DIGEST

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Jane Smith HB No. 524

Abstract: Provides relative to procedures for registration and voting for persons in the U.S. Service and persons residing outside of the U.S.

Present law (R.S. 18:103) provides for voter registration. Provides requirements and procedures for registering to vote by mail, including procedures for persons who are unable to register in person because they are in the U.S. Service or because they reside outside of the U.S. Provides that such a person must return registration documents by mail to the registrar. Proposed law allows for the transmission of registration documents by facsimile or other means of transmission in addition to mailing.

Present law (R.S. 18:1306) provides procedures and requirements for voting absentee by mail. Requires a voter to execute a certificate stating that the statements made by him are true and correct and that the voter is aware of the penalties for knowingly making a false statement. In signing the certificate, requires the voter to obtain the signature of a notary public unless he signs the certificate in the presence of two witnesses who also sign the certificate. Allows certain disabled voters to execute the certificate in the presence of one witness. Proposed law provides that a voter in the U.S. Service or residing outside of the U.S. is not required to obtain the signature of a notary or to execute the certificate in the presence of two witnesses. Otherwise retains present law.

Present law (R.S. 18:1307) provides procedures and requirements for applying to vote absentee by mail. Requires an application to include certain specified information. Requires the application to be delivered to the registrar by any means, including the U.S.P.S., commercial delivery service, hand delivery, or facsimile. Proposed law provides that with respect to members of the U.S. Service and persons residing outside the U.S. who are registered to vote, an application to vote by mail may be delivered to the registrar by electronic transmission.

Present law provides that an applicant who is a member of the U.S. Service or who resides outside the U.S. may use the federal postcard application and that the application shall be received by the registrar no later than 4:30 p.m. on the day before the election. Provides for the continuing validity of such an application. Proposed law provides that such an applicant may also use an application electronically transmitted by the registrar or the secretary of state.

Present law (R.S. 18:1308) provides procedures for voting absentee by mail. Requires the registrar to mail the necessary instructions, certificates, ballots, and envelopes to the applicant. Provides specific procedures for mailing materials to registered voters on active duty in the

United States military service or outside the continental boundaries of the United States Provides that materials may be electronically transmitted for a federal general election.

Proposed law specifies that materials may be electronically transmitted for federal candidates in congressional elections, presidential preference primary elections, and presidential elections. Requires the registrar to mail or electronically transmit materials for federal candidates in a federal election 45 days prior to the election for voters who have made application or requested such transmission, as applicable, prior to such time.

Present law requires that the ballots mailed to military and overseas voters must include both the primary election ballot and the special ballot for the general election. Provides that the registrar of voters shall not mail a regular general election absentee ballot to a member of the United States Service or to persons residing overseas if the registrar has mailed the special ballot to such voter. Proposed law provides that the registrar shall mail the voter a regular general election absentee ballot if it includes one or more elections that were not included on the special ballot sent to the voter.

Present law provides that military and overseas voters may use the ballot transmittal envelope from the Federal Write-In Absentee Ballot to mail electronically transmitted federal general election voting materials. Proposed law specifies that present law additionally applies to voting materials for congressional elections, presidential preference primary elections, and presidential elections.

Present law (R.S. 18:1308.2) provides that at least 45 days before each presidential election and congressional general election the secretary of state must deliver absentee by mail materials to the registrar, including special ballots, certificates, and instructions to be electronically transmitted to voters. Proposed law changes the deadline from 45 days before the election to 46 days before the election. Specifies that present law additionally applies to presidential preference primary elections and congressional primary elections.

Present law provides that voting absentee by mail for presidential and congressional candidates is conducted pursuant to present law provisions relative to absentee by mail voting generally. Proposed law specifies that present law applies additionally to presidential preference primary elections.

Present law (R.S. 18:1319) provides that a military or overseas voter who made a timely application to vote absentee by mail as provided in present law (R.S. 18:1307(C)) and who did not receive absentee by mail ballots may use the Federal Write-In Absentee Ballot to vote in presidential elections and congressional elections. Proposed law provides that such ballot may be used to vote for candidates for presidential nominee, presidential candidates, and congressional candidates.

Proposed law makes various technical changes.

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

(Amends R.S. 18:103(B)(intro. para.) and (3)(b) and (C)(3)(b), 1306(E)(2), 1307(C), 1308(A)(2), 1308.2, 1310(A)(2), and 1319; Adds R.S. 18:1307(B)(1)(c))

Summary of Amendments Adopted by House

Committee Amendments Proposed by House Committee on House and Governmental Affairs to the original bill.

1. Makes technical changes.

2. Removes the requirement that a member of the United States Service or person residing outside of the United States who votes absentee by mail have two witnesses attest to his certification certifying that the statements made by him are true and correct and that the voter is aware of the penalties for knowingly making a false statement.

3. Adds requirement that for voters in the United States Service and voters residing outside of the United States, the registrar mail at least 45 days prior to the election the materials for certain candidates if application to vote absentee by mail has been made by that time or such transmission has been requested by that time, as applicable.

4. Changes present law to require secretary of state to deliver, at least 46 days before each presidential election, to each registrar a sufficient number of absentee by mail ballots, envelopes, certificates, and instructions, including those to be electronically transmitted, for federal candidates to be used by voters in the United States Service and voters residing outside of the United States

5. Adds requirement that each absentee by mail ballot returned, with accompanying required documentation, shall be in a separate envelope.