

ORDINANCE NO. 2004- 12

AN ORDINANCE CREATING A NEW SECTION OF THE CODE OF ORDINANCES TO PROHIBIT ELECTIONEERING WITHIN A DISTANCE OF THREE HUNDRED FEET (300) 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 WITHIN A PRIVATE RESIDENCE OR BUSINESS ESTABLISHMENT OTHER THAN THAT IN WHICH THE POLLING PLACE IS LOCATED BY PERSONS HAVING AN OWNERSHIP OR LEASED INTEREST IN SUCH PROPERTY.

WHEREAS, the Hopkins 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 Hopkins 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 restricted zone is necessary in order to serve the county's compelling interests in preventing voter intimidation and election fraud.

NOW THEREFORE, BE IT ORDAINED BY THE HOPKINS FISCAL COURT:

Section 1: That a new section of the Code of Ordinances is hereby created to read as follows:

(a) As used in this section the following shall have the stated meaning:

(1) Electioneering shall include the displaying of signs, the distribution of campaign literature, cards or handbills, the soliciting of signatures to any petition, or solicitation of votes for or against any candidate or question in any manner.

(2) The Main Entrance is the principal entrance to be used by voters for entrance to the polling place in which a voting machine is located.

Section 2: A new Section of the Code of Ordinances is hereby created to read as follows:

(a) 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 disguise of electioneering, an electioneering free zone is established within three hundred feet of the entrance to any building containing a polling place on any Election Day:

- (1) 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.
- (2) No person shall, on the day of any election as established in KRS 118.025 intentionally invade the right of 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.
- (3) 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 300 foot electioneering free zone.
- (4) Nothing contained in this section shall prohibit electioneering conducted within the interior of a private residence or business establishment by persons having a leased or ownership interest in such property, within the electioneering free zone, provided that electioneering activities are confined to the interior of the buildings and cannot be heard or observed by any voters going to the polling place.
- (5) Nothing in this section shall prohibit the displaying of political signs on private property or private establishment by a person having a leased or ownership interest in that private property or private establishment within the electioneering free zone, regardless of the distance from the polling place provided that the sign is not accompanied by a person and does not emit any sound and is not audio-visual or mechanical.
- (6) 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.
- (7) 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.

- (8) Any person who violates any provision of this Ordinance shall, for each offense, be fined not more than five hundred dollars (\$500.00) or be imprisoned for a term not to exceed twelve (12) months, or both so fined and so imprisoned.

This ordinance shall take effect and may be enforced upon its passage and publication.

Upon motion of Magistrate Riggs and seconded by Magistrate Garrett, the ordinance, as first read on the 16th day of September, 2004, was approved. Whereupon the vote was called, and on roll call, the vote stood.

Magistrate Karol Welch	<u>Aye</u>
Magistrate Coletta Wheeler	<u>Aye</u>
Magistrate Tim Riggs	<u>Aye</u>
Magistrate Larry Wilson	<u>Aye</u>
Magistrate Larry Rogers	<u>Aye</u>
Magistrate Mike Duncan	<u>Aye</u>
Magistrate Jon Garrett	<u>Aye</u>
Judge/Executive Patricia Hawkins	<u> </u>

Upon second reading of the Ordinance, it was moved by Magistrate Garrett and seconded by Magistrate Riggs that the Ordinance be duly adopted.

Whereupon the vote was called, and on roll call, the vote stood:

Magistrate Karol Welch	<u>Aye</u>
Magistrate Coletta Wheeler	<u>Aye</u>
Magistrate Tim Riggs	<u>Aye</u>
Magistrate Larry Wilson	<u>Aye</u>

Magistrate Larry Rogers Aye
Magistrate Mike Duncan Aye
Magistrate Jon Garrett Aye
Judge/Executive Patricia Hawkins _____

Whereupon, Hopkins County Judge/Executive Patricia Hawkins declared this ordinance adopted on its second reading, affixing her signature and the date thereto, and declared that the same be recorded.



Patricia Hawkins
Hopkins County Judge/Executive

Attest:



Devra Steckler
Hopkins County Clerk