

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.