ENROLLED

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.

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:

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

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

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

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

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

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

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

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

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

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

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

(b) A copy of a current mobility-impaired 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.

(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. If he is unable to sign his name to the notice sent by mail, he shall sign it with his mark witnessed by the signatures of two witnesses.

(4) The failure of a voter to comply with this Subsection, or the furnishing of notice and proof during the time that the registration records are closed, shall not deprive the voter of his right to vote and 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.

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

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

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

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

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

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

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§114. Registration at driver's license facilities

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

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

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§115. Registration by mail

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

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

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

(iii) Any person who is otherwise entitled to vote and who has submitted to the registrar of voters current proof of disability from a physician along with a certification from the physician which indicates that by reason of the person's disability the person is unable to appear in person to vote either during early voting or at the polling place on election day, and if the person submitted the proof of disability to registrar by mail, who included in his submission to 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 person, 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.

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§152. Required records

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

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§425. Commissioners

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

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§531. Places for voting in primary and general elections

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

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

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

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

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§564. Assistance in voting on election day

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

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B. Persons prohibited from assisting voters.

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

(b) Except for a commissioner, the person assisting the voter shall present to the commissioners 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 person assisting the voter. The commissioners shall write the voter's name in the precinct register and write the name of the person, including a commissioner, assisting the voter behind the tab for Assistance to Voters. The person, including a commissioner, assisting the voter shall sign his name behind the tab for Assistance to Voters.

* * *

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

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

(ii) A copy of a current mobility-impaired 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 the provisions of R.S. 47:463.4.

(iii) A copy of current ~~proof of disability~~ 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.

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

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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.

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

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

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

(ii) A current mobility-impaired 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 the provisions of R.S. 47:463.4.

(iii) A copy of current ~~proof of disability~~ 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.

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

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E. A voter who ~~is visibly handicapped~~ has a visible physical disability or who presents a current mobility-impaired 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 the provisions of R.S. 47:463.4, and the person who will be assisting him in voting, shall be allowed to go to the front of the line to cast a ballot at the polls ~~or when early voting~~.

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

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

* * *

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

~~(1)~~ (a) A copy of a current mobility-impaired 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 the provisions of R.S. 47:463.4.

~~(2)~~ (b) A copy of current ~~proof of disability~~ 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.

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

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(2) Any voter who submits the information required by Paragraph (1) of this Subsection by mail to the registrar shall include 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 voter 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 voter is physically disabled.

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

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(2) An absentee by mail or early voting ballot envelope flap shall also contain lines for the handwritten signature of two witnesses. The voter may sign the certificate in the presence of two witnesses, or one witness if the voter is ~~a participant in the special program for physically handicapped voters, who must also sign the certificate~~ voting absentee by mail as authorized by R.S. 18:1303(F) or (I), and in such a case, the voter shall not be required to obtain the signature of a notary public, but 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.

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§1307. Application by mail

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

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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.

H. If the registrar of voters has reason to believe that the eligibility of a voter to vote absentee by mail pursuant to R.S. 18:1303(I) 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 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 R.S. 18:1303(I).

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§1309.3. Assistance in voting during early voting

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

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

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

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

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

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

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

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

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

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

(ii) A copy of a current mobility-impaired 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 the provisions of R.S. 47:463.

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

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

(b) If the statement is filed by mail, the voter shall include 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.

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

E. A voter who has a visible physical disability or who presents a current mobility-impaired 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 the provisions of R.S. 47:463.4, and the person who will be assisting him in voting, shall be allowed to go to the front of the line to cast a ballot when early voting.

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

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(2) Except as otherwise provided in Paragraph (1) of this Subsection, a person otherwise qualified to vote by absentee by mail ~~or early voting ballot~~ who is ~~blind~~ visually impaired or physically ~~handicapped~~ disabled or who is unable to read or write may receive assistance in voting absentee by mail ~~or early voting~~ from any person ~~of his selection~~ 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

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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~~(D)(1)~~ or 1309.3.

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C. Any person who assists a voter in voting absentee by mail or during early voting if paper ballots are utilized in early voting, 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.

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CHAPTER 7-A. SPECIAL PROGRAM FOR

~~PHYSICALLY HANDICAPPED~~ VOTERS RESIDING IN NURSING HOMES

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

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

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

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

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

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

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

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

~~(a) The election or elections for which he requests an absentee ballot.~~

~~(b) The reason for his request to vote absentee.~~

~~(c) The name and address of the nursing home wherein he is confined.~~

~~(d) The ward and precinct in which he is qualified to vote, if known.~~

~~(e) If at the time the disabled voter requests an absentee ballot for a primary or first party primary election, he also requests an absentee ballot for the general election or the second party primary election, or both, he shall declare in writing to~~

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

* * *

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

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

* * *

§1461. Election offenses; penalties

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

* * *

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

* * *

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

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

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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: _____

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