



PACIFIC LEGAL FOUNDATION

October 1, 2018

Mr. Steve Simon
Minnesota Secretary of State
180 State Office Building
100 Rev. Dr. Martin Luther King Jr., Blvd.
Saint Paul, MN 55155-1299

Re: Continued enforcement of Minn. Stat. § 211B.11(1)

Dear Mr. Simon:

As you know, the Supreme Court of the United States recently invalidated Minn. Stat. § 211B.11(1), which prohibited voters from wearing political apparel inside the polling place on Election Day. *Minnesota Voters Alliance v. Mansky*, 138 S. Ct. 1876 (2018). Pacific Legal Foundation, a public interest law firm that litigates to advance personal liberty and freedom of speech, successfully represented the petitioners before the Supreme Court in that case. It has come to our attention, through news reports, that election officials remain uncertain about the meaning of *Minnesota Voters Alliance* and its implications for Minnesota's election laws. See Mark Fischénich, "Changing Voter-Attire Rules will Challenge Election Judges," THE FREE PRESS, Aug. 11, 2018, http://www.mankatofreepress.com/news/local_news/changing-voter-attire-rules-will-challenge-election-judges/article_449178d8-9dab-11e8-8397-efa4a66b0509.html. In fact, one recorded incident reveals that some election judges may not even be aware of the recent ruling. Rebecca Brannon (@PatriotBrannon), "A Minnesota woman was just kicked out of her polling place." (Aug. 14, 2018), <https://bit.ly/2OT9R9g> (accompanying video, esp. at 1:41).

In *Minnesota Voters Alliance*, the Court held that Minnesota's ban on political apparel at the polls violated the Free Speech Clause of the First Amendment. While the Court recognized Minnesota's interest in preserving decorum on Election Day, it held that Minnesota cannot seek to further this interest by banning political apparel without some sensible basis for distinguishing what may come in from what must stay out. With regards to Minn. Stat. § 211B.11(1), "the unmoored use of the term 'political' in the Minnesota law, combined with haphazard interpretations the State has provided in

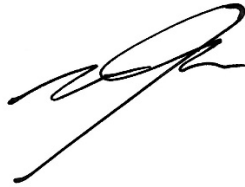
Mr. Steve Simon
October 1, 2018
Page 2

official guidance and representations to this Court, cause Minnesota's restriction to fail . . ." *Minnesota Voters Alliance*, 138 S. Ct. at 1888.

We ask you to ensure that all relevant election officials have been fully briefed on the Supreme Court's ruling and that any contrary language is removed from official guidance documents provided to both paid and volunteer election judges and poll workers.

We are confident that the State of Minnesota desires to ensure that voters are not improperly detained or confronted by election workers on Election Day in violation of their First Amendment rights.

Sincerely,

A handwritten signature in black ink, appearing to read 'D. Deerson', with a stylized flourish at the end.

WENCONG FA
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