennsylvania 25 P.S. § 3060	10 feet	Polling place	Not specified	Not specified	No	none
Rhode Island Gen.Laws 1956, §§ 17-19-49, 17-23-13, 17-23-15	50 feet; 500 feet for sound	Building entrances	Not specified	Not specified	No	none
South Carolina Code 1976 § 7-25- 180	500 feet	Any building entrance used by voters	Not specified	Not specified	No	N/A
South Dakota SDCL § 12-18-3	100 feet	Building entrances	Prohibited	Not specified	May not display "campaign materials"	N/A
Tennessee T. C. A. § 2-7-111	100 feet; most counties may extend	Designated building entrances	Prohibited	Not specified in statute; per TN AG opinion 2002-118, no	No "display of campaign materials"	N/A
Texas V.T.C.A., Election Code §§ 61.003, 61.004, 61.010, 85.036	100 feet; 1,000 feet for sound	Building entrance	Not specified	Not specified	"May not wear a badge, insignia, emblem, or other similar communicative device"	N/A
Utah U.C.A. 1953 § 20A-3a- 501	150 feet	Building or drop box	Prohibited	Not specified	"Electioneering" includes any printed or written attempt to persuade	N/A
Vermont 17 V.S.A. § 2508	Not specified; may not interfere with voter progress	Within the building, may not interfere with voter on walks or driveways leading to the polling place	Not specified	Not specified	No political materials that display the name of a candidate on the ballot or an organized political party or that demonstrate support or opposition to a question on the ballot	N/A

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Virginia VA Code Ann. §§ 24.2- 604, 24.2-310	40 feet	Any polling place entrance	Not specified	Not specified	Voter may wear apparel, sticker, or button on which candidate name or political slogan appears	N/A
Washington RCWA 29A.84.510	100 feet; 25 feet	Voting center or student engagement hub; drop box	Prohibited	Not specified; excludes public address systems heard within the specified distances	May not "suggest or persuade or attempt to suggest or persuade any voter"	N/A
West Virginia W. Va. Code, §§ 3-9-9, 3-1-37	100 feet	Building entrance	Prohibited	No; must conform to other laws	"Electioneering" means the displaying of campaign paraphernalia	N/A
Wisconsin W.S.A. 12.03	100 feet	Building entrance	Not specified	Distance prohibition applies at a qualified retirement home or residential care facility while special voting deputies are present	"Electioneering" means any activity which is intended to influence voting at an election	none
Wyoming W.S.1977 § 22-26-113	100 yards ⁽³⁾ on the day of the primary, general, or special election; 100 feet on all other days	Building entrance	Prohibited	Not specified	"Electioneering . . . consists of any form of campaigning"	N/A

(1) No state authorizes electioneering within a polling place; the listed locations are those outside of the polling place.

(2) All proposed legislation is from the 2022 Legislative Session; "N/A" indicates the legislature had adjourned *sine die* before October 26, 2022.

(3) The 100-yard perimeter in Wyoming law was found to be unconstitutional in *Frank v. Buchanan*, by the U.S. District Court for Wyoming, 550 F.Supp.3d 1230, July 22, 2021: Wyoming W.S.1977 § 22-26-113 "violates the First Amendment and shall be invalidated as it pertains to: (i) the 100-yard, election day electioneering buffer zone, and (ii) bumper stickers affixed to vehicles. The statute survives constitutional challenge in all remaining aspects"; the decision was appealed to the Tenth Circuit.