

I move to amend Ordinance Serial No. 23-072 to insert a new section MSB 25.30.020(C) to add a further ability for the Clerk to be able to take actions if someone is causing a disturbance or interfering with the orderly conduct of the election. This section could cover situations where the conduct is not strictly electioneering, but is otherwise interfering with the conduct of an election.

This language is virtually identical to language from Washington DC and upheld as legal in Marlin v. D.C. Bd. of Elections & Ethics, 236 F.3d 716 (DC 2001)

MSB 25.30.020(C)

No partisan or nonpartisan political activity, or any other activity which, in the judgment of the Borough Clerk, may directly or indirectly interfere with the orderly conduct of the election, shall be permitted in, on, or within 200 feet of any entrance to the building used as a polling or vote counting place. "Political activity" in this section includes without limitation, any activity intended to persuade a person to vote for or against any candidate or measure or to desist from voting.