

# DEMOCRACY IS FOR PEOPLE



A Public Citizen project

## 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](mailto: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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## Texas

Petitioning is explicitly prohibited within 100 feet of polling places. Use of a loudspeaker is prohibited within 1,000 feet.

### The law reads:

"61.003: ELECTIONEERING AND LOITERING NEAR POLLING PLACE PROHIBITED

(a) A person commits an offense if, during the voting period and within 100 feet of an outside door through which a voter may enter the building in which a polling place is located, the person:

(1) loiters; or

(2) electioneers for or against any candidate, measure, or political party.

(b) In this section, ""voting period"" means the period beginning when the polls open for voting and ending when the polls close or the last voter has voted, whichever is later.

(c) An offense under this section is a Class C misdemeanor."

"61.010: WEARING NAME TAG OR BADGE IN POLLING PLACE

(a) Except as provided by Subsection (b), a person may not wear a badge, insignia, emblem, or other similar communicative device relating to a candidate, measure, or political party appearing on the ballot, or to the conduct of the election, in the polling place or within 100 feet of any outside door through which a voter may enter the building in which the polling place is located.

(b) An election judge, an election clerk, a state or federal election inspector, a certified peace officer, or a special peace officer appointed for the polling place by the presiding judge shall wear while on duty in the area described by Subsection (a) a tag or official badge that indicates the person's name and title or position.

(c) A person commits an offense if the person violates Subsection (a). An offense under this subsection is a Class C misdemeanor."

"61.0004: UNLAWFUL OPERATION OF SOUND AMPLIFICATION DEVICE OR SOUND TRUCK

(a) A person commits an offense if, during the voting period and within 1,000 feet of a building in which a polling place is located, the person operates a sound amplification device or a vehicle with a loudspeaker while the device or loudspeaker is being used for the purpose of:

(1) making a political speech; or

(2) electioneering for or against any candidate, measure, or political party.



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(b) For the purpose of Subsection (a), a person operates a vehicle with a loudspeaker if the person drives the vehicle, uses the loudspeaker, or operates sound equipment in connection with the loudspeaker.

(c) In this section, "voting period" means the period prescribed by Section 61.003(b).

(d) An offense under this section is a Class C misdemeanor."

**\*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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