

SPENCER COUNTY, INDIANA
ORDINANCE NUMBER 2026-03

AN ORDINANCE OF THE SPENCER COUNTY BOARD OF COMMISSIONERS
REGULATING CAMPAIGN ACTIVITY ON COUNTY PROPERTY

WHEREAS, Spencer County, Indiana, owns and controls real and personal property used for governmental purposes, including the Spencer County Courthouse, County offices, and other County buildings and facilities; and

WHEREAS, the County has a substantial interest in ensuring that County property is used for public business and not for partisan campaign activity; and

WHEREAS, Indiana Code 3-14-1-17 prohibits a "government employee" from using the property of the employee's government employer to solicit a contribution, advocate the election or defeat of a candidate, or advocate the approval or defeat of a public question, and further prohibits a government employee from distributing campaign materials on the government employer's real property during regular working hours; and

WHEREAS, the term "government employee," as used in Indiana Code 3-14-1-17, does not expressly include elected officials, creating a gap in the regulation of campaign activity on County property by elected officeholders; and

WHEREAS, the County desires to adopt reasonable, content-neutral rules governing the use of County property so that County buildings, offices, equipment, materials, and communications systems are not used for campaign purposes by any person, including elected officials, officers, employees, appointees, contractors, volunteers, or members of the public, except as otherwise expressly permitted by law; and

WHEREAS, nothing in this Ordinance is intended to alter election-day or early-voting rules established by state law, nor to impair lawful expressive activity in an area that is, by law, a traditional public forum or a designated public forum;

NOW, THEREFORE, be it ordained, by Spencer County, Indiana, as follows:

Section 1. Addition of Section 37.09. A new Section 37.09 of the Spencer County Code shall be added as follows:

§ 37.09 CAMPAIGN ACTIVITY ON COUNTY PROPERTY

(A) Purpose. The purpose of this section is to preserve county property for the conduct of public business, prevent the misuse of public resources for campaign purposes, promote orderly operations in county offices and facilities, and establish uniform rules governing campaign activity on county property.

(B) Definitions. For purposes of this section, the following definitions apply:

CAMPAIGN ACTIVITY. Any act intended to influence the nomination or election of a candidate, the election or defeat of a candidate, or the approval or defeat of a public question, including (1) distributing campaign literature, palm cards, flyers, petitions, or similar materials; (2) soliciting campaign contributions; (3) displaying campaign signs, posters, banners, or similar materials; (4) sending campaign communications by mail, email, text message, social media, telephone, or other messaging platform; (5) using county property as a base of operations for campaign planning, coordination, storage, or distribution; and (6) wearing, displaying, or placing campaign materials in a manner intended to turn a county office, workstation, counter, waiting area, or other county-controlled space into a campaign site.

CANDIDATE. Has the meaning assigned by Indiana election law.

COUNTY OFFICIAL. Any elected county officeholder and any person appointed to serve in a county office, board, commission, or department.

COUNTY PERSONNEL. Any county employee, county official, appointee, part-time employee, temporary employee, contractor while performing services for the county, intern, or volunteer acting on behalf of the county.

COUNTY PROPERTY. All real and personal property owned, leased, controlled, or operated by Spencer County, including (1) the Spencer County Courthouse; (2) all County annexes, garages, maintenance buildings, and other county buildings and facilities; (3) offices, workspaces, lobbies, hallways, counters, meeting rooms, and storage areas; (4) parking areas, sidewalks, lawns, and grounds under county control, except where state law or lawful county designation provides otherwise; (5) county-owned or county-leased vehicles; (6) county-owned or county-provided equipment, goods, materials, supplies, furniture, copiers, printers, paper, postage, telephones, computers, tablets, and similar items; and (7) county email accounts, servers,

telephones, voicemail, internet access, software, cloud platforms, websites, and messaging systems.

PUBLIC QUESTION. Has the meaning assigned by Indiana election law.

REGULAR WORKING HOURS. The hours during which a county office or facility is open for public business or during which county personnel are scheduled or expected to perform county duties.

(C) Prohibited conduct. Except as expressly authorized by state law, no person shall knowingly use county property for campaign activity. The following conduct is prohibited on county property:

- (1) distributing campaign materials from a county office, counter, desk, reception area, or similar county workspace;
- (2) storing campaign materials in a county office or other county-controlled area
- (3) using county printers, copiers, paper, postage, email, telephones, text messaging systems, internet access, vehicles, or other county resources to prepare, reproduce, send, transport, or display campaign materials or campaign communications;
- (4) soliciting campaign contributions on county property;
- (5) using a county office or county facility as a headquarters, staging point, meeting place, or distribution point for campaign activity;
- (6) displaying campaign signs, posters, literature, or similar materials in or on county offices, counters, doors, windows, bulletin boards, walls, or other interior county spaces not designated for public postings;
- (7) distributing campaign materials on county real property during regular working hours; and
- (8) directing, permitting, or encouraging county personnel to engage in campaign activity while using county property or while performing county duties.

(D) Application to elected officials and other persons. This section applies to all persons on or using county property, including elected officials. No elected official may use county property, or permit county property under that official's custody or control to be used, for campaign activity. No county official may require, direct, coerce, or knowingly permit county personnel to participate in campaign activity on county property or during the performance of county duties.

(E) Personal political expression. This section regulates the use of county property and county resources. It does not prohibit any person from holding or expressing political views on personal time and away from county property, nor does it prohibit any activity otherwise protected by federal or state law.

(F) Polling places and election administration. This section shall not be interpreted to alter, expand, or restrict state-law rules that apply to polling places, vote centers, early voting sites, or election officers. To the extent a county building is used as a polling place or election site, Indiana election law shall control during such polling or election site use. In the event of a conflict between this section and state election law, state law governs.

(G) Duties of officeholders and supervisors. Each elected officeholder, department head, and supervisor shall: (1) take reasonable steps to ensure that county property under that person's control is not used for campaign activity; (2) remove campaign materials from county offices and county-controlled workspaces upon learning of their presence; (3) instruct county personnel under that person's supervision concerning the requirements of this section; and (4) cooperate with any lawful inquiry by the County Commissioners, County Attorney, County Human Resources office, or County Election Board concerning an alleged violation.

(H) Enforcement.

(1) The County Commissioners may enforce this section with respect to county property under their control and may direct the County Attorney, maintenance staff, building staff, security personnel, or other authorized personnel to remove campaign materials from county property.

(2) A person who violates this section may be directed to cease the prohibited conduct and, if necessary to restore order and compliance, to leave county property.

(3) A violation by county personnel may constitute grounds for disciplinary action, up to and including termination, to the extent permitted by law and applicable policy.

(4) A violation by an elected official or appointed official may be referred to the appropriate authority, including the County Election Board, the county prosecuting attorney, the Indiana Election Division, the Indiana Attorney General, or any other agency with jurisdiction.

(5) Nothing in this section limits the authority of the County Election Board under Indiana law to investigate alleged election-law violations and take any action authorized by law.

(6) Nothing in this section prevents the county from pursuing any other remedy allowed by law, including exclusion from county property where appropriate, injunctive relief, or referral for criminal investigation where state law may have been violated.

(I) No private cause of action. This section does not create a private cause of action for damages against Spencer County, its officers, employees, or agents.

Section 2. Severability. If any section, provision, or clause of this Ordinance shall be held to be unenforceable, such determination shall not affect the validity or enforceability of the remaining provisions, which shall remain in full force and effect.


Section 3. Effective Date. This ordinance shall be in full force and effect, following its passage and adoption by the Spencer county Commissioners.

Passed and adopted by the Spencer County, Indiana, this 21st day of April, 2026.

THE BOARD OF COMMISSIONERS OF
SPENCER COUNTY, INDIANA


Jim Seiler, President


Heather Gries


Malcolm "Mac" Webb

ATTEST:

I, the undersigned Auditor of Spencer County, Indiana, do hereby certify that above and foregoing is a full, true, and complete copy of Ordinance No. 2026-02 passed by the Board of Commissioners of Spencer County, Indiana, on the 21st day of April, 2026, by a vote of 3 AYES and 0 NAYS and now remains on file and on record in my office.


Melissa Bunner, Auditor