

OFFICE OF THE ATTORNEY GENERAL



93-00118

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Honorable L. W. Noonan
Judge of Probate
Post Office Box 7
Mobile, AL 36601

Elections - Polling Places -
Political Activities - Fair
Campaign Practices Act

Alabama law does not prohibit
an elector from wearing or
displaying campaign badges,
ribbons, T-shirts or other
similar campaign material
while inside the polling
place for the purpose of
voting or rendering
assistance to another voter.

Dear Judge Noonan:

This opinion is issued in response to your request for
an opinion from the Attorney General.

QUESTION

Is it legally permissible for
electors who are inside a polling center
for the purpose of voting or rendering
assistance to wear or display on their
person any type campaign material; i.e.,
badges, buttons, ribbons, "T" shirts, etc.?

FACTS AND ANALYSIS

There are various provisions of the Code that prohibit certain activities in and around the polling place. Included among these provisions are the following:

Section 17-7-19, Code of Alabama 1975, makes it a misdemeanor for any person to loiter "in, around or about a polling place on election day for the purpose of discouraging qualified electors" from entering and voting and to stand in the line of voters waiting to vote after the person has already voted.

Section 17-22A-16, Code of Alabama 1975, makes it unlawful for any person to obstruct, intimidate, threaten or coerce another person in an attempt to interfere with their right to vote.

Sections 17-23-1 through 17-23-11, Code of Alabama 1975, set forth miscellaneous offenses with regard to elections such as illegally voting, attempting to bribe or influence a voter, or buying and selling votes.

Poll watchers and inspectors are specifically prohibited, while inside the polling place, from campaigning or electioneering. Code of Alabama 1975, § 17-16-26 and § 17-16-55. This office has held that wearing a button, badge or ribbon with a candidate's name on it is either a direct or indirect suggestion to the voter of how he should vote and, thus, constitutes campaigning or electioneering in violation of the law. Opinion to Honorable L. W. Noonan, Probate Judge, Mobile County, dated October 24, 1983, A.G. No. 84-00020.

There is no similar provision that specifically prohibits an elector from wearing buttons, badges, ribbons or other campaign material on their person while inside the polling place to vote or to assist another voter. Code of Alabama 1975, § 17-7-18 provides that no person shall be permitted within 30 feet of the polling place except electors admitted to vote and persons to assist them, and other authorized poll workers and officials. This section, however, does not prohibit an elector from wearing campaign buttons, badges, or T-shirts while inside the polling place to vote or assist another voter.

Since your request makes reference to this, it should be noted that nothing in Alabama law forbids a voter from taking

a sample ballot into the polling place with him to assist him in marking or voting his ballot. Gilmore v. Greene County Democratic Party Executive Committee, 435 F.2d 487 (5th Cir. 1970).

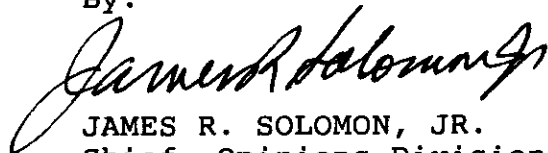
CONCLUSION

Alabama law does not prohibit an elector from wearing or displaying campaign badges, ribbons, T-shirts or other similar campaign material while inside the polling place for the purpose of voting or rendering assistance to another voter.

I hope this sufficiently answers your question. If our office can be of further assistance, please do not hesitate to contact us.

Sincerely,

JIMMY EVANS
Attorney General
By:


JAMES R. SOLOMON, JR.
Chief, Opinions Division

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