

2018 Regular Session

HOUSE BILL NO. 351

BY REPRESENTATIVE JENKINS

VOTERS/VOTING: Provides relative to voting by persons in a nursing home

1 AN ACT

2 To amend and reenact R.S. 18:1333(A), (B), (C)(2), and (D), relative to the nursing home
3 early voting program; to provide relative to the requirements for eligibility to
4 participate in the program; to provide relative to the requirements for making
5 application to participate in the program; and to provide for related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. R.S. 18:1333(A), (B), (C)(2), and (D) are hereby amended and reenacted
8 to read as follows:

9 §1333. Nursing home early voting program; voting by persons residing in a nursing
10 home

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

1 shall remain valid indefinitely unless the voter submits a written request to the
 2 registrar to be removed from the program or the voter no longer resides in the
 3 nursing home listed in his application. However, if the voter has become a resident
 4 of a different nursing home in the parish and has notified the registrar of voters in
 5 writing of the change of nursing home address, his application shall remain valid.

6 * * *

7 Section 2. This Act shall become effective January 1, 2019.

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

HB 351 Reengrossed

2018 Regular Session

Jenkins

Abstract: Repeals the requirement that a person be unable to vote in person at the polls on election day or during early voting due to a physical disability in order to participate in the nursing home early voting program and the requirement that a participant provide proof of disability and a certification from a physician.

Present law (R.S. 18:1333) provides relative to the nursing home early voting program. Provides requirements and procedures for the program, which require the registrar to go to each nursing home in the parish where persons who are eligible to vote reside to allow them to vote at the nursing home during the early voting period.

Present law provides that a qualified voter who resides in a nursing home within the parish in which he is entitled to vote and who is unable to vote in person at the polls on election day or during early voting due to a physical disability may vote early pursuant to the program.

Proposed law repeals the requirement that the voter be unable to vote in person at the polls on election day or during early voting to be eligible to participate in the program. Otherwise retains present law.

Present law provides that a voter who participated in the former Special Program for Handicapped Voters as such program existed prior to Jan. 1, 2010, and who is a resident or has become a resident of a nursing home is eligible to participate in the program.

Present law additionally provides that a voter is eligible to participate in the program if the voter resides in a nursing home and provides to the registrar of voters current proof of disability from a physician along with a certification from the physician that the voter is unable to appear in person to vote either during early voting or at the polling place.

Proposed law repeals the requirement to submit proof of disability and a certification from a physician. Instead provides that a voter is eligible to participate in the program if the voter certifies that he is a resident of the nursing home.

Present law requires an eligible voter to make written application to the registrar of voters prior to participating in the program. Provides requirements for the application and deadlines.

Proposed law retains present law.

Present law provides that application is made by letter and refers to the letter as a request.

Proposed law repeals present law.

Present law defines "nursing home" to include a veterans' home, operated by the state or federal government where a person who is unable to vote in person at the polls or during early voting because of a physical disability resides.

Proposed law repeals requirement that the veterans' home be one where a person who is unable to vote in person at the polls or during early voting because of a physical disability resides. Otherwise retains present law.

Effective January 1, 2019.

(Amends R.S. 18:1333(A), (B), (C)(2), and (D))

Summary of Amendments Adopted by House

The House Floor Amendments to the engrossed bill:

1. Repeal the requirement that a person be unable to vote in person at the polls on election day or during early voting due to a physical disability in order to participate in the nursing home early voting program.
2. Repeal provisions requiring a veterans' home to be one where a person who is unable to vote in person at the polls or during early voting because of a physical disability resides in order to be considered a "nursing home" for purposes of present law and proposed law.