

Polling Places in Churches – Practical and Legal Implications

Polling Places Locations Can Influence Voters' Decisions On Candidates And Issues

- A 2010 study in *Political Psychology* found that voting in churches had a measureable effect on how voters cast ballots compared to voting in more neutral locations.¹ The author concluded: “[T]he current studies demonstrate that the influence of churches on decision making is not only powerful but precise.”²
- The following detailed findings were made in the study:
 - In two elections, people voting in churches than in other settings in the same election were more likely to support a conservative candidate and a ban on same-sex marriage, but not a restriction on eminent domain.³
 - In a field experiment, people completing questionnaires in a chapel (compared to other settings) awarded less money to insurance claimants seeking compensation for abortion pills, but not to worker’s compensation claimants.⁴
 - In a laboratory experiment, the same result was reached when people were exposed to ecclesiastical images.⁵
- Churches are not the only type of polling place that can influence voters. Researchers at the University of Pennsylvania, the Massachusetts Institute of Technology, and Stanford University found in 2008 that various types of polling locations can influence how people vote.⁶ For example, the researchers found that people who voted at schools were more likely to support an education funding initiative.
- One of the authors of the 2008 study, Jonah Berger noted: “[V]oting in a church could activate norms of following church doctrine. Such effects may even occur outside an individual's awareness.”⁷
- Photographic examples of how church billboards and ecclesiastical images could affect voters choices are provided at the end of this memo.

¹ Abraham M. Rutchick, “Deus Ex Machina: The Influence of Polling Place on Voting Behavior” *Political Psychology* Vol. 31. No. 2 2010, at 209.

² *Id.* at 221 (emphasis added).

³ *Id.* at 212-14.

⁴ *Id.* at 216-18.

⁵ *Id.* at 219-20.

⁶ Jonah Berger, Marc Meredith, and S. Christian Wheeler, “Contextual priming: Where people vote affects how they vote” 105 *Proceedings of the National Academy of Sciences* 26 (Jul. 1, 2010).

⁷ Stanford GSB News, “Can Polling Location Influence How Voters Vote?” (June, 2008). Available at: http://www.gsb.stanford.edu/news/research/pubpolicy_wheeler_pollinglocation.shtml (last visited Aug. 18, 2010).

While Upholding Their Legality, Courts Have Noted Factors To Be Considered In Placing Polling Places In Churches

- A federal circuit court in Oklahoma held that placing polling places in churches does not amount to an excessive government entanglement with religion. *See, e.g., Otero v State Election Board of Oklahoma* 975 F.2d 738 (10th Cir. 1992). However, one reason for the holding was that only 9 of the 29 polling places in the county were churches, and 6 different denominations were represented.
- A federal circuit court in New York held that while there is some burden on the free exercise of religious beliefs, it is so slight compared to the interest of the state in having those polling places available as to not be unconstitutional. *See, e.g., Berman v Board of Elections*, 420 F.2d 684 (2d Cir.1969)). The court noted that the voter could vote absentee and avoid the church polling place.

Conclusion: Suggested Principles for Establishing Polling Places in Churches

- **Keep church locations to a minimum.** While churches may be legal polling places, counties should make efforts to keep them from dominating the available polling locations, and promote alternative voting methods – e.g., early voting or vote-by-mail – so that anyone who would not like to vote in a church has the option not to.
- **Use non-consecrated portions of the church.** Non-consecrated parts of the Church should be used for the polling place. For example, an attached gymnasium, meeting hall, cafeteria, etc. Voters should be allowed to line up and enter through a non-consecrated entrance.
- **Cover religious symbols.** Religious symbols, statements, and written material should be removed as far as possible from the entrance way to the Church grounds, the area where voters line up, and the area around the polling booths.

Examples of inappropriate religious messages at polling stations:⁸



Politicized religious message outside Emmanuel Catholic Church in Delray Beach, Fla.



Religious symbols above voting machines at Emmanuel Catholic Church.

⁸ Matt Cherry, "Humanists Sue to Stop Voting in Religious Venues" (Dec. 13, 2006) available at: <http://www.americanhumanist.org/hnn/archives/?id=275&article=0> (last visited Aug. 18, 2010).