

# FLOOR ALERT

## AB 1494 UPHOLDS THE FIRST AMENDMENT

The California Civil Liberties Advocacy (CCLA) SUPPORTS Assembly Bill 1494. The CCLA interprets the posting of marked ballots as a symbolic form of speech protected by the First Amendment. The CCLA believes that each and every citizen of the United States should be capable of vocalizing their political identity in whatever manner they may so choose so long as they do not restrict, coerce, or otherwise attack the process for other individuals. This is perfectly in keeping with the language of AB 1494.

## PUBLICLY DISPLAYING MARKED BALLOTS IS NOT OBSCENE OR DANGEROUS

One might say, that people don't need to have photographic evidence of the exact way they voted. Some may argue that even protected speech may be subject to certain time, place, or manner restrictions. Posting photos of marked ballots might even be considered indecent. If correct, that doesn't bring the matter to warranting criminal punishment for doing so. One has freedom to speak for anything shy of obscenity or danger to those around them. In what ways are danger or obscenity created within each and every instance where a picture is taken showing that a person proudly supports a specific candidate? The CCLA finds none.

## AB 1494 WILL ENCOURAGE POLITICAL PARTICIPATION AND DISCOURSE

Furthermore, it is the reality of today that social media is used heavily to relay personal information for the sake of sharing interests and to sometimes provoke discussion – even ideas that may be unpopular. This seems to be more prevalent with each passing day. Indeed, the U.S. Supreme Court stated in *Texas v. Johnson* (1984) 491 U.S. 397, 419, that “[i]f there is a bedrock principle underlying the First Amendment, it is that the government may not prohibit the expression of an idea simply because society finds the idea itself offensive or disagreeable.” ([internal citations omitted].) And younger voters, in particular, favor this means of expression. To criminalize anyone for expressing in a respectful manner their joy of having participated in the voting process is misguided. To do so in a way that targets a group that the establishment has consistently tried to entice into greater participation is simply a form of entrapment. AB 1494 solves this problem altogether.

## SUPPORT AB 1494!

Because AB-1494 protects citizen's right to express their political values without impugning the rights of others to follow their own political values and because our current policy pushes youths further from enjoyment of the voting process, the CCLA supports AB-1494.