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.

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1	B. A qualified voter who resides in a nursing home within the parish in
2	which he is entitled to vote and who is unable to vote in person at the polls on
3	election day or during early voting as otherwise provided by this Code due to a
4	physical disability may vote early as provided in this Section during the period
5	extending at least one week prior to the beginning day for early voting through the
6	last day for early voting established by R.S. 18:1309.
7	C. The following voters shall be eligible to vote pursuant to this Section:
8	* * *
9	(2) A voter who is a resident of a nursing home who provides to the registrar
10	of voters current proof of disability from a physician along with a certification from
11	the physician voter which indicates that by reason of the voter's disability the voter
12	is a resident of the nursing home unable to appear in person to vote either during
13	early voting or at the polling place on election day.
14	D.(1) A voter qualified to vote under this Section shall make application in
15	writing to vote pursuant to this Section to the registrar of voters by letter. An
16	application to vote as provided in this Section shall be submitted to and received by
17	the registrar of voters at least thirty days prior to the election. Such request
18	application may be submitted by mail, commercial carrier, or hand delivery. The
19	request application shall be submitted over the voter's signature or mark if the voter
20	is unable to sign his name, signed by the registrar, deputy registrar, or one witness;
21	provide the name of the voter and the address of the nursing home; and if qualified
22	pursuant to Paragraph (C)(2) of this Section, provide current proof of disability from
23	a physician along with a certification from the physician voter which indicates that
24	by reason of the voter's disability the voter is a resident of the nursing home unable
25	to appear in person to vote either during early voting or at the polling place on
26	election day.
27	(2) Upon receipt of a valid request, the request shall serve as an application
28	to vote pursuant to this Section. The An application to vote in the nursing home
29	early voting program as provided in that satisfies the requirements of this Section

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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.
* * *
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
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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.

<u>Present law</u> (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.

<u>Present law</u> 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.

<u>Proposed law</u> 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 <u>present law</u>.

<u>Present law</u> 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.

<u>Present law</u> 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.

<u>Proposed law</u> 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.

<u>Present law</u> 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.

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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.

<u>Present law</u> 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.

<u>Proposed law</u> 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 <u>present law</u>.

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 <u>present law</u> and <u>proposed law</u>.