

IN THE SENATE

SENATE BILL NO. 1244

BY JUDICIARY AND RULES COMMITTEE

AN ACT

RELATING TO ELECTIONS; AMENDING SECTION 18-2318, IDAHO CODE, TO PROHIBIT ELECTIONEERING AT CERTAIN POLLING PLACES, TO PROVIDE CERTAIN EXCEPTIONS, TO PROVIDE PROVISIONS FOR ENFORCEMENT, AND TO REVISE PROVISIONS REGARDING PENALTIES FOR VIOLATIONS; AND DECLARING AN EMERGENCY.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That Section 18-2318, Idaho Code, be, and the same is hereby amended to read as follows:

18-2318. ELECTIONEERING AT POLLS PROHIBITED. (1) ~~On the day of any primary, general or special election, no person may, within a polling place, or any building in which an election is being held, or within one hundred (100) feet thereof:~~ In order to protect the freedom of voters to exercise their franchise without interference or intimidation and to ensure the administration of an election at any polling place is undisturbed, the provisions of this section shall apply on any day that ballots are being cast in person for any election.

(2) (a) No person may, within a polling place, within any building in which an election is being held, or within two hundred fifty (250) feet of the primary entrance and exit used by voters at a polling place or other voting location:

~~(a) (i)~~ Do any electioneering;

~~(b) (ii)~~ Circulate cards or handbills of any kind;

~~(c) (iii)~~ Solicit signatures to any kind of petition; ~~or~~

(iv) Advocate for or against any candidate or measure;

(v) Solicit votes in any manner or by any means;

(vi) Give or offer to give any money or gifts; or

~~(d) (vii)~~ Engage in any practice ~~which that~~ interferes with the freedom of voters to exercise their franchise or disrupts the administration of the polling place.

(b) The restrictions set forth in this subsection shall not apply to conduct occurring on private property located adjacent to a building designated as a polling place.

~~(2) (3)~~ No person may obstruct the doors or entries to a building in which a polling place is located or prevent free access to and from any polling place.

~~(3) Any election officer, sheriff, constable or other peace officer is hereby authorized, and it is hereby made the duty of such officer, to arrest any person violating the provisions of subsections (1) and (2) of this section, and such offender shall be punished by a fine of not less than twenty-five dollars (\$25.00) nor exceeding one thousand dollars (\$1,000).~~

(4) Nothing in this section shall be construed to prohibit poll workers and elections officials from being physically present at a voting location,

1 distributing material that is necessary to instruct electors, or distribut-
2 ing materials prepared by the secretary of state or by the county clerk.

3 (5) Any election official may take the necessary steps to address elec-
4 tioning, including but not limited to the removal of physical materials,
5 addressing individuals deemed to be electioneering, or contacting law en-
6 forcement.

7 (6) The first two (2) violations of this section by a person shall be
8 deemed an infraction punishable by a fine in the amount of three hundred dol-
9 lars (\$300) for each such violation. Any person who violates this section
10 three (3) or more times is guilty of a misdemeanor.

11 SECTION 2. An emergency existing therefor, which emergency is hereby
12 declared to exist, this act shall be in full force and effect on and after its
13 passage and approval.