

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 232

BY STATE AFFAIRS COMMITTEE

AN ACT

1 RELATING TO ELECTIONS; REPEALING SECTION 18-2318, IDAHO CODE, RELATING TO
2 ELECTIONEERING AT POLLS; AMENDING CHAPTER 23, TITLE 18, IDAHO CODE,
3 BY THE ADDITION OF A NEW SECTION 18-2318, IDAHO CODE, TO PROVIDE FOR
4 POLLING PLACE PROHIBITIONS, TO DEFINE TERMS, TO PROVIDE FOR A DUTY
5 OF ELECTION OFFICIALS, AND TO PROVIDE PENALTIES FOR VIOLATIONS; AND
6 DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.
7

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

9 SECTION 1. That Section [18-2318](#), Idaho Code, be, and the same is hereby
10 repealed.

11 SECTION 2. That Chapter 23, Title 18, Idaho Code, be, and the same is
12 hereby amended by the addition thereto of a NEW SECTION, to be known and des-
13 ignated as Section 18-2318, Idaho Code, and to read as follows:

14 18-2318. POLLING PLACE PROHIBITIONS. (1) On the day of any election
15 and on any days during which early voting is taking place, no person shall en-
16 gage in electioneering messaging in or on the property of a polling place or
17 any other building in which voters are casting votes or within three hundred
18 (300) feet of the property line of such location where votes are being cast or
19 where absentee ballots are being deposited. A voter must remove or cover any
20 electioneering messages before entering the area where electioneering mes-
21 saging is prohibited.

22 (2) (a) "Electioneering messages" means communications or attempted
23 communications by a person designed to influence the vote of another
24 person. Electioneering messages include oral communications, written
25 communications, electronic communications, or any other form of commu-
26 nication, including campaign posters, signs, unofficial voter guides,
27 banners, flags, and personal apparel.

28 (b) "Electioneering messaging" means soliciting, greeting, or ap-
29 proaching a voter with a visual or audio message to influence his vote.

30 (3) Election officials shall post in a conspicuous place at any loca-
31 tion where electioneering messaging is prohibited pursuant to subsection
32 (1) of this section at least one (1) sign provided by the secretary of state
33 that delineates the property line from which electioneering messaging
34 within three hundred (300) feet is prohibited. The area where electioneer-
35 ing messaging is prohibited shall include:

36 (a) The building in which votes are being cast or absentee ballots are
37 being deposited;

38 (b) Any parking lot adjacent to such building that is routinely used for
39 parking at that building;

40 (c) The routes of access between the building and any parking lot;

1 (d) Any route of access between any public right-of-way and the
2 building in which votes are being cast or absentee ballots are being
3 deposited; and

4 (e) Any area at a building in which votes are being cast or absentee bal-
5 lots are being deposited that is designated for voters waiting to vote.

6 (4) No person shall obstruct the doors or entries to a building where
7 votes are being cast or absentee ballots are being deposited or prevent free
8 access to and from any polling place. No person shall engage in any prac-
9 tice that interferes with the freedom of voters to exercise their franchise
10 or disrupts the administration of the polling place.

11 (5) Any person violating the provisions of this section shall be guilty
12 of an infraction and shall be punished by a fine of at least one hundred dol-
13 lars (\$100) but no more than five hundred dollars (\$500) for a first viola-
14 tion.

15 (6) Any person who persists in violating the provisions of this section
16 after being cited for an infraction pursuant to subsection (5) of this sec-
17 tion may be arrested and convicted of a misdemeanor and be subject to a fine
18 not to exceed one thousand dollars (\$1,000), confinement in the county jail
19 for no more than three (3) months, or both such fine and confinement.

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