

Letting Campaign Workers Use the Restroom at Polling Places

Robinson v. Shelby County Election Commission
(John T. Fowlkes, Jr., W.D. Tenn. 2:19-cv-2653)

A federal district judge ruled that it was unconstitutional to prohibit campaign workers—so long as they did not display visible campaign materials while in the building—from using the restroom at polling places.

Subject: Polling-place activities. *Topics:* Poll locations; removal.

On Thursday, September 26, 2019, Shelby County’s election commission, its administrator, and its members removed to federal court in the Western District of Tennessee a September 25 complaint filed in Tennessee’s chancery court seeking an injunction permitting campaign workers to use restrooms at polling places.¹ On Friday, the plaintiffs—a candidate, an organization, and two campaign workers—filed in federal court a motion for a preliminary injunction, noting that in past elections campaign workers could use restrooms at polling places so long as they did not display campaign materials in the buildings.²

Judge John T. Fowlkes, Jr., set the case for hearing on Monday.³ He granted the plaintiffs relief on Wednesday.⁴ Requiring campaign workers to travel to other locations to find a restroom infringes their rights of speech and association while they are away from the area.⁵

Judge Fowlkes granted a stipulated dismissal on January 30, 2020.⁶

1. Notice of Removal, *Robinson v. Shelby Cty. Election Comm’n*, No. 2:19-cv-2653 (W.D. Tenn. Sept. 26, 2019), D.E. 1; *see* Amended Complaint, *id.* (Sept. 30, 2019), D.E. 9.

2. Preliminary-Injunction Motion, *id.* (Sept. 27, 2019), D.E. 6.

3. Notice of Setting, *id.* (Sept. 27, 2019), D.E. 7; *see* Docket Sheet, *id.* (Sept. 26, 2019) (minutes, D.E. 10).

4. Opinion, *id.* (Oct. 2, 2019), D.E. 20.

5. *Id.* at 12.

6. Order, *id.* (Jan. 30, 2020), D.E. 34.