

CHAPTER 14

ELECTIONEERING ON AND NEAR TOWN PROPERTY

14.01 Policy

It is the policy of the Town of Wilson to support and safeguard democratic elections that are open, fair, and free from intimidation or unfair advantage. The restrictions established in this Chapter are intended to promote this policy for the public good, while respecting the First Amendment to the United States Constitution. The Town Board recognizes that limited and reasonable restrictions on free speech are justified to protect the right of the electors to have free and fair elections.

14.02 Definition of Electioneering

Electioneering means communications and other conduct that is intended to, or has the result of, expressing support for or opposition to:

1. a candidate (whether declared or undeclared) for any elective public office,
2. an incumbent in any elective public office,
3. a political party,
4. a political movement or philosophy, or
5. any other public policy issue that could be influenced or determined by an elected public official.

Examples of electioneering include but are not limited to yard signs; bumper stickers; car-top signs; billboards; hand-held signs; campaign buttons; statements on or affixed to clothing; distribution of printed materials such as cards, pamphlets or flyers; speeches, whether live or recorded; presentation of videos or other recorded media; and usage of symbols, logos, or mascots recognizable as being electioneering-related.

14.03 Standing Restrictions

In addition to State law and all other applicable regulations, it shall be unlawful for any person at any time to conduct, authorize, fund, arrange for, or otherwise participate in any electioneering activity or conduct on any Town of Wilson property or within the public road right-of-way adjacent thereto.

14.04 Additional Restrictions on Election Days

On any day in which any polling place in the Town is open and conducting a local, state or federal election, it shall be unlawful for any person to conduct, authorize, fund, arrange for, or otherwise participate in any electioneering activity or conduct within 250 feet of the parcel boundary of any Town of Wilson property.

14.05 Exemptions

The following shall be exempted from the coverage of this ordinance:

1. **Statements During Public Governmental Meetings.** A communication during a meeting of a governmental body on Town property shall not be deemed electioneering, provided that the Chair of the meeting retains the right to maintain order and decorum by restricting inflammatory, insulting or lengthy communications. For purposes of this subsection, a meeting or other function of any fire department on Town property shall be considered a meeting of a governmental body.

2. **Statements During Private Discussions.** A communication during a private discussion between two or more persons, provided the communication is not intended to be overheard by others and provided it is not intended to persuade or to solicit support for a person or a cause, shall not be deemed electioneering.
3. **Private Events on Town Property.** It shall not be deemed to be a violation of this ordinance for individuals or groups to conduct political events such as rallies, socials, parties and the like at the Town Hall, provided that the Town Hall has been rented to the users on the same basis as for nonpolitical users and further provided that no electioneering signs, displays or broadcasts be observable at any point outside the Town Hall building.
4. **Small Signage.** If done by members of the public, it shall not be deemed electioneering to:
 - (a) Wear or display lapel pins, campaign buttons, or similar small items that in total do not exceed three square inches in surface area; or to
 - (b) Display bumper stickers or similar signs in or on a vehicle that in total do not exceed twenty-four square inches in surface area, provided that the operator of the vehicle is on Town property for non-electioneering, temporary purposes and removes the vehicle promptly thereafter. This exemption shall not apply to Town employees, Town officials, or other agents of Town government.
5. **Nonpartisan Statements or Signage.** Statements and signage expressing positions on public policy issues that are generally considered to be nonpartisan shall not be deemed to be electioneering. Examples include but are not limited to “Support Our Troops”, “God Bless America”, “Don’t Steal - The Government Hates Competition”, “If You Can Read This, Thank a Teacher”, “Peace is Patriotic”, “Member Local 12345 AFL-CIO”, “and Caution! Former Fetus At Wheel”, “War is Never the Answer”, “I’m Pro-Choice and I Vote”, and “Vegetarian: Indian Word for Lousy Hunter”.

14.06 Violations, Penalties, Abatement

Any member of the Town Board, the Town Clerk, and the Town Constables may enforce this ordinance. Violations carry the same schedule of remedies and penalties as provided in the nuisance ordinance. In addition, violations occurring on an election day or within seven days preceding an election day may, upon authorization of the Town Chairperson, be summarily abated by one or more of the officials listed above if the violator does not promptly cease and remove the violation. If abatement is authorized by the Chairperson and is utilized, all costs of enforcement may be charged to the violator or violators.

All ordinances and parts of ordinances in conflict herewith are hereby repealed.

If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be invalid or unconstitutional by reason of any decision of any court of competent jurisdiction, such decision shall not affect the validity of any other section, subsection, sentence, clause or phrase or portion thereof.

Effective Date. After enactment, this Ordinance shall take effect on the day following posting or publication.

Enacted this 15th day of March 2004.

Town of Wilson by Kenneth F. Sonntag, Chairman

This is to certify that the Town Board of the Town of Wilson duly enacted the above Ordinance on the 15th day of March 2004. Catherine Conrad, Town Clerk

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