

Regular Session, 2011

ACT No. 195

HOUSE BILL NO. 524

BY REPRESENTATIVES JANE SMITH, ARNOLD, AUBERT, BOBBY BADON, BURFORD, HENRY BURNS, TIM BURNS, BURRELL, CARMODY, CARTER, CHANDLER, CHANEY, CROMER, DOERGE, DOVE, DOWNS, GISCLAIR, GUILLORY, HAZEL, HENRY, HILL, HINES, HOFFMANN, HOWARD, GIROD JACKSON, MICHAEL JACKSON, KATZ, LORUSSO, MCVEA, MORRIS, NOWLIN, POPE, PUGH, RICHARD, SCHRODER, SEABAUGH, SIMON, GARY SMITH, ST. GERMAIN, TALBOT, TEMPLET, THIERRY, TUCKER, WHITE, WILLIAMS, AND WILLMOTT

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

1 AN ACT

2 To amend and reenact R.S. 18:103(B)(3)(b) and (C)(3)(b), 1306(E)(2), 1307(C), 1308(A)(2),
3 1308.2, 1310(A)(2), and 1319 and to enact R.S. 18:1307(B)(1)(c), relative to
4 procedures for voter registration and voting for persons in the United States Service
5 and persons residing outside the United States; to provide for the transmission,
6 including electronic transmission, of certain registration and election materials; to
7 provide relative to procedures for applying to register to vote; to provide relative to
8 procedures for making application to vote absentee by mail; to provide relative to
9 procedures for voting absentee by mail; to provide for the delivery of voting
10 materials to registrars of voters; to provide for effectiveness; and to provide for
11 related matters.

12 Be it enacted by the Legislature of Louisiana:

13 Section 1. R.S. 18:103(B)(3)(b) and (C)(3)(b), 1306(E)(2), 1307(C), 1308(A)(2),
14 1308.2, 1310(A)(2), and 1319 are hereby amended and reenacted and R.S. 18:1307(B)(1)(c)
15 is hereby enacted to read as follows:

16 §103. Personal appearance of applicant required; exceptions

17 * * *

18 B. Any citizen of Louisiana who meets the qualifications set forth in R.S.
19 18:101 and who is a legal resident of this state, whether or not he has a place of

1 abode in this state, but who is unable to appear in person to register because he is in
2 the United States Service, as defined in R.S. 18:1302, may register by mail using the
3 state mail voter registration form in accordance with the following provisions:

4 * * *

5 (3) Upon receipt of the document, the applicant shall:

6 * * *

7 (b) Return the document by mail, facsimile, or other means of transmission
8 to the registrar.

9 * * *

10 C. A person who meets the qualifications set forth in R.S. 18:101(E) who is
11 unable to appear in person to register because he is residing outside the United States
12 may register by mail using the state mail voter registration form in accordance with
13 the following provisions:

14 * * *

15 (3) Upon receipt of the document, the applicant shall:

16 * * *

17 (b) Return the document by mail, facsimile, or other means of transmission
18 to the registrar.

19 * * *

20 §1306. Preparation and distribution of absentee by mail and early voting ballots

21 * * *

22 E.

23 * * *

24 (2)(a) An absentee by mail or early voting ballot envelope flap shall also
25 ~~contain lines for the handwritten signature of two witnesses. The voter may sign the~~
26 ~~certificate in the presence of two witnesses, or one witness if the voter is voting~~
27 ~~absentee by mail as authorized by R.S. 18:1303(F) or (I), and in such a case, the~~
28 contain a line for the handwritten signature of one witness. The voter may sign the
29 certificate in the presence of one witness and in such a case, the voter shall not be
30 required to obtain the signature of a notary public, but his certificate shall be made

1 under penalty of perjury for providing false or fraudulent information. Above the
2 perforation and along the seal line, the words "DO NOT DETACH FLAP" shall be
3 printed.

4 (b) Notwithstanding the provisions of Subparagraph (a) of this Paragraph,
5 a member of the United States Service or person residing outside of the United States
6 who is registered to vote shall not be required to sign the certificate in the presence
7 of one witness or to obtain the signature of a notary public, but his certificate shall
8 be made under penalty of perjury for providing false or fraudulent information.

9 * * *

10 §1307. Application by mail

11 * * *

12 B.(1)

13 * * *

14 (c) Notwithstanding the provisions of Subparagraph (a) of this Paragraph,
15 with respect to members of the United States Service and persons residing outside
16 the United States who are registered to vote, an application to vote by mail may be
17 delivered to the registrar by electronic transmission.

18 * * *

19 C. If the applicant is a member of the United States Service or resides
20 outside the United States, he may use the federal postcard application or an
21 application electronically transmitted by the registrar or secretary of state, and the
22 application shall be received by the registrar no later than 4:30 p.m. on the day
23 before the election. Such application shall be valid for a period extending from the
24 date the application is received in the office of the registrar of voters through two
25 subsequent regularly scheduled federal general elections. If the registrar rejects the
26 application of an applicant who is a member of the United States Service or resides

1 outside the United States, the registrar shall provide the applicant with written
2 reasons for the rejection.

3 * * *

4 §1308. Absentee voting by mail

5 A.

6 * * *

7 (2)(a) With respect to ~~registered voters on active duty in the United States~~
8 ~~military service or outside the continental boundaries of the United States~~ members
9 of the United States Service and persons residing outside the United States who are
10 registered to vote, these materials shall be mailed as provided by the Uniformed and
11 Overseas Citizens Absentee Voting Act (39 U.S.C. 3406 and 42 U.S.C. 1973ff et
12 seq.) and shall include both the primary election ballot and the special ballot for the
13 general election. The registrar shall mail the materials for candidates for United
14 States senator or United States representative in congressional primary and general
15 elections, candidates for presidential nominee in presidential preference primary
16 elections, and candidates in presidential elections at least forty-five days prior to the
17 election to those voters who have made application to vote absentee by mail by such
18 time.

19 (b) Notwithstanding the provision of Subparagraph (a) of this Paragraph,
20 with respect to ~~registered voters on active duty in the United States military service~~
21 ~~or outside the continental boundaries of the United States~~ members of the United
22 States Service and persons residing outside the United States who are registered to
23 vote, these materials may be electronically transmitted for a ~~federal~~ candidates for
24 United States senator or United States representative in congressional primary and
25 general election elections and must include the special ballot or ballots as provided
26 in R.S. 18:1306(A)(4) for the ~~federal~~ congressional general election. The registrar
27 shall transmit the materials at least forty-five days prior to the election to those
28 voters who have requested electronic transmission by such time.

29 (c) Notwithstanding the provisions of Subparagraph (a) of this Paragraph,
30 with respect to members of the United States Service and persons residing outside

1 the United States who are registered to vote, these materials may be electronically
 2 transmitted for candidates for presidential nominee in presidential preference
 3 primary elections and candidates in presidential elections. The registrar shall
 4 transmit the materials at least forty-five days prior to the election to those voters who
 5 have requested electronic transmission by such time.

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

19 ~~(d)~~ (e)(i) For ~~each~~ electronically transmitted presidential preference primary,
 20 presidential, congressional primary, and federal congressional general election ~~ballot~~
 21 ballots, the registrar shall transmit the ballot or ballots, certificate, and waiver of the
 22 right to a secret ballot to the voter for each ballot mailing. The waiver of the right
 23 to a secret ballot shall contain the following statement: "My ballot was transmitted
 24 electronically to me and I am voluntarily waiving my right to a secret ballot." The
 25 statement shall also contain a space for the voter's handwritten signature, the date,
 26 and the voter's social security number. The voter shall return by mail his voted ballot
 27 or ballots, completed certificate, and signed waiver of the right to a secret ballot for
 28 each ballot mailing. The registrar and his staff shall take the steps necessary to keep
 29 each voted ballot that was transmitted electronically as confidential as practicable.

1 (ii) The voter may use ~~the a separate~~ "Security Envelope" and ballot
 2 transmittal envelope from the Federal Write-in Absentee Ballot to mail the
 3 electronically transmitted ~~federal~~ presidential preference primary, presidential,
 4 congressional primary, or congressional general election ballot or ballots, and
 5 certificate, and waiver of the right to a secret ballot to the parish registrar of voters
 6 for each ballot mailing.

7 ~~(e)~~ (f) Notwithstanding the provisions of Subparagraphs (a), (b), ~~and (c), and~~
 8 (d) of this Paragraph, a voter who is ~~on active duty in the United States military~~
 9 ~~service or residing outside the United States continental boundaries~~ a member of the
 10 United States Service or who resides outside the United States and who feels he will
 11 not have time to vote timely by mail, may request that the registrar transmit to him
 12 by facsimile a ballot, including the certificate, or a second ballot, as the case may be,
 13 and the registrar shall do so. The voter may then either mail or transmit by facsimile
 14 his voted ballot and certificate back to the registrar at the facsimile machine number
 15 designated by the registrar. If the voter chooses to transmit his voted ballot to the
 16 registrar by facsimile, the documents to be transmitted shall contain the following
 17 statement: "I understand that by faxing my voted ballot I am voluntarily waiving my
 18 right to a secret ballot." This statement shall be followed by the voter's handwritten
 19 signature, date, and social security number. Upon receipt of the transmittal, the
 20 registrar shall place the voted ballot along with the signed statement and certificate
 21 in an appropriately marked envelope and seal it. The registrar and his staff shall take
 22 the steps necessary to keep the voted ballots received by facsimile as confidential as
 23 practicable.

24 ~~(f)~~ (g) The secretary of state as the chief election officer of the state shall
 25 take all actions reasonably necessary to allow ~~persons residing outside the~~
 26 ~~continental boundaries and persons on active duty in the armed forces~~ members of
 27 the United States Service and persons residing outside the United States to vote
 28 according to the Uniformed and Overseas Citizens Absentee Voting Act or otherwise
 29 during a period of declared emergency, whether by mail, facsimile, or other means

1 of transmission of the ballot, notwithstanding any provision of this Code to the
2 contrary.

3 * * *

4 §1308.2. Voting absentee by mail for candidates for presidential nominee,
5 presidential candidates, and congressional candidates

6 A.(1) At least ~~forty-five~~ forty-six days before each presidential election, the
7 secretary of state shall deliver to each registrar a sufficient quantity of absentee by
8 mail ballots, envelopes, certificates, and instructions, including those to be
9 electronically transmitted, for the election of the president of the United States to be
10 used only by members of the United States Service, as defined in R.S. 18:1302, and
11 persons residing outside the United States who are registered to vote pursuant to R.S.
12 18:103(C), for the election of the president of the United States, including ballots,
13 certificates, and instructions to be electronically transmitted to the voters. The
14 absentee by mail ballot shall be prepared according to law and shall contain only
15 presidential candidates. The absentee by mail ballot envelope shall be marked
16 "Presidential Ballot Only".

17 (2) At least ~~forty-five~~ forty-six days before each congressional primary and
18 general election, the secretary of state shall deliver to each registrar a sufficient
19 quantity of primary election absentee by mail ballots for congressional candidates
20 and special absentee by mail ballots for congressional candidates as provided in R.S.
21 18:1306(A)(4), envelopes, certificates, and instructions, including those to be
22 electronically transmitted, to be used only by members of the United States Service,
23 ~~as defined in R.S. 18:1302,~~ and persons residing outside the United States who are
24 registered to vote, ~~pursuant to R.S. 18:103(C), for the election of the members of~~
25 ~~congress, including special ballots, certificates, and instructions to be electronically~~
26 ~~transmitted to the voters.~~

27 (3) At least forty-six days before each presidential preference primary
28 election, the secretary of state shall deliver to each registrar a sufficient quantity of
29 absentee by mail ballots, envelopes, certificates, and instructions, including those to
30 be electronically transmitted, for candidates for presidential nominee to be used only

1 by members of the United States Service and persons residing outside the United
2 States who are registered to vote.

3 B. Voting absentee by mail for candidates for presidential nominee,
4 presidential candidates, and congressional candidates as provided in Subsection A
5 ~~hereof~~ of this Section shall be conducted pursuant to the provisions of this Chapter
6 governing absentee by mail voting generally.

7 * * *

8 §1310. Execution of certificate; marking of ballot; casting vote; assistance

9 A.

10 * * *

11 (2) When a member of the United States Service, ~~as defined in R.S. 18:1302,~~
12 or a person residing outside the United States who is registered to vote receives the
13 absentee voting materials by electronic transmission, he first shall print all
14 documents and fill in all blanks on the certificate and the waiver of the right to a
15 secret ballot for each ballot mailing. The voter then shall mark the ballot or ballots
16 according to the printed instructions on its face. The voter shall then place the voted
17 ballot or ballots, completed certificate, and waiver of the right to a secret ballot ~~in an~~
18 for each ballot mailing in a separate envelope, seal the envelope, mark "Absentee
19 Ballot Enclosed" on the envelope, and mail the envelope and its contents to the
20 registrar of voters.

21 * * *

22 §1319. Use of Federal Write-In Absentee Ballot; presidential preference primary,
23 presidential, and congressional elections

24 A member of the United States Service, ~~as defined in R.S. 18:1302,~~ or a
25 person residing outside the United States who made a timely application to vote
26 absentee by mail as provided in R.S. 18:1307(C) and who did not receive absentee
27 by mail ballots may use the Federal Write-In Absentee Ballot to vote ~~in~~ for
28 candidates for presidential nominee, presidential ~~elections~~ candidates, and
29 congressional ~~elections~~ candidates. The Federal Write-In Absentee Ballot shall be
30 submitted, processed, and counted in the manner provided in this Chapter.

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

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____