HLS 20RS-585

2020 Regular Session

HOUSE BILL NO. 419

BY REPRESENTATIVE LANDRY

ELECTIONS/ABSENTEE VOTE: Allows all registered voters to utilize voting by mail

AN ACT

To amend and reenact R.S. 18:1301, 1302(2) and (6), 1303(A), 1305, 1306(A)(1) and (4), (B)(1) and (2), (C), (D), (E)(1)(introductory paragraph) and (2)(a), 1307(A) and (D) through (H), 1307.1, 1307.2, and 1308(A)(1)(a), (c)(i), and (d)(i) and (2)(a) and (g), 1308.1(Section heading), 1308.2, 1309(F)(3) and (H), 1310(A), (B)(2) and (3), and (C)(1), 1311(A)(1) and (2), (B), (C), (D)(1), (2), (4)(a), and (5)(a) and (c), and (E), and 1319 and to repeal R.S. 18:1303(B) through (L) and 1307(I), relative to voting by mail; relative to the distribution of vote by mail ballots; relative to application for vote by mail ballot; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 18:1301, 1302(2) and (6), 1303(A), 1305, 1306(A)(1) and (4), (B)(1) and (2), (C), (D), (E)(1)(introductory paragraph) and (2)(a), 1307(A) and (D) through (H), 1307.1, 1307.2, and 1308(A)(1)(a), (c)(i), and (d)(i) and (2)(a) and (g), 1308.1(Section heading), 1308.2, 1309(F)(3) and (H), 1310(A), (B)(2) and (3), and (C)(1), 1311(A)(1) and (2), (B), (C), (D)(1), (2), (4)(a), and (5)(a) and (c), and (E), and 1319 are hereby amended and reenacted to read as follows:

CHAPTER 7. ABSENTEE VOTE BY MAIL AND EARLY VOTING

§1301. Applicability

This Chapter provides a method of voting by absentee by mail and early voting ballot in primary and general elections, bond elections, tax elections, and special elections, which is in addition to the methods otherwise provided in this Title.

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§1302. Definitions

As used in this Chapter, unless the context clearly indicates otherwise, the following terms shall have the meanings hereafter ascribed to each:

(2) "Board" means the parish board of election supervisors of each parish. If parish board commissioners are utilized by the parish board of election supervisors to count and tabulate absentee vote by mail and early voting ballots, the term "board" for the purposes of R.S. 18:1306, 1311, 1312, 1313, 1315, and 1316 shall also mean parish board commissioners.

(6) "Federal postcard application" means an application for absentee vote by mail as permitted by 50 U.S.C. 1464.

§1303. Persons entitled to vote in compliance with this Chapter

A.(1) In person. Any person who is qualified to vote may vote by mail or vote during the early voting period at a place designated by the registrar as provided in R.S. 18:1309.

(2) A person incarcerated in an institution inside or outside the parish in which he is qualified to vote, who is not under an order of imprisonment for conviction of a felony, may only vote by mail and only upon meeting the requirements of this Chapter and certification to the appropriate registrar by the sheriff of the parish where the person is incarcerated that he is not a convicted felon.

§1305. Voting at polls prohibited

A person who has voted either by absentee vote by mail ballot or during early voting shall not vote in person at the polls on election day.

§1306. Preparation and distribution of absentee vote by mail and early voting ballots

A.(1) The secretary of state shall prepare absentee vote by mail and early voting ballots. The size and weight of paper, size and type of print, and other matters pertaining to absentee vote by mail and early voting ballots shall be determined by
the secretary of state, subject to approval as to content by the attorney general. All
ballots and paraphernalia of the same kind shall be identical as to size and weight of
paper, size, type, and color of print, and other matters, except for ballots transmitted
electronically to members of the United States Service, as defined in R.S. 18:1302,
and to persons residing outside the United States.

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(4) The secretary of state shall prepare a special absentee vote by mail ballot
for candidates and constitutional amendments to be voted on in general elections,
subject to approval as to content by the attorney general. This special ballot shall
only be for use by a qualified voter who is either a member of the United States
Service or who resides outside of the United States. Such special ballot shall contain
a list of the titles of all offices being contested at the primary election and of the
candidates qualifying for the primary election for each office, and this ballot shall
permit the elector to vote in the general election by indicating his order of preference
for each candidate for each office. On the special ballot shall also be printed each
constitutional amendment to be voted on in the general election. To indicate his
order of preference for each candidate for each office to be voted on in the election,
the voter shall put the number one next to the name of the candidate who is the
voter's first choice, the number two for his second choice, and so forth so that, in
consecutive numerical order, a number indicating the voter's preference is written by
the voter next to each candidate's name on the ballot. A space shall be provided for
the voter to indicate his preference for or against each constitutional amendment
contained on the ballot. The voter shall not be required to indicate his preference for
more than one candidate on the ballot if the voter so chooses. The secretary of state
shall also prepare instructions for use of the special ballot, including instructions for
voting by mail using an electronically transmitted ballot.

B.(1) The secretary of state shall prepare absentee vote by mail ballot
envelopes, absentee by mail instructions, certificates, and other absentee vote by
mail balloting paraphernalia consistent with the provisions of this Chapter, subject
to approval of the attorney general as to content. Notwithstanding the provisions of
R.S. 18:1316 relating to distinguishing marks on absentee vote by mail ballots,
absentee by mail voting instructions on absentee vote by mail ballots to be
transmitted by facsimile in accordance with R.S. 18:1308(A)(1)(b) shall inform the
voter of the types of marks which may be used on the ballot to indicate his vote.
When a court of competent jurisdiction, a registrar of voters, the secretary of state,
or other competent authority determines that there exists a literate linguistic minority
equal to more than five percent of the total population of any parish, the secretary of
state, with approval of the attorney general as to content, shall prepare and furnish
absentee vote by mail and early voting ballots, absentee by mail and early voting
instructions, and certificates in the minority language in sufficient quantity to
provide to each absentee vote by mail and early voter requesting voting material in
that language.

(2) The secretary of state shall include with the election paraphernalia
accompanying absentee vote by mail ballots ballot instructions, approved by the
secretary of state and the attorney general, generally describing the particular
absentee by mail counting equipment utilized in the election to count absentee vote
by mail ballots. The instructions shall inform the voter how to cast his vote, which
shall include if applicable instructions for marking the absentee vote by mail ballot
and examples of the correct and incorrect methods of marking the ballot.

*          *          *

C.(1) At least twenty days before each primary election and at least thirteen
days before each general election, the secretary of state shall deliver to the registrar
in each parish in which the election is to be held the paper absentee vote by mail
ballots, envelopes, certificates, and instructions to be used in for voting on absentee
ballot in that election, and a statement, approved by the attorney general,
explaining the scope and nature of any proposed constitutional amendment. The
number of paper absentee vote by mail ballots and other necessary paraphernalia to

be delivered shall be up to ten fifteen percent of the registered voters within each parish.

(2) At least twenty days before each primary election, the secretary of state shall deliver to the registrar in each parish in which the election is to be held the special absentee vote by mail ballot for qualified voters who are either members of the United States Service or persons residing outside of the United States. The number of special ballots and other necessary paraphernalia, including instructions for the use of the special ballot, to be so delivered shall be up to one percent of the registered voters within each parish.

D. An absentee vote by mail ballot envelope shall have printed on its face in red bold face type:

FOR BALLOT ONLY

VIOLATION OF ABSENTEE VOTE BY MAIL OR EARLY VOTING LAWS VOIDS BALLOT

AND MAY RESULT IN CRIMINAL PENALTIES

VOTING AT POLLS AFTER VOTING ABSENTEE BY MAIL

OR DURING EARLY VOTING IS PROHIBITED

AND MAY RESULT IN CRIMINAL PENALTIES

E.(1) An absentee vote by mail ballot envelope also shall have a perforated extension or flap below the sealing line, which shall bear a certificate prescribed by the secretary of state and approved by the attorney general. The certificate shall include but not necessarily be limited to:

* * *

(2)(a) An absentee vote by mail ballot envelope flap shall also contain a line for the handwritten signature of one witness and a line for the printed name of the witness. The voter shall sign the certificate in the presence of one witness, and his certificate shall be made under penalty of perjury for providing false or
fraudulent information. Above the perforation and along the seal line, the words
"DO NOT DETACH FLAP" shall be printed.

§1307. Application by mail

A. A person qualified to vote absentee by mail under this Chapter may make
application to vote by mail therefor to the registrar by letter; over his signature or
mark if the voter is unable to sign his name, signed by two witnesses who witnessed
the applicant's mark; setting forth:

(1) The election or elections for which he requests an absentee vote by mail
ballot.

(2) The reason for his request to vote absentee by mail and attaching any
documents in support thereof that are required by law. Any person who is or expects
to be temporarily outside the territorial limits of the state or absent from the parish
in which he is qualified to vote during the early voting period and on election day
and who requests an absentee ballot be mailed to an address within the parish shall
indicate in his application the dates he will be outside the territorial limits of the state
or absent from the parish.

(3)(2) The address to which the absentee vote by mail ballot or ballots shall
be sent. If the address is within the parish or an adjacent parish, such address shall
only be the address at which the applicant is registered to vote, his mailing address
on file with the registrar of voters, or an address at which he regularly receives mail.

(4)(3) The ward and precinct in which the person is qualified to vote, if
known.

(5)(4) The date of birth of the voter.

(6)(5) The maiden name of the voter's mother or other identifying
information provided in the voter's application for registration pursuant to R.S.
18:104(A)(12).

(7)(6) The street address in the parish where the voter resides. A post office
box is insufficient.
(8)(7) If the person requests that a ballot for a general election be sent in
addition to a ballot for the primary, he shall declare in writing to the registrar that he
will be eligible to vote absentee by mail in the general election.

* * *

D.(1) If the applicant is eligible to vote absentee by mail pursuant to R.S.
18:1302(D)(1) hospitalized and submits with his application documentation showing
his hospitalization from his physician or the hospital, the application shall be
received by the registrar of voters no later than 4:30 p.m. on the day before the
election.

(2) This Subsection applies to any of the following:

(a) A person who is otherwise qualified to vote, who expects to be
hospitalized on election day, and who did not have knowledge of his proposed
hospitalization until after the time for early voting had expired.

(b) A person who is otherwise qualified to vote, who expects to be
hospitalized on election day, and who was hospitalized during the time for early
voting.

(c) A person who was hospitalized and released prior to an election but who
is either hospitalized or restricted to his bed by his physician during early voting and
is restricted to his bed by his physician on election day.

E. A person entitled to vote absentee by mail may request in his application
for an absentee a vote by mail ballot for a primary election that an absentee a vote
by mail ballot for the succeeding general election be sent to him when such ballots
become available for distribution; however, in such case, the applicant shall declare
in writing to the registrar that he will be eligible to vote absentee by mail in the
general election.

F. The registrar shall not send an absentee a vote by mail ballot to an
applicant whose application for an absentee a vote by mail ballot does not meet the
requirements of Subsection A or B of this Section. If the registrar rejects an
application for an absentee vote by mail ballot, the registrar shall provide the applicant with written reasons for the rejection.

G.(1) If the applicant is eligible to vote absentee by mail pursuant to R.S. 18:1303(F), (I), or (J); a participant in the Special Program for Handicapped Voters, able to furnish proof of a physical disability, or has attained the age of sixty-five years or more, his application, if such the application meets the requirements of this Section, may remain valid indefinitely upon request of the applicant, unless an absentee vote by mail ballot that has been sent to the applicant is returned to the registrar as undeliverable. If the applicant's absentee vote by mail ballot is returned to the registrar as undeliverable, the registrar shall send notice by forwardable mail to such applicant that his application will no longer be valid, and the applicant shall be required to submit a new application to the registrar that meets the requirements of this Section and provide a current address before the applicant will be eligible to vote absentee by mail again pursuant to this Section.

(2) For purposes of this Subsection proof of disability means one of the following:

(a) A certificate of a medical doctor or optometrist certifying to the irremediable nature of the physical disability.

(b) A copy of a current mobility impairment identification card bearing a photograph of the voter and the international symbol of accessibility issued by the secretary of the Department of Public Safety and Corrections as authorized by R.S. 47:463.4.

(c) A copy of current documentation showing eligibility for social security disability benefits, veteran's disability benefits, paratransit services, benefits from the office for citizens with developmental disabilities, or benefits from Louisiana Rehabilitation Services.

(d) A completed and signed voter registration application attesting that the voter has a physical disability and requires assistance in voting.
(3) If notifying the registrar by mail, in addition to notice and proof of
disability, the voter shall furnish the registrar a copy of his Louisiana driver's license,
his Louisiana special identification card issued pursuant to R.S. 40:1321, or other
generally recognized picture identification card that contains the name and signature
of the voter, or a form on which the person has listed the names and addresses of at
least two persons residing in his precinct who could make oath, if required, to the
effect that the person is physically disabled.

(4) If the registrar of voters has reason to believe that the proof of disability
is based upon false or fraudulent information, he shall immediately notify the parish
board of election supervisors. If, after appropriate hearing and opportunity for the
voter to be heard, the parish board of election supervisors finds that the proof of
disability was based upon false or fraudulent information, the voter's application
shall not remain valid indefinitely.

H.(1) If the applicant is eligible to vote absentee by mail pursuant to R.S.
18:1303(H), a participant in the Department of State Address Confidentiality Program
pursuant to R.S. 44:52, his application, if such the application meets the requirements
of this Section, shall remain valid as long as the applicant is a program participant
in the Department of State Address Confidentiality Program pursuant to Part III of
Chapter 1 of Title 44 of the Louisiana Revised Statutes of 1950. When the applicant
ceases participation in the program, the Department of State shall notify the registrar
of the parish where the applicant is registered to vote that the applicant is no longer
a participant in the program. Upon receipt of the notification from the Department
of State, the registrar shall send notice by forwardable mail to the applicant that his
application will no longer be valid, and the applicant shall be required to submit a
new application to the registrar that meets the requirements of this Section and to
provide a current address before the applicant will be eligible to vote absentee by
mail again pursuant to this Section.

(2) The program participant's substitute address shall be used for all purposes
relative to voter registration and voting. A program participant's name and physical

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address shall not be included on any list of registered voters available to the public.

A program participant shall not vote during early voting or in person at the polls on election day.

§1307.1. Application by person serving on sequestered jury

A. A person qualified to vote absentee pursuant to R.S. 18:1303(C) serving on sequestered jury may make application to vote by mail therefor to the registrar by letter over his signature, setting forth:

1. The election for which he requests an absentee vote by mail ballot.

2. The reason for his request to vote absentee by mail and attaching thereto a certified copy of the court order required by R.S. 18:1307.2.

3. The address to which the absentee vote by mail ballot shall be delivered.

4. The ward and precinct in which the person is qualified to vote, if known.

B. An application must be received by the registrar on the day of the election for which it is requested, and the date received shall be noted thereon by the registrar.

§1307.2. Procedure for absentee voting by mail by member of sequestered jury

Upon the request of a person selected to serve as a member of a jury which is sequestered on the day of an election and who is entitled to vote by absentee ballot under the provisions of R.S. 18:1303(C) mail, the court shall so inform the registrar of voters in writing and shall order that the officer of the court in charge of the jury:

1. Permit the jurors to make application to vote by absentee ballot mail as set forth in R.S. 18:1307.1 and provide the jurors with the materials needed to make application.

2. Deliver all of the applications to the registrar of voters no later than noon on the day of the election.

3. Obtain from the registrar of voters and deliver to the applicants necessary instructions, certificates, ballots, and envelopes as provided in R.S. 18:1308.1(A).

4. Deliver to the registrar of voters the envelopes containing absentee vote by mail ballots as set forth in R.S. 18:1308.1, prior to the closing of the polls.
§1308. Absentee voting Voting by mail

A.(1)(a) Beginning with the date on which the registrar receives the absentee vote by mail ballots and other necessary paraphernalia from the secretary of state, and thereafter, immediately upon receipt of an application by mail, the registrar shall mail the necessary instructions, certificates, ballots, and envelopes to the applicant at the address furnished by the applicant.

* * *

(c)(i) A voter who is eligible to vote absentee by mail pursuant to R.S. 18:1303(D)(1) and 18:1307(D) and who feels he will not have time to vote timely by mail may request that the registrar transmit electronically to him a ballot along with a certificate and waiver of the right to a secret ballot, and the registrar shall do so. Alternatively, an immediate family member of the voter may pick up the necessary instructions, certificate, ballot, and envelope at the registrar's office.

* * *

(d)(i) Upon request, the registrar shall transmit electronically a ballot, certificate, and waiver of the right to a secret ballot to a voter who is eligible to vote absentee by mail pursuant to R.S. 18:1303(F) or (I) 18:1307(G)(1) and who is unable to vote an absentee by mail ballot without assistance because of a disability.

* * *

(2)(a) With respect to members of the United States Service and persons residing outside the United States who are registered to vote, these materials shall be mailed as provided by the Uniformed and Overseas Citizens Absentee Voting Act (39 U.S.C. 3406 and 42 U.S.C. 1973ff et seq.) and shall include both the primary election ballot and the special ballot for the general election. The registrar shall mail the materials for candidates for United States senator or United States representative in congressional primary and general elections, candidates for presidential nominee in presidential preference primary elections, and candidates in presidential elections...
at least forty-five days prior to the election to those voters who have made
application to vote absentee by mail by such time.

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(g) For mailed ballots, the envelope mailed to the voter shall contain ballot
envelopes and a postage paid return envelope. The return envelope shall bear the
official title and mailing address of the registrar and the name, return address, and
precinct or district number of the voter. The voter shall return his voted primary
election ballot and special ballot for the general election to the registrar in the
appropriate envelope. The registrar of voters shall mail a regular general election
absentee vote by mail ballot to a member of the United States Service or to persons
residing overseas only if the regular general election absentee vote by mail ballot
includes one or more elections that were not included on the special ballot sent, as
provided herein, to such voter. The envelope for the special ballot shall contain
language on the outside of the envelope that clearly designates which envelope is to
be used for return of the general election ballot.

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§1308.1. Absentee voting Voting by mail by person serving on sequestered jury

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§1308.2. Voting absentee by mail for candidates for presidential nominee,
presidential candidates, and congressional candidates

A.(1) At least forty-six days before each presidential election, the secretary
of state shall deliver to each registrar a sufficient quantity of absentee vote by mail
ballots, envelopes, certificates, and instructions, including those to be electronically
transmitted, for the election of the president of the United States to be used only by
members of the United States Service and persons residing outside the United States
who are registered to vote. The absentee vote by mail ballot shall be prepared
according to law.

(2) At least forty-six days before each congressional primary and general
election, the secretary of state shall deliver to each registrar a sufficient quantity of

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primary election absentee vote by mail ballots for congressional candidates and special absentee vote by mail ballots for congressional candidates as provided in R.S. 18:1306(A)(4), envelopes, certificates, and instructions, including those to be electronically transmitted, to be used only by members of the United States Service and persons residing outside the United States who are registered to vote.

(3) At least forty-six days before each presidential preference primary election, the secretary of state shall deliver to each registrar a sufficient quantity of absentee vote by mail ballots, envelopes, certificates, and instructions, including those to be electronically transmitted, for candidates for presidential nominee to be used only by members of the United States Service and persons residing outside the United States who are registered to vote.

B. Voting absentee by mail for candidates for presidential nominee, presidential candidates, and congressional candidates as provided in Subsection A of this Section shall be conducted pursuant to the provisions of this Chapter governing absentee by mail voting generally.

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§1309. Early voting; verification

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F.

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(3) At the end of the early voting period, the registrar shall complete the early voting verification form for each location, and sign and certify to its correctness, and print an early voter report from the state voter registration computer system listing all early voters from the parish. All early voting verification forms, early voting machine public counter logs, early voting confirmation sheets, early voter reports, and paper ballots voted during early voting shall be placed in the special absentee vote by mail and early voting envelope or container for delivery to
the parish board of election supervisors on election day for the tabulation and
counting of early voting ballots.

* * *

H. Prior to delivery of the precinct register to the parish custodian, the
registrar shall ensure that the precinct register reflects for each voter whether the
voter voted during early voting or voted timely absentee by mail using the words
"voted by mail" and, if the register was not used during early voting, "voted early"
in the signature line for the voter in the precinct register.

* * *

§1310. Execution of certificate; marking of ballot; casting vote; assistance

A.(1) When a voter receives the absentee voting vote by mail materials by
mail, he first shall fill in all blanks on the certificate on the ballot envelope flap. The
voter then shall mark the ballot according to the printed instructions on its face.
Then the voter shall place the voted ballot in the envelope, seal the envelope, and
sign the certificate on the ballot envelope flap.

(2) When absentee vote by mail voting materials are electronically
transmitted to a voter pursuant to the provisions of this Chapter, the voter first shall
mark each ballot according to the instructions on the ballot, either by marking the
ballot electronically and then printing it, or by printing the ballot first and then
marking it by hand. The voter shall then print all remaining documents and fill in
all blanks on the certificate and the waiver of the right to a secret ballot for each
ballot mailing. The voter shall then place the voted ballot or ballots, completed
certificate, and waiver of the right to a secret ballot for each ballot mailing in a
separate envelope, seal the envelope, mark "Absentee Mail Ballot Enclosed" on the
envelope, and mail the envelope and its contents to the registrar of voters.

B.

* * *

(2) Except as otherwise provided in Paragraph (1) of this Subsection, a
person who is otherwise qualified to vote by absentee by mail and who is visually
impaired, or physically disabled, or who is unable to read or write may receive assistance in voting absentee by mail from any person selected by him. The failure of a voter to furnish notice and proof during the time that the registration records are closed shall not deprive the voter of his right to receive assistance in voting if he complies with the requirements of the laws governing the conduct of elections with respect to assistance to voters in casting their votes as required by R.S. 18:564 or 1309.3.

(3) A person who is eligible for assistance in voting absentee by mail or early voting may, in the same manner, seek assistance in the signing of his name or making of his mark. Any person who assists a voter in signing his name or making his mark shall explain to the voter that a signature or mark so made certifies that all statements in the certificate, if applicable, are true and correct and that any person who knowingly provides false or incorrect statements is subject to a fine or imprisonment, or both.

C.(1) Any person who assists a voter in voting absentee by mail shall execute the acknowledgment on the ballot envelope flap prepared by the secretary of state, verifying that the person providing the assistance has marked the ballot in the manner dictated by the voter, and the signature on the acknowledgment by the person providing assistance may serve as the signature of the witness required by R.S. 18:1306(E)(2)(a).

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§1311. List of absentee vote by mail and early voters; posting; delivery of alphabetized list to precincts; supplements; absentee vote by mail voter report

A.(1) The registrar shall keep a list containing the names of all persons who vote by early voting ballot during early voting and of those whose absentee vote by mail ballots by mail he has received. He shall ensure that the list is available for inspection by members of the public at the principal office of the registrar when the office is open. After the last day for early voting, the registrar shall prepare a list,
arranged alphabetically by precinct, of the names of all persons who have voted
during early voting or from whom absentee vote by mail ballots by mail were
received on or before the last day for early voting. The registrar shall ensure that the
list is available for inspection by members of the public at the principal office of the
registrar when the office is open and shall retain a copy of the list for use by the
parish board of election supervisors on election night.

(2) The registrar shall prepare a supplemental list, arranged alphabetically
by precinct, of the names of all persons from whom absentee vote by mail ballots by mail have been received after the last day for early voting and before election day.

The registrar shall deliver the supplemental list for each precinct to the parish
custodian. The parish custodian shall then deliver the supplemental list for each
precinct to the deputy parish custodian appointed for that precinct when the key
envelopes are delivered as provided in R.S. 18:553(A). The registrar shall ensure
that the list is available for inspection by members of the public at the principal
office of the registrar when the office is open and shall retain a copy of the
supplemental list for use by the parish board of election supervisors on election
night.

* * *

B. The registrar shall include the first absentee ballot received from a person
voting by mail, if timely received, with those to be counted by the board. Any
second or subsequent ballot received from such a person shall be considered not
timely received.

C. The registrar shall print an absentee a vote by mail voter report from the
state voter registration computer system listing all voters from whom he has received
absentee vote by mail ballots before election day; he shall certify to the correctness
of the report and deliver the report to the parish board of election supervisors on
election day for use in the tabulation and counting of absentee vote by mail ballots.

D.(1)(a) Any absentee vote by mail ballot submitted by a member of the
United States Service or person who resides outside of the United States who has

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made timely application to vote absentee by mail timely and which ballot is received by the registrar on election day shall be endorsed with the day and hour of receipt and shall be segregated from and kept separately from any other absentee vote by mail ballot received on or after election day.

(b) For any voter hospitalized who has made timely application to vote absentee by mail in accordance with R.S. 18:1303(D)(1) and whose absentee vote by mail ballot is received by the registrar on election day, either by hand delivery or facsimile transmission, such absentee ballot shall be endorsed with the day and hour of receipt and shall be segregated from and kept separately from any other absentee vote by mail ballot received on or after election day.

(2) Upon receipt of any such absentee vote by mail ballot, the registrar shall include, on a separate list prepared for this purpose, in alphabetical order and by precinct, the name of any such voter in each precinct.

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(4)(a) If the voter has not voted in person at the precinct, the registrar shall instruct the commissioner-in-charge to mark "voted by mail" in the place where the voter would ordinarily sign the precinct register and to initial the precinct register opposite the words "voted by mail". The registrar shall then include the first absentee vote by mail ballot received, if received timely, with those to be counted by the board, or, if the counting and tabulation of absentee vote by mail and early voting ballots has commenced, shall transmit such ballot to the board to be counted for counting. Any second or subsequent ballot received from such a person shall be considered as not timely received. Accompanying any such absentee vote by mail ballot shall be a statement certified by the registrar that he has verified that such voter has not voted in person at the precinct where he is registered to vote.

*          *          *

(5)(a) Upon receipt of the special ballot for members of the United States Service and persons residing outside of the United States, the registrar shall endorse the day and hour of receipt on said the ballots and place those received on the day
of the election for which the ballot is cast, in an envelope separate from any other
mail ballot. The registrar shall include, on a separate list for this purpose, in
alphabetical order and by precinct, the name of each voter submitting such special
absentee vote by mail ballot.

* * *

(c) If the voter has not voted in person at the precinct, the first special ballot
received from the voter by the registrar, if timely received, shall be counted and
tabulated in accordance with the provisions of this Chapter relative to absentee vote
by mail ballots.

E. The commissioners at the polling place shall use the supplemental list
provided for in Paragraph (A)(2) of this Section to ensure that persons who have
voted absentee by mail do not vote in person at the polls on election day.

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§1319. Use of Federal Write-In Absentee Ballot; presidential preference primary,

presidential, and congressional elections

A member of the United States Service or a person residing outside the

United States who made a timely application to vote absentee by mail as provided
in R.S. 18:1307(C) and who did not receive absentee vote by mail ballots may use
the Federal Write-In Absentee Ballot to vote for candidates for presidential nominee,

presidential candidates, and congressional candidates. The Federal Write-In

Absentee Ballot shall be submitted, processed, and counted in the manner provided

in this Chapter.

Section 2. The Louisiana State Law Institute is hereby directed to change the

expression "absentee by mail" or "vote absentee by mail" or grammatical variations thereof
to "vote by mail" in the following provisions: R.S. 18:18, 25, 58, 59, 101, 106.1, 152, 154,
158, 195, 196, 551, 553, 562, 566.2, 573, 574, 1312, 1313, 1314, 1315, 1333, 1334, 1346,
1351, 1352, 1353, 1400.3, 1400.4, 1433, 1433.1, 1451, 1452, and 1453 and R.S. 44:52.

Section 3. R.S. 18:1303(B) through (L) and 1307(I) are hereby repealed in their

entirety.
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)]

HB 419 Original 2020 Regular Session Landry

Abstract: Allows all eligible voters to vote by mail.

Present law (R.S. 18:1303) allows absentee voting for voters who expect to be out of the state or parish on election day, who also meet specific requirements. Proposed law removes absentee requirements for absentee voting and allows all qualified voters to vote by mail.

Present law (R.S. 18:1306(C)(1)) requires the secretary of state to deliver to the registrar in each parish absentee by mail ballots for up to 10% of the registered voters within the parish. Proposed law changes the percentage of vote by mail ballots to up to 15% of the registered voters within the parish.

Present law (R.S. 18:1307(A)(2)) requires a voter to provide a reason for his request to vote absentee. Further, requires a voter to provide the dates of his absence if he expects to be temporarily outside of the state during the early voting period and on election day. Proposed law removes these requirements.

Present law (R.S. 18:1307(D)) requires a hospitalized applicant to submit his application to vote absentee by mail to the registrar of voters no later than 4:30 p.m. on the day before the election. Proposed law retains present law.

Present law (R.S. 18:1307(G)) allows an applicant's application to remain valid indefinitely if the applicant is a participant in the Special Program for Handicapped Voters, able to furnish proof of a physical disability, or has attained the age of sixty-five years or more. If the applicant's absentee by mail ballot is returned to the registrar as undeliverable, the registrar shall notify such applicant that his application will no longer be valid. Proposed law retains present law.

Present law (R.S. 18:1307(H)) allows an applicant's application to remain valid indefinitely if the applicant is a participant in the Dept. of State Address Confidentiality Program. Proposed law retains present law.

Present law (R.S. 18:1307(I)) requires the registrar of voters to notify the parish board of election supervisors, if he believes that the eligibility of a voter to vote absentee by mail pursuant to present law is based upon false or fraudulent information. Further provides, if the parish board of election supervisors finds that the voter's eligibility to vote absentee by mail was based upon false or fraudulent information, the board shall inform the appropriate district attorney and the registrar of voters who shall not allow the voter to vote absentee by mail pursuant to present law. Proposed law repeals present law.

Present law (R.S. 18:1308(A)(2)(g)) provides that a mailed ballot shall be sent to a voter in an envelope containing a ballot envelope and a return envelope. Proposed law retains present law and specifies that a postage paid return envelope shall be provided to the voter.

(Amends R.S. 18:1301, 1302(2) and (6), 1303(A), 1305, 1306(A)(1) and (4), (B)(1) and (2), (C), (D), (E)(1)intro. para.) and (2)(a) 1307(A) and (D) through (H), 1307.1, 1307.2, and 1308(A)(1)(a), (c)(i), and (d)(i) and (2)(a) and (g), 1308.1(Section heading), 1308.2, 1309(F)(3) and (H), 1310(A), (B)(2) and (3), and (C)(1), 1311(A)(1) and (2), (B), (C), (D)(1), (2), (4)(a), and (5)(a) and (c), and (E), and 1319; Repeals R.S. 18:1303(B) through (L) and 1307(I))