



**Testimony for the
Senate Education, Health, and Environmental Affairs Committee
February 28, 2013**

SB 542 – Election Law – Polling Places – Electioneering

Support

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The ACLU of Maryland supports SB 542, which would require the same free speech rights offered to candidates and supporters at polling places in a private building as at polling places in public buildings.

Under Election Law §16-206

- (b) (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 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”.

This section allows for electioneering around polling places, subject to limitations within a narrow corridor by the entrance to the polling place. This section balances the free speech rights of candidates, their supporters and opponents, and voters’ ability to enter the polling place without intimidation. *See e.g. Burson v. Freeman*, 504 U.S. 191 (1992).

SB 542 would clarify that this section applies to polling places that are at either public spaces or private spaces. A Marylander’s First Amendment rights with respect to our election system should not be treated differently simply because the board of elections has its polling place at a public building or a private building.

For the foregoing reasons, the ACLU of Maryland supports SB 542.