



# Campaign Materials on Township Property

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## **1) On Any Day *Except* Election Day or Early Voting Days:**

**No campaign materials**, for candidates or proposals, allowed anywhere on township property, regardless of who is holding or leaving, possible violation of Section 57 of the Campaign Finance Act, with some possible exceptions decided by the township board (*a township board considering these exceptions must consult its legal counsel for specific guidance*).

- Members of the public do not have an absolute and unfettered right to enter and make use of a municipally owned facility.
- The township board decides what property or facilities the township will have and how they will be used. This includes determining what property or facilities will be available to the public and when and how they will be open for use—or not.
- The fact that township facilities and property are publicly owned does not mean that they are automatically open to the public. Unless the township board has authorized public access or use, access to township facilities and property is prohibited or limited as the township board directs. The only exceptions are: (1) Under the Open Meetings Act, during the open session of a meeting of a public body, when anyone may attend, and (2) on Election Day or Early Voting Days, when under the Election Law, anyone may park and/or enter the polling place for the time it takes them to vote and then leave.
- It is not lawful for township-owned office space or other property to be used to expressly advocate a vote for or against a candidate or ballot question. See [Campaign Finance webpage, Appendix I--Use of Public Facilities, Funds, Etc. Prohibited](#)
- *Exception:* Per MTA Legal Counsel, if the township board has previously authorized the public to make private use of township meeting rooms or other facilities through a written board-adopted policy of scheduling or renting space on a first-come, first-served basis, with no special treatment in providing use of the facility, then a candidate committee or petition group could schedule use of the hall, still subject to any of the prohibitions under the Election Law.
- *Exception:* Per MTA Legal Counsel, private individuals may circulate petitions freely in public parks or on public sidewalks, as these are traditional public forums protected by the First Amendment. Private individuals may also circulate petitions inside of municipal buildings (like the township hall), but **only** if the township permits such conduct by policy or

practice. A township that has a policy permitting circulation indoors must allow **any and all** members of the public to do so, regardless of the subject matter of the petition. If a township has not adopted a policy permitting petition circulation OR has adopted a policy or ordinance expressly banning petition circulation within municipal buildings, then such conduct is generally prohibited, and private individuals can be asked to cease petition circulation or take their petition outdoors.

## **2) During *40-Day AV* Ballot Period:**

**No campaign materials**, for candidates or proposals, including petitions or circulating petitions, regardless of who is holding or leaving, are allowed:

- In a clerk's office (including satellite offices) where voters may receive, complete, and return absent voter ballots during the 40 days prior to an election: [Department of State Campaigning in Clerks' Offices During Absent Voter Ballot Issuance](#) (includes sample notice language, October 16, 2020)

## **3) *On* Election Day or Early Voting Days at Polling Places *Inside* 100-foot Line:**

**No campaign materials**, for candidates or proposals, including petitions or circulating petitions, regardless of who is holding or leaving, are allowed **inside** the 100-foot line from the entrances to the polling place building. Campaigning and campaign materials cannot be closer than 100 feet and exit pollsters cannot be closer than 20 feet to the building.

The Michigan Election Law prohibits any person from doing the following on Election Day in the polling room or a room/compartment connected to the polling room, or within 100 feet from any entrance to the building in which the polling place is located:

- Persuading or attempting to persuade a person to vote for or against any particular candidate, party ticket or ballot question being voted on at that election.
- Placing or distributing stickers (other than stickers provided by election officials pursuant to law).
- Soliciting donations, gifts, contributions, purchase of tickets or similar demands.
- Requesting or obtaining signatures on petitions.
- Posting, displaying or distributing any material that directly or indirectly makes reference to an election, a candidate or a ballot question (other than official material required by law to be posted, displayed or distributed in a polling place on Election Day). (MCLs [168.744](#) and [168.744a](#))

- Under Public Act 156 of 2012, the name of any elected or appointed official of the state, township or any political subdivision cannot appear on any material that is temporarily posted, displayed, or distributed in a polling place or polling room on Election Day, including name plates, name tags or honorary plaques. (MCL [168.744a](#)) A person who violates MCL [168.744](#) is guilty of a misdemeanor.
- Note that this prohibition includes election officials and workers themselves. It also includes prohibiting vehicles with campaign signs or bumper stickers from parking within 100 feet of any entrance to the building (except those parked only while a person is voting).
- Exit pollsters can be 20 feet away from the entrance to the polling place, but then may speak only to people who exit, not those who are entering.

#### **4) *On Election Day or Early Voting Days at Polling Places Outside 100-foot Line on Township Property:***

A township may regulate campaign materials and activities on township property outside the 100-foot limit. *(If the 100-foot line crosses into private property, a private property owner can allow campaign materials on their private property as political free speech outside the 100-foot line, but NOT within the 100-foot line)*

- The Campaign Finance Act prohibits the use of public funds, property or personnel to campaign for a candidate or ballot question, even on Election Day. The 100-foot limit is a statutory compromise balancing a voter's right to enter a polling place and vote "unaccosted" and the right to political free speech; it is **not** statutory permission to use public property to campaign outside that 100-foot line.

A township board does have authority to regulate campaign materials and activities on Election Day. As long as the policy is equally and consistently applied, regardless of the candidate or ballot question, a township board may adopt a policy that it will remove **unattended** campaign signs or other materials **from township property** outside of the 100-foot limit on Election Day. (If a person is handing out materials or holding the sign, it may be a protected exercise of political free speech.) Per MTA Legal Counsel and the Bureau of Elections, a written board-adopted policy or ordinance could be used.

- A township may also regulate the use of its parking lots. A voter has a right to park his or her vehicle in a township parking lot for the period of time it takes for that person to vote, even if the vehicle has campaign signs on it. But no one has a right to park a vehicle with campaign signs on it for any longer than the person needs to be on the property to vote.