

2021 Regular Session

SENATE BILL NO. 64

BY SENATOR BERNARD

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

ELECTION OFFENSES. Provides relative to acts prohibited during early voting or on election day. (gov sig)

1 AN ACT

2 To amend and reenact the introductory paragraph of R.S. 18:1462(A) and R.S. 18:1462(A)

3 (3), (4), and (5), relative to acts prohibited during early voting or on election day; to

4 provide for campaign material and political advertising restrictions; and to provide

5 for related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. The introductory paragraph of R.S. 18:1462(A) and R.S. 18:1462 (A)(3),

8 (4), and (5) are hereby amended and reenacted to read as follows:

9 §1462. Acts prohibited during early voting or on election day; electioneering;

10 intimidation; exceptions; enforcement; penalties

11 A. The Legislature of Louisiana recognizes that the right to vote is a right that

12 is essential to the effective operation of a democratic government. ~~Due to a past,~~

13 ~~longstanding history of election problems, such as multiple voting, votes being~~

14 ~~recorded for persons who did not vote, votes being recorded for deceased persons,~~

15 ~~voting by non-residents, vote buying, and voter intimidation, the legislature finds~~

16 ~~that the state has a compelling interest in securing a person's right to vote in an~~

17 ~~environment which is free from intimidation, harassment, confusion, obstruction, and~~

1 ~~undue influence.~~ **In order to preserve the integrity of its election process, and to**
 2 **protect the right of citizens to vote freely for the candidates of their choice, the**
 3 **state has a compelling interest in establishing a zone securing polling locations**
 4 **against certain conduct and activities, including voter intimidation, election**
 5 **fraud, confusion, and general disorder, that would interfere with the exercise**
 6 **of the right to vote.** The legislature, therefore, enacts this Subsection to provide for
 7 a six hundred foot campaign-free zone around polling places to provide to each voter
 8 such an environment in which to exercise his right to vote. Except as otherwise
 9 specifically provided by law, it shall be unlawful for any person, between the hours
 10 of 6:00 a.m. and 9:00 p.m., to perform or cause to be performed any of the following
 11 acts within any polling place being used in an election on election day or during
 12 early voting, or within a radius of six hundred feet of the entrance to any polling
 13 place being used in an election on election day or during early voting:

14 * * *

15 (3) To hand out, place, or display campaign cards, pictures, or other
 16 campaign literature of any kind or description whatsoever **which advocates for or**
 17 **against any candidate, proposition, or political party appearing on the ballot in**
 18 **the election.**

19 (4) To place or display political signs, pictures, or other forms of political
 20 advertising **which advocate for or against any candidate, proposition, or political**
 21 **party appearing on the ballot in the election.**

22 (5) To circulate a ~~recall~~ petition or seek handwritten signatures to a ~~recall~~
 23 petition.

24 * * *

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

The original instrument was prepared by Matt Deville. The following digest, which does not constitute a part of the legislative instrument, was prepared by Ann S. Brown.

DIGEST

SB 64 Reengrossed

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Bernard

Present law provides for legislative intent regarding the creation of a campaign-free zone around polling places to ensure that voters are able to exercise the right to vote in a secure environment and acknowledges prior instances of election problems that led to the creation of the campaign-free zone.

Proposed law removes references to prior election problems and clarifies the legislative intent is to preserve the integrity of the election process, and to protect the right of citizens to vote freely for the candidates of their choice, the state has a compelling interest in establishing a zone securing polling locations against certain conduct and activities, including voter intimidation, election, fraud, confusion, and general disorder, that would interfere with the exercise of the right to vote.

Except as otherwise specifically provided by law, present law provides for a campaign-free zone around polling places by prohibiting certain acts between the hours of 6:00 a.m. and 9:00 p.m. within any polling place being used in an election on election day or during early voting, or within a radius of 600 feet of the entrance to any polling place being used in an election on election day or during early voting.

Proposed law retains present law.

Present law prohibits soliciting any other person to vote for or against any candidate or proposition being voted on in an election within the zone during the designated time period.

Proposed law retains present law.

Present law prohibits handing out, placing, or displaying campaign cards, pictures, or other campaign literature of any kind or description whatsoever and placing or displaying political signs, pictures, or other forms of political advertising within the zone during the designated time period.

Proposed law specifies that the prohibition applies to materials advocating for or against any candidate, proposition, or political party appearing on the ballot in the election.

Present law prohibits circulating a recall petition or seeking handwritten signatures to a recall petition within the zone during the designated time period.

Proposed law retains present law and further prohibits circulating or seeking signatures to any petition within the zone during the designated time period.

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

(Amends R.S. 18:1462(A)(intro para), (3), (4), and (5))

Summary of Amendments Adopted by Senate

Committee Amendments Proposed by Senate Committee on Senate and Governmental Affairs to the original bill

1. Makes technical changes.

2. Modifies legislative intent language.
3. Restores present law provisions relative to permitted activities within a polling place's campaign-free zone.

Summary of Amendments Adopted by Senate

Senate Floor Amendments to engrossed bill

1. Adds the legislative intent regarding the creation of campaign-free zone around polling places.