

Commonwealth of Kentucky  
Calloway County Fiscal Court  
ORDINANCE NO. 04-0921-A

AN ORDINANCE PROHIBITING ELECTIONEERING WITHIN A DISTANCE OF THREE HUNDRED FEET (300) OF THE MAIN ENTRANCE TO A POLLING PLACE, PROVIDED THAT NOTHING IN THIS ORDINANCE SHALL PROHIBIT ELECTIONEERING WITH A PRIVATE RESIDENCE OR BUSINESS ESTABLISHMENT.

WHEREAS, The Calloway 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 Calloway 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 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 Fiscal Court of Calloway County, Commonwealth of Kentucky:

**SECTION I. PROHIBITED ELECTIONEERING**

- (1) To fulfill the governments obligation to protect the voter and the integrity of the election process from actual of 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. 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 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 or her vote within this 300-foot 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 a private establishment by a person having a leased or ownership interest in that private property or private establishment within 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 is authorized to 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 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 (\$1,000.00) and/or up to one year in the county jail per violation.

## SECTION II. EFFECTIVE DATE

This ordinance shall be in full force and effect from and after its adoption

This the \_\_\_\_\_ day of \_\_\_\_\_ 2004.

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Larry Elkins  
Calloway County Judge Executive