

First Extraordinary Session, 2005

HOUSE BILL NO. 58

BY REPRESENTATIVE JEFFERSON

ELECTIONS/ABSENTEE VOTE: Makes certain provisions relative to voting absentee by mail by United States service members and persons residing outside the United States applicable to persons temporarily displaced by the recent common disaster and state of emergency (Item #58)

1 AN ACT

2 To enact R.S. 18:1308.3, relative to provisions applicable to United States service members  
3 and persons residing outside the United States relative to voting absentee by mail;  
4 to provide for the application of certain such provisions to temporarily displaced  
5 persons; to provide for documentation; to provide for the effectiveness of the  
6 provisions; and to provide for related matters.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. R.S. 18:1308.3 is hereby enacted to read as follows:

9 §1308.3. Special provision for temporarily displaced persons

10 A. The Legislature of Louisiana recognizes that due to the recent common  
11 disaster and state of emergency an unprecedented number of persons have been  
12 temporarily displaced from their parishes of residence for an indefinite period of  
13 time. Because the right to vote is a right that is essential to the effective operation  
14 of a democratic government, the legislature finds that the state has a compelling  
15 interest in securing the right to vote for any temporarily displaced person who may  
16 experience greater difficulty exercising his right due to his displaced status. The  
17 legislature, therefore, enacts this Section to provide for the following provisions,  
18 applicable to members of the United States Service or persons residing outside the  
19 United States, to apply to any person temporarily displaced from his parish of

1        residence when he submits with an application to vote by mail documentation  
 2        showing his displaced status from a nonprofit organization exempt from federal  
 3        taxation pursuant to Section 501(c)(3) of the Internal Revenue Code or a federal or  
 4        state agency: R.S. 18:115(F)(2)(a), 1303(B), and 1307(C), except that the application  
 5        to vote by mail shall be valid for a period of one year following the effective date of  
 6        this Section.

7                B. The provisions of R.S. 18:1308(A)(2) shall not apply to temporarily  
 8        displaced persons. The provisions of this Section shall be effective for a period of  
 9        one year following the effective date of this Section.

10        Section 2. This Act shall become effective upon signature by the governor or, if not  
 11 signed by the governor, upon expiration of the time for bills to become law without signature  
 12 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If  
 13 vetoed by the governor and subsequently approved by the legislature, this Act shall become  
 14 effective on the day following such approval.

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#### DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument.

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Jefferson

HB No. 58

**Abstract:** Provides for certain provisions relative to voting absentee by mail that are applicable to members of the United States Service or persons residing outside the United States to apply to certain temporarily displaced persons, provided they submit required documentation showing their displaced status. Provides that provisions relative to special general election ballots do not apply to displaced persons. Provides for limited application of provisions relative to the length of validity of an application to vote absentee by mail and provides for provisions to be effective for one year.

Present law (R.S. 18:115(F)) requires any voter who registered to vote by mail and who has not previously voted in the parish in which he is registered to vote in person in the office of the registrar or in person at the precinct where he is registered to vote. Provides that such requirement does not apply to certain persons who are uniformed and overseas, elderly or handicapped to whom other provisions of present law apply, a student whose institution of higher learning is located outside of his parish of residence, provided that the student submit certain documentation, or to a person who appears in the office of the registrar of voters prior to the absentee in person voting period to establish his identity.

Proposed law provides that provisions of present law exempting certain persons who are uniformed or residing overseas from the requirement of voting in person in the office of the registrar or in person at the precinct where they are registered to vote also applies to any

person temporarily displaced from his parish of residence by the recent common disaster and state of emergency in Louisiana.

Present law (R.S. 18:1303(B)) provides that the following qualified voters who expect to be out of the parish on election day may vote absentee by mail: (1) a member of the U.S. Service, his spouse, and dependents; (2) a student, instructor, or professor in an institution of higher learning located outside his parish, his spouse, and certain dependents; (3) a minister, priest, rabbi, or other member of the clergy assigned to a religious post outside his parish, his spouse, and certain dependents; (4) a person who is or who expects to be temporarily outside the territorial limits of the state or absent from his parish during the early voting period and on election day; (5) a person who has moved his residence to another parish that is more than 100 miles from the parish seat of his former residence after the close of registration; (6) a person not interdicted and not judicially declared incompetent but who is involuntarily confined in an institution for mental treatment outside his parish; (7) a person residing outside the U.S.

Proposed law provides that provisions of present law allowing certain persons who are members of the U.S. Service or residing outside the U.S. to vote absentee by mail also apply to any person temporarily displaced from his parish of residence by the recent common disaster and state of emergency in Louisiana.

Present law (R.S. 18:1307(B)) provides relative to the means of delivery of an application to vote by mail. Requires that such application be received by the registrar not earlier than 60 days nor later than 96 hours before the close of the polls for the election for which it is requested.

Present law (R.S. 18:1307(C)) provides that if a person applying to vote absentee by mail is a member of the U.S. Service or resides outside the U.S., he may use the federal postcard application. Requires that his application be received by the registrar no later than 4:30 p.m. on the day before the election. Provides that such application shall be valid for a period extending from the date the application is received in the office of the registrar through two subsequent federal general elections. Requires the registrar, if he rejects such application to provide the applicant with written reasons for the rejection.

Proposed law provides that provisions of present law allowing certain persons who are members of the U.S. Service or residing outside the U.S. to submit an application to vote until 4:30 p.m. on the day before the election also applies to any person temporarily displaced from his parish of residence by the recent common disaster and state of emergency in Louisiana. Provides, however, that the provision of present law relative to the validity of such application extending from the date the application is received by the registrar through two subsequent federal general elections does not apply to temporarily displaced persons, but rather that an application submitted by a displaced person is valid for a period of one year following the effective date of proposed law.

Proposed law provides that certain provisions of present law relative to absentee voting by mail by members of the U.S. Service and persons residing outside the U.S. apply to temporarily displaced persons when such persons have submitted documentation of their displaced status along with their application to vote absentee by mail from a tax exempt nonprofit organization or a federal or state agency.

Present law (R.S. 18:1308(A)(1)) provides relative to voting absentee by mail. Provides for mailing of the instructions, certificates, ballots, and envelopes to the address of the applicant. Provides for transmission of the ballot by facsimile if the voter feels he will not be able to vote timely by mail. Provides for the voter to return his voted ballot by facsimile with a statement attesting that he is waiving his right to a secret ballot. Provides for the registrar and his staff to take all steps necessary to keep the voted ballots as confidential as possible.

Present law is unaffected by proposed law.

Present law (R.S. 18:1308(A)(2)) provides relative to ballot materials for persons on active duty in the U.S. Service or outside the continental boundaries of the U.S. Provides that such materials shall include both the primary election ballot and the special ballot for the general election. Provides that if the registrar has mailed the special general election ballot to the voter, the registrar shall not mail a regular general election absentee ballot to such voter. Allows for such voters to request a ballot transmitted by facsimile and provides relative to return of such ballot to the registrar by facsimile. Requires the secretary of state to take all actions reasonably necessary to allow persons residing outside the continental boundaries and persons on active duty in the armed forces to vote according to the Uniformed and Overseas Citizens Absentee Voting Act or otherwise during a period of declared emergency, whether by mail, facsimile, or other means of transmission of the ballot, notwithstanding any provision of this Code to the contrary.

Proposed law provides that provisions of present law (R.S. 18:1308(A)(2)) relative to the special general election ballots for persons on active duty in the U.S. Service or outside the continental boundaries of the U.S. and requiring the secretary of state to take all actions reasonably necessary to allow such persons to vote according to the Uniformed and Overseas Citizens Absentee Voting Act or otherwise during a period of declared emergency, notwithstanding any provision of the Election Code to the contrary do not apply to temporarily displaced persons.

Effective upon signature of governor or lapse of time for gubernatorial action.

(Adds R.S. 18:1308.3)