

Regular Session, 2013

HOUSE BILL NO. 191

BY REPRESENTATIVE STUART BISHOP

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

ELECTIONS/ABSENTEE VOTE: Requires the secretary of state to take action necessary to allow certain classes of voters to vote absentee

1 AN ACT

2 To amend and reenact R.S. 18:1308(A)(2)(j), relative to voting; to provide relative to the  
3 duties and authority of the secretary of state relative to absentee voting by certain  
4 persons; and to provide for related matters.

5 Be it enacted by the Legislature of Louisiana:

6 Section 1. R.S. 18:1308(A)(2)(j) is hereby amended and reenacted to read as  
7 follows:

8 §1308. Absentee voting by mail

9 A.

10 \* \* \*

11 (2)

12 \* \* \*

13 (j)(i) The secretary of state as the chief election officer of the state shall take  
14 all actions reasonably necessary to allow members of the United States Service and  
15 persons residing outside the United States to vote according to the Uniformed and  
16 Overseas Citizens Absentee Voting Act or otherwise ~~during a period of declared~~  
17 ~~emergency~~, whether by mail, facsimile, or other means of transmission of the ballot,  
18 notwithstanding any provision of this Code to the contrary.

19 (ii) The secretary of state as the chief election officer of the state shall take  
20 all actions reasonably necessary to allow registered voters who are unable to vote

1           during early voting or at the polling place on election day due to out-of-state work  
 2           responsibilities relating to a declared emergency to vote, whether by mail, facsimile,  
 3           or other means of transmission of the ballot.

4   \*       \*       \*

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

#### 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)]

Stuart Bishop

HB No. 191

**Abstract:** Requires the secretary of state to take action necessary to allow members of the U.S. service and persons residing outside the U.S. to vote at all times, not only during a period of declared emergency, and requires the secretary of state to allow registered voters who are unable to vote during early voting or at the polling place on election day due to out-of-state work responsibilities relating to a declared emergency to vote.

Present law (La. Election Code) provides for absentee by mail and early voting for registered voters who are unable to vote at the polls on election day. Provides that any qualified voter may vote in person during the early voting period (the period between 14 days to seven days before the election) at certain locations.

Present law provides that only specified persons may vote absentee by mail, including a member of the U.S. service and his spouse and dependents, a person who resides outside of the U.S., and a person who expects to be temporarily outside the normal territorial limits of the state or absent from the parish in which he is qualified to vote during the early voting period and on election day. Requires a person to make application to the registrar by letter, over his signature or mark, setting forth certain required information. Provides deadlines. Allows for electronic transmission of ballot information to members of the U.S. service and persons residing outside the U.S. Allows a voter to fax a voted ballot to the registrar if he feels he will not have sufficient time to vote timely by mail.

Present law (R.S. 18:1308) provides that the secretary of state as the chief election officer of the state shall take all actions reasonably necessary to allow members of the U.S. Service and persons residing outside the U.S. to vote according to federal law (the Uniformed and Overseas Citizens Absentee Voting Act) or otherwise during a period of declared emergency, whether by mail, facsimile, or other means of transmission of the ballot. Proposed law repeals the requirement that a period of declared emergency exist for these responsibilities of the secretary of state to apply. Otherwise retains present law.

Proposed law additionally provides that the secretary of state as the chief election officer of the state shall take all actions reasonably necessary to allow registered voters who are unable to vote during early voting or at the polling place on election day due to out-of-state work responsibilities relating to a declared emergency to vote, whether by mail, facsimile, or other means of transmission of the ballot.

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

(Amends R.S. 18:1308(A)(2)(j))