

2020 Regular Session

HOUSE BILL NO. 419

BY REPRESENTATIVE LANDRY

ELECTIONS/ABSENTEE VOTE: Allows all registered voters to utilize voting by mail

1 AN ACT

2 To amend and reenact R.S. 18:1301, 1302(2) and (6), 1303(A), 1305, 1306(A)(1) and (4),
3 (B)(1) and (2), (C), (D), (E)(1)(introductory paragraph) and (2)(a), 1307(A) and (D)
4 through (H), 1307.1, 1307.2, and 1308(A)(1)(a), (c)(i), and (d)(i) and (2)(a) and (g),
5 1308.1(Section heading), 1308.2, 1309(F)(3) and (H), 1310(A), (B)(2) and (3), and
6 (C)(1), 1311(A)(1) and (2), (B), (C), (D)(1), (2), (4)(a), and (5)(a) and (c), and (E),
7 and 1319 and to repeal R.S. 18:1303(B) through (L) and 1307(I), relative to voting
8 by mail; relative to the distribution of vote by mail ballots; relative to application for
9 vote by mail ballot; and to provide for related matters.

10 Be it enacted by the Legislature of Louisiana:

11 Section 1. R.S. 18:1301, 1302(2) and (6), 1303(A), 1305, 1306(A)(1) and (4), (B)(1)
12 and (2), (C), (D), (E)(1)(introductory paragraph) and (2)(a), 1307(A) and (D) through (H),
13 1307.1, 1307.2, and 1308(A)(1)(a), (c)(i), and (d)(i) and (2)(a) and (g), 1308.1(Section
14 heading), 1308.2, 1309(F)(3) and (H), 1310(A), (B)(2) and (3), and (C)(1), 1311(A)(1) and
15 (2), (B), (C), (D)(1), (2), (4)(a), and (5)(a) and (c), and (E), and 1319 are hereby amended
16 and reenacted to read as follows:

17 CHAPTER 7. ~~ABSENTEE~~ VOTE BY MAIL AND EARLY VOTING

18 §1301. Applicability

19 This Chapter provides a method of voting by ~~absentee~~ by mail and early
20 voting ballot in primary and general elections, bond elections, tax elections, and
21 special elections, which is in addition to the methods otherwise provided in this Title.

1 §1302. Definitions

2 As used in this Chapter, unless the context clearly indicates otherwise, the
3 following terms ~~shall~~ have the meanings hereafter ascribed to each:

4 * * *

5 (2) "Board" means the parish board of election supervisors of each parish.
6 If parish board commissioners are utilized by the parish board of election supervisors
7 to count and tabulate absentee vote by mail and early voting ballots, the term "board"
8 for the purposes of R.S. 18:1306, 1311, 1312, 1313, 1315, and 1316 shall also mean
9 parish board commissioners.

10 * * *

11 (6) "Federal postcard application" means an application for ~~absentee~~ a vote
12 by mail ballot as permitted by 50 U.S.C. 1464.

13 * * *

14 §1303. Persons entitled to vote in compliance with this Chapter

15 A.(1) ~~In person.~~ Any person who is qualified to vote may vote by mail or
16 vote during the early voting period at a place designated by the registrar as provided
17 in R.S. 18:1309.

18 (2) A person incarcerated in an institution inside or outside the parish in
19 which he is qualified to vote, who is not under an order of imprisonment for
20 conviction of a felony, may only vote by mail and only upon meeting the
21 requirements of this Chapter and certification to the appropriate registrar by the
22 sheriff of the parish where the person is incarcerated that he is not a convicted felon.

23 §1305. Voting at polls prohibited

24 A person who has voted either by ~~absentee~~ by mail ballot or during early
25 voting shall not vote in person at the polls on election day.

26 §1306. Preparation and distribution of absentee vote by mail and early voting ballots

27 A.(1) The secretary of state shall prepare absentee vote by mail and early
28 voting ballots. The size and weight of paper, size and type of print, and other matters
29 pertaining to absentee vote by mail and early voting ballots shall be determined by

1 the secretary of state, subject to approval as to content by the attorney general. All
2 ballots and paraphernalia of the same kind shall be identical as to size and weight of
3 paper, size, type, and color of print, and other matters, except for ballots transmitted
4 electronically to members of the United States Service, as defined in R.S. 18:1302,
5 and to persons residing outside the United States.

6 * * *

7 (4) The secretary of state shall prepare a special ~~absentee~~ vote by mail ballot
8 for candidates and constitutional amendments to be voted on in general elections,
9 subject to approval as to content by the attorney general. This special ballot shall
10 only be for use by a qualified voter who is either a member of the United States
11 Service or who resides outside of the United States. Such special ballot shall contain
12 a list of the titles of all offices being contested at the primary election and of the
13 candidates qualifying for the primary election for each office, and this ballot shall
14 permit the elector to vote in the general election by indicating his order of preference
15 for each candidate for each office. On the special ballot shall also be printed each
16 constitutional amendment to be voted on in the general election. To indicate his
17 order of preference for each candidate for each office to be voted on in the election,
18 the voter shall put the number one next to the name of the candidate who is the
19 voter's first choice, the number two for his second choice, and so forth so that, in
20 consecutive numerical order, a number indicating the voter's preference is written by
21 the voter next to each candidate's name on the ballot. A space shall be provided for
22 the voter to indicate his preference for or against each constitutional amendment
23 contained on the ballot. The voter shall not be required to indicate his preference for
24 more than one candidate on the ballot if the voter so chooses. The secretary of state
25 shall also prepare instructions for use of the special ballot, including instructions for
26 voting by mail using an electronically transmitted ballot.

27 B.(1) The secretary of state shall prepare ~~absentee~~ vote by mail ballot
28 envelopes, ~~absentee by mail~~ instructions, certificates, and other ~~absentee~~ vote by
29 mail balloting paraphernalia consistent with the provisions of this Chapter, subject

1 to approval of the attorney general as to content. Notwithstanding the provisions of
 2 R.S. 18:1316 relating to distinguishing marks on absentee vote by mail ballots,
 3 ~~absentee by mail~~ voting instructions on absentee vote by mail ballots to be
 4 transmitted by facsimile in accordance with R.S. 18:1308(A)(1)(b) shall inform the
 5 voter of the types of marks which may be used on the ballot to indicate his vote.
 6 When a court of competent jurisdiction, a registrar of voters, the secretary of state,
 7 or other competent authority determines that there exists a literate linguistic minority
 8 equal to more than five percent of the total population of any parish, the secretary of
 9 state, with approval of the attorney general as to content, shall prepare and furnish
 10 absentee vote by mail and early voting ballots, ~~absentee by mail and early voting~~
 11 instructions, and certificates in the minority language in sufficient quantity to
 12 provide to each absentee vote by mail and early voter requesting voting material in
 13 that language.

14 (2) The secretary of state shall include with the election paraphernalia
 15 accompanying absentee vote by mail ~~ballots~~ ballot instructions, approved by the
 16 secretary of state and the attorney general, generally describing the particular
 17 ~~absentee by mail counting~~ equipment utilized in the election to count absentee vote
 18 by mail ballots. The instructions shall inform the voter how to cast his vote, which
 19 shall include if applicable instructions for marking the absentee vote by mail ballot
 20 and examples of the correct and incorrect methods of marking the ballot.

21 * * *

22 C.(1) At least twenty days before each primary election and at least thirteen
 23 days before each general election, the secretary of state shall deliver to the registrar
 24 in each parish in which the election is to be held the paper absentee vote by mail
 25 ballots, envelopes, certificates, and instructions to be used in for voting ~~an absentee~~
 26 by mail ~~ballot~~ in that election, and a statement, approved by the attorney general,
 27 explaining the scope and nature of any proposed constitutional amendment. The
 28 number of paper absentee vote by mail ballots and other necessary paraphernalia to

1 be delivered shall be up to ~~ten~~ fifteen percent of the registered voters within each
2 parish.

3 (2) At least twenty days before each primary election, the secretary of state
4 shall deliver to the registrar in each parish in which the election is to be held the
5 special ~~absentee~~ vote by mail ballot for qualified voters who are either members of
6 the United States Service or persons residing outside of the United States. The
7 number of special ballots and other necessary paraphernalia, including instructions
8 for the use of the special ballot, to be so delivered shall be up to one percent of the
9 registered voters within each parish.

10 D. ~~An absentee~~ A vote by mail ballot envelope shall have printed on its face
11 in red bold face type:

12 FOR BALLOT ONLY

13 VIOLATION OF ~~ABSENTEE~~ VOTE BY MAIL OR EARLY

14 VOTING LAWS VOIDS BALLOT

15 AND MAY RESULT IN CRIMINAL PENALTIES

16 VOTING AT POLLS AFTER VOTING ~~ABSENTEE~~ BY MAIL

17 OR DURING EARLY VOTING IS PROHIBITED

18 AND MAY RESULT IN CRIMINAL PENALTIES

19 E.(1) ~~An absentee~~ A vote by mail ballot envelope also shall have a
20 perforated extension or flap below the sealing line, which shall bear a certificate
21 prescribed by the secretary of state and approved by the attorney general. The
22 certificate shall include but not necessarily be limited to:

23 * * *

24 (2)(a) ~~An absentee~~ A vote by mail ballot envelope flap shall also contain a
25 line for the handwritten signature of one witness and a line for the printed name of
26 the witness. The voter shall sign the certificate in the presence of one witness, and
27 his certificate shall be made under penalty of perjury for providing false or

1 fraudulent information. Above the perforation and along the seal line, the words
2 "DO NOT DETACH FLAP" shall be printed.

3 * * *

4 §1307. Application by mail

5 A. A person ~~qualified to vote absentee by mail under this Chapter~~ may make
6 application to vote by mail ~~therefor~~ to the registrar by letter; over his signature or
7 mark if the voter is unable to sign his name, signed by two witnesses who witnessed
8 the applicant's mark; setting forth:

9 (1) The election or elections for which he requests an ~~absentee~~ vote by mail
10 ballot.

11 ~~(2) The reason for his request to vote absentee by mail and attaching any~~
12 ~~documents in support thereof that are required by law. Any person who is or expects~~
13 ~~to be temporarily outside the territorial limits of the state or absent from the parish~~
14 ~~in which he is qualified to vote during the early voting period and on election day~~
15 ~~and who requests an absentee ballot be mailed to an address within the parish shall~~
16 ~~indicate in his application the dates he will be outside the territorial limits of the state~~
17 ~~or absent from the parish.~~

18 ~~(3)~~(2) The address to which the ~~absentee~~ vote by mail ballot or ballots shall
19 be sent. If the address is within the parish or an adjacent parish, such address shall
20 only be the address at which the applicant is registered to vote, his mailing address
21 on file with the registrar of voters, or an address at which he regularly receives mail.

22 ~~(4)~~(3) The ward and precinct in which the person is qualified to vote, if
23 known.

24 ~~(5)~~(4) The date of birth of the voter.

25 ~~(6)~~(5) The maiden name of the voter's mother or other identifying
26 information provided in the voter's application for registration pursuant to R.S.
27 18:104(A)(12).

28 ~~(7)~~(6) The street address in the parish where the voter resides. A post office
29 box is insufficient.

1 ~~(8)(7)~~ If the person requests that a ballot for a general election be sent in
2 addition to a ballot for the primary, he shall declare in writing to the registrar that he
3 will be eligible to vote ~~absentee~~ by mail in the general election.

4 * * *

5 D.(1) If the applicant is ~~eligible to vote absentee by mail pursuant to R.S.~~
6 ~~18:1303(D)(1)~~ hospitalized and submits with his application documentation showing
7 his hospitalization from his physician or the hospital, the application shall be
8 received by the registrar of voters no later than 4:30 p.m. on the day before the
9 election.

10 (2) This Subsection applies to any of the following:

11 (a) A person who is otherwise qualified to vote, who expects to be
12 hospitalized on election day, and who did not have knowledge of his proposed
13 hospitalization until after the time for early voting had expired.

14 (b) A person who is otherwise qualified to vote, who expects to be
15 hospitalized on election day, and who was hospitalized during the time for early
16 voting.

17 (c) A person who was hospitalized and released prior to an election but who
18 is either hospitalized or restricted to his bed by his physician during early voting and
19 is restricted to his bed by his physician on election day.

20 E. A person entitled to vote ~~absentee~~ by mail may request in his application
21 for ~~an absentee~~ a vote by mail ballot for a primary election that ~~an absentee~~ a vote
22 by mail ballot for the succeeding general election be sent to him when such ballots
23 become available for distribution; however, in such case, the applicant shall declare
24 in writing to the registrar that he will be eligible to vote ~~absentee~~ by mail in the
25 general election.

26 F. The registrar shall not send ~~an absentee~~ a vote by mail ballot to an
27 applicant whose application for ~~an absentee~~ a vote by mail ballot does not meet the
28 requirements of Subsection A or B of this Section. If the registrar rejects an

1 application for ~~an absentee~~ a vote by mail ballot, the registrar shall provide the
2 applicant with written reasons for the rejection.

3 G.(1) If the applicant is ~~eligible to vote absentee by mail pursuant to R.S.~~
4 ~~18:1303(F), (I), or (J)~~, a participant in the Special Program for Handicapped Voters,
5 able to furnish proof of a physical disability, or has attained the age of sixty-five
6 years or more, his application, if ~~such the~~ the application meets the requirements of this
7 Section, may remain valid indefinitely upon request of the applicant, unless ~~an~~
8 ~~absentee~~ a vote by mail ballot that has been sent to the applicant is returned to the
9 registrar as undeliverable. If the applicant's ~~absentee~~ vote by mail ballot is returned
10 to the registrar as undeliverable, the registrar shall send notice by forwardable mail
11 to such applicant that his application will no longer be valid, and the applicant shall
12 be required to submit a new application to the registrar that meets the requirements
13 of this Section and provide a current address before the applicant will be eligible to
14 vote ~~absentee~~ by mail again pursuant to this Section.

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

17 (a) A certificate of a medical doctor or optometrist certifying to the
18 irremediable nature of the physical disability.

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

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

27 (d) A completed and signed voter registration application attesting that the
28 voter has a physical disability and requires assistance in voting.

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

8 (4) If the registrar of voters has reason to believe that the proof of disability
9 is based upon false or fraudulent information, he shall immediately notify the parish
10 board of election supervisors. If, after appropriate hearing and opportunity for the
11 voter to be heard, the parish board of election supervisors finds that the proof of
12 disability was based upon false or fraudulent information, the voter's application
13 shall not remain valid indefinitely.

14 H.(1) If the applicant is ~~eligible to vote absentee by mail pursuant to R.S.~~
15 ~~18:1303(H)~~ a participant in the Department of State Address Confidentiality Program
16 pursuant to R.S. 44:52, his application, if such the application meets the requirements
17 of this Section, shall remain valid as long as the applicant is a program participant
18 in the Department of State Address Confidentiality Program pursuant to Part III of
19 Chapter 1 of Title 44 of the Louisiana Revised Statutes of 1950. When the applicant
20 ceases participation in the program, the Department of State shall notify the registrar
21 of the parish where the applicant is registered to vote that the applicant is no longer
22 a participant in the program. Upon receipt of the notification from the Department
23 of State, the registrar shall send notice by forwardable mail to the applicant that his
24 application will no longer be valid, and the applicant shall be required to submit a
25 new application to the registrar that meets the requirements of this Section and to
26 provide a current address before the applicant will be eligible to vote ~~absentee~~ by
27 mail again pursuant to this Section.

28 (2) The program participant's substitute address shall be used for all purposes
29 relative to voter registration and voting. A program participant's name and physical

1 address shall not be included on any list of registered voters available to the public.

2 A program participant shall not vote during early voting or in person at the polls on
3 election day.

4 §1307.1. Application by person serving on sequestered jury

5 A. A person ~~qualified to vote absentee pursuant to R.S. 18:1303(C)~~ serving
6 on sequestered jury may make application to vote by mail ~~therefor~~ to the registrar by
7 letter over his signature, setting forth:

8 (1) The election for which he requests ~~an absentee~~ a vote by mail ballot.

9 (2) The reason for his request to vote ~~absentee~~ by mail and attaching thereto
10 a certified copy of the court order required by R.S. 18:1307.2.

11 (3) The address to which the ~~absentee~~ vote by mail ballot shall be delivered.

12 (4) The ward and precinct in which the person is qualified to vote, if known.

13 B. An application must be received by the registrar on the day of the election
14 for which it is requested, and the date received shall be noted thereon by the
15 registrar.

16 §1307.2. Procedure for ~~absentee~~ voting by mail by member of sequestered jury

17 Upon the request of a person selected to serve as a member of a jury which
18 is sequestered on the day of an election and who is entitled to vote by ~~absentee ballot~~
19 ~~under the provisions of R.S. 18:1303(C)~~ mail, the court shall so inform the registrar
20 of voters in writing and shall order that the officer of the court in charge of the jury:

21 (1) Permit the jurors to make application to vote by ~~absentee ballot~~ mail as
22 set forth in R.S. 18:1307.1 and provide the jurors with the materials needed to make
23 application.

24 (2) Deliver all of the applications to the registrar of voters no later than noon
25 on the day of the election.

26 (3) Obtain from the registrar of voters and deliver to the applicants necessary
27 instructions, certificates, ballots, and envelopes as provided in R.S. 18:1308.1(A).

28 (4) Deliver to the registrar of voters the envelopes containing ~~absentee~~ vote
29 by mail ballots as set forth in R.S. 18:1308.1, prior to the closing of the polls.

1 §1308. ~~Absentee voting~~ Voting by mail

2 A.(1)(a) Beginning with the date on which the registrar receives the ~~absentee~~
3 vote by mail ballots and other necessary paraphernalia from the secretary of state,
4 and thereafter, immediately upon receipt of an application by mail, the registrar shall
5 mail the necessary instructions, certificates, ballots, and envelopes to the applicant
6 at the address furnished by the applicant.

7 * * *

8 (c)(i) A voter who is eligible to vote ~~absentee~~ by mail pursuant to R.S.
9 ~~18:1303(D)(1)~~ 18:1307(D) and who feels he will not have time to vote timely by
10 mail may request that the registrar transmit electronically to him a ballot along with
11 a certificate and waiver of the right to a secret ballot, and the registrar shall do so.
12 Alternatively, an immediate family member of the voter may pick up the necessary
13 instructions, certificate, ballot, and envelope at the registrar's office.

14 * * *

15 (d)(i) Upon request, the registrar shall transmit electronically a ballot,
16 certificate, and waiver of the right to a secret ballot to a voter who is eligible to vote
17 ~~absentee~~ by mail pursuant to R.S. ~~18:1303(F) or (1)~~ 18:1307(G)(1) and who is unable
18 to vote ~~an absentee~~ by mail ~~ballot~~ without assistance because of a disability.

19 * * *

20 (2)(a) With respect to members of the United States Service and persons
21 residing outside the United States who are registered to vote, these materials shall
22 be mailed as provided by the Uniformed and Overseas Citizens Absentee Voting Act
23 (39 U.S.C. 3406 and 42 U.S.C. 1973ff et seq.) and shall include both the primary
24 election ballot and the special ballot for the general election. The registrar shall mail
25 the materials for candidates for United States senator or United States representative
26 in congressional primary and general elections, candidates for presidential nominee
27 in presidential preference primary elections, and candidates in presidential elections

1 at least forty-five days prior to the election to those voters who have made
2 application to vote ~~absentee~~ by mail by such time.

3 * * *

4 (g) For mailed ballots, the envelope mailed to the voter shall contain ballot
5 envelopes and a postage paid return envelope. The return envelope shall bear the
6 official title and mailing address of the registrar and the name, return address, and
7 precinct or district number of the voter. The voter shall return his voted primary
8 election ballot and special ballot for the general election to the registrar in the
9 appropriate envelope. The registrar of voters shall mail a regular general election
10 ~~absentee~~ vote by mail ballot to a member of the United States Service or to persons
11 residing overseas only if the regular general election ~~absentee~~ vote by mail ballot
12 includes one or more elections that were not included on the special ballot sent, as
13 provided herein, to such voter. The envelope for the special ballot shall contain
14 language on the outside of the envelope that clearly designates which envelope is to
15 be used for return of the general election ballot.

16 * * *

17 §1308.1. ~~Absentee voting~~ Voting by mail by person serving on sequestered jury

18 * * *

19 §1308.2. Voting ~~absentee~~ by mail for candidates for presidential nominee,
20 presidential candidates, and congressional candidates

21 A.(1) At least forty-six days before each presidential election, the secretary
22 of state shall deliver to each registrar a sufficient quantity of ~~absentee~~ vote by mail
23 ballots, envelopes, certificates, and instructions, including those to be electronically
24 transmitted, for the election of the president of the United States to be used only by
25 members of the United States Service and persons residing outside the United States
26 who are registered to vote. The ~~absentee~~ vote by mail ballot shall be prepared
27 according to law.

28 (2) At least forty-six days before each congressional primary and general
29 election, the secretary of state shall deliver to each registrar a sufficient quantity of

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

1 primary election ~~absentee~~ vote by mail ballots for congressional candidates and
2 special ~~absentee~~ vote by mail ballots for congressional candidates as provided in R.S.
3 18:1306(A)(4), envelopes, certificates, and instructions, including those to be
4 electronically transmitted, to be used only by members of the United States Service
5 and persons residing outside the United States who are registered to vote.

6 (3) At least forty-six days before each presidential preference primary
7 election, the secretary of state shall deliver to each registrar a sufficient quantity of
8 ~~absentee~~ vote by mail ballots, envelopes, certificates, and instructions, including
9 those to be electronically transmitted, for candidates for presidential nominee to be
10 used only by members of the United States Service and persons residing outside the
11 United States who are registered to vote.

12 B. Voting ~~absentee~~ by mail for candidates for presidential nominee,
13 presidential candidates, and congressional candidates as provided in Subsection A
14 of this Section shall be conducted pursuant to the provisions of this Chapter
15 governing ~~absentee~~ by mail voting generally.

16 * * *

17 §1309. Early voting; verification

18 * * *

19 F.

20 * * *

21 (3) At the end of the early voting period, the registrar shall complete the
22 early voting verification form for each location, ~~and~~ sign and certify to its
23 correctness, and print an early voter report from the state voter registration computer
24 system listing all early voters from the parish. All early voting verification forms,
25 early voting machine public counter logs, early voting confirmation sheets, early
26 voter reports, and paper ballots voted during early voting shall be placed in the
27 special ~~absentee~~ vote by mail and early voting envelope or container for delivery to

1 the parish board of election supervisors on election day for the tabulation and
2 counting of early voting ballots.

3 * * *

4 H. Prior to delivery of the precinct register to the parish custodian, the
5 registrar shall ensure that the precinct register reflects for each voter whether the
6 voter voted during early voting or voted timely ~~absentee~~ by mail using the words
7 "voted by mail" and, if the register was not used during early voting, "voted early"
8 in the signature line for the voter in the precinct register.

9 * * *

10 §1310. Execution of certificate; marking of ballot; casting vote; assistance

11 A.(1) When a voter receives the ~~absentee voting~~ vote by mail materials by
12 mail, he first shall fill in all blanks on the certificate on the ballot envelope flap. The
13 voter then shall mark the ballot according to the printed instructions on its face.
14 Then the voter shall place the voted ballot in the envelope, seal the envelope, and
15 sign the certificate on the ballot envelope flap.

16 (2) When ~~absentee~~ vote by mail voting materials are electronically
17 transmitted to a voter pursuant to the provisions of this Chapter, the voter first shall
18 mark each ballot according to the instructions on the ballot, either by marking the
19 ballot electronically and then printing it, or by printing the ballot first and then
20 marking it by hand. The voter shall then print all remaining documents and fill in
21 all blanks on the certificate and the waiver of the right to a secret ballot for each
22 ballot mailing. The voter shall then place the voted ballot or ballots, completed
23 certificate, and waiver of the right to a secret ballot for each ballot mailing in a
24 separate envelope, seal the envelope, mark "~~Absentee~~ Mail Ballot Enclosed" on the
25 envelope, and mail the envelope and its contents to the registrar of voters.

26 B.

27 * * *

28 (2) Except as otherwise provided in Paragraph (1) of this Subsection, a
29 person who is otherwise qualified to vote by ~~absentee~~ by mail and who is visually

1 impaired₂ or physically disabled₂ or ~~who is~~ unable to read or write may receive
 2 assistance in voting ~~absentee~~ by mail from any person selected by him. The failure
 3 of a voter to furnish notice and proof during the time that the registration records are
 4 closed shall not deprive the voter of his right to receive assistance in voting if he
 5 complies with the requirements of the laws governing the conduct of elections with
 6 respect to assistance to voters in casting their votes as required by R.S. 18:564 or
 7 1309.3.

8 (3) A person who is eligible for assistance in voting ~~absentee~~ by mail or
 9 early voting may, in the same manner, seek assistance in the signing of his name or
 10 making of his mark. Any person who assists a voter in signing his name or making
 11 his mark shall explain to the voter that a signature or mark so made certifies that all
 12 statements in the certificate, if applicable, are true and correct and that any person
 13 who knowingly provides false or incorrect statements is subject to a fine or
 14 imprisonment, or both.

15 C.(1) Any person who assists a voter in voting ~~absentee~~ by mail shall
 16 execute the acknowledgment on the ballot envelope flap prepared by the secretary
 17 of state, verifying that the person providing the assistance has marked the ballot in
 18 the manner dictated by the voter, and the signature on the acknowledgment by the
 19 person providing assistance may serve as the signature of the witness required by
 20 R.S. 18:1306(E)(2)(a).

21 * * *

22 §1311. List of ~~absentee~~ vote by mail and early voters; posting; delivery of
 23 alphabetized list to precincts; supplements; ~~absentee~~ vote by mail voter
 24 report

25 A.(1) The registrar shall keep a list containing the names of all persons who
 26 vote by early voting ballot during early voting and of those whose ~~absentee~~ vote by
 27 mail ballots ~~by mail~~ he has received. He shall ensure that the list is available for
 28 inspection by members of the public at the principal office of the registrar when the
 29 office is open. After the last day for early voting, the registrar shall prepare a list,

1 arranged alphabetically by precinct, of the names of all persons who have voted
 2 during early voting or from whom ~~absentee~~ vote by mail ballots ~~by mail~~ were
 3 received on or before the last day for early voting. The registrar shall ensure that the
 4 list is available for inspection by members of the public at the principal office of the
 5 registrar when the office is open and shall retain a copy of the list for use by the
 6 parish board of election supervisors on election night.

7 (2) The registrar shall prepare a supplemental list, arranged alphabetically
 8 by precinct, of the names of all persons from whom ~~absentee~~ vote by mail ballots ~~by~~
 9 ~~mail~~ have been received after the last day for early voting and before election day.
 10 The registrar shall deliver the supplemental list for each precinct to the parish
 11 custodian. The parish custodian shall then deliver the supplemental list for each
 12 precinct to the deputy parish custodian appointed for that precinct when the key
 13 envelopes are delivered as provided in R.S. 18:553(A). The registrar shall ensure
 14 that the list is available for inspection by members of the public at the principal
 15 office of the registrar when the office is open and shall retain a copy of the
 16 supplemental list for use by the parish board of election supervisors on election
 17 night.

18 * * *

19 B. The registrar shall include the first ~~absentee~~ ballot received from a person
 20 voting by mail, if timely received, with those to be counted by the board. Any
 21 second or subsequent ballot received from such a person shall be considered not
 22 timely received.

23 C. The registrar shall print ~~an absentee~~ a vote by mail voter report from the
 24 state voter registration computer system listing all voters from whom he has received
 25 ~~absentee~~ vote by mail ballots before election day; he shall certify to the correctness
 26 of the report and deliver the report to the parish board of election supervisors on
 27 election day for use in the tabulation and counting of ~~absentee~~ vote by mail ballots.

28 D.(1)(a) Any ~~absentee~~ vote by mail ballot submitted by a member of the
 29 United States Service or person who resides outside of the United States who has

1 made timely application to vote ~~absentee~~ by mail timely and which ballot is received
2 by the registrar on election day shall be endorsed with the day and hour of receipt
3 and shall be segregated from and kept separately from any other ~~absentee~~ vote by
4 mail ballot received on or after election day.

5 (b) For any voter hospitalized who has made timely application to vote
6 ~~absentee by mail in accordance with R.S. 18:1303(D)(1)~~ and whose ~~absentee~~ vote
7 by mail ballot is received by the registrar on election day, either by hand delivery or
8 facsimile transmission, such ~~absentee~~ ballot shall be endorsed with the day and hour
9 of receipt and shall be segregated ~~from~~ and kept separately from any other ~~absentee~~
10 vote by mail ballot received on or after election day.

11 (2) Upon receipt of any such ~~absentee~~ vote by mail ballot, the registrar shall
12 include, on a separate list prepared for this purpose, in alphabetical order and by
13 precinct, the name of any such voter in each precinct.

14 * * *

15 (4)(a) If the voter has not voted in person at the precinct, the registrar shall
16 instruct the commissioner-in-charge to mark "voted by mail" in the place where the
17 voter would ordinarily sign the precinct register and to initial the precinct register
18 opposite the words "voted by mail". The registrar shall then include the first
19 ~~absentee~~ vote by mail ballot received, if received timely, with those to be counted
20 by the board, or, if the counting and tabulation of ~~absentee~~ vote by mail and early
21 voting ballots has commenced, shall transmit such ballot to the board ~~to be counted~~
22 for counting. Any second or subsequent ballot received from such a person shall be
23 considered as not timely received. Accompanying any such ~~absentee~~ vote by mail
24 ballot shall be a statement certified by the registrar that he has verified that such
25 voter has not voted in person at the precinct where he is registered to vote.

26 * * *

27 (5)(a) Upon receipt of the special ballot for members of the United States
28 Service and persons residing outside of the United States, the registrar shall endorse
29 the day and hour of receipt on ~~said~~ the ballots and place those received on the day

1 of the election for which the ballot is cast, in an envelope separate from any other
2 mail ballot. The registrar shall include, on a separate list for this purpose, in
3 alphabetical order and by precinct, the name of each voter submitting such special
4 ~~absentee~~ vote by mail ballot.

5 * * *

6 (c) If the voter has not voted in person at the precinct, the first special ballot
7 received from the voter by the registrar, if timely received, shall be counted and
8 tabulated in accordance with the provisions of this Chapter relative to ~~absentee~~ vote
9 by mail ballots.

10 E. The commissioners at the polling place shall use the supplemental list
11 provided for in Paragraph (A)(2) of this Section to ensure that persons who have
12 voted ~~absentee~~ by mail do not vote in person at the polls on election day.

13 * * *

14 §1319. Use of Federal Write-In Absentee Ballot; presidential preference primary,
15 presidential, and congressional elections

16 A member of the United States Service or a person residing outside the
17 United States who made a timely application to vote ~~absentee~~ by mail as provided
18 in R.S. 18:1307(C) and who did not receive ~~absentee~~ vote by mail ballots may use
19 the Federal Write-In Absentee Ballot to vote for candidates for presidential nominee,
20 presidential candidates, and congressional candidates. The Federal Write-In
21 Absentee Ballot shall be submitted, processed, and counted in the manner provided
22 in this Chapter.

23 Section 2. The Louisiana State Law Institute is hereby directed to change the
24 expression "absentee by mail" or "vote absentee by mail" or grammatical variations thereof
25 to "vote by mail" in the following provisions: R.S. 18:18, 25, 58, 59, 101, 106.1, 152, 154,
26 158, 195, 196, 551, 553, 562, 566.2, 573, 574, 1312, 1313, 1314, 1315, 1333, 1334, 1346,
27 1351, 1352, 1353, 1400.3, 1400.4, 1433, 1433.1, 1451, 1452, and 1453 and R.S. 44:52.

28 Section 3. R.S. 18:1303(B) through (L) and 1307(I) are hereby repealed in their
29 entirety.

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 419 Original

2020 Regular Session

Landry

Abstract: Allows all eligible voters to vote by mail.

Present law (R.S. 18:1303) allows absentee voting for voters who expect to be out of the state or parish on election day, who also meet specific requirements. Proposed law removes absentee requirements for absentee voting and allows all qualified voters to vote by mail.

Present law (R.S. 18:1306(C)(1)) requires the secretary of state to deliver to the registrar in each parish absentee by mail ballots for up to 10% of the registered voters within the parish. Proposed law changes the percentage of vote by mail ballots to up to 15% of the registered voters within the parish.

Present law (R.S. 18:1307(A)(2)) requires a voter to provide a reason for his request to vote absentee. Further, requires a voter to provide the dates of his absence if he expects to be temporarily outside of the state during the early voting period and on election day. Proposed law removes these requirements.

Present law (R.S. 18:1307(D)) requires a hospitalized applicant to submit his application to vote absentee by mail to the registrar of voters no later than 4:30 p.m. on the day before the election. Proposed law retains present law.

Present law (R.S. 18:1307(G)) allows an applicant's application to remain valid indefinitely if the applicant is a participant in the Special Program for Handicapped Voters, able to furnish proof of a physical disability, or has attained the age of sixty-five years or more. If the applicant's absentee by mail ballot is returned to the registrar as undeliverable, the registrar shall notify such applicant that his application will no longer be valid. Proposed law retains present law.

Present law (R.S. 18:1307(H)) allows an applicant's application to remain valid indefinitely if the applicant is a participant in the Dept. of State Address Confidentiality Program. Proposed law retains present law.

Present law (R.S. 18:1307(I)) requires the registrar of voters to notify the parish board of election supervisors, if he believes that the eligibility of a voter to vote absentee by mail pursuant to present law is based upon false or fraudulent information. Further provides, if 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 present law. Proposed law repeals present law.

Present law (R.S. 18:1308(A)(2)(g)) provides that a mailed ballot shall be sent to a voter in an envelope containing a ballot envelope and a return envelope. Proposed law retains present law and specifies that a postage paid return envelope shall be provided to the voter.

(Amends R.S. 18:1301, 1302(2) and (6), 1303(A), 1305, 1306(A)(1) and (4), (B)(1) and (2), (C), (D), (E)(1)(intro. para.) and (2)(a) 1307(A) and (D) through (H), 1307.1, 1307.2, and 1308(A)(1)(a), (c)(i), and (d)(i) and (2)(a) and (g), 1308.1(Section heading), 1308.2, 1309(F)(3) and (H), 1310(A), (B)(2) and (3), and (C)(1), 1311(A)(1) and (2), (B), (C), (D)(1), (2), (4)(a), and (5)(a) and (c), and (E), and 1319; Repeals R.S. 18:1303(B) through (L) and 1307(I))