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Guide to Election Day Petitioning Laws

Public Citizen has compiled what we believe are the most relevant portions of each state's polling place laws as they relate to conducting a petition drive for a constitutional amendment to overturn the U.S. Supreme Court's ruling in *Citizens United v. Federal Election Commission*.

We expect that petitioning on Election Day will be straightforward in most locations, as you will likely see other people who are near the polls handing out information about various issues and candidates on the ballot. This guide is intended to help you know what to expect. You also can contact Dan Mayer at (202) 588-7757 or dmayer@citizen.org for help navigating the rules and to tell us about any problems.*

This information was compiled by lay researchers to provide guidance for petitioning and is not intended as legal advice.

Understanding Where You Can Petition:

It is helpful to think about your state's law in two parts --

1. Know the Distance. You can petition *outside* your state's restrictive zone.

All states have some kind of restrictive zone around their polling places, but they differ in size. Most states' restrictive zones are 100 feet from the door of a polling place, but they range from 10 to 600 feet and might be measured from a different spot. Poll workers are usually required to mark this distance in some fashion. No matter what activities are prohibited within that zone, you will be able to petition outside of this boundary.

2. Know the Rules. In some states you can petition *within* the restrictive zone, but there will be significant limits on your activities.

States differ as to what is prohibited inside these zones and in how their laws are written. Some laws are explicit, but some are not clear. If your state has a very large restrictive zone or the layout of your polling place makes it difficult to contact voters when you're standing outside the zone, you may want to try to collect signatures within the boundary, if it's allowed.

These rules are especially important if there is a current state or local ballot initiative against *Citizens United*. Along with each state's laws, we have attempted to provide a short answer about how our petition drive fits into the rules, but *be sure to read the law carefully for yourself*.*



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Some Tips to Help You Prepare:

1. Be sure to look carefully at your state's regulations. We have edited them down to the key parts, but before Election Day, consider going online or to your local library to look up and print the complete code section and bring it with you. Remember that even if you are allowed to petition within the restrictive zone, you might have to be very careful about what you say about political issues, candidates and voting, as well as any information you display or any pins or stickers that you might wear.
2. Not everyone will immediately understand what you are trying to accomplish, even if you have the legal right to petition within the restrictive zone. If your state has a short distance or the layout of your polling place makes it easy to reach voters, you might just want to stay outside the boundary.
3. Try to talk to people only *after* they've voted. It will help clarify that you are not attempting to influence anyone's vote in this election. This may be required in some states, and in any case, people tend to be in a friendlier mood.
4. If you're unsure about what the law means, it may be best to call your state, county or city board of elections and ask for clarification and to let them know what you plan to do. There may be rules and clarifying regulations enacted by your state or local administrative agencies that we aren't aware of. Public Citizen can also give you some suggestions about questions to ask. Call as early as possible before Election Day, so they have time to respond.
5. We have attempted to include laws covering related topics such as obstructing or harassing voters, placing candidate signs, "disorderly election conduct," etc. (which no petitioner should do!). We do this so you'll know what poll workers and law enforcement will be looking out for and to help distinguish our mission from those kinds of disruptive activities.

We want you to collect as many petition signatures as possible. If you encounter any pushback, calmly and politely attempt to reach an understanding about where you can and can't petition. If you are given an order by election or law enforcement officials, even if you believe it is incorrect, obey the order. Do not become confrontational or engage in any form of civil disobedience or resistance. Let your poll captain, regional coordinator and/or Public Citizen (202-588-7757) know about any problems.*



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Maryland

Some election activities are prohibited within 100 feet of polling places. Petitioning is probably not prohibited within the 100 feet restricted area. In Montgomery County and Carroll County, this area can range from 25 to 100 feet.

The law reads:

"Election Law Code sec. 16-206. Offenses as to ballots and balloting in general

(a) In general. -- A person may not:

...

(10) canvass, electioneer, or post any campaign material in the polling place or beyond a line established by signs posted in accordance with subsection (b) of this section.

(b) Electioneering boundary. --

(1) At each polling place, one election judge from each principal political party shall be designated by the local board and, acting jointly, shall post signs delineating a line around the entrance and exit of the building that are closest to that part of the building in which voting occurs.

(2) (i) Except as provided in subparagraph (ii) of this paragraph, the line shall be located as near as practicable to 100 feet from the entrance and exit and shall be established after consideration of the configuration of the entrance and the effect of placement on public safety and the flow of pedestrian and vehicular traffic.

(ii) In Carroll County and Montgomery County, on approval of the local board, the line may be located at any point between 25 feet and 100 feet from the entrance and exit.

(3) The signs shall contain the words "No Electioneering Beyond this Point".

The Maryland Secretary of State's [website](#) states:

"Electioneering is permitted in certain areas outside of an early voting center or polling place.

What is electioneering? Electioneering is campaigning for or against a candidate or ballot issue. It includes handing out fliers, holding signs, and encouraging voters to support or oppose a candidate or ballot question. It is not electioneering, however, for a voter to wear campaign buttons, t-shirts, or stickers into an early voting center or a polling place if the voter is entering to vote. After voting, however, the voter cannot linger in the early voting center or polling place.

Where can I electioneer? At each early voting center or polling place, there is a line as near as practicable to 100 feet from the entrance and exit of the facility. In Carroll and Montgomery



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Counties, the "no electioneering" zone may be located anywhere between 25 feet and 100 feet from the entrance and exit of the building. To electioneer, you must stay behind that line.

Who can electioneer? With a few exceptions, almost anyone can electioneer. Election judges, challengers and watchers, and other person stationed inside the early voting center or polling place or within markes zone of the facility may not electioneer. These individuals cannot wear or display campaign materials."

Please note that this website contains the only apparent definition of "electioneering." It is not clear if this is legally binding, but it appears to allow petition gathering.

***Important Disclaimer:** This information was compiled by lay researchers to provide strategic guidance for petitioning and is not intended as legal advice. No attorney-client relationship exists between you and Public Citizen or any of its members or representatives, nor does Public Citizen make any offer to provide legal representation in this or any other matter. Dan Mayer is not an attorney; he can answer questions about the recommendations given above but cannot offer legal advice.



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