

MARSHALL COUNTY ORDINANCE #2004-08

ORDINANCE PROHIBITING ELECTIONEERING WITHIN A DISTANCE OF THREE HUNDRED (300) FEET OF THE MAIN ENTRANCE TO A BUILDING USED BY VOTERS IN WHICH A VOTING MACHINE IS LOCATED PROVIDED THAT NOTHING IN THIS SECTION SHALL PROHIBIT ELECTIONEERING ON PRIVATE PROPERTY WITHIN THE ELECTIONEERING FREE ZONE OTHER THAN THAT IN WHICH THE POLLING PLACE IS LOCATED.

WHEREAS, the Marshall County government has a compelling interest in protecting the right of every citizen voter to vote freely for the candidates of their choice; and,

WHEREAS, the Marshall County government has a compelling interest in protecting the integrity and reliability of elections; and,

WHEREAS, the State of Kentucky has no existing valid prohibition of electioneering; and,

WHEREAS, a widespread and time tested consensus demonstrates that some restricting zone is necessary in order to serve the County's compelling interests in preventing voter intimidation and election fraud.

NOW THEREFORE BE IT ORDAINED:

Section 1 - A new Section of the Code of Ordinances be and hereby is created to read as follows:

(1) To fulfill the government's obligation to protect the voter and the integrity of the election process from actual or attempted fraud, from obstruction, from intimidation real or inferred, from attempted or actual vote buying, from invasion of privacy, from harassment real, threatened or implied, from hindrance or delay, all done under the guise of electioneering, an electioneering free zone is established within three hundred (300) feet of the entrance of any building containing a polling place on any Election Day. No person shall, on the day of any election as established in KRS 118.025, do any electioneering at the polling place or within a distance of three hundred (300) feet of the main entrance of a building used by voters in which a voting machine is located on Election Day. No person shall, on the day of any election as established in KRS 118.025 intentionally invade the privacy of any person on his or her way to vote, or cause interference, harassment, or alarm to any person on his or her way to vote. No person shall loiter or congregate in, or hinder or delay a voter, or solicit, or attempt to influence any voter in casting his vote within this three hundred (300) foot campaign zone. The term "electioneering" shall include the displaying of signs, the distribution of campaign literature, cards or handbills, the soliciting of signatures to any petition, or the solicitation of votes, related to the advocacy for the election of or the defeat of a clearly identified candidate or ballot measure. Nothing contained in this section shall prohibit electioneering

conducted wholly on private property or a private establishment within the electioneering free zone, provided that any and all such electioneering does not constitute a nuisance to those persons traveling to or from a designated polling place or those persons working at a designated polling place or any surrounding property owners. Nothing in this section shall prohibit the displaying of political signs on private property or a private establishment within the electioneering free zone, regardless of the distance from the polling place, provided that the sign is no larger than four (4) square feet in size.

(2) Any precinct election officer, county clerk, deputy county clerk, or any law enforcement official may enforce this Ordinance at the polls within three hundred (300) feet of the main entrance to the building used by voters in which the voting machine is located. Assistance may be requested of any law enforcement officer.

(3) Any property used for a polling location on Election Day shall not be considered a public place in any manner for public discourse. The grounds, buildings, sidewalks and parking lots at all polling locations are designated non-public forums for the Election Day.

(4) Violators of any provisions of this ordinance shall be guilty of a Class A Misdemeanor under the laws of the Commonwealth of Kentucky and shall be fined up to One Thousand Dollars (\$1,000.00) and/or up to one (1) year in the county jail per violation.

Section 2 - That this Ordinance shall become effective upon its passage.

The foregoing shall be published in the *Tribune Courier* on October 6, 2004, 2004.

First Reading: September 7, 04

Second Reading: September 21, 04

Passed by the Fiscal Court of Marshall County, Commonwealth of Kentucky on the 21st day of September, 2004, by Motion of Commissioner Jerry English and seconded by Commissioner Jerome Hicks.

Commissioner Jerry English vote

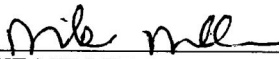
Jerry English

Commissioner Gordon Hargrove vote

Gordon Hargrove

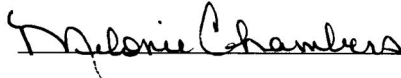
Commissioner Jerome "Hoppy" Hicks vote

AYE



MIKE MILLER
MARSHALL COUNTY JUDGE EXECUTIVE

ATTEST:



CLERK, MARSHALL COUNTY FISCAL COURT

Prepared by:
Jeffrey G. Edwards
Marshall County Attorney
Fiscal 2004