

COMMONWEALTH OF KENTUCKY
CALLOWAY COUNTY
ORDINANCE NO. 21-0421-0 Revised

AN ORDINANCE relating to amending Calloway County Ordinance Number 04-0921-A regarding prohibiting electioneering near the main entrance to a polling place.

Be it ordained by the Fiscal Court of Calloway County, Commonwealth of Kentucky:

WHEREAS, the Fiscal Court of Calloway County has previously enacted Ordinance #04-0921-A which prohibits electioneering within a distance of three hundred (300) feet of the main entrance of a polling place; and,

WHEREAS, since the adoption of that ordinance, the Commonwealth of Kentucky has adopted, by virtue of KRS 117.235(3), has set forth that electioneering is prohibited within one hundred (100) feet of the entrance to any polling place, and;

WHEREAS, this Court is mindful of the Commonwealth's superior authority to establish guidelines with regard to acts such as electioneering.

NOW, THEREFORE, be it ordained by the Fiscal Court of Calloway County, Kentucky that Calloway County Ordinance Number 04-0921-A is amended to read as follows:

SECTION I. PROHIBITED ELECTIONEERING

- (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 established within the distance established by KRS 117.235, currently one hundred (100) 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 said distance 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 the established distance 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

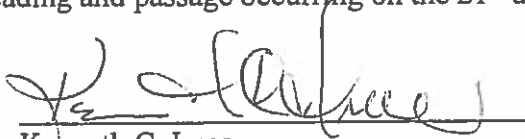
up to One Thousand Dollars (\$1,000.00) and/or up to one year in the county jail per violation, and/or subject to such other penalties as may be established by the legislature may from time to time.

SECTION II. EFFECTIVE DATE

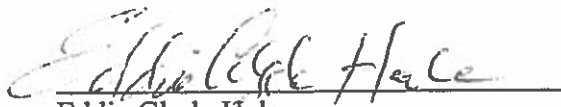
This ordinance shall be in full force and effect from and after its adoption.

The Clerk of the Court is directed to publish this ordinance in a local newspaper one time within thirty (30) days of passage, to obtain proof of publication thereof and to file said proof in the minutes of this Court.

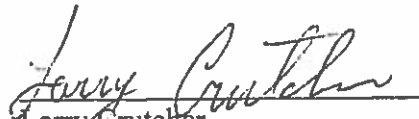
First reading the 17th day of March, 2021. Published not more than seven (7) days nor more than twenty-one (21) days prior to passage on the ____ day of _____, 2021.
Second reading and passage occurring on the 21st day of April, 2021.



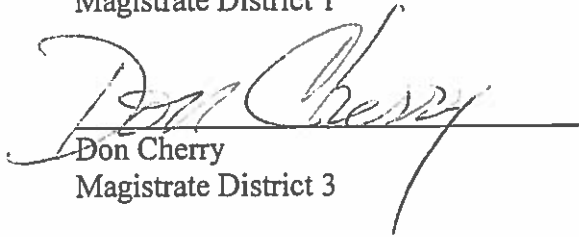
Kenneth C. Imes
Calloway County Judge Executive



Eddie Clyde Hale
Magistrate District 1



Larry Crutcher
Magistrate District 2



Don Cherry
Magistrate District 3



Paul Rister
Magistrate District 4

Publication of passage occurring on the 21 day of April, 2021.

Attested to as officially adopted and published, by:



Antonia Faulkner,
Clerk of Calloway County