

ORDINANCE NO. 04-31

AN ORDINANCE PROHIBITING 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.

BE IT ORDAINED BY THE FISCAL COURT OF MADISON COUNTY, COMMONWEALTH OF KENTUCKY:

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

WHEREAS, the Madison County Fiscal Court 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 closely to polling places; 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 Madison County Fiscal Court 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 disguise of electioneering, an electioneering free zone is hereby established within three hundred feet of the entrance to 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 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. 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 feet campaign free zone. 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 for or against any political party, candidate or question on the ballot in any manner. 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 campaign free zone, provided that all electioneering activities are confined to the interior of the buildings and cannot be heard or observed by any voters going to the polling place. Nothing in this section shall prohibit the displaying of political signs on private property or private establishment with the campaign 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 and 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 with in 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 disclosure. The grounds, buildings, sidewalks and parking lots at all polling locations are designated non-public forums for the Election Day.
- (4) Violators of any provision 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 and/or up to twelve (12) months in the county jail per violation.

THIS ORDINANCE NO. 04-31 SHALL BECOME EFFECTIVE ON THE DATE OF THE SECOND READING AND ADOPTION.

INTRODUCED, SECONDED AND GIVEN FIRST READING APPROVAL at a duly convened meeting of the Fiscal Court of Madison County, Kentucky held on the 8 day of June, 2004.

GIVEN SECOND READING AND ADOPTED at a duly convened meeting of the Fiscal Court of Madison County, Kentucky, held on the 13th day of July, 2004, and of record in Fiscal Court Order Book _____, Page _____.

DATE ADOPTED: July 13, 2004

MOTION BY: Roger Barger

SECONDED BY: William Tudor

VOTE:	YES	NO
Magistrate Billy Ray Hughes	<input checked="" type="checkbox"/>	_____
Magistrate Roger Barger	<input checked="" type="checkbox"/>	_____
Magistrate William Tudor	<input checked="" type="checkbox"/>	_____
Magistrate Larry Combs	<input checked="" type="checkbox"/>	_____
Judge Kent Clark	<input checked="" type="checkbox"/>	_____

[Signature]
 MADISON COUNTY JUDGE EXECUTIVE

Attest:
[Signature]
 County Clerk

PREPARED BY:

[Signature]
 Marc Robbins
 Madison County Attorney
 116 West Main Street, Suite D
 Richmond, Kentucky 40475
 (859) 623-4595