

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 279

BY STATE AFFAIRS COMMITTEE

AN ACT

1 RELATING TO ELECTIONEERING; PROVIDING LEGISLATIVE FINDINGS AND INTENT;
2 AMENDING SECTION 18-2318, IDAHO CODE, TO REVISE PROVISIONS REGARDING
3 THE PROHIBITION OF ELECTIONEERING ACTIVITIES IN CERTAIN LOCATIONS ON
4 CERTAIN DAYS AND TO PROVIDE PENALTIES; AND DECLARING AN EMERGENCY AND
5 PROVIDING AN EFFECTIVE DATE.
6

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

8 SECTION 1. LEGISLATIVE FINDINGS AND INTENT. The Legislature finds that
9 there has been a recent increase in incidents of prohibited electioneering
10 activities taking place in the vicinity of polling places in Idaho. The
11 United States Supreme Court has held that "some restricted zone is neces-
12 sary in order to serve the States' compelling interests in preventing voter
13 intimidation and election fraud." *Burson v. Freeman*, 504 U.S. 191 (1992).
14 The fundamental right of free speech must be balanced against the equally
15 fundamental right to cast a vote free of intimidation or coercion. It is the
16 Legislature's intent to increase peace and order around its polling places
17 and to preserve the integrity and dignity of the voting process so that vot-
18 ers are not deterred from traveling to polling places to cast their votes.

19 SECTION 2. That Section 18-2318, Idaho Code, be, and the same is hereby
20 amended to read as follows:

21 18-2318. ELECTIONEERING AT POLLS. (1) ~~On the day of any primary, gen-~~
22 ~~eral or special election, no person may, within a polling place, or any~~
23 ~~building in which an election is being held, or within one hundred (100) feet~~
24 ~~thereof:~~ On the day of any election and on any days during which early voting
25 is taking place, no person may, within the property lines of any designated
26 polling place or within forty (40) feet outside of such property lines:

27 (a) ~~De~~ Engage in any electioneering;

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

29 ~~(e) (b)~~ Solicit signatures to any kind of petition; or

30 ~~(d) (c)~~ Engage in any ~~practice which~~ conduct that interferes with the
31 freedom of voters to exercise their franchise or disrupts the operation
32 or administration of the polling place- or election; or

33 ~~(2) (d) No person may obstruct~~ Obstruct the doors or entries to a ~~build-~~
34 ~~ing in which a polling place is located~~ or prevent free access to and
35 from any polling place, including the path of travel from a public right
36 of way.

37 (2) For the purpose of this section, "electioneering" means solicit-
38 ing, greeting, or approaching a voter with any communication of any kind to
39 influence the individual. Such communication includes but is not limited to
40 personal apparel, flags, banners, posters, signs, handbills, and unofficial

1 voter guides and may be in the form of audio, visual, oral, written, elec-
2 tronic, or any other medium.

3 (3) Campaign communications on private property adjacent to the
4 polling place is not prohibited.

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

10 (4) Any person violating the provisions of this section shall be cited
11 for an infraction and punished by a fine of no less than one hundred dollars
12 (\$100) and not exceeding three hundred dollars (\$300) for a first violation.
13 Any person who persists in violating the provisions of this section after be-
14 ing cited for an infraction shall be guilty of a misdemeanor and punished by
15 a fine not exceeding one thousand dollars (\$1,000), or by confinement in a
16 county jail for no more than three (3) months, or by both such fine and con-
17 finement.

18 SECTION 3. An emergency existing therefor, which emergency is hereby
19 declared to exist, this act shall be in full force and effect on and after
20 July 1, 2023.