

2020 Regular Session

SENATE BILL NO. 183

BY SENATOR HARRIS

ELECTION DAYS. Authorizes clerks of court to have law enforcement officers at polling places on election day to enforce law and authorizes law enforcement officers to enter voting location in an emergency. (gov sig)

1 AN ACT

2 To amend and reenact R.S. 18:428(A) and (F), and to enact R.S. 18:428(G) and 1309(A)(5);  
3 relative to law enforcement assistance at polling places under certain circumstances;  
4 to provide for law enforcement officers to assist in preserving order; to provide for  
5 the protection of election officials; and to provide for related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. R.S. 18:428(A) and (F) are hereby amended and reenacted and  
8 R.S. 18:428(G) and 1309(A)(5) are hereby enacted to read as follows:

9 §428. Law enforcement assistance to commissioners

10 A. Presence at polling places on election day. Law enforcement officers shall  
11 not be stationed at polling places on election day, but the commissioners **or the clerk**  
12 **of court** may summon law enforcement officers to assist them in preserving order,  
13 enforcing the election laws, or protecting election officials from interference with the  
14 performance of their duties. Law enforcement officers shall not be eligible to serve  
15 as commissioners-in-charge, commissioners, alternate commissioners, or watchers.

16 \* \* \*

17 **F. Notwithstanding any provision of this Section to the contrary, law**

1       enforcement officers may enter the polling place when there is a reasonable  
2       belief there is an emergency and the commissioners are unable to summon the  
3       law enforcement officers.

4                FG. Law enforcement officers. For purposes of this Code, the term "law  
5       enforcement officer" shall mean any employee of the state, a municipality, a sheriff,  
6       or other public agency, whose permanent duties actually include the making of  
7       arrests, the performing of searches and seizures, or the execution of criminal  
8       warrants, and who is responsible for the prevention or detection of crime or for the  
9       enforcement of the penal, traffic, or highway laws of this state.

10   \*       \*       \*

11       §1309. Early voting; verification

12                A.(1)   \*       \*       \*

13                (5) Notwithstanding any provision of this Section to the contrary, law  
14       enforcement officers may enter the early voting location when there is a  
15       reasonable belief there is an emergency and the registrar is unable to summon  
16       the law enforcement officers.

17   \*       \*       \*

18       Section 2. This Act shall become effective upon signature by the governor or, if not  
19       signed by the governor, upon expiration of the time for bills to become law without signature  
20       by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If  
21       vetoed by the governor and subsequently approved by the legislature, this Act shall become  
22       effective on the day following such approval.

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The original instrument and the following digest, which constitutes no part  
of the legislative instrument, were prepared by Michael Bell.

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SB 183 Original   DIGEST   2020 Regular Session   Harris

Present law prohibits law enforcement officers from being stationed at polling places on election day, with the exception when the commissioners summon law enforcement officers to assist them.

Proposed law retains present law and provides that the clerk of court may summon law enforcement officers to assist them at polling places. Proposed law further provides for law enforcement officers to enter a polling place when there is reasonable belief there is an

emergency and the commissioners are unable to summon the law enforcement officers.

Present law provides that the registrar may use law enforcement officers to maintain order at any location where early voting is conducted.

Proposed law retains present law and allows law enforcement officers to enter the early voting location when there is a reasonable belief there is an emergency and the registrar is unable to summon the law enforcement officers.

Effective upon signature of the governor or lapse of time for gubernatorial action.

(Amends R.S. 18:428(A) and (F); adds R.S. 18:428(G) and 1309(A)(5))