

Court says electioneering ban is unconstitutional

Most changes postponed for now



Earlier this month, United States District Judge William O. Bertelsman ruled that Kentucky's law prohibiting electioneering within 300 feet of an entrance to a polling place is unconstitutional, but a stay of the ruling was partially accepted.

In the U.S. District Court case of Russell vs. Grimes John Russell and his company, Campbell County Auto Body, Inc., are the plaintiff. The defendants are Kentucky Secretary of State and Chair of the Kentucky State Board of Elections Alison Lundergan Grimes and many other officials, most of whom are affiliated with election boards.

The plaintiffs challenged the 300 foot law, saying that it is a violation of their First Amendment free speech rights. The court found the case to also arise under the Fourteenth Amendment.

The court ultimately decided that the 300 foot zone, although decreased from Kentucky's original 500 foot zone in 1992, was still too excessive.

According to a U.S. Court of Appeals docket from Oct. 17, the defendants in the Russell case raised ques-

tions of Eleventh Amendment immunity. It was realized that Kentucky would be left without any buffer zones for the first time in 125 years, which contradicted the rulings from the 1992 U.S. Supreme Court case Burson vs. Freeman, which says that "some restricted zone around polling places" is required to protect voters from intimidation and fraud.

The court also realized that Russell's rights would be violated on his own property and some officials may still try to enforce the 300 foot law. The court referenced the 2004 U.S. Court of Appeals case Anderson vs. Spear, making note of the ruling that Americans can post signs on their own personal property.

With these considerations in mind, the court granted a portion of the motion to stay in that Kentucky will not be prohibited from enforcing their 300 foot law. It was denied in part in that Kentucky will be prohibited from enforcing the law on private property.

The stay gives the legislature time to revisit the issue in the 2015 session of the General Assembly.

The docket says, "The

partial stay will remain in place until the appeal can be heard on the merits and a disposition on the merits can be made."

When making a decision for the Russell case, the court took the First Amendment into consideration and referred back to the Burson case and Spear case. The court realized that in some instances, a restrictive electioneering zone may hinder some people's right to free political speech, but the Burson case said that a zone is also required to prevent intimidation and election fraud.

It was decided in the Burson case that a 100 foot radius in any state "does not constitute an unconstitutional compromise." In the Spear case, it was decided that Kentucky's original

500 foot radius was too excessive.

The court also reviewed facts from Russell's declaration when making the decision. Such facts include activities that took place around the 2012 primary and general elections and the 2014 primary election. Russell let candidates he supported place or helped them place plain, non-obstructive signs in front of his business some time before the election days. This business is located approximately 150 feet from the polling place at First Baptist Church in Cold Springs, and is separated from it by four-lane U.S. Hwy 27 and its guardrails. In each instance, deputies removed his signs during the elections, which Russell objected to.

Russell declared that for future elections, including the upcoming general election, he plans to place more signs, and on election days to stand on his property holding and waving signs, passing out leaflets and literature for the candidates he supports, and asking voters to vote for who he supports and not to vote for who he opposes. He also plans to move closer to the polling place, within 200 and 300 feet, and doing the same, but he will not approach voters who do not first approach him or cause any disruptions.

Russell also declared that he fears prosecution because of these planned actions.

By James D. McIntosh Jr. james@adairvoice.com

You may have received this door hanger from my opponent.

Balanced budgets are required by law. What tax will my opponent double this time to insure a balanced budget? **1994 - Insurance tax was raised from 5% to 10%, a 100% increase.**

When did the spending start?
Jan. 1995 – Oct. 2004
Increase of full-time staff from 17 to 21.
Increase in number of police vehicles from 3 to 10
10 years of 5% yearly pay increases.
All recurring expenditures.
Approximately \$400,000 in donations to outside agencies. (Stopped by current Administration)

WASTEFUL SPENDING has been cut under the current administration. What does my opponent plan to cut? I will institute cost savings measures within the operations of city government.

FOR WHAT? Federal and State grant/funding are available for specific projects, not for increasing the city's bottom line.

If you keep on doing what you've always done, you'll keep on getting what you've always got.

I am Curtis Hardwick, Candidate for Mayor of City of Columbia. I have 19 years of city government experience, 8 years as city councilman, 11 years as Mayor of Columbia.

I have voted for and presided over 19 balanced budgets during my tenure. Over the last several years the city has spent more money than revenues received. This type of spending has to cease now.

When I left the Mayor's office in 2004 there was over 2 million dollars in CD's in the bank. This was in excess of our operating budget. Most all of these funds have been depleted. This practice of spending has to stop now. It has put the city in severe financial distress. I will do everything in my power to turn this situation around.

My pledge to you is to go over the budget line by line and cut wasteful spending anywhere that is possible.

I will actively seek all federal and state grants/funding that is available. I will work very diligently toward industrial opportunities for Columbia. Your vote and support would be greatly appreciated on November 4th.

Thank You,
Curtis Hardwick

CITY OF COLUMBIA BALANCE SHEET GENERAL FUND June 30, 2004

ASSETS	
Cash	\$1,865,049
Receivables	5,244
Total Assets	<u>\$1,870,293</u>

LIABILITIES AND FUND BALANCE	
Liabilities	
Accounts payable	\$9,295
Accrued liabilities	30,638
Deferred revenue	<u>9,390</u>
Total liabilities	\$49,323

Fund balance	
Unreserved	\$1,820,970

Amounts reported for governmental actives in the statement of net assets are different because:
Capital assets used in governmental activities are not financial resources and, therefore, are not reported in the General Fund. 901,902

Net assets of governmental activities \$2,722,872

Total Cash per 6/30/04	\$1,865,049.00
Adjustments for Receivable/Payable	44,079.00
Obligated toward purchase of Ladder One	294,758.00
Obligated toward cleanup of Wethington	35,300.00
Property purchased in April 2004	
Total Cash and CD's available	<u>\$1,490,912.00</u>

CAST YOUR VOTE

- Honest Mistake
- Deliberate Misrepresentation of the Facts
- Does he not understand the City's Audited Financial Report?

Paid for by June Parson

ELECT JUNE PARSON – COLUMBIA MAYOR