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ACLU OF RI POSITION: OPPOSE

TESTIMONY ON 25-S 569, AN ACT RELATING TO ELECTIONS -- CONDUCT OF ELECTION AND VOTING EQUIPMENT, AND SUPPLIES March 20, 2025

This bill extends the current “50-foot electioneering” ban at polling places to apply to early voting facilities. While we appreciate the intent behind the bill, we believe its passage raises serious practical and legal concerns. A targeted electioneering ban is realistic when it applies to one specific voting day, but it becomes much more problematic when expanded to include the 20 days made available at municipal facilities, most commonly city and town hall, for early voting.

On the legal side, a prohibition like this could have a significant adverse impact on First Amendment rights. It is one thing to ban partisan activities within 50 feet of a polling place on election day, but it is another thing to essentially cut off virtually any political activities, and especially protests and demonstrations, in front of city or town hall for three weeks if it involves one of the elected officials who works there. That, however, would be the effect of this legislation were it to pass, and that generates significant constitutional issues.

On the practical side, city and town halls may often be festooned with notices, flyers and other paraphernalia that reflect the elected officials who work there. For example, a flyer or brochure hanging up on a bulletin board in the building, and that includes the mayor’s name and announces how to apply for a municipal benefit, could be seen as “tending to aid” a candidate for public office. While something like this can fairly easily be addressed for one day, it becomes much more difficult when the building is open for voting for three weeks and any references to city or town officials may need to be purged for that period of time.

In light of these concerns, the ACLU of Rhode Island is constrained to oppose this legislation. Thank you for your consideration of our views.