

Fiscal Court Orders

October 5, 2004
REGULAR SESSION OF NELSON FISCAL COURT

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On recommendation of Judge Watts and of Joe Prewitt, and on motion of Bernard Ice, second of Raymond Greer, by affirmative vote of all Court members present, IT IS HEREBY ORDERED to approve increases in ambulance service rates as recommended in the foregoing chart; it is also ordered to approve an automatic increase in rates annually to match cost of living increases for each year as they are presented early in each year. This action is taken in order to allow gradual increases in rates rather than having to allow a large increase in fees at one time; it is also intended to prevent greater subsidies from having to be paid from the County's General Fund.

ORDINANCE - ELECTIONEERING WITHING 100 FT. OF POLLING PLACE PROHIBITED (SECOND READING)

ORDINANCE PROHIBITING ELECTIONEERING WITHIN A DISTANCE OF ONE HUNDRED FEET (100) 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 RESIDENT 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 Nelson 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 Nelson 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 interest in preventing voter intimidation and election fraud.

NOW, THEREFORE, IT IS HEREBY ORDAINED, by the Fiscal Court of County of Nelson, Commonwealth of Kentucky, as follows:

SECTION I

A. To fulfill the governments obligation to protect the voter and 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, a electioneering free zone is established within one hundred (100) feet of the entrance to any building containing a polling place on an 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 one hundred (100) 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

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way to vote, or cause interference, harassment, or hinder 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 one hundred (100) foot campaign free zone.

B. 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 person 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 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.

C. Any precinct election officer, county clerk, deputy county clerk, or any law enforcement official may enforce this Ordinance at the polls within one hundred (100) feet to the main entrance of the building used by voters in which the voting machine is located. Assistance may be requested of any law enforcement officer.

D. 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.

SECTION II

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 year in the county Jail per violation.

SECTION III

If any part of this Ordinance shall be held invalid, such part shall be deemed severable and the invalidity thereof shall not affect the remaining parts of this Ordinance.

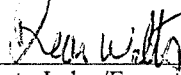
SECTION IV

Given First Reading on the 7th day of September, 2004.

Given the Second Reading on the 5th day of October, 2004.


Adopted by the Fiscal Court of Nelson County, Kentucky, on the 5th day of October, 2004. Motion was made by Raymond Greer, second by Maynard Wimssett, passed by a vote of 4 ayes and 0 nays.

NELSON FISCAL COURT



County Judge/Executive

ATTEST:



Nelson County Court Clerk