



Your clothes could steal your vote

Chris Woodward

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What you wear to vote in future elections could be determined by an upcoming Supreme Court case.

The case is *Minnesota Voters Alliance v. Mansky*, and oral argument is scheduled for February 28. At issue is a Minnesota law that forbids voters from wearing "any political badge, political button, or other political insignias." Pacific Legal Foundation (PLF) says this open-ended language gives polling place workers unbridled discretion to ban anything that might be interpreted as even slightly ideological, even if it has no relation to any candidate, party, or ballot proposal.

"Nine other states have similar laws," PLF attorney Wen Fa notes. "Delaware, for example, bans political discussion of issues, candidates, or partisan topics, the wearing of any button, banner, or other object referring to issues, candidates, or partisan topics on election day; and Vermont law specifies that no political badge, button, or insignia may be worn in a polling place when the polling place is open for voting."

So, in practice, according to Fa, voters across the country are harassed at polling places or prevented from voting altogether for wearing innocuous T-shirts.

"You have poll workers stopping college students wearing M.I.T. sweatshirts in Colorado and Florida because poll workers thought the students were campaigning for Mitt Romney," Fa continues.

"One woman tried to vote in Austin, Texas, during the 2012 election and was compelled to cover her 'Vote The Bible' shirt. Other voters in Texas got in trouble for wearing Dallas Cowboys apparel when a stadium finance issue was on the ballot. In Colorado, a [Denver] Broncos T-shirt caused a problem because a stadium tax issue was on the ballot."

A voter in Houston, Texas, in 2008 reportedly almost lost her right to vote just because she wore a souvenir "Alaska" shirt that was misconstrued as support for Sarah Palin.

"Voters wearing a shirt that said 'Me Too' or a Colin Kaepernick jersey could be prosecuted for violating the law in Minnesota or another state with a ban on political apparel," says Fa. "All these scenarios are possible, if not likely, under Minnesota law."

A diverse group of organizations from the Cato Institute to the ACLU have filed briefs in support of PLF's case.

"We're fighting not just for the rights of our clients to wear Tea Party shirts in Minnesota. We're also fighting for the rights of voters to wear shirts that say Chamber of Commerce, AFLCIO, NRA, NAACP, and countless other messages at the polling place," Fa adds. "With *Minnesota Voters Alliance v. Mansky*, we're aiming to vindicate the free-speech rights of all Americans – liberals and conservatives ... whatever they may wear to the polling place."