



Legislation Text

File #: 220797, Version: 1

220797
SUBSTITUTE 1

ALD. ZAMARRIPA AND DIMITRIJEVIC

A substitute ordinance relating to the protection of poll workers.

105-139 cr

This ordinance prohibits the following at polling places:

1. Violent, abusive, indecent, profane, boisterous, unreasonably loud or otherwise disorderly conduct which is likely to cause or provoke a civil disturbance.
2. Sending a telecommunication message that contains any violent, abusive, indecent or profane language, or image, or any other message intended to harass, annoy or offend, which is likely to cause or provoke a civil disturbance.

The Mayor and Common Council of the City of Milwaukee do ordain as follows:

Part 1. Section 105-139 of the code is created to read:

105-139. Protection of Election Officials. 1. FINDINGS. The common council finds election officials are bullied and threatened, and polling places are disrupted by behaviors that undermine free and fair elections.

2. DEFINITIONS. For purposes of this section:

- a. "Election official" means an individual who is charged with any duties related to the conduct of an election.
- b. "Polling place" means any facility where votes are cast in a primary or general election under the provisions of this chapter, including any hall, passageway, sidewalk or approach providing immediate access to the facility where votes are cast.
- c. "Polling times" means the hours of operation of a polling place, including any time an election official is preparing to open a polling place to voters, or processing votes and supporting documents after the polling place is closed to voters.
- d. "Telecommunication device" means any instrument, equipment, machine or other device that facilitates telecommunication, including but not limited to, a computer, computer network, computer chip, computer circuit, scanner, telephone, cellular telephone, pager, personal communications device, radio, transponder, receiver, modem or device that enables the use of a modem.
- e. "Telecommunication message" means any transfer of signs, signals, writing, images, sounds, data or intelligence of any nature transmitted with a telecommunications device.

3. PROHIBITIONS. No person, while at a polling place during polling times, shall:

- a. Engage in violent, abusive, indecent, profane, boisterous, unreasonably loud or otherwise disorderly conduct which is likely to cause or provoke a civil disturbance.
- b. Send a telecommunication message to a telecommunication device that contains any violent, abusive, indecent or profane language, or an image, or any other message intended to harass, annoy or offend, which is likely to cause or provoke a civil disturbance.

4. EXCEPTION. No provision of this section shall be construed to restrict the lawful possession of a firearm.

5. PENALTY. Any person violating this section shall, upon conviction, be subject to a forfeiture of \$1,000, together with the costs of prosecution, and in default of payment of the forfeiture and costs, shall be imprisoned as provided by law.

APPROVED AS TO FORM

Legislative Reference Bureau

Date: _____

IT IS OUR OPINION THAT THE ORDINANCE
IS LEGAL AND ENFORCEABLE

Office of the City Attorney

Date: _____

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Aaron Cadle
September 30, 2022