

Regular Session, 2013

HOUSE BILL NO. 253

BY REPRESENTATIVES LEOPOLD, BILLIOT, CONNICK, STOKES, TALBOT, AND
WILLMOTT AND SENATORS APPEL AND MARTINY

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

ELECTIONS/POLLING PLACES: Provides relative to law enforcement officers at polling
places

1 AN ACT

2 To amend and reenact R.S. 18:428(E) and to enact R.S. 18:428(F), relative to the presence
3 of law enforcement officers at polling places; to provide exceptions; to provide
4 restrictions and requirements; to provide definitions; and to provide for related
5 matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. R.S. 18:428(E) is hereby amended and reenacted and R.S. 18:428(F) is
8 hereby enacted to read as follows:

9 §428. Law enforcement assistance to commissioners

10 * * *

11 E. Notwithstanding any provision of this Section to the contrary, law
12 enforcement officers may be stationed at polling places if in the regular course and
13 scope of their duties such law enforcement officers provide security for the public
14 building in which the polling place is located and for the personnel working in such
15 building. Law enforcement officers stationed at a polling place pursuant to the
16 provisions of this Subsection shall not interfere with the conduct of the election, the
17 voters, or the election officials.

18 F. Law enforcement officers. For purposes of this Code, the term "law
19 enforcement officer" shall mean any employee of the state, a municipality, a sheriff,

1 or other public agency, whose permanent duties actually include the making of
 2 arrests, the performing of searches and seizures, or the execution of criminal
 3 warrants, and who is responsible for the prevention or detection of crime or for the
 4 enforcement of the penal, traffic, or highway laws of this state.

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

Leopold

HB No. 253

Abstract: Authorizes the stationing of law enforcement officers at polling places in certain circumstances.

Present law (R.S. 18:428) defines "law enforcement officer" to mean any employee of the state, a municipality, a sheriff, or other public agency, whose permanent duties include making arrests, performing searches and seizures, or executing warrants, and who is responsible for the prevention or detection of crime or for the enforcement of penal, traffic, or highway laws. Proposed law retains present law.

Present law (R.S. 18:2(5.1)) defines "polling place" as any location where voting, either early or on election day, is conducted pursuant to the La. Election Code. Proposed law retains present law.

Present law (R.S. 18:428) prohibits law enforcement officers from being stationed at polling places on election day.

Proposed law creates an exception to present law. Proposed law authorizes law enforcement officers to be stationed at polling places if in the regular course and scope of their duties such officers provide security for the public building housing the polling place and the personnel in such building.

Proposed law further provides that such law enforcement officers shall not interfere with the conduct of the election, the voters, or the election officials.

(Amends R.S. 18:428(E); Adds R.S. 18:428(F))