

SUPREME COURT OF KENTUCKY

Kentucky Registry of Election Finance v. Blevins

57 S.W.3d 289 (Ky. 2001) · Decided September 27, 2001

SUMMARY

The Kentucky Supreme Court considered whether a county clerk violated KRS 121.310(1) by distributing a letter asking employees to vote for a political candidate. The court held that the statute was unconstitutionally overbroad as applied because it impermissibly burdened protected political speech, and affirmed the Court of Appeals.

CASE DETAILS

COURT	Supreme Court of Kentucky
WRITING FOR THE COURT	Graves, Justice; Lambert, C.J.; Graves, J.; Johnstone, J.; Keller, J.; Stumbo, J.; Wintersheimer, J.
JURISDICTION	Kentucky
DECIDED	September 27, 2001
DISPOSITION	affirmed
PROCEDURAL POSTURE	Appeal from a Court of Appeals decision holding KRS 121.310(1) facially unconstitutional.
STANDARD OF REVIEW	Constitutional review of the statute and its application under the First Amendment; the opinion applies exacting scrutiny to a restriction on core political speech.
PRECEDENTIAL VALUE	Published Kentucky Supreme Court opinion; precedential.
PARTIES	Kentucky Registry of Election Finance v. Don Blevins

TOPICS

- election law
- first amendment
- free speech
- statutory interpretation
- administrative law

PRACTICE AREAS

- election law
- constitutional law
- administrative law
- statutory interpretation

QUESTIONS PRESENTED

1. Whether KRS 121.310(1), insofar as it prohibits an employer from circulating a statement that employees have been requested to vote for a candidate, violates the First Amendment.
2. Whether Blevins's letter requesting employees' votes constituted constitutionally protected political speech rather than prohibited coercion or direction under KRS 121.310(1).

HOLDINGS

1. KRS 121.310(1) is inconsistent with the First Amendment because its prohibition on an employer's statement that employees have been requested to vote for a candidate reaches protected political speech and extends too far beyond coercion.
2. Blevins's statement that he would appreciate his employees' votes and support was constitutionally protected free speech and did not cross the threshold into coercion or direction.

KEY QUOTATIONS

“Content-based regulations are presumptively invalid.” (57 S.W.3d at 292)

“When a law burdens core political speech, we apply “exacting scrutiny,” and we uphold the restriction only if it is narrowly tailored to serve an overriding state interest.” (57 S.W.3d at 293)

“The words and actions of Don Blevins are constitutionally protected free speech.” (57 S.W.3d at 294)

FACTUAL BACKGROUND

Don Blevins, the Fayette County Clerk, wrote on private stationery to his employees expressing appreciation for their vote and support for Don Todd, a candidate for State Senator. The Fayette County Republican Party Chairman complained to the Kentucky Registry of Election Finance, which concluded that Blevins had violated KRS 121.310(1). The administrative panel and Franklin Circuit Court upheld the violation.

PROCEDURAL HISTORY

The Kentucky Registry of Election Finance found probable cause that Fayette County Clerk Don Blevins violated KRS 121.310(1) by circulating a letter asking his employees to vote for a candidate. After Blevins declined conciliation, a three-judge administrative panel found a violation. The Franklin Circuit Court affirmed, and the Court of Appeals held the statute unconstitutional on its face. The Supreme Court of Kentucky affirmed the Court of Appeals.

DISPOSITION

affirmed

CASES CITED

- U.S. Civil Service Comm'n v. National Association of Letter Carriers, 413 U.S. 548 (1973)
- Broadrick v. Oklahoma, 413 U.S. 601 (1973)
- United Public Workers of America v. Mitchell, 330 U.S. 75 (1947)

- City of Louisville v. FitzGerald, 600 S.W.2d 456 (Ky. 1978)
- R.A.V. v. City of St. Paul, Minn., 505 U.S. 377 (1992)
- Sparks v. Boone, 560 S.W.2d 236 (Ky. App. 1977)
- Monitor Patriot Co. v. Roy, 401 U.S. 265 (1971)
- Caudill v. Judicial Ethics Committee, 986 S.W.2d 435 (Ky. 1999)
- Meyer v. Grant, 486 U.S. 414 (1988)
- Buckley v. Valeo, 424 U.S. 1 (1976)
- Thornhill v. Alabama, 310 U.S. 88 (1940)
- Roth v. United States, 354 U.S. 476 (1957)
- McIntyre v. Ohio Elections Commission, 514 U.S. 334 (1995)
- Winters v. New York, 333 U.S. 507 (1948)
- Mills v. Alabama, 384 U.S. 214 (1966)
- New York Times Co. v. Sullivan, 376 U.S. 254 (1964)
- First National Bank v. Bellotti, 435 U.S. 765 (1978)
- Gentile v. State Bar of Nevada, 501 U.S. 1030 (1991)