

ORDINANCE NO. 38 - 22

By: Sam Marcellino

An Ordinance to revise the Bexley Codified Ordinances for the protection of poll workers, and to declare an emergency.

WHEREAS, in order to help sustain civility and protect democracy in the City of Bexley, this Council hereby wishes to enact legislation that would criminalize harassment of poll workers; and

WHEREAS, this Council hereby proposes that a new Section, *Harassment of an Election Official* be enacted and subsequently codified into the Bexley Codified Ordinances.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF BEXLEY, OHIO:

Section 1.

That Chapter 636 of the Bexley Codified Ordinances be amended to add new section Section 636.19 "Harassment of Precinct Election Officials or Voting Location Managers" be created as follows:

636.19 HARASSMENT OF PRECINCT ELECTION OFFICIALS OR VOTING LOCATION MANAGERS.

a. No person shall, directly or indirectly, knowingly make or cause to be made a telecommunication, or knowingly permit a telecommunication to be made from a telecommunication device under such person's control, to a precinct election official or voting location manager with the intent to threaten, intimidate, menace, coerce, abuse, or harass such person regarding or in connection with such person's duties or responsibilities regarding any past, current, or future general, primary, or special election.

b. No person shall, directly or indirectly, knowingly engage in conduct or any form of communication or knowingly encourage another to engage in such conduct or communication with a precinct election official or voting location manager with the intent to threaten, intimidate, menace, coerce, abuse, or harass such person regarding or in connection with such person's duties or responsibilities regarding any past, current, or future general, primary, or special election.

c. The telecommunication, conduct, or communication prohibited against a precinct election official or voting location manager in (A) and (B), above, shall be similarly prohibited against such precinct election official's or voting location manager's immediate family, parents, grandparents, and grandchildren, and any member of the precinct election official's or voting location manager's household.

d. As used in this ordinance “telecommunication” has the same meaning as in section 2913.01 of the Revised Code and without limitation shall include, but not be limited to, any email, voicemail, fax, text, instant message, communication over or through any social media platform, and any other form of digital, electronic, or telephonic communication. As used in this ordinance “telecommunications device” has the same meaning as in section 2913.01 of the Revised Code. As used in this ordinance “communication” shall include, any other method of communication not set forth above including, but not limited to, any communication via U.S. Mail, private mail service, private delivery service, by in-person conduct, or through any other method intended to communicate with a precinct election official or voting location manager.

e. As used in this ordinance a “precinct election official” is an individual who has at any time been appointed as a precinct election official by the Franklin County Board of Elections pursuant to Revised Code Section 3501.22.

f. As used in this ordinance, a “voting location manager” is an individual who has at any time been designated as a voting location manager by the Franklin County Board of Elections pursuant to Revised Code Section 3501.22.

g. A violation of this ordinance shall be a misdemeanor of the first degree. The court shall impose a mandatory term of imprisonment of at least three (3) days, which shall not be suspended.

Section 2.

That Chapter 642 of the Bexley Codified Ordinances be amended to add section 642.11 as follows:

642.11 MISCONDUCT AT AN ELECTION.

(A) On the day of an election held under the laws of this city or state, during the hours when the voting places are open, no person other than a voter about to vote shall knowingly do any of the following:

(1) Stand or loiter within one hundred (100) feet of any poll, stand or voting place.

(2) Within one hundred (100) feet from any poll or voting place, give or tender or exhibit any ballots or tickets to any person other than a duly authorized judge of elections.

(3) Within one hundred (100) feet from any poll or voting place, influence or attempt to influence an elector in casting the elector's vote at any such election held under the laws of this city or state.

(4) No person shall hinder or interfere with an election official in the execution of his or her duties, including but not limited to, the prohibitions set forth in the section 3501.35 of the Revised Code.

(B) This section does not apply to any persons privileged or otherwise authorized by law to be or remain in or about a voting place.

(C) Whoever violates this section is guilty of misconduct at an election, a misdemeanor of the first degree.

Section 3.

That this Ordinance is hereby declared to be an emergency measure immediately necessary for the preservation of the public health, peace, safety and shall go into full force and effect upon the approval of the Mayor.

Passed: Oct 25, 2022



Troy Markham, President of Council

Attest: 

Matt McPeek, Clerk of Council



Ben Kessler, Mayor

First Reading: September 27, 2022

Second Reading: 10-11-2022

Third Reading: 10-25-2022