

31 KAR 4:180. Activities prohibited within 100 feet of the entrance to a building in which a voting machine is located.

RELATES TO: KRS 117.015, 117.065, 117.085(1)(c), 117.235

STATUTORY AUTHORITY: KRS 117.015(1)(a)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 117.015(1)(a) authorizes the State Board of Elections to promulgate administrative regulations necessary to implement the provisions of KRS Chapter 117. KRS 117.235(5) authorizes any precinct election officer, county clerk, deputy county clerk, or law enforcement official to maintain law and order at the polls and within 300 feet of any entrance to the building in which the voting machine is located if that entrance is unlocked and is used by voters. This administrative regulation establishes requirements for activities that are prohibited within 100 feet of the entrance to a building in which a voting machine is located, the building that houses the county clerk's office, and a building in which absentee voting is being conducted, so that law and order in that area may be maintained pursuant to KRS 117.235(5).

Section 1. Definition. "Bumper sticker" means a sticker that measures within fourteen (14) inches by five (5) inches for display on a vehicle bearing a printed message soliciting votes for or against any bona fide candidate or ballot question in a manner that expressly advocates the election or defeat of the candidate or expressly advocates the passage or defeat of the ballot question.

Section 2. Prohibited Activities During Voting. (1) Election Day Voting. Except as otherwise provided in this administrative regulation:

(a) Certain activities shall be prohibited on the day of any election, if the activities take place within the area designated by paragraph (b) of this subsection. These activities shall include, if the activities are for or against any bona fide candidate or ballot question in a manner that expressly advocates the election or defeat of the candidate or expressly advocates the passage or defeat of the ballot question:

1. Display of signs;
2. Distribution of campaign literature, cards, or handbills; or
3. Solicitation of signatures to any petition or solicitation of votes; and

(b) During the hours voting is being conducted, the activities listed in paragraph (a) of this subsection shall not take place within 100 feet of the entrance to a building in which a voting machine is located if the entrance is:

1. Unlocked; and
2. Used by voters.

(2) Absentee Voting. Except as otherwise provided in this administrative regulation:

(a) The following activities shall be prohibited if they take place within the area designated by paragraph (b) of this subsection. These activities shall include, if the activities are for or against any bona fide candidate or ballot question in a manner that expressly advocates the election or defeat of the candidate or expressly advocates the passage or defeat of the ballot question:

1. Display of signs;
2. Distribution of campaign literature, cards, or handbills;
3. Solicitation of signatures to any petition or solicitation of votes; or
4. The affixing of any material listed in this paragraph to the exterior or interior of a building that meets the criteria in paragraph (b) of this subsection; and

(b) The activities listed in paragraph (a) of this subsection shall not take place:

1. During the hours absentee voting is being conducted by the county clerk pursuant to KRS

117.085(1)(c); and

2. In a building:

a. Where the county clerk's office is located; or

b. Designated by the county board of elections and approved by the State Board of Elections for absentee voting

(3) The prohibitions established in subsections (1) and (2) of this section shall not apply to:

(a) Private property, unless the property is being used as a voting place established in accordance with the provisions of KRS 117.065;

(b) Exit polling; or

(c) Bumper stickers affixed to a person's vehicle while parked within or passing through a distance of 100 feet of any entrance to the building in which a voting machine is located if that entrance is unlocked and is used by voters during the hours voting is being conducted in the building for a reasonable amount of time in which to vote. (41 Ky.R. 2689; Am. 42 Ky.R. 271; 658; eff. 9-4-2015.)