

Ordinance 0009-22 – Disorderly Conduct Toward or Harassment of an Election Official

An ordinance to amend Chapter 66 of the Municipal Code of the City of Racine, Wisconsin.

The Common Council of the City of Racine, Wisconsin, do ordain as follows:

Part 1: Chapter 66, Article II, Section 66-35, is created as follows:

Sec. 66-35. - Conduct toward election official.

- (a) No person shall, in a public or private place, engage in violent, abusive, indecent, profane, boisterous, unreasonably loud, or otherwise disorderly conduct directed at or toward an individual working in their capacity as an election official or based on their position as an election official, under circumstances in which such conduct tends to cause or provoke a disturbance.
- (b) No person shall knowingly interfere with or obstruct any individual working in their capacity as an election official in the performance of such individual's duties related to the conduct of an election.
- (c) No person shall send an individual working in their capacity as an election official or based on their position as an election official a telecommunication message, with the reasonable expectation that such individual will receive the message, using any harassing, violent, abusive, threatening, indecent, or profane language or image, or any other message in which such telecommunication message tends to cause or provoke a disturbance.
- (d) Definitions.
  - i. "Election official" has the same definition provided in Wis. Stats. § 5.02(4e), meaning an individual who is charged with any duties related to the conduct of an election.
  - ii. "Telecommunication message" means any transfer of signs, signals, writing, images, sounds, data, electronic message, or intelligence of any nature using any instrument, equipment, machine, or other device that facilitates telecommunication or electronic communication, 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) Penalty for violation.
  - i. Any person violating this section shall, upon conviction for a first offense, forfeit not less than \$300.00 nor more than \$1000.00.

- ii. Any person violating this section shall, upon conviction for a second or subsequent offense within one year, forfeit not less than \$1,000.00 nor more than \$5,000.00.

Part 2: This ordinance shall take effect upon passage by a majority vote of the members-elect of the City Common Council and publication or posting as required by law.

Fiscal Note: N/A

Pursuant to Wisconsin Statutes section 62.09(8)(c), the mayor shall have the veto power as to all acts of the common council, except such as to which it is expressly or by necessary implication otherwise provided. All such acts shall be submitted to the mayor by the clerk and shall be in force upon approval evidenced by the mayor's signature, or upon failing to approve or disapprove within 5 days, which fact shall be certified thereon by the clerk. If the mayor disapproves the mayor's objections shall be filed with the clerk, who shall present them to the council at its next meeting. A two-thirds vote of all the members of the council shall then make the act effective notwithstanding the objections of the mayor.