

2016 Regular Session

HOUSE BILL NO. 614

BY REPRESENTATIVE MORENO

VOTERS/VOTING: Provides for the electronic transmission of voting materials and procedures and requirements for voting absentee using such materials

1 AN ACT

2 To amend and reenact R.S. 18:1310(A)(2) and to enact R.S. 18:1308(A)(1)(d), relative to
3 voting absentee by mail; to provide for the electronic transmission of voting
4 materials to certain voters under certain circumstances; to provide relative to the
5 procedures and requirements for voting using such materials; and to provide for
6 related matters.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. R.S. 18:1310(A)(2) is hereby amended and reenacted and R.S.
9 18:1308(A)(1)(d) is hereby enacted to read as follows:

10 §1308. Absentee voting by mail

11 A.(1)

12 * * *

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

17 (ii) The waiver of the right to a secret ballot shall contain the following
18 statement: "My ballot was transmitted electronically to me, and I am voluntarily
19 waiving my right to a secret ballot." The waiver shall also contain spaces for the

1 voter's handwritten signature or mark, the date, and the last four digits of the voter's
2 social security number.

3 (iii) The voter shall mark the ballot and complete the certificate and waiver
4 as provided in R.S. 18:1310 and return his voted ballot and completed certificate and
5 waiver to the registrar by facsimile or any means authorized by Subsection B of this
6 Section. The registrar and his staff shall take the steps necessary to keep the voted
7 ballot as confidential as practicable.

8 * * *

9 §1310. Execution of certificate; marking of ballot; casting vote; assistance

10 A.

11 * * *

12 (2) ~~When a member of the United States Service or a person residing outside~~
13 ~~the United States who is registered to vote receives the absentee voting materials by~~
14 ~~electronic transmission, he~~ absentee by mail voting materials are electronically
15 transmitted to a voter pursuant to the provisions of this Chapter, the voter first shall
16 mark each ballot according to the instructions on the ballot, either by marking the
17 ballot electronically and then printing it, or by printing the ballot first and then
18 marking it by hand. The voter shall then print all remaining documents and fill in
19 all blanks on the certificate and the waiver of the right to a secret ballot for each
20 ballot mailing. ~~The voter then shall mark the ballot or ballots according to the~~
21 printed instructions on its face. The voter shall then place the voted ballot or ballots,
22 completed certificate, and waiver of the right to a secret ballot for each ballot mailing
23 in a separate envelope, seal the envelope, mark "Absentee Ballot Enclosed" on the
24 envelope, and mail the envelope and its contents to the registrar of voters.

25 * * *

26 Section 2. This Act shall become effective January 1, 2017.

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 614 Original

2016 Regular Session

Moreno

Abstract: Provides for procedures for voting using absentee by mail materials sent electronically, and requires the registrar to send such materials electronically to certain voters with disabilities upon request.

Present law (R.S. 18:1303) authorizes certain persons to vote absentee by mail, including a person who participates in a former program for persons with physical disabilities and a qualified voter who submits certain required proof of a physical disability.

Present law (R.S. 18:1308) requires the registrar to mail absentee by mail voting materials to a person who has applied to vote absentee by mail. Authorizes the registrar to transmit such materials by facsimile if the voter feels he will not have time to vote timely by mail. Authorizes the registrar to transmit such materials electronically to certain hospitalized voters, to members of the U.S. Service, and to persons residing outside the U.S. who are registered to vote. Requires the materials to include the necessary instructions, certificates, ballots, and waiver of the right to a secret ballot. Provides for the content of the waiver. Authorizes certain methods for returning materials to the registrar.

Proposed law retains present law. Additionally requires the registrar to transmit electronically a ballot, certificate, and waiver of the right to a secret ballot to a voter who is eligible to vote absentee by mail pursuant to present law (R.S. 18:1303) and who is unable to vote an absentee by mail ballot without assistance because of a disability.

Present law (R.S. 18:1310) provides procedures for voting absentee by mail. Provides that when a voter receives the absentee voting materials by mail, he first shall fill in all blanks on the certificate on the ballot envelope flap. Requires the voter to then mark the ballot according to the printed instructions on its face. Provides that the voter then places the voted ballot in the envelope, seal the envelope, and sign the certificate on the ballot envelope flap.

Proposed law retains present law.

Present law provides procedures to be used when absentee by mail voting materials are received by a member of the U.S. Service or a person residing outside the U.S. who is registered to vote. Provides that he first shall print all documents and fill in all blanks on the certificate and the waiver of the right to a secret ballot for each ballot mailing. Requires the voter to then mark the ballot or ballots according to the printed instructions. Provides that the voter shall then place the voted ballot or ballots, completed certificate, and waiver of the right to a secret ballot for each ballot mailing in a separate envelope, seal the envelope, mark "Absentee Ballot Enclosed" on the envelope, and mail the envelope and its contents to the registrar of voters.

Proposed law requires the voter to first mark each ballot according to the instructions on the ballot, either by marking the ballot electronically and then printing it, or by printing the ballot first and then marking it by hand. Provides that the voter then must print all of the remaining documents. Provides that proposed law and present law apply to all voters to whom absentee by mail voting materials are transmitted, not only members of the U.S. Service and people residing outside the U.S. Otherwise retains present law.

Present law provides that a person otherwise qualified to vote absentee by mail who is visually impaired or physically disabled or who is unable to read or write may receive

assistance in voting absentee by mail from any person selected by him other than a candidate. Provides that a person who is eligible for assistance in voting absentee by mail or early voting may, in the same manner, seek assistance in the signing of his name or making of his mark. Requires any person who assists a voter in signing his name or making his mark to explain to the voter that a signature or mark so made certifies that all statements in the certificate, if applicable, are true and correct and that any person who knowingly provides false or incorrect statements is subject to a fine or imprisonment, or both. Requires a person who assists a voter in voting absentee by mail to execute an acknowledgment.

Proposed law retains present law.

Effective Jan. 1, 2017.

(Amends R.S. 18:1310(A)(2); Adds R.S. 18:1308(A)(1)(d))