

California church sues over polling place dispute

## **A local voter complained about the church's Black Lives Matter banners and the church was removed as a county polling place.**

by [Aysha Khan](#) in the [July 31, 2019](#) issue

A California church is suing a county election official for removing its designation as a polling place after the church put up banners supporting the Black Lives Matter movement.

The Unitarian Universalist Church of Fresno served as a polling place in the November 2016 national election and California's June 2018 primary. But after a local voter complained about the church's banners, Fresno county clerk and registrar of voters Brandi Orth removed the church from the list of polling places for the November 2018 general election.

"With Fresno County's decision to place priority on one written complaint by an ill-informed white person—and to break the law by removing the church as a polling place—the county chose to support the denigration of black lives and support the societal prioritization of white lives," said Tim Kutzmark, minister of the 450-member congregation. "It is a violation of our First Amendment rights."

The church has had two eight-foot-long yellow banners reading Black Lives Matter on its property since 2017.

"The Church's Black Lives Matter banners were not electioneering," states the church's filing, which was prepared by the American Civil Liberties Union Foundation of Northern California. "They did not advocate for or against any candidate or measure on the ballot."

Further, the church noted that the banners are located at least 200 feet from the entrance to the polling station, exceeding the 100 feet required for signs that are endorsing candidates or measures under California law.

According to the church's lawsuit, Orth asked the church leadership to remove or cover the banners for Election Day after she got a complaint from a resident in August 2018 that asked "why it was okay to have a Black Lives Matter (a known domestic terrorist group) sign in front of our polling place."

The US government does not designate the Black Lives Matter movement as a terrorist group.

In internal emails acquired in the lawsuit county officials noted that the banners were beyond the 100-foot protection zone and acknowledged that the Black Lives Matter statement was not "campaigning but does support a controversial movement."

The church said it reached out to the county several times before filing the lawsuit. The Fresno County counsel did not respond to a request for comment.

Mollie Lee, a senior attorney with the ACLU Foundation of Northern California, called Orth's decision to remove the church as a polling place an "illegal, retaliatory action based on one person's racist complaints."

"Local registrars are at the front lines of democracy and have a critical responsibility in conducting elections fairly," she said. "It is important for them to fulfill that responsibility in a way that is not influenced by implicit or explicit bias." —Religion News Service

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