Parties, Politics, and Political Participation Name\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_
*Minnesota Voters Alliance v. Mansky* Case Study Worksheet
Mr. Faulhaber Class Period: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_
 *Minnesota Voters Alliance v. Mansky* (2018)
 Argued: February 28, 2018 Decided: June 14, 2018

Background: Read deliberately waiting to *decide* until after reading all the info*. H*ighlight or underline *information below.*
The First Amendment’s protection of speech and expression is central to U.S. democracy. One of the basic purposes of the First Amendment is political: enabling people to obtain information from a diversity of sources, share opinions, make informed decisions, and communicate these decisions to their representatives in government. In this sense, the First Amendment’s protection of speech lies at the heart of an open, democratic society.

In general the government—through its laws and its actions—cannot prohibit or punish speech based on its content. In other words, the government cannot act as a censor. However, government can usually pass reasonable rules that regulate speech based on time, manner, and place. For example, the government could require that a group obtain a permit before holding a protest march, but it cannot grant permits only to anti-war demonstrations and not to pro-war demonstrations. Requiring a permit is a reasonable rule about the time, place, or manner of speech; but not awarding some speakers permits because of their message would be an example of censorship and a violation of the First Amendment.

This case is about a conflict between a person’s freedom of speech and the government’s interest in protecting a peaceful and orderly environment for voters.

Facts: In 2010, Andy Cilek went to his local polling place in Hennepin County, Minnesota, to vote. He was wearing a T-shirt with the Tea Party logo. The Tea Party is a political movement that advocates for a limited role for the federal government. He was also wearing a button that read: “Please I. D. Me.” That is a typical message from political activists who are concerned about voter fraud and support state laws requiring voters to show ID. (Minnesota does not require voters to show ID).

Minnesota has a law that prohibits people from wearing apparel with political messages in a polling place. When Cilek entered the polling place, an election worker told him that he would either have to cover up the messages or take off the shirt and button. Cilek refused to do either of these things. Then he tried to vote a second time and was turned away again. He tried a third time. This time he was allowed to vote, but his name and address were taken down. Violators of the law face a civil penalty of up to $300.

Cilek and the Minnesota Voters Alliance (an organization he formed) sued the secretary of state and county election officials (including Joe Mansky, an election official in Hennepin County), arguing that Minnesota’s law interfered with the right of voters to peacefully express themselves in violation of the First Amendment. The state maintained that the law was a reasonable way to maintain “an orderly and controlled environment” at the polls. The federal district court decided that the Minnesota law was constitutional, and Cilek appealed to the U.S. Court of Appeals for the Eighth Circuit. The appeals court also ruled for the state. Cilek asked the Supreme Court to hear the case, and the Court agreed to.

Issue: Does a Minnesota statute that broadly bans all political apparel at polling places violate the First Amendment?

Constitutional Amendment, State Law, and Supreme Court Precedents

U.S. Constitution, Amendment I: “Congress shall make no law … abridging the freedom of speech …”

Minnesota Statute Section 211 B.11: “…political badge, political button, or other insignia may not be worn at or about the polling place on primary or election day.”

*Burson v. Freeman* (1992): A Tennessee law prohibited soliciting for votes or distributing or displaying campaign literature within 100 feet of a polling place. A candidate challenged this law, arguing that it was unconstitutional and a violation of the First Amendment. The Supreme Court decided that the law did not violate the Constitution. While the law did restrict speech somewhat, the Court found that the restriction was justified by the state’s important interest in protecting the rights of its citizens to vote. The Court emphasized that political messaging was still possible in an area more than 100 feet from the polling place.

 **Classifying Arguments:** These arguments come from the briefs submitted by the parties in this case. If the argument supports Minnesota Voters Alliance (including Mr. Cilek who challenged Minnesota’s law prohibiting political apparel in the polling place), write **MVA** on the line before the argument. If the argument supports Mansky (the election official who was enforcing the law), write **M** on the line before the argument. Work in your groups. When you have finished, determine which argument for each side is the most persuasive and be ready to give your reasons.

\_\_\_1. **MVA/M:** The “Please I.D. Me” button Cilek wore when he went to the polls is a highly charged political one, intended
to influence other voters to leave the polls if they don’t have ID. It was certainly reasonable for this law to prohibit that political speech.

\_\_\_2. **MVA/M:** Protection of speech—and in particular political speech—is fundamentally important in our democracy.

\_\_\_3. **MVA/M:** This restriction on speech inside a polling place is reasonable because it allows ample other opportunities for political speech outside the polling place.

\_\_\_4. **MVA/M:** Wearing political buttons and apparel does not harm the integrity of the voting process; it is a traditional part of living and voting in a democracy.

\_\_\_5. **MVA/M:** Polling places are for voting and not for continuing the political speech involved in a campaign. Voters have a right to vote in peace.

\_\_\_6. **MVA/M:** The law does not chill protected speech. Election officials are trained to prohibit only badges, buttons, or insignias that a reasonable observer would view as being political and related to a campaign.

\_\_\_7. **MVA/M:** Wearing political buttons and shirts is a time-honored and affordable way for the average person to speak out about politics.

\_\_\_8. **MVA/M:** Cilek’s political speech did not cause a disruption in the voting process. To the extent there was any disruption, it was caused by election officials enforcing an unconstitutional law.

\_\_\_9. **MVA/M:** The state has an important interest in protecting voters from confusion, distraction, and intimidation while preserving the integrity of the voting process.

\_\_\_10. **MVA/M:** The Minnesota law is viewpoint neutral. It bans all political apparel, regardless of the candidate or issue supported or opposed. Because it is both reasonable and viewpoint neutral, it is not a First Amendment violation.

\_\_\_11. **MVA/M:** The law as written gives election officials too much discretion in deciding what is “political” speech. It runs the risk that officials with partisan, political motivations will be deciding which words and images are and are not allowed.

\_\_\_12. **MVA/M:** The law is too broad. It prohibits any references not only to political candidates and political parties, but also to political ideologies, political symbols, and current issues. It has a chilling effect on speech.

 *In plain English, what did the Court decide and why?*\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_
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