

Regular Session, 2010  
HOUSE BILL NO. 1200  
BY REPRESENTATIVE RICHARD

# ACT No. 624

1 AN ACT

2 To amend and reenact R.S. 18:103(B)(1), (2), (3)(b), and (4), and (C)(1), (2), (3)(b), and (4),  
3 154(C), 1306(A)(1) and (4) and (B)(1), 1308(A)(2), 1308.2, 1310(A), and  
4 1313(F)(1), (2), (5), (6), and (8) and to enact R.S. 18:1316(C) and 1319, relative to  
5 procedures for voter registration and voting for persons in the United States Service  
6 and persons residing outside the United States; to provide relative to electronic  
7 transmission of certain registration and election materials; to provide procedures for  
8 the execution and counting of transmitted election materials; to provide for use of the  
9 Federal Write-In Absentee Ballot; to provide for effectiveness; and to provide for  
10 related matters.

11 Be it enacted by the Legislature of Louisiana:

12 Section 1. R.S. 18:103(B)(1), (2), (3)(b), and (4), and (C)(1), (2), (3)(b), and (4),  
13 154(C), 1306(A)(1) and (4) and (B)(1), 1308(A)(2), 1308.2, 1310(A), and 1313(F)(1), (2),  
14 (5), (6), and (8) are hereby amended and reenacted and R.S. 18:1316(C) is hereby enacted  
15 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  
19 R.S. 18:101 and who is a legal resident of this state, whether or not he has a place of  
20 abode in this state, but who is unable to appear in person to register because he is in  
21 the United States Service, as defined in R.S. 18:1302, may register by mail using the  
22 state mail voter registration form in accordance with the following provisions:

1 (1) The applicant shall mail or transmit electronically a written request to  
2 register to the registrar of the parish of which he was a resident prior to entry into the  
3 United States Service.

4 (2) Upon receipt of the request, the registrar shall mail to the applicant at his  
5 United States Service address: or transmit electronically to the applicant the  
6 application form for registration.

7 ~~(a) The application form for registration.~~

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

9 \* \* \*

10 (b) Return the document by mail to the registrar.

11 (4) Upon receipt of the completed document, the registrar shall: if the  
12 evidence establishes that the applicant meets the requirements for registration,  
13 register the applicant and mail the notice of registration required by R.S. 18:109 to  
14 the applicant at his United States Service address.

15 ~~(b) If the evidence establishes that the applicant meets the requirements for~~  
16 ~~registration, the registrar shall register the applicant and mail the notice of~~  
17 ~~registration required by R.S. 18:109 to the applicant at his United States Service~~  
18 ~~address.~~

19 \* \* \*

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

24 (1) The applicant shall mail or transmit electronically a written request to  
25 register to the registrar of the parish in which he was last domiciled immediately  
26 prior to his departure from the United States.

27 (2) Upon receipt of such request, the registrar shall mail to the applicant at  
28 his address outside the United States: or transmit electronically to the applicant the  
29 application form for registration.

30 ~~(a) The application form for registration.~~

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

2 \* \* \*

3 (b) Return the document by mail to the registrar.

4 (4) Upon receipt of the completed document, the registrar shall: if the  
5 evidence establishes that the applicant meets the requirements for registration,  
6 register the applicant and mail the notice of registration required by R.S. 18:109 to  
7 the applicant at his address outside the United States.

8 ~~(b) If the evidence establishes that the applicant meets the requirements for~~  
9 ~~registration, the registrar shall register the applicant and mail the notice of~~  
10 ~~registration required by R.S. 18:109 to the applicant at his address outside the United~~  
11 ~~States.~~

12 \* \* \*

13 §154. Records open to inspection; copying; exceptions

14 \* \* \*

15 C. Notwithstanding the provisions of this Section, neither the registrar nor  
16 the Department of State shall disclose the fact that a registered voter is entitled to  
17 assistance in voting or the social security number, driver's license number, day and  
18 month of the date of birth, ~~or~~ mother's maiden name, or electronic mail address of  
19 a registered voter or circulate the fact that registered voters are entitled to assistance  
20 in voting or the social security numbers, driver's license numbers, day and month of  
21 the dates of birth, ~~or~~ mother's maiden names, or electronic mail addresses of  
22 registered voters on commercial lists, except when voter registration data is  
23 transmitted to the office of motor vehicles of the Department of Public Safety and  
24 Corrections, for the purposes of verifying the accuracy and authenticity of the social  
25 security number, driver's license number, or full date of birth provided by the voter.

26 \* \* \*

27 §1306. Preparation and distribution of absentee by mail and early voting ballots

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

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

29 B.(1) The secretary of state shall prepare absentee by mail and early voting  
 30 ballot envelopes, early voting applications, absentee by mail and early voting

1 instructions, certificates, and other absentee by mail and early voting balloting  
 2 paraphernalia consistent with the provisions of this Chapter, subject to approval of  
 3 the attorney general as to content. Notwithstanding the provisions of R.S. 18:1316  
 4 relating to distinguishing marks on absentee by mail and early voting ballots,  
 5 absentee by mail voting instructions on absentee by mail ballots to be transmitted by  
 6 facsimile in accordance with R.S. 18:1308(A)(1)(b) shall stipulate that the voter may  
 7 mark his ballot with a cross [X] mark or a check [T] mark as provided in Items  
 8 (A)(2)(a)(i) and (ii) of this Section. When a court of competent jurisdiction, a  
 9 registrar of voters, the secretary of state, or other competent authority determines that  
 10 there exists a literate linguistic minority equal to more than five percent of the total  
 11 population of any parish, the secretary of state, with approval of the attorney general  
 12 as to content, shall prepare and furnish absentee by mail and early voting ballots,  
 13 absentee by mail and early voting instructions, and certificates in the minority  
 14 language in sufficient quantity to provide to each absentee by mail and early voter  
 15 requesting voting material in that language.

\* \* \*

§1308. Absentee voting by mail

A.

\* \* \*

20 (2)(a) With respect to ~~persons~~ registered voters on active duty in the United  
 21 States military service or outside the continental boundaries of the United States,  
 22 these materials shall be mailed as provided by the Uniformed and Overseas Citizens  
 23 Absentee Voting Act (39 U.S.C. 3406 and 42 U.S.C. 1973ff et seq.) and shall include  
 24 both the primary or first party primary election ballot and the special ballots for the  
 25 general election or the second party primary election and the general election.

26 (b) Notwithstanding the provision of Subparagraph (a) of this Paragraph,  
 27 with respect to registered voters on active duty in the United States military service  
 28 or outside the continental boundaries of the United States, these materials may be  
 29 electronically transmitted for a federal general election and must include the special  
 30 ballot or ballots as provided in R.S. 18:1306(A)(4) for the federal general election.

1           (c) ~~The~~ For mailed ballots, the envelope mailed to the voter shall contain six  
2 envelopes, three of which shall be the ballot envelopes and three of which shall be  
3 return envelopes. Each return envelope shall bear the official title and mailing  
4 address of the registrar, whether it contains a primary, first party primary, second  
5 party primary or general election ballot, and the name, return address, and precinct  
6 or district number of the voter. The voter shall return his voted primary or first party  
7 primary election ballot and special ballots for the general election or the second party  
8 primary and the general election to the registrar in the appropriate envelopes. The  
9 registrar of voters shall not mail a regular general election or the second party  
10 primary and general election absentee ballot to a member of the United States  
11 Service or to persons residing overseas if the registrar has mailed a special ballot, as  
12 provided herein, to such voter. The envelopes for the special ballots shall contain  
13 language on the outside of the envelope ~~which will~~ that clearly ~~designate~~ designates  
14 which envelope is to be used for return of the second primary election ballot and  
15 which envelope is to be used for return of the general election ballot.

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

26           (ii) The voter may use the "Security Envelope" and ballot transmittal  
27 envelope from the Federal Write-in Absentee Ballot to mail the electronically  
28 transmitted federal general election ballot or ballots and certificate to the parish  
29 registrar of voters.

1                    ~~(b)~~ (e) Notwithstanding the provisions of ~~Subparagraph~~ Subparagraphs  
 2                    ~~(A)(2)(a), (b), and (c)~~ of this ~~Section, Paragraph,~~ if the a voter who is on active duty  
 3                    in the United States military service or residing outside the United States continental  
 4                    boundaries and who feels he will not have time to vote timely by mail, ~~the voter~~ may  
 5                    request that the registrar transmit to him by facsimile a ballot, including the ~~affidavit~~  
 6                    certificate, or a second ballot, as the case may be, and the registrar shall do so ~~if a~~  
 7                    ~~facsimile machine is available for his use.~~ The voter may then either mail or  
 8                    transmit by facsimile his voted ballot, ~~including the affidavit,~~ and certificate back to  
 9                    the registrar at the facsimile machine number designated by the registrar. If the voter  
 10                    chooses to transmit his voted ballot to the registrar by facsimile, the documents to  
 11                    be transmitted shall contain the following statement: "I understand that by faxing  
 12                    my voted ballot I am voluntarily waiving my right to a secret ballot." This statement  
 13                    shall be followed by the voter's handwritten signature, date, and social security  
 14                    number. Upon receipt of the transmittal, the registrar shall place the voted ballot  
 15                    along with the signed statement and ~~affidavit~~ certificate in an appropriately marked  
 16                    envelope and seal it. The registrar and his staff shall take the steps necessary to keep  
 17                    the voted ballots received by facsimile as confidential as practicable.

18                    ~~(e)~~ (f) The secretary of state as the chief election officer of the state shall  
 19                    take all actions reasonably necessary to allow persons residing outside the  
 20                    continental boundaries and persons on active duty in the armed forces to vote  
 21                    according to the Uniformed and Overseas Citizens Absentee Voting Act or otherwise  
 22                    during a period of declared emergency, whether by mail, facsimile, or other means  
 23                    of transmission of the ballot, notwithstanding any provision of this Code to the  
 24                    contrary.

25                    \*                    \*                    \*

26                    §1308.2. Voting absentee by mail for presidential candidates and congressional  
 27                    candidates

28                    A.(1) At least forty-five days before each presidential election, the secretary  
 29                    of state shall deliver to each registrar a sufficient quantity of absentee by mail  
 30                    ballots, envelopes, certificates, and instructions to be used only by members of the

1 United States ~~service~~ Service, as defined in R.S. 18:1302, and persons residing  
 2 outside the United States who are registered to vote pursuant to R.S. 18:103(C), for  
 3 the election of the president of the United States, including ballots, certificates, and  
 4 instructions to be electronically transmitted to the voters. The absentee by mail  
 5 ballot shall be prepared according to law and shall contain only presidential  
 6 candidates. The absentee by mail ballot envelope shall be marked "Presidential  
 7 Ballot Only".

8 (2) At least forty-five days before each congressional general election, the  
 9 secretary of state shall deliver to each registrar a sufficient quantity of special  
 10 absentee by mail ballots as provided in R.S. 18:1306(A)(4), envelopes, certificates,  
 11 and instructions to be used only by members of the United States Service, as defined  
 12 in R.S. 18:1302, and persons residing outside the United States who are registered  
 13 to vote pursuant to R.S. 18:103(C), for the election of the members of congress,  
 14 including special ballots, certificates, and instructions to be electronically transmitted  
 15 to the voters.

16 B. Voting absentee by mail for presidential and congressional candidates as  
 17 provided in Subsection A hereof shall be conducted pursuant to the provisions of this  
 18 Chapter governing absentee by mail voting generally.

19 \* \* \*

20 §1310. Execution of certificate; marking of ballot; casting vote; assistance

21 A.(1) When a voter receives the absentee voting materials by mail, he first  
 22 shall fill in all blanks on the certificate on the ballot envelope flap. The voter then  
 23 shall mark the ballot according to the printed instructions on its face. Then the voter  
 24 shall place the voted ballot in the envelope, seal the envelope, and sign the certificate  
 25 on the ballot envelope flap.

26 (2) When a member of the United States Service, as defined in R.S. 18:1302,  
 27 or a person residing outside the United States who is registered to vote receives the  
 28 absentee voting materials by electronic transmission, he first shall print all  
 29 documents and fill in all blanks on the certificate and the waiver of the right to a  
 30 secret ballot. The voter then shall mark the ballot or ballots according to the printed



1 instructions on its face. The voter shall then place the voted ballot or ballots,  
2 completed certificate, and waiver of the right to a secret ballot in an envelope, seal  
3 the envelope, mark "Absentee Ballot Enclosed" on the envelope, and mail the  
4 envelope and its contents to the registrar of voters.

5 \* \* \*

6 §1313. Tabulation and counting of absentee by mail and early voting ballots

7 \* \* \*

8 F. The procedure for counting absentee by mail or early voting ballots shall  
9 be as follows:

10 (1) A member of the board shall remove the certificates and special absentee  
11 by mail ballots, envelopes containing the absentee by mail and early voting ballots  
12 and early voting applications from the special absentee by mail and early voting  
13 ballot envelope.

14 (2) The board shall announce the name of each absentee by mail or early  
15 voting voter and the ward and precinct where he is registered to vote, and shall  
16 compare the name on the certificate, early voting application, or on the flap of the  
17 envelope containing the absentee by mail or early voting ballot with the names on  
18 the list of absentee by mail or early voting voters and on the supplemental list.

19 \* \* \*

20 (5) If a majority of the members of the board determine that an absentee by  
21 mail or early voting ballot is invalid, the members shall leave the flap on the  
22 envelope containing the absentee by mail or early voting ballot, leave the envelope  
23 sealed, and shall write the word "rejected", together with the reasons for rejecting the  
24 ballot, across the envelope containing the ballot ~~or~~, across the early voting  
25 application, or across the certificate attached to the special absentee by mail ballot.  
26 The rejected absentee by mail and early voting ballots ~~and~~, early voting applications,  
27 and certificates shall be replaced in the special absentee by mail and early voting  
28 ballot envelope. No rejected absentee by mail or early voting ballot shall be counted.

29 (6) After the validity of all absentee by mail and early voting ballots has  
30 been determined, the members of the board shall place the valid early voting

1 applications, ~~certificates~~, and the flaps removed from the valid absentee by mail and  
2 early voting ballots in the envelope provided for that purpose and seal the envelope.  
3 Two of the members shall execute the certificate on the envelope.

4 \* \* \*

5 (8) The board shall, in accordance with the requirements of R.S. 18:1316,  
6 reject any ballot which contains a distinguishing mark or feature making the ballot  
7 susceptible of identification. However, a ballot shall not be rejected as containing  
8 a distinguishing mark if the ballot was transmitted electronically to a member of the  
9 United States Service, as defined in R.S. 18:1302, or a person residing outside the  
10 United States.

11 \* \* \*

12 §1316. Rejection of ballot having distinguishing marks

13 \* \* \*

14 C. A ballot transmitted electronically to a member of the United States  
15 Service, as defined in R.S. 18:1302, or a person residing outside the United States  
16 shall not be considered as having distinguishing marks.

17 Section 2. R.S. 18:1319 is hereby enacted to read as follows:

18 §1319. Use of Federal Write-In Absentee Ballot; presidential and congressional  
19 elections

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

26 Section 3.(A) This Section and Section 1 of this Act shall become effective upon  
27 signature of this Act by the governor or, if not signed by the governor, upon expiration of  
28 the time for bills to become law without signature by the governor, as provided by Article  
29 III, Section 18 of the Constitution of Louisiana. If this Act is vetoed by the governor and

1 subsequently approved by the legislature, this Section and Section 1 of this Act shall become  
2 effective on the day following such approval.

3 (B) Section 2 of this Act shall become effective December 31, 2010.

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SPEAKER OF THE HOUSE OF REPRESENTATIVES

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PRESIDENT OF THE SENATE

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GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: \_\_\_\_\_