

Regular Session, 2009

# ACT No. 436

HOUSE BILL NO. 827

BY REPRESENTATIVE SIMON

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24

AN ACT

To amend and reenact R.S. 18:101(B), 102.1, 106(B) and (C), 114(F)(2), 115(F)(2)(a), 152(C)(4), 425(B)(1), 531(B), 533(A)(1), 564(A), (B)(5), (D), and (E), 1303(F) and (I), 1306(E)(2), 1307(G), 1310(B)(2), 1333, 1334(A)(introductory paragraph) and (1) and (D), to enact R.S. 18:106.1, 1307(H), 1309.3, 1310(C), and 1461(A)(24), and to repeal R.S. 18:1309(E)(5), 1321, 1331, 1332, and 1335, relative to the Louisiana Election Code; to revise the system of laws comprising the Louisiana Election Code, particularly with respect to voters with special needs; to provide relative to the duties of registrars of voters; to provide relative to the registration of voters; to provide relative to changes in registrations; to provide relative to procedures and requirements for voting; to provide relative to commissioners; to provide relative to assistance in voting; to provide relative to application for voting and voting absentee by mail; to provide relative to early voting; to provide relative to voting early for certain persons residing in a nursing home; to provide relative to polling places and parish governing authorities duties relative thereto; to remove certain provisions for special programs for physically handicapped voters; to provide relative to election offenses; to provide for penalties; to provide for certain duties of the Louisiana State Law Institute with respect to the revisions; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 18:101(B), 102.1, 106(B) and (C), 114(F)(2), 115(F)(2)(a), 152(C)(4), 425(B)(1), 531(B), 533(A)(1), 564(A), (B)(5), (D), and (E), 1303(F) and (I), 1306(E)(2), 1307(G), 1310(B)(2), 1333, 1334(A)(introductory paragraph) and (1) and (D) are hereby amended and reenacted and R.S. 18:106.1, 1307(H), 1309.3, 1310(C), and 1461(A)(24) are hereby enacted to read as follows:

1           §101. Registration to vote; qualifications; more than one residence; presidential  
2                                           elections

3                                                           \*       \*       \*

4                                    B. For purposes of the laws governing voter registration and voting,  
5           "resident" means a citizen who resides in this state and in the parish, municipality,  
6           if any, and precinct in which he offers to register and vote, with an intention to reside  
7           there indefinitely. If a citizen resides at more than one place in the state with an  
8           intention to reside there indefinitely, he may register and vote only at one of the  
9           places at which he resides. ~~However, if~~ If a person claims a homestead exemption,  
10          pursuant to Article VII, Section 20 of the Constitution of Louisiana, on one of the  
11          residences, he shall register and vote in the precinct in which that residence is  
12          located, except that a person who resides in a nursing home as defined in R.S.  
13          40:2009.2 or of a veterans' home operated by the state or federal government may  
14          register and vote at the address where the nursing home or veterans' home is located.  
15          For purposes of voter registration and voting, the residence of a married woman shall  
16          be determined in the same manner as is required for any other citizen. A citizen of  
17          this state shall not be or remain registered or vote in more than one place of  
18          residence at any one time.

19                                                           \*       \*       \*

20          §102.1. Persons ~~suffering from mental retardation~~ with intellectual or cognitive  
21                                                           disabilities

22                                    A. It is the policy of the state of Louisiana to encourage the full participation  
23          in voting by all citizens of this state, including persons with ~~mental retardation~~  
24          intellectual or cognitive disabilities who have not been declared to be mentally  
25          incompetent pursuant to a full interdiction, or whose right to vote has not been  
26          suspended by a limited interdiction, regardless of such person's living arrangements,  
27          which include but shall not be limited to a group home, ~~institution~~ long-term care  
28          facility, or treatment facility.

29                                    B. The Department of Health and Hospitals shall promulgate rules and  
30          regulations in accordance with the Administrative Procedure Act to insure that

1 persons with ~~mental retardation~~ intellectual or cognitive disabilities for whom the  
 2 department provides care and treatment who are not subject to a full interdiction or  
 3 a limited interdiction in which the right to register and vote has specifically been  
 4 suspended are permitted to do so in compliance with federal and state laws and  
 5 regulations. Such rules and regulations shall be ~~promulgated and adopted~~ proposed  
 6 within ninety days of the effective date of this Section and such rules and regulations  
 7 shall be ~~received pursuant to~~ subject to oversight by the Senate and Governmental  
 8 Affairs Committee and the House and Governmental Affairs Committee in the  
 9 manner provided in the Administrative Procedure Act ~~of the Senate and~~  
 10 ~~Governmental Affairs Committee and the House and Governmental Affairs~~  
 11 ~~Committee.~~

12 \* \* \*

13 §106. Physical disability; inability to write English; language minority groups;  
 14 execution of documents; assistance

15 \* \* \*

16 B. If the person requesting assistance is ~~physically handicapped or~~ has a  
 17 physical disability or is unable to read or write English, the registrar or any person  
 18 authorized to accept voter registration applications shall assist the person by reading  
 19 the documents to him and by executing the documents by writing what the person  
 20 dictates. If the applicant or voter does not speak English adequately for such  
 21 dictation, the dictation shall be given and taken through an interpreter. If the  
 22 applicant or voter is able to sign his name to the document, he shall do so. If he is  
 23 unable to sign his name, he shall sign with his mark in the presence of two witnesses,  
 24 who shall sign as witnesses to his mark.

25 C.(1) If subsequent to registration a voter ~~becomes physically handicapped~~  
 26 acquires a physical disability and needs assistance in voting, he shall notify the  
 27 appropriate registrar ~~thereof~~ in person or by mail and shall furnish ~~with the notice a~~  
 28 the registrar proof of disability.

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

1                    (a) A certificate of a medical doctor or optometrist certifying to the  
2                    irremediable nature of the physical handicap as proof of disability.

3                    (b) A copy of a current mobility-impaired identification card bearing a  
4                    photograph of the voter and the international symbol of accessibility issued by the  
5                    secretary of the Department of Public Safety and Corrections as authorized by R.S.  
6                    47:463.4.

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

11                   (3) If notifying the registrar by mail, in addition to notice and proof of  
12                   disability, the voter shall furnish the registrar a copy of his Louisiana driver's license,  
13                   his Louisiana special identification card issued pursuant to R.S. 40:1321, or other  
14                   generally recognized picture identification card that contains the name and signature  
15                   of the voter, or a form on which the person has listed the names and addresses of at  
16                   least two persons residing in his precinct who could make oath, if required, to the  
17                   effect that the person is physically disabled. If he is unable to sign his name to the  
18                   notice sent by mail, he shall sign it with his mark witnessed by the signatures of two  
19                   witnesses.

20                   (4) The failure of a voter to comply with this Subsection, or the furnishing  
21                   of notice and proof during the time that the registration records are closed, shall not  
22                   deprive the voter of his right to vote and to receive assistance in voting if he  
23                   complies with the requirements of the laws governing the conduct of elections with  
24                   respect to assistance to voters in casting their votes.

25                   \*           \*           \*

26                   §106.1. Change of registration for disabled voters and documentation establishing  
27                   disability

28                   A. If a disabled person who is registered to vote in one parish changes his  
29                   registration to another parish, he shall be eligible to vote absentee by mail in his new  
30                   parish of registration without having to submit to the registrar of voters for the new

1 parish additional documentation establishing his disability, provided the person is  
2 otherwise qualified to vote and meets one of the following conditions:

3 (1) Prior to January 1, 2010, the person was approved by a parish board of  
4 election supervisors as being eligible to participate in the Special Program for  
5 Handicapped Voters as such program existed prior to January 1, 2010.

6 (2) The person had submitted to the registrar for his previous parish of  
7 registration current proof of disability from a physician along with a certification  
8 from the physician indicating that by reason of the voter's disability the voter is  
9 unable to appear in person to vote either during early voting or at the polling place  
10 on election day.

11 B. The registrar of voters for the new parish of registration shall request a  
12 copy of the documentation on file relating to the person's disability from the registrar  
13 of voters for the person's previous parish of registration.

14 \* \* \*

15 §114. Registration at driver's license facilities

16 \* \* \*

17 F. Procedures for voter registration pursuant to this Section shall be as  
18 follows:

19 \* \* \*

20 (2) Any employee authorized to accept an application to obtain, renew, or  
21 change the name or address on a driver's license or identification card shall offer  
22 voter registration to any person making such an application and, upon request, shall  
23 provide assistance to any person who desires to register to vote. Such assistance may  
24 consist of answering any question that person might have about completing the  
25 registration form. However, if the person requesting assistance is ~~physically~~  
26 ~~handicapped~~ or has a physical disability or is unable to read or write English, the  
27 authorized employee shall provide such assistance as is allowed to be provided by  
28 registrars of voters under the provisions of R.S. 18:106.

29 \* \* \*

1 §115. Registration by mail

2 \* \* \*

3 F.

4 \* \* \*

5 (2) The provisions of Paragraph (1) of this Subsection shall not apply in the  
6 case of the following:

7 (a)(i) A person who is otherwise entitled to vote under the provisions of the  
8 Uniformed and Overseas Citizens Absentee Voting Act; or the Voting Accessibility  
9 for the Elderly and Handicapped Act, ~~or the Special Program for Physically~~  
10 ~~Handicapped Voters as provided in Chapter 7-A of this Title.~~

11 (ii) Any person who is otherwise entitled to vote and who prior to January  
12 1, 2010, was approved by a parish board of election supervisors as being eligible to  
13 participate in the Special Program for Handicapped Voters as such program existed  
14 prior to January 1, 2010.

15 (iii) Any person who is otherwise entitled to vote and who has submitted to  
16 the registrar of voters current proof of disability from a physician along with a  
17 certification from the physician which indicates that by reason of the person's  
18 disability the person is unable to appear in person to vote either during early voting  
19 or at the polling place on election day, and if the person submitted the proof of  
20 disability to registrar by mail, who included in his submission to the registrar a copy  
21 of his Louisiana driver's license, his Louisiana special identification card issued  
22 pursuant to R.S. 40:1321, or other generally recognized picture identification card  
23 that contains the name and signature of the person, or a form on which the person has  
24 listed the names and addresses of at least two persons residing in his precinct who  
25 could make oath, if required, to the effect that the person is physically disabled.

26 \* \* \*

27 §152. Required records

28 \* \* \*

29 C.

30 \* \* \*

1           (4) The registration records to be used at the polls for voter identification  
 2           shall contain ~~thereon~~ information, if applicable, showing that the registrant is  
 3           ~~physically handicapped or~~ has a physical disability or is unable to read. If the  
 4           registrant is unable to read or write English, the records shall show in which  
 5           language he is entitled to printed materials, ballots, and assistance if he is a member  
 6           of a language minority group under a determination made under the federal Voting  
 7           Rights Act. A voter entitled to assistance whose record so indicates may be given  
 8           such assistance at the polls at the voter's request.

9                                           \*           \*           \*

10           §425. Commissioners

11                                           \*           \*           \*

12           B. Qualifications and classifications. (1) A qualified voter who is not  
 13           ~~entitled to~~ marked for assistance in voting in the precinct register, who does not  
 14           require the use of the audio ballot in voting, and who is not a candidate in the  
 15           election may be selected as a commissioner in any precinct of the ward where he is  
 16           registered to vote, except pursuant to R.S. 18:434(B) and (D) in which case he may  
 17           be selected as a commissioner in any precinct of the parish where he is registered to  
 18           vote or as otherwise provided in Paragraph (4) of Subsection A of this Section.

19                                           \*           \*           \*

20           §531. Places for voting in primary and general elections

21                                           \*           \*           \*

22           B. Notwithstanding the provisions of any law to the contrary, whenever the  
 23           polling place to which a voter is assigned is inaccessible to him by reason of a  
 24           physical ~~handicap~~ disability, the voter may cast his vote at the polling place nearest  
 25           the precinct at which he is registered which is accessible to the voter, provided such  
 26           polling place is within the same congressional, senatorial, representative, school  
 27           board, police jury, councilmanic and all other districts as the precinct at which he is  
 28           registered. To be permitted to cast his vote at another precinct, the voter, not less  
 29           than ten days before the election, shall produce satisfactory evidence of his ~~handicap~~  
 30           disability to the registrar of voters in the parish in which he is registered. If, in the

1 opinion of the registrar, the voter, due to the physical ~~handicap~~ disability, is unable  
 2 to cast his vote at the precinct in which he is registered, the registrar shall issue to the  
 3 voter special authorization to cast his vote at another specifically named precinct as  
 4 provided ~~herein~~ in this Section and shall transfer the registration certificate of such  
 5 voter to that precinct. The authorization so issued shall be shown by the voter to the  
 6 commissioners at the polling place. The right of a voter to cast his vote in a precinct  
 7 within the ward and district other than the one in which he is registered shall remain  
 8 effective for subsequent elections until the voter no longer is in need of the right to  
 9 vote in another precinct. The voter shall notify the registrar of voters immediately  
 10 if for any reason such need no longer exists.

11 \* \* \*

12 §533. Establishment and location of polling places; responsibility for acts or  
 13 omissions

14 A. Establishment. (1) The governing authority of each parish shall establish  
 15 one polling place for each precinct. Each polling place shall be equipped with proper  
 16 electric current, fixtures, and outlets necessary to properly operate the voting  
 17 machines and otherwise to conduct the election. Each polling place shall have  
 18 sanitary facilities available. The governing authority shall complete a survey form  
 19 prepared by the secretary of state for each polling place in its parish and shall certify  
 20 to the secretary of state that each polling place meets the accessibility standards for  
 21 individuals with disabilities adopted by the secretary of state.

22 \* \* \*

23 §564. Assistance in voting on election day

24 A. Voters entitled to assistance. A voter shall not receive assistance in  
 25 voting unless he is unable to read, or is unable to vote without assistance because of  
 26 a physical ~~handicap~~ disability, including ~~blindness~~ being visually impaired. If a  
 27 voter who is entitled to receive assistance in voting chooses to vote using the audio  
 28 ballot instead of receiving assistance, and the audio ballot equipment fails, the voter  
 29 shall be entitled to assistance in voting as provided in this Section.



1                   B. Persons prohibited from assisting voters.

2                                                           \*       \*       \*

3                   (5)(a) Except as provided in Paragraphs (1) through (4) of this Subsection,  
4 a voter entitled to assistance in voting may receive the assistance of any person of  
5 his choice, including a commissioner.

6                   (b) Except for a commissioner, the person assisting the voter shall present  
7 to the commissioners his Louisiana driver's license, his Louisiana special  
8 identification card issued pursuant to R.S. 40:1321, or other generally recognized  
9 picture identification card that contains the name and signature of the person  
10 assisting the voter. The commissioners shall write the voter's name in the precinct  
11 register and write the name of the person, including a commissioner, assisting the  
12 voter behind the tab for Assistance to Voters. The person, including a commissioner,  
13 assisting the voter shall sign his name behind the tab for Assistance to Voters.

14                                                           \*       \*       \*

15                   D.(1)(a) Prior to receiving assistance under this Section due to a disability,  
16 including visual impairment, the voter shall file with the registrar in person or by  
17 mail a statement setting forth the necessity and reasons for this assistance and shall  
18 furnish the registrar one of the following:

19                   (i) A certificate of a medical doctor or optometrist certifying to the  
20 irremediable nature of the physical ~~handicap~~ disability as proof of disability.

21                   (ii) A copy of a current mobility-impaired identification card bearing a  
22 photograph of the voter and the international symbol of accessibility issued by the  
23 secretary of the Department of Public Safety and Corrections as authorized by the  
24 provisions of R.S. 47:463.4.

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

29                   (b) If the voter is submitting the information required by this Paragraph by  
30 mail, he shall also submit to the registrar a copy of his Louisiana driver's license, his

1            Louisiana special identification card issued pursuant to R.S. 40:1321, or other  
2            generally recognized picture identification card that contains the name and signature  
3            of the voter.

4            (c) If such statement with such documentation, if applicable, is filed with the  
5            registrar as provided in this Paragraph or if a statement with such documentation, if  
6            applicable, is presented to the commissioner-in-charge on election day pursuant to  
7            Paragraph (2) of this Subsection, the registrar shall indicate such facts on the voter's  
8            original application for registration, ~~on the voting certificate,~~ and on any other  
9            official registration records. The registrar shall retain the statement ~~of disability for~~  
10           ~~thirty days after the election~~ and documentation, if applicable. Thereafter, the voter  
11           shall not be required to present evidence of any kind at the polls or during early  
12           voting.

13           (2)(a) A voter shall also be entitled to assistance without having filed with  
14           the registrar a statement setting forth the necessity and reasons for this assistance if,  
15           on election day, the voter presents to the commissioner-in-charge one of the  
16           following as proof of disability:

17           (i) A physician's certificate indicating the voter's inability to vote without  
18           assistance because of a physical ~~handicap~~ disability.

19           (ii) A current mobility-impaired identification card bearing a photograph of  
20           the voter and the international symbol of accessibility issued by the secretary of the  
21           Department of Public Safety and Corrections as authorized by the provisions of R.S.  
22           47:463.4.

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

27           (b) The commissioner-in-charge shall place any physician's certificate,  
28           statement setting forth the necessity and reasons for assistance, or copy of proof of  
29           disability presented by a voter in the envelope marked "Registrar of Voters" and  
30           attach the envelope to the precinct register.

1 E. A voter who ~~is visibly handicapped~~ has a visible physical disability or  
 2 who presents a current mobility-impaired identification card bearing a photograph  
 3 of the voter and the international symbol of accessibility issued by the secretary of  
 4 the Department of Public Safety and Corrections as authorized by the provisions of  
 5 R.S. 47:463.4, and the person who will be assisting him in voting, shall be allowed  
 6 to go to the front of the line to cast a ballot at the polls or when early voting.

7 \* \* \*

8 §1303. Persons entitled to vote in compliance with this Chapter

9 \* \* \*

10 F. ~~Special handicapped persons~~ Participants in former program for disabled  
 11 voters. A person who lives at home and is approved for participation in the Special  
 12 Handicapped Program under Part III of Chapter 7-A of this Title may vote absentee  
 13 by mail as provided therein. who prior to January 1, 2010, was approved by a parish  
 14 board of election supervisors as being eligible to participate in the Special Program  
 15 for Handicapped Voters as such program existed prior to January 1, 2010, may vote  
 16 absentee by mail upon meeting the requirements of this Chapter.

17 \* \* \*

18 I. Disabled voters. (1) Any qualified voter who submits any of the following  
 19 to the registrar of voters may vote absentee by mail upon meeting the requirements  
 20 of this Chapter:

21 (1) (a) A copy of a current mobility-impaired identification card bearing a  
 22 photograph of the voter and the international symbol of accessibility issued by the  
 23 secretary of the Department of Public Safety and Corrections as authorized by the  
 24 provisions of R.S. 47:463.4.

25 (2) (b) A copy of current ~~proof of disability~~ documentation showing  
 26 eligibility for social security disability benefits, veteran's disability benefits,  
 27 paratransit services, benefits from the office for citizens with developmental  
 28 disabilities, or benefits from Louisiana Rehabilitation Services.

29 (3) (c) Current proof of disability from a physician.

1           (2) Any voter who submits the information required by Paragraph (1) of this  
 2           Subsection by mail to the registrar shall include a copy of his Louisiana driver's  
 3           license, his Louisiana special identification card issued pursuant to R.S. 40:1321, or  
 4           other generally recognized picture identification card that contains the name and  
 5           signature of the voter or a form on which the voter has listed the names and  
 6           addresses of at least two persons residing in his precinct who could make oath, if  
 7           required, to the effect that the voter is physically disabled.

8                                 \*         \*         \*

9           §1306. Preparation and distribution of absentee by mail and early voting ballots

10                                 \*         \*         \*

11                                 E.

12                                 \*         \*         \*

13           (2) An absentee by mail or early voting ballot envelope flap shall also  
 14           contain lines for the handwritten signature of two witnesses. The voter may sign the  
 15           certificate in the presence of two witnesses, or one witness if the voter is a  
 16           participant in the special program for physically handicapped voters, who must also  
 17           ~~sign the certificate~~ voting absentee by mail as authorized by R.S. 18:1303(F) or (I),  
 18           and in such a case, the voter shall not be required to obtain the signature of a notary  
 19           public, but his certificate shall be made under penalty of perjury for providing false  
 20           or fraudulent information. Above the perforation and along the seal line, the words  
 21           "DO NOT DETACH FLAP" shall be printed.

22                                 \*         \*         \*

23           §1307. Application by mail

24                                 \*         \*         \*

25           G. If the applicant is eligible to vote absentee by mail pursuant to R.S.  
 26           18:1303~~(F)~~, (I)<sub>1</sub> or (J), his application, if such application meets the requirements of  
 27           this Section, shall remain valid indefinitely, unless an absentee by mail ballot that  
 28           has been sent to the applicant is returned to the registrar as undeliverable. If the  
 29           applicant's absentee by mail ballot is returned to the registrar as undeliverable, the  
 30           registrar shall send notice by forwardable mail to such applicant that his application

1 will no longer be valid, and the applicant shall be required to submit a new  
 2 application to the registrar that meets the requirements of this Section and provide  
 3 a current address before the applicant will be eligible to vote absentee by mail again  
 4 pursuant to this Section.

5 H. If the registrar of voters has reason to believe that the eligibility of a voter  
 6 to vote absentee by mail pursuant to R.S. 18:1303(I) is based upon false or fraudulent  
 7 information, he shall immediately notify the parish board of election supervisors. If,  
 8 after appropriate hearing and opportunity for the voter to be heard, the parish board  
 9 of election supervisors finds that the voter's eligibility to vote absentee by mail was  
 10 based upon false or fraudulent information, the board shall inform the appropriate  
 11 district attorney and the registrar of voters who shall not allow the voter to vote  
 12 absentee by mail pursuant to R.S. 18:1303(I).

13 \* \* \*

14 §1309.3. Assistance in voting during early voting

15 A. Voters entitled to assistance during early voting. A voter shall not receive  
 16 assistance in voting unless he is unable to read or is unable to vote without assistance  
 17 because of a physical disability, including visual impairment. If a voter who is  
 18 entitled to receive assistance in voting chooses to vote using the audio ballot instead  
 19 of receiving assistance and the audio ballot equipment fails, the voter shall be  
 20 entitled to assistance in voting as provided in this Section.

21 B. Persons prohibited from assisting voters during early voting. (1) No  
 22 candidate in any election may assist any voter in casting his ballot in that election.

23 (2) No employer or employer's agent may assist an employee in voting.

24 (3) No union agent may assist a union member in voting.

25 (4)(a) Except as provided in Paragraphs (1) through (3) of this Subsection,  
 26 a voter entitled to assistance in voting may receive the assistance of any person of  
 27 his choice, including a registrar or deputy registrar.

28 (b) Except for a registrar or deputy registrar, the person assisting the voter  
 29 shall present to the registrar or deputy registrar his Louisiana driver's license, his  
 30 Louisiana special identification card issued pursuant to R.S. 40:1321, or other

1 generally recognized picture identification card that contains the name and signature  
 2 of the person assisting the voter. The registrar or deputy registrar shall write the  
 3 voter's name in the precinct register or list kept by the registrar and the name of the  
 4 person assisting the voter behind the tab for Assistance to Voters. The person  
 5 assisting the voter, including a registrar or deputy registrar, shall sign his name  
 6 behind the tab for Assistance to Voters.

7 C. Procedure when voter receives assistance during early voting. The person  
 8 assisting the voter shall enter the voting machine with the voter and assist him in  
 9 voting. No other person shall enter the voting machine or assist the voter in voting.  
 10 No person assisting the voter shall reveal the name of any person for whom the voter  
 11 has voted, how he voted on any proposition upon which he voted, or anything that  
 12 took place while the voter was being assisted. When an early voting location is  
 13 equipped with a voting machine which provides an audio ballot, the registrar or  
 14 deputy registrar shall offer the option of voting using the audio ballot to a visually  
 15 impaired voter or a voter who is unable to read. If the voter elects to vote using the  
 16 audio ballot, the registrar or deputy registrar shall assist the voter with the headset  
 17 and instruct the voter or the person selected to assist the voter concerning the use of  
 18 the audio ballot.

19 D. (1)(a) Prior to receiving assistance under this Section because of a  
 20 disability, including visual impairment, the voter shall file with the registrar in  
 21 person or by mail a statement setting forth the necessity and reasons for this  
 22 assistance and shall furnish the registrar one of the following:

23 (i) A certificate of a medical doctor or optometrist certifying to the  
 24 irremediable nature of the physical disability as proof of disability.

25 (ii) A copy of a current mobility-impaired identification card bearing a  
 26 photograph of the voter and the international symbol of accessibility issued by the  
 27 secretary of the Department of Public Safety and Corrections as authorized by the  
 28 provisions of R.S. 47:463.

29 (iii) A copy of current documentation showing eligibility for social security  
 30 disability benefits, veteran's disability benefits, paratransit services, benefits from the

1 office for citizens with developmental disabilities, or benefits from Louisiana  
2 Rehabilitation Services.

3 (b) If the statement is filed by mail, the voter shall include a copy of his  
4 Louisiana driver's license, his Louisiana special identification card issued pursuant  
5 to R.S. 40:1321, or other generally recognized picture identification card that  
6 contains the name and signature of the voter.

7 (2) If such statement with such documentation, if applicable, is filed with the  
8 registrar as provided in this Subsection or presented to the registrar or deputy  
9 registrar during early voting, the registrar shall document those facts in the voter's  
10 information on the statewide voter registration system and, as appropriate, on the  
11 voter's original application for registration and on any other official registration  
12 records. The registrar shall retain the statement and documentation, if applicable.  
13 Thereafter, the voter shall not be required to present evidence of any kind during  
14 early voting or at the polls.

15 E. A voter who has a visible physical disability or who presents a current  
16 mobility-impaired identification card bearing a photograph of the voter and the  
17 international symbol of accessibility issued by the secretary of the Department of  
18 Public Safety and Corrections as authorized by the provisions of R.S. 47:463.4, and  
19 the person who will be assisting him in voting, shall be allowed to go to the front of  
20 the line to cast a ballot when early voting.

21 §1310. Execution of certificate; marking of ballot; casting vote; assistance

22 \* \* \*

23 B.

24 \* \* \*

25 (2) Except as otherwise provided in Paragraph (1) of this Subsection, a  
26 person otherwise qualified to vote by absentee by mail ~~or early voting ballot~~ who is  
27 ~~blind~~ visually impaired or physically ~~handicapped~~ disabled or who is unable to read  
28 or write may receive assistance in voting absentee by mail ~~or early voting~~ from any  
29 person ~~of his selection~~ selected by him. The failure of a voter to furnish notice and  
30 proof during the time that the registration records are closed shall not deprive the

1 voter of his right to receive assistance in voting if he complies with the requirements  
2 of the laws governing the conduct of elections with respect to assistance to voters in  
3 casting their votes as required by R.S. 18:564~~(D)(1)~~ or 1309.3.

4 \* \* \*

5 C. Any person who assists a voter in voting absentee by mail or during early  
6 voting if paper ballots are utilized in early voting, shall execute the acknowledgment  
7 on the ballot envelope flap prepared by the secretary of state, verifying that the  
8 person providing the assistance has marked the ballot in the manner dictated by the  
9 voter.

10 \* \* \*

11 CHAPTER 7-A. SPECIAL PROGRAM FOR  
12 PHYSICALLY HANDICAPPED VOTERS RESIDING IN NURSING HOMES

13 \* \* \*

14 §1333. ~~Voting~~ Nursing home early voting program; voting by persons confined to  
15 residing in a nursing home

16 A. For purposes of this Section, the term "nursing home" shall have the  
17 meaning ascribed to it in R.S. 40:2009.2(1) and, with respect to a ~~physically~~  
18 ~~handicapped~~ person with a physical disability who is ~~confined~~ resides in a hospital  
19 for an extended period of time by reason of a physical disability that makes it  
20 improbable that he will be able to vote in person at the polls on election day ~~or by~~  
21 ~~absentee by mail~~ or during early voting ~~ballot~~, the term also shall mean a hospital.  
22 "Nursing home" for the purpose of this Section shall also mean a veterans' home,  
23 operated by the state or federal government, where a ~~physically handicapped~~ person,  
24 with a physical disability who is unable to vote in person at the polls ~~or by absentee~~  
25 ~~ballot~~ or during early voting because of a physical ~~handicap, is confined~~ disability,  
26 resides.

27 B. A qualified voter who is ~~unable to vote because of confinement~~ resides  
28 in a nursing home within the parish in which he is entitled to vote ~~by reason of~~  
29 ~~physical handicap to an extent which prevents him from voting~~ and who is unable  
30 to vote in person at the polls on election day or ~~from voting~~ during early voting as



1 otherwise provided by this Code due to a physical disability may vote ~~absentee~~ early  
 2 as provided in this Section during the period extending at least one week prior to the  
 3 beginning day for early voting through the last day for early voting established by  
 4 R.S. 18:1309.

5 C. ~~A voter who has not been approved for participation in the special~~  
 6 ~~program for handicapped voters shall a written request to participate in the nursing~~  
 7 ~~home early voting program to the registrar of voters. Upon receipt of the request, the~~  
 8 ~~registrar, the voter making the request, and the parish board of election supervisors~~  
 9 ~~shall follow the procedures for approval set forth in R.S. 18:1332(B).~~ The following  
 10 voters shall be eligible to vote pursuant to this Section:

11 (1) A voter who prior to January 1, 2010, was approved by a parish board of  
 12 election supervisors as being eligible to participate in the Special Program for  
 13 Handicapped Voters as such program existed prior to January 1, 2010, and who is  
 14 a resident or has become a resident of a nursing home.

15 (2) A voter who is a resident of a nursing home who provides to the registrar  
 16 of voters current proof of disability from a physician along with a certification from  
 17 the physician which indicates that by reason of the voter's disability the voter is  
 18 unable to appear in person to vote either during early voting or at the polling place  
 19 on election day.

20 D.(1) A voter qualified to vote under this Section ~~and approved for~~  
 21 ~~participation in the special program for handicapped voters shall make application~~  
 22 ~~to vote by absentee ballot to the registrar of voters by letter, over his signature,~~  
 23 ~~setting forth the following:~~

- 24 ~~(a) The election or elections for which he requests an absentee ballot.~~
- 25 ~~(b) The reason for his request to vote absentee.~~
- 26 ~~(c) The name and address of the nursing home wherein he is confined.~~
- 27 ~~(d) The ward and precinct in which he is qualified to vote, if known.~~
- 28 ~~(e) If at the time the disabled voter requests an absentee ballot for a primary~~  
 29 ~~or first party primary election, he also requests an absentee ballot for the general~~  
 30 ~~election or the second party primary election, or both, he shall declare in writing to~~

CODING: Words in ~~struck through~~ type are deletions from existing law; words underscored are additions.

1           ~~the registrar that he will be eligible to vote absentee in the general election or the~~  
2           ~~second party primary election, or both, as the case may be.~~ shall make application  
3           to vote pursuant to this Section to the registrar of voters by letter. ~~(2)~~ An application  
4           ~~to vote by absentee ballot as provided in this Subsection~~ Section shall be submitted  
5           to and received by the registrar of voters at least thirty days prior to the election.  
6           Such request may be submitted by mail, commercial carrier, or hand delivery. The  
7           request shall be submitted over the voter's signature or mark if the voter is unable to  
8           sign his name, signed by the registrar, deputy registrar, or one witness; provide the  
9           name of the voter and the address of the nursing home; and if qualified pursuant to  
10           Paragraph (C)(2) of this Section, provide current proof of disability from a physician  
11           along with a certification from the physician which indicates that by reason of the  
12           voter's disability the voter is unable to appear in person to vote either during early  
13           voting or at the polling place on election day.

14                   (2) Upon receipt of a valid request, the request shall serve as an application  
15           to vote pursuant to this Section. The application to vote in the nursing home early  
16           voting program as provided in this Section shall remain valid indefinitely unless the  
17           voter submits a written request to the registrar to be removed from the program or  
18           the voter no longer resides in the nursing home listed in his application. However,  
19           if the voter has become a resident of a different nursing home in the parish and has  
20           notified the registrar of voters in writing of the change of nursing home address, his  
21           application shall remain valid.

22                   ~~E.(1) Upon receipt of the application for an absentee ballot, the registrar~~  
23           ~~shall first enter the date and time of receipt thereof and ascertain to his satisfaction~~  
24           ~~the accuracy of the information contained in the application. An application not~~  
25           ~~timely submitted and received as required in Subsection D of this Section shall be~~  
26           ~~immediately returned to the applicant with a brief statement citing the reasons for the~~  
27           ~~return; however, if such application requested an absentee ballot for a primary, and~~  
28           ~~general election or a first party primary, second party primary, and general election,~~  
29           ~~the registrar shall retain the application, notify the applicant that the request to vote~~  
30           ~~by absentee ballot in the primary or first party primary election was not timely~~

1           ~~submitted and received, and process the application for the general election or the~~  
 2           ~~second party primary and general election as provided herein.~~

3           (2) The registrar shall notify the applicant by letter, at the return nursing  
 4           home address shown on the request, the day on which a deputy registrar or other  
 5           qualified person selected by the registrar will be present at the nursing home to  
 6           permit the applicant to cast his ~~absentee~~ ballot. The registrar shall assign a number  
 7           to the applicant, that shall be stamped or entered in ink on the upper right side of the  
 8           letter and also shall be entered in clearly distinguishable figures on the flap of the  
 9           absentee by mail ballot envelope that will contain the absentee by mail ballot to be  
 10          delivered to that applicant on the day designated in the letter. If the letter is mailed  
 11          by the registrar prior to his receipt of the absentee by mail ballots for the election, he  
 12          shall enter the name of the applicant, his address, ward and precinct, and the number  
 13          assigned to the applicant on a list that he shall keep for the purpose and, upon receipt  
 14          of the absentee by mail ballots for the election, he shall enter the number on the  
 15          absentee by mail ballot envelope as ~~above~~ provided in this Subsection.

16          F.(1) On the day within the period fixed by law for ~~absentee nursing home~~  
 17          early voting specified in the letter to the applicant as provided in Subsection E of this  
 18          Section, the registrar shall go to each nursing home within the parish wherein reside  
 19          one or more voters who ~~have made application to vote by absentee ballot~~ are eligible  
 20          to vote pursuant to this Section and to whom the registrar mailed the letter provided  
 21          for in Subsection E ~~hereof~~ of this Section.

22          (2) The registrar shall have in his possession such materials and supplies as  
 23          are needed to permit each of such voters to cast an absentee by mail ballot, including  
 24          but not restricted to absentee by mail ballot envelopes, each of which bears the  
 25          number corresponding to the number entered on the letter mailed to the applicant as  
 26          provided by Subsection E of this Section, instructions, certificates, envelopes,  
 27          acknowledgment forms required by Paragraph (G)(4) of this Section, and a portable  
 28          metal box equipped with an open slot in its top surface of sufficient size to permit  
 29          a completed ballot envelope to be deposited in the box. The registrar shall lock the

1 box before ~~it leaves~~ he removes it from his office and shall retain the keys in his  
2 office.

3 G. The voting by each voter shall be accomplished in the following manner:

4 (1) The voter shall present to the registrar the letter he received from the  
5 registrar that bears the reply number assigned as provided in Subsection E of this  
6 Section. The registrar shall compare the number on the letter with ~~that~~ the number  
7 on the absentee by mail ballot envelope in his possession and, if they are identical,  
8 he shall hand the envelope containing the absentee by mail ballot to the voter.  
9 However, if the voter is on the inactive list of voters, the voter must complete an  
10 address confirmation card prior to receiving the envelope containing the absentee by  
11 mail ballot.

12 (2) Unless requested by the voter to assist him in voting, as provided in  
13 Paragraph (4) of this Subsection, the registrar shall retire from the presence of the  
14 voter while the voter marks his ballot and completes his ballot envelope.

15 (3) The voter shall mark his ballot as provided in R.S. 18:1310(A). The  
16 voter then shall place the absentee by mail ballot in the absentee by mail ballot  
17 envelope, seal the envelope, and sign the certificate on the absentee by mail ballot  
18 envelope flap.

19 (4)(a) The voter may receive assistance from any person ~~of his selection~~  
20 selected by him, except ~~a candidate in the election and except a person who is~~  
21 prohibited from assisting a voter pursuant to R.S. 18:1309.3 and the owner, operator,  
22 or administrator of the nursing home or an employee of any of them. However, no  
23 person except a spouse, blood relative, or the registrar may assist more than one  
24 voter in voting.

25 (b) Any person who assists the voter in signing his name or marking his  
26 ballot shall explain to the voter that a signature or mark so made constitutes  
27 certification that all statements in the certificate are true and correct and that any  
28 person who knowingly provides false or incorrect statements is subject to a fine or  
29 imprisonment, or both.

1 (c) Any person who assists the voter shall execute an acknowledgment, on  
 2 a form which shall be prescribed and furnished to the registrar of voters by the  
 3 secretary of state and made available by the registrar of voters through the deputy  
 4 registrar who appears at the nursing home, verifying that he has marked the ballot  
 5 in the manner dictated by the voter.

6 (5) The voter shall notify the registrar when he has completed his voting, and  
 7 the voter shall place the sealed absentee by mail ballot envelope in the locked metal  
 8 box.

9 (6)(a) The registrar shall proceed in the above described manner and using  
 10 the same procedure for each voter in the nursing home who is qualified to vote ~~by~~  
 11 ~~absentee ballot~~ in that election.

12 (b) Upon returning to the registrar's office, the registrar shall unlock the  
 13 metal box containing the absentee by mail ballots, remove them from the box, and  
 14 otherwise follow the procedures for the posting of the name, ward, and precinct of  
 15 the voter, and other procedures as required by R.S. 18:1311 and other applicable  
 16 provisions of the Election Code relating to absentee by mail and early voting ballots.

17 (7) Upon receipt of an address confirmation card, the registrar shall reinstate  
 18 the voter to the official list of voters.

19 H. Notwithstanding the provisions of this Section, the registrar may utilize  
 20 the same ~~absentee~~ voting procedures, voting machines, and equipment used for early  
 21 voting to conduct voting under this Section.

22 I. The secretary of state may adopt such rules and regulations as are  
 23 necessary to effectuate the provisions of this Section.

24 §1334. Electioneering in connection with voting in nursing homes; enforcement;  
 25 penalty

26 A. During the period extending from ~~thirty~~ seven days prior to the time that  
 27 ~~early~~ voting begins pursuant to R.S. 18:1333 for an election until ~~the early voting for~~  
 28 ~~that election closes~~ the polls have closed on election day, no owner, operator,  
 29 employee, or agent of such owner, operator, or employee, or any stockholder of any  
 30 nursing home or candidate or employee of or agent or worker for any candidate shall

CODING: Words in ~~struck through~~ type are deletions from existing law; words underscored are additions.

1 perform or cause to be performed any of the following acts while on duty or on the  
2 premises of the facility:

3 (1) Solicit in any manner or by any means whatsoever any person ~~confined~~  
4 to residing in a nursing home to vote for or against any candidate or proposition  
5 being voted on in the election.

6 \* \* \*

7 D.(1) The provisions of this Section shall not prohibit a person, who is not  
8 an owner, operator, employee, or agent of such owner, operator, or employee, or any  
9 stockholder of any nursing home from performing any of the listed acts in a nursing  
10 home in which he is a ~~patient~~ or resident. However, such a person shall not erect in  
11 or affix to any of the common areas of the nursing home any political signs, pictures,  
12 or other forms of political advertising, or display any such political material within  
13 the common areas of the nursing home on the day when the registrar of voters  
14 conducts absentee voting at the nursing home.

15 (2) The provisions of this Section shall not prohibit a person who is not an  
16 owner, operator, employee, or agent of such owner, operator, or employee, or any  
17 stockholder of any nursing home and who at the direction of or with the consent of  
18 a resident of a nursing home from placing political signs, pictures, or other forms of  
19 political advertising in the resident's private room in the nursing home.

20 \* \* \*

21 §1461. Election offenses; penalties

22 A. No person shall knowingly, willfully, or intentionally:

23 \* \* \*

24 (24) When assisting a voter in voting, fail to mark the ballot or vote in the  
25 manner dictated by the voter.

26 \* \* \*

27 Section 2. R.S. 18:1309(E)(5), 1321, 1331, 1332, and 1335 are hereby repealed in  
28 their entirety.

29 Section 3. The Louisiana State Law Institute is hereby directed to remove the  
30 designations of Part I, Part II, and Part III of Chapter 7-A of the Louisiana Election Code.

1 Section 4. This Act shall become effective on January 1, 2010.

---

SPEAKER OF THE HOUSE OF REPRESENTATIVES

---

PRESIDENT OF THE SENATE

---

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: \_\_\_\_\_