



May 6, 2025

Sent via email

Committee on House and Governmental Affairs
 Box 94062
 900 North 3rd Street
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RE: Support for HB332

Dear Chairman Beaulieu and Members of the Committee on House and Governmental Affairs:

The NAACP Legal Defense Fund and Educational Fund, Inc. (“Legal Defense Fund” or “LDF”), Power Coalition for Equity and Justice, A Bella LaFemme Society, Amandla Group, Fair Elections Center, League of Women Voters of Louisiana, NAACP Louisiana State Conference, National Council of Jewish Women Greater New Orleans Section, and Southern Poverty Law Center write in support of House Bill 332 (“HB332”), which is a commonsense bill to reduce Louisiana’s overbroad and misapplied campaign-free zone around polling sites from 600-feet to 100-feet. As described below, the State of Louisiana risks violating the First Amendment by continuing to enforce the current 600-foot boundary; indeed, Louisiana is the only state in the nation with a boundary so wide, equal to the length of two football fields. Louisiana should no longer remain a drastic outlier among states in imposing this extreme electioneering boundary and should instead come into alignment with the plurality of states and territories that set their campaign-free zone (or “electioneering boundary”) at 100 feet. Accordingly, we encourage you to pass HB332.

The 600-foot boundary is overbroad and likely unconstitutional

In 1994, the Louisiana Supreme Court determined portions of La. R.S. 18:1462, which establishes the 600-foot campaign-free zone and empowers election officials to direct members of the public to leave the zone or face arrest,¹ were unconstitutionally overbroad and vague.² In its *State v. Schirmer* decision, the Louisiana Supreme Court found that the prohibition of “all political activity (including that unrelated to ballot matters) within 600 feet of a polling place on election day” under La. R.S. 18:1462 constituted a “significant impingement” on First Amendment rights because it was “unconstitutionally overbroad.”³ Moreover, the Court determined that the statute’s enforcement provision, which established criminal penalties for remaining in the 600-foot radius after receiving notice to leave regardless of the cause, was unconstitutionally vague.⁴

In *Schirmer*, the Louisiana Supreme Court determined that the defendant’s actions (namely, soliciting signatures for a political recall effort and wearing a “Recall ’92” t-shirt at a polling site during an election unrelated to the recall effort) constituted political speech, and, although the state had a compelling interest in preventing voter intimidation and election fraud, a 600-foot radius prohibiting all political activity was overbroad.⁵ The Court struck down La. R.S. 18:1462(A)(3)-(4) as an unconstitutional infringement on the First Amendment of the U.S. Constitution.⁶ Concerning vagueness, the Court indicated that the absence of guidelines for determining expulsion or arrest for actions within the 600-foot zone led to arbitrary decision-making.⁷ Striking down subsection (A)(2), the Court specified that constitutional limitations “cannot depend solely upon the whim and caprice of the official on-the-spot,” and “[i]t is solely the province of the Legislature to designate the boundary between criminal and non-criminal conduct.”⁸

In more recent years, the Legislature has made some efforts to narrow the unconstitutional language of La. R.S. 18:1462, but these efforts have never fully addressed the flaws identified by the Louisiana Supreme Court. Act No. 85, enacted in 2021, amended La. R.S. 18:1462(A) and R.S. 18:1462 (A)(3)-(5) to clarify that the prohibitions on the display or distribution of campaign and political materials only applied to those “...which advocate for any candidate, proposition, or political party appearing *on the ballot* in the election” (emphasis added).⁹ Moreover, this year, bills like HB281, which has already advanced through the House, aim to further clarify prohibited acts—specifically, wearing campaign apparel.¹⁰ Nonetheless, the Legislature has failed to

¹ La. Stat. Ann. § 18:1462.

² *State v. Schirmer*, 93-2631 (La. 11/30/94), 646 So. 2d 890.

³ *Id.* at 890-904.

⁴ *Id.*

⁵ *Id.*

⁶ *Id.* at 904.

⁷ *Id.* at 903.

⁸ *Id.*

⁹ La. Act No. 85 (2021), <https://www.legis.la.gov/legis/ViewDocument.aspx?d=1232770> (hereinafter “Act 85”).

¹⁰ La. H.B. 281 (2025), <https://legis.la.gov/legis/BillInfo.aspx?i=248246>.

address parts of the Code struck down in *Schirmer*—in part by failing to pass HB261 in 2024, which would have clarified that the enforcement measures of the campaign free-zone were not left to the “whim and caprice of the official on-the-spot,” but were limited, instead, to the numerated electioneering violations in the Election Code or other violations of law.¹¹ Therefore, even with the narrowing parameters adopted, the language of La. R.S. 18:1462 still likely offends the First Amendment and puts the State at risk of future litigation in keeping with the findings of *Schirmer* and general constitutional principles.

Meanwhile, HB332 provides a clear safe harbor from these risks—indeed, the boundary line presented in the bill, 100 feet, mirrors the exact campaign-free zone in Tennessee that was upheld by the U.S. Supreme Court in its landmark 1992 holding in *Burson v. Freeman* and that is now enforced in the plurality of states.¹² While 600-feet remains questionably defensible, a 100-foot boundary has and can survive strict scrutiny as a justified restriction on protected speech.¹³

The campaign-free zone is inconsistently enforced

The Louisiana Election Code already creates a carve-out to allow for electioneering activities on private property that could be well within 600 feet of an early voting or polling site.¹⁴ Moreover, at many sites, the boundary is not posted in any way that adequately demarcates where the zone ends—causing confusion for voters and likely leading to unintentional violations. Indeed, it is woefully impractical for election workers to mark off a circumference of roughly 3,770 feet (.71 miles) around every polling site—and many simply post the warning poster on the poll site door or “vote here” sign, as depicted below:



¹¹ La. H.B. 261 (2024), <https://www.legis.la.gov/legis/BillInfo.aspx?i=245885>.

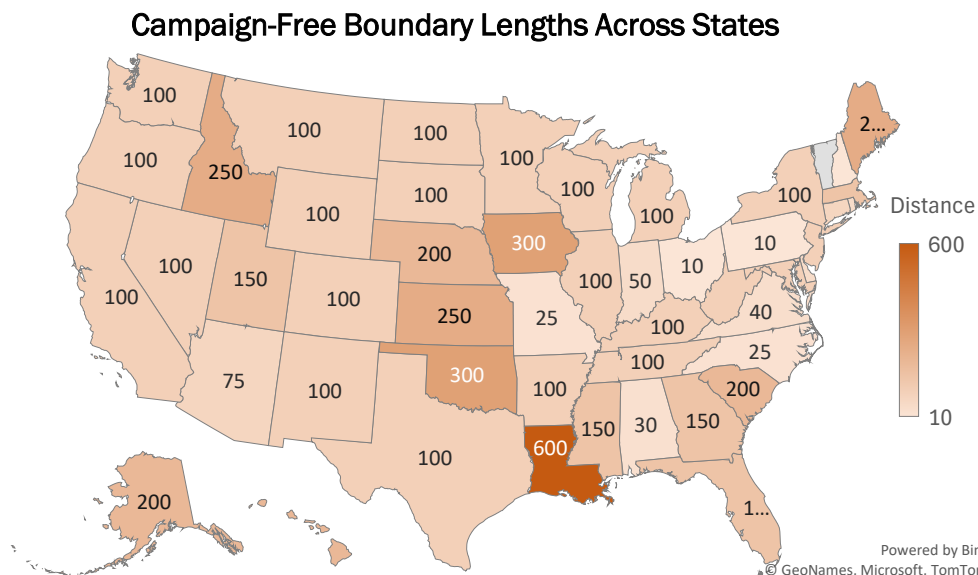
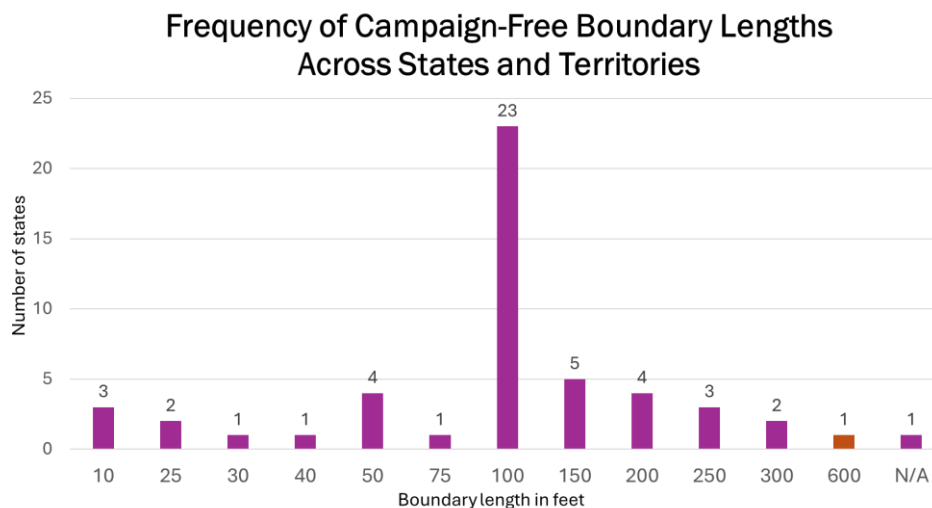
¹² 504 U.S. 191 (1992).

¹³ *Id.*

¹⁴ La. R.S. 18§1462(B).

Louisiana's 600-foot electioneering boundary is a drastic outlier among states and territories across the nation

Louisiana campaign-free zone is conspicuously extreme in comparison to other states and territories across the United States. According to data consolidated by the National Conference of State Legislatures and visualized below, 70 percent of states set their electioneering boundary at 100 feet or less and no other state comes close to Louisiana's 600-foot radius, which doubles the next largest boundary at 300 feet, enforced in only Oklahoma and Iowa.¹⁵ HB332 brings Louisiana into alignment with the plurality of states that set a reasonable boundary at 100-feet from a polling site.



¹⁵ National Conference of State Legislatures, *Electioneering Prohibitions Near Polling Places* (Sept. 12, 2024), <https://www.ncsl.org/elections-and-campaigns/electioneering-prohibitions>.

The 600-foot boundary causes confusion that can exacerbate rather than mitigate intimidation threats

Finally, risks of voter intimidation or other threats to election officials cannot justify the extreme campaign-free zone because these risks are already addressed by several other, more narrowly tailored and effective, areas of state and federal law. For example, the Voting Rights Act prohibits private actors and government officials from engaging in any efforts to intimidate or threaten a voter to vote or not, or to vote for or against a particular candidate.¹⁶ Section 11(b) of the VRA specifically prohibits intimidation, threats, and coercion targeting election workers and other individuals involved in “aiding” people to vote.¹⁷ Similarly, Section 1985(3), part of the Ku Klux Klan Act of 1871, 42 USCA § 1985, prohibits two or more persons from conspiring to deny “either directly or indirectly, any person or class of persons of the equal protection of the laws,” in casting their ballots in federal elections.¹⁸ Louisiana law also explicitly prohibits intimidation, threats, or coercion of voters—under the Louisiana Election Code, no person shall:

- Intimidate, deceive, or misinform, directly or indirectly, any voter or prospective voter in matters concerning voting or nonvoting or voter registration or nonregistration.¹⁹
- Intimidate a person with violence, force, or threats with the intent to influence that person’s decision to vote or impede a person’s access to and from a polling place.²⁰
- Obstruct, hinder, or delay any voter on their way to or while returning home from any polling place or early voting site.²¹
- Carry or possess a firearm at or near a polling place, irrespective of whether they maintain a concealed carry permit (except for peace officers performing official duties).²²

These protections provide robust enforcement measures to ensure voters and election staff are safe. However, instead of enforcing these laws adequately, officials have at times only enforced the campaign-free zone—leading to the underenforcement of broader intimidation protections and putting voters at risk within *and beyond* 600 feet of a polling site. For example, in 2020 a white man with an assault rifle was allowed by law enforcement to stay 600 feet from a polling place in Baker, Louisiana in a predominantly Black community, rather than enforcing broader intimidation prohibitions that would have ensured voters traveling to the poll site were not

¹⁶ 52 U.S.C. §§ 10101(b), 10307(b).

¹⁷ 52 U.S.C. § 10307(b).

¹⁸ 42 U.S.C. § 1985(3).

¹⁹ La. Stat. Ann. § 18:1461.4(A)(1).

²⁰ *Id.* §1461.4(A)(3).

²¹ *Id.* §1461.4(A)(4).

²² La. Stat. Ann. § 18:1461.7(C)(3).

confronted with this threatening and dangerous display.²³ The Legislature should ensure that the full protections of robust state and federal anti-intimidation laws are enforced rather than maintaining a campaign-free zone restricting political speech on public lands in confusing and inconsistent ways.

When and if enforced, the 600-foot electioneering boundary causes confusion about the appropriate application of other anti-intimidation laws and excessively impinges forms of constitutionally protected political speech. It is time for Louisiana to finally amend the boundary to come in line with the best practices of other states and to serve the best interest of Louisianians.

Sincerely,

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²³ WBRZ, *Man carrying rifle prompts police response near Baker polling location* (Nov. 3, 2020), <https://www.wbrz.com/news/man-carrying-rifle-prompts-police-response-at-baker-polling-location-no-arrests-made>.

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Legal Defense Fund (LDF)

Since its founding in 1940, LDF has used litigation, policy advocacy, public education, and community organizing strategies to achieve racial justice and equity in education, economic justice, political participation, and criminal justice. Throughout its history, LDF has worked to enforce and promote laws and policies that increase access to the electoral process and prohibit voter discrimination, intimidation, and suppression.

Power Coalition for Equity and Justice

The Power Coalition for Equity and Justice works to build voice and power in traditionally ignored communities. We are a coalition of groups from across Louisiana whose mission is to organize in impacted communities, educate and turn out voters, and fight for policies that create a more equitable and just system in Louisiana.

A Bella LaFemme Society

A Bella LaFemme Society's mission is dedicated to providing collegiate minority women with scholarships to promote mental wellness. We are structured to empower, advocate, alleviate hardships, reduce traumas through building resourceful sisterhoods within our communities.

Amandla Group

The Amandla Group works with organizations that address the social and political determinants of health that directly impact the health of Black birthing people.

Fair Elections Center

The Fair Elections Center is a nonpartisan, nonprofit organization dedicated to removing barriers to voting and voter registration, particularly those that disenfranchise underrepresented and marginalized communities, through advocacy and impact litigation.

League of Women Voters of Louisiana

The League of Women Voters of Louisiana is a nonpartisan political organization encouraging informed and active participation in government. It influences public policy through education and advocacy.

NAACP Louisiana State Conference

The mission of the National Association for the Advancement of Colored People (NAACP) is to achieve equity, political rights, and social inclusion by advancing policies and practices that expand human and civil rights, eliminate discrimination, and accelerate the well-being, education, and economic security of Black people and all persons of color.

National Council of Jewish Women Greater New Orleans Section

The National Council of Jewish Women (NCJW) is a grassroots organization of volunteers and advocates who turn progressive ideals into action. Inspired by Jewish values, NCJW strives for social justice by improving the quality of life for women, children, and families and by safeguarding individual rights and freedoms.

Southern Poverty Law Center Action Fund

SPLC Action is a catalyst for racial justice in the South and beyond, working in partnership with communities to dismantle white supremacy, strengthen intersectional movements, and advance the human rights of all people.