



October 29, 2022

Conway Belangia
Greenville County Election Commission
301 University Ridge
Greenville, SC 29601
cbelangia@greenvillecounty.org

RE: First Amendment protections during elections

Dear Conway,

Thank you for getting back to me so quickly during such a busy time. I am writing to follow up on our phone conversation earlier this afternoon.

As we discussed, the ACLU of South Carolina has received a concerning report that poll workers in Greenville are instructed that certain phrases, including 'Black Lives Matter,' may not be worn by voters inside polling places. It is our understanding that election clerks possess a list of banned phrases which has not been shared with poll workers. During our conversation, you confirmed that Greenville does, in fact, have such a policy.¹

The First Amendment simply will not permit such restrictive requirements. To be sure, "in light of the special purpose of the polling place itself, [states] may choose to prohibit certain apparel there because of the message it conveys, so that voters may focus on the important decisions immediately at hand." *Minn. Voters Alliance v. Mansky*, 138 S. Ct. 1876, 1888 (2018). However, "the state must draw a reasonable line" and "articulate some sensible basis for distinguishing what may come in from what must stay out." *Id.*

South Carolina's electioneering statute prohibits "distribut[ion of] any type of campaign literature"; "place[ment of] any political posters; or exhibition of "political literature and displays" within five hundred feet of the entrance to a polling place. S.C. Code Ann. § 7-25-18(A). Here, "the unmoored use of the term 'political'" and any secretive criteria

¹ Notably, other jurisdictions in South Carolina, including Spartanburg County, do not impose this unlawful restriction.

promulgated and shared only with election clerks do not provide sufficient guidance “for distinguishing what may come in from what must stay out.” *Mansky*, 138 S. Ct. at 1888. As a result, Greenville’s policy is unlawful.

Should you have any questions or would like clarification of my request, please contact me at the number or email address below. Thank you for your assistance on this matter.

Sincerely,



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