

2020 Regular Session

SENATE BILL NO. 504

BY SENATOR SMITH

VOTERS/VOTING. Allows registered voters to utilize voting by alternative methods. (gov sig)

1 AN ACT

2 To amend and reenact R.S. 18:1301, 1302(2) and (6), 1303(A), 1305, 1306(A)(1) and (4),

3 (B)(1) and (2), (C), (D), the introductory paragraph of (E)(1) and (2)(a), 1307(A) and

4 (D) through (H), 1307.1, 1307.2, and 1308(A)(1)(a), (c)(i), and (d)(i) and (2)(a) and

5 (g), 1308.1(Section heading), 1308.2, 1309(F)(3) and (H), 1310(A), (B)(2) and (3),

6 and (C)(1), 1311(A)(1) and (2), (B), (C), (D)(1), (2), (4)(a), and (5)(a) and (c), and

7 (E), and 1319 and to repeal R.S. 18:1303(B) through (L) and 1307(I), relative to

8 voting; relative to the distribution of vote by mail ballots; relative to application for

9 vote by mail ballot; and to provide for related matters.

10 Be it enacted by the Legislature of Louisiana:

11 Section 1. R.S. 18:1301, 1302(2) and (6), 1303(A), 1305, 1306(A)(1) and (4), (B)(1)

12 and (2), (C), (D), the introductory paragraph of (E)(1) and (2)(a), 1307(A) and (D) through

13 (H), 1307.1, 1307.2, and 1308(A)(1)(a), (c)(i), and (d)(i) and (2)(a) and (g), 1308.1(Section

14 heading), 1308.2, 1309(F)(3) and (H), 1310(A), (B)(2) and (3), and (C)(1), 1311(A)(1) and

15 (2), (B), (C), (D)(1), (2), (4)(a), and (5)(a) and (c), and (E), and 1319 are hereby amended

16 and reenacted to read as follows:

17 CHAPTER 7. ~~ABSENTEE~~ VOTE BY MAIL AND EARLY VOTING

1 §1301. Applicability

2 This Chapter provides a method of voting ~~by absentee~~ by mail and early
3 voting ballot in primary and general elections, bond elections, tax elections, and
4 special elections, which is in addition to the methods otherwise provided in this Title.

5 §1302. Definitions

6 As used in this Chapter, unless the context clearly indicates otherwise, the
7 following terms ~~shall~~ have the meanings hereafter ascribed to each:

8 * * *

9 (2) "Board" means the parish board of election supervisors of each parish. If
10 parish board commissioners are utilized by the parish board of election supervisors
11 to count and tabulate ~~absentee~~ vote by mail and early voting ballots, the term "board"
12 for the purposes of R.S. 18:1306, 1311, 1312, 1313, 1315, and 1316 shall also mean
13 parish board commissioners.

14 * * *

15 (6) "Federal postcard application" means an application for ~~absentee~~ a vote
16 by mail ballot as permitted by 50 U.S.C. 1464.

17 * * *

18 §1303. Persons entitled to vote in compliance with this Chapter

19 A. ~~(1) In person.~~ Any person who is qualified to vote may vote by mail or
20 vote during the early voting period at a place designated by the registrar as provided
21 in R.S. 18:1309.

22 (2) A person incarcerated in an institution inside or outside the parish
23 in which he is qualified to vote, who is not under an order of imprisonment for
24 conviction of a felony, may only vote by mail and only upon meeting the
25 requirements of this Chapter and certification to the appropriate registrar by
26 the sheriff of the parish where the person is incarcerated that he is not a
27 convicted felon.

28 §1305. Voting at polls prohibited

29 A person who has voted either by ~~absentee~~ by mail ballot or during early

1 voting shall not vote in person at the polls on election day.

2 §1306. Preparation and distribution of ~~absentee~~ vote by mail and early voting ballots

3 A.(1) The secretary of state shall prepare ~~absentee~~ vote by mail and early
4 voting ballots. The size and weight of paper, size and type of print, and other matters
5 pertaining to ~~absentee~~ vote by mail and early voting ballots shall be determined by
6 the secretary of state, subject to approval as to content by the attorney general. All
7 ballots and paraphernalia of the same kind shall be identical as to size and weight of
8 paper, size, type, and color of print, and other matters, except for ballots transmitted
9 electronically to members of the United States Service, as defined in R.S. 18:1302,
10 and to persons residing outside the United States.

11 * * *

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

1 shall also prepare instructions for use of the special ballot, including instructions for
2 voting by mail using an electronically transmitted ballot.

3 B.(1) The secretary of state shall prepare ~~absentee~~ vote by mail ballot
4 envelopes, ~~absentee by mail~~ instructions, certificates, and other ~~absentee~~ vote by
5 mail balloting paraphernalia consistent with the provisions of this Chapter, subject
6 to approval of the attorney general as to content. Notwithstanding the provisions of
7 R.S. 18:1316 relating to distinguishing marks on ~~absentee~~ vote by mail ballots,
8 ~~absentee by mail~~ voting instructions on ~~absentee~~ vote by mail ballots to be
9 transmitted by facsimile in accordance with R.S. 18:1308(A)(1)(b) shall inform the
10 voter of the types of marks which may be used on the ballot to indicate his vote.
11 When a court of competent jurisdiction, a registrar of voters, the secretary of state,
12 or other competent authority determines that there exists a literate linguistic minority
13 equal to more than five percent of the total population of any parish, the secretary of
14 state, with approval of the attorney general as to content, shall prepare and furnish
15 ~~absentee~~ vote by mail and early voting ballots, ~~absentee by mail and early voting~~
16 instructions, and certificates in the minority language in sufficient quantity to
17 provide to each ~~absentee~~ vote by mail and early voter requesting voting material in
18 that language.

19 (2) The secretary of state shall include with the election paraphernalia
20 accompanying ~~absentee~~ vote by mail ~~ballots~~ **ballot** instructions, approved by the
21 secretary of state and the attorney general, generally describing the particular
22 ~~absentee by mail counting~~ equipment utilized in the election to count ~~absentee~~ vote
23 by mail ballots. The instructions shall inform the voter how to cast his vote, which
24 shall include if applicable instructions for marking the ~~absentee~~ vote by mail ballot
25 and examples of the correct and incorrect methods of marking the ballot.

26 * * *

27 C.(1) At least twenty days before each primary election and at least thirteen
28 days before each general election, the secretary of state shall deliver to the registrar
29 in each parish in which the election is to be held the paper ~~absentee~~ vote by mail

1 ballots, envelopes, certificates, **and** instructions to be used **in for** voting ~~an absentee~~
2 by mail ~~ballot~~ in that election, and a statement, approved by the attorney general,
3 explaining the scope and nature of any proposed constitutional amendment. The
4 number of paper ~~absentee~~ vote by mail ballots and other necessary paraphernalia to
5 be delivered shall be up to ~~ten~~ fifteen percent of the registered voters within each
6 parish.

7 (2) At least twenty days before each primary election, the secretary of state
8 shall deliver to the registrar in each parish in which the election is to be held the
9 special ~~absentee~~ vote by mail ballot for qualified voters who are either members of
10 the United States Service or persons residing outside of the United States. The
11 number of special ballots and other necessary paraphernalia, including instructions
12 for the use of the special ballot, to be so delivered shall be up to one percent of the
13 registered voters within each parish.

14 D. ~~An absentee~~ A vote by mail ballot envelope shall have printed on its face
15 in red bold face type:

16 FOR BALLOT ONLY
17 VIOLATION OF ABSENTEE VOTE BY MAIL OR EARLY
18 VOTING LAWS VOIDS BALLOT
19 AND MAY RESULT IN CRIMINAL PENALTIES
20 VOTING AT POLLS AFTER VOTING ~~ABSENTEE~~ BY MAIL
21 OR DURING EARLY VOTING IS PROHIBITED
22 AND MAY RESULT IN CRIMINAL PENALTIES

23 E.(1) ~~An absentee~~ A vote by mail ballot envelope also shall have a perforated
24 extension or flap below the sealing line, which shall bear a certificate prescribed by
25 the secretary of state and approved by the attorney general. The certificate shall
26 include but not necessarily be limited to:

27 * * *

28 (2)(a) ~~An absentee~~ A vote by mail ballot envelope flap shall also contain a
29 line for the handwritten signature of one witness and a line for the printed name of

1 the witness. The voter shall sign the certificate in the presence of one witness, and
 2 his certificate shall be made under penalty of perjury for providing false or
 3 fraudulent information. Above the perforation and along the seal line, the words "DO
 4 NOT DETACH FLAP" shall be printed.

5 * * *

6 §1307. Application by mail

7 A. A person ~~qualified to vote absentee by mail under this Chapter~~ may make
 8 application ~~therefor~~ **to vote by mail** to the registrar by letter; over his signature or
 9 mark if the voter is unable to sign his name, signed by two witnesses who witnessed
 10 the applicant's mark; setting forth:

11 (1) The election or elections for which he requests an ~~absentee~~ **vote by mail**
 12 ballot.

13 ~~(2) The reason for his request to vote absentee by mail and attaching any~~
 14 ~~documents in support thereof that are required by law. Any person who is or expects~~
 15 ~~to be temporarily outside the territorial limits of the state or absent from the parish~~
 16 ~~in which he is qualified to vote during the early voting period and on election day~~
 17 ~~and who requests an absentee ballot be mailed to an address within the parish shall~~
 18 ~~indicate in his application the dates he will be outside the territorial limits of the state~~
 19 ~~or absent from the parish.~~

20 ~~(3)~~**(2)** The address to which the ~~absentee~~ **vote by mail** ballot or ballots shall
 21 be sent. If the address is within the parish or an adjacent parish, such address shall
 22 only be the address at which the applicant is registered to vote, his mailing address
 23 on file with the registrar of voters, or an address at which he regularly receives mail.

24 ~~(4)~~**(3)** The ward and precinct in which the person is qualified to vote, if
 25 known.

26 ~~(5)~~**(4)** The date of birth of the voter.

27 ~~(6)~~**(5)** The maiden name of the voter's mother or other identifying
 28 information provided in the voter's application for registration pursuant to R.S.
 29 18:104(A)(12).

1 ~~(7)~~**(6)** The street address in the parish where the voter resides. A post office
2 box is insufficient.

3 ~~(8)~~**(7)** If the person requests that a ballot for a general election be sent in
4 addition to a ballot for the primary, he shall declare in writing to the registrar that he
5 will be eligible to vote ~~absentee~~ by mail in the general election.

6 * * *

7 D.**(1)** If the applicant is ~~eligible to vote absentee by mail pursuant to R.S.~~
8 18:1303~~(D)~~**(1)** hospitalized and submits with his application documentation showing
9 his hospitalization from his physician or the hospital, the application shall be
10 received by the registrar of voters no later than 4:30 p.m. on the day before the
11 election.

12 **(2) This Subsection applies to any of the following:**

13 **(a) A person who is otherwise qualified to vote, who expects to be**
14 **hospitalized on election day, and who did not have knowledge of his proposed**
15 **hospitalization until after the time for early voting had expired.**

16 **(b) A person who is otherwise qualified to vote, who expects to be**
17 **hospitalized on election day, and who was hospitalized during the time for early**
18 **voting.**

19 **(c) A person who was hospitalized and released prior to an election but**
20 **who is either hospitalized or restricted to his bed by his physician during early**
21 **voting and is restricted to his bed by his physician on election day.**

22 E. A person entitled to vote ~~absentee~~ by mail may request in his application
23 for an ~~absentee~~ **a vote by mail** ballot for a primary election that an ~~absentee~~ **a vote**
24 **by mail** ballot for the succeeding general election be sent to him when such ballots
25 become available for distribution; however, in such case, the applicant shall declare
26 in writing to the registrar that he will be eligible to vote ~~absentee~~ by mail in the
27 general election.

28 F. The registrar shall not send an ~~absentee~~ **a vote by mail** ballot to an
29 applicant whose application for an ~~absentee~~ **a vote by mail** ballot does not meet the

1 requirements of Subsection A or B of this Section. If the registrar rejects an
2 application for ~~an absentee~~ **a vote by mail** ballot, the registrar shall provide the
3 applicant with written reasons for the rejection.

4 G.~~(1)~~ If the applicant is ~~eligible to vote absentee by mail pursuant to R.S.~~
5 ~~18:1303(F), (I), or (J);~~ **a participant in the Special Program for Handicapped**
6 **Voters, able to furnish proof of a physical disability, or has attained the age of**
7 **sixty-five years or more,** his application, if ~~such~~ **the** application meets the
8 requirements of this Section, may remain valid indefinitely upon request of the
9 applicant, unless ~~an absentee~~ **a vote** by mail ballot that has been sent to the applicant
10 is returned to the registrar as undeliverable. If the applicant's ~~absentee~~ **vote** by mail
11 ballot is returned to the registrar as undeliverable, the registrar shall send notice by
12 forwardable mail to such applicant that his application will no longer be valid, and
13 the applicant shall be required to submit a new application to the registrar that meets
14 the requirements of this Section and provide a current address before the applicant
15 will be eligible to vote ~~absentee~~ by mail again pursuant to this Section.

16 **(2) For purposes of this Subsection proof of disability means one of the**
17 **following:**

18 **(a) A certificate of a medical doctor or optometrist certifying to the**
19 **irremediable nature of the physical disability.**

20 **(b) A copy of a current mobility impairment identification card bearing**
21 **a photograph of the voter and the international symbol of accessibility issued**
22 **by the secretary of the Department of Public Safety and Corrections as**
23 **authorized by R.S. 47:463.4.**

24 **(c) A copy of current documentation showing eligibility for social**
25 **security disability benefits, veteran's disability benefits, paratransit services,**
26 **benefits from the office for citizens with developmental disabilities, or benefits**
27 **from Louisiana Rehabilitation Services.**

28 **(d) A completed and signed voter registration application attesting that**
29 **the voter has a physical disability and requires assistance in voting.**

1 **(3) If notifying the registrar by mail, in addition to notice and proof of**
2 **disability, the voter shall furnish the registrar a copy of his Louisiana driver's**
3 **license, his Louisiana special identification card issued pursuant to R.S. 40:1321,**
4 **or other generally recognized picture identification card that contains the name**
5 **and signature of the voter, or a form on which the person has listed the names**
6 **and addresses of at least two persons residing in his precinct who could make**
7 **oath, if required, to the effect that the person is physically disabled.**

8 **(4) If the registrar of voters has reason to believe that the proof of**
9 **disability is based upon false or fraudulent information, he shall immediately**
10 **notify the parish board of election supervisors. If, after appropriate hearing and**
11 **opportunity for the voter to be heard, the parish board of election supervisors**
12 **finds that the proof of disability was based upon false or fraudulent**
13 **information, the voter's application shall not remain valid indefinitely.**

14 H.~~(1)~~ If the applicant is ~~eligible to vote absentee by mail pursuant to R.S.~~
15 ~~18:1303(H)~~ **a participant in the Department of State Address Confidentiality**
16 **Program pursuant to R.S. 44:52**, his application, if ~~such~~ **the** application meets the
17 requirements of this Section, shall remain valid as long as the applicant is a program
18 participant in the Department of State Address Confidentiality Program pursuant to
19 Part III of Chapter 1 of Title 44 of the Louisiana Revised Statutes of 1950. When the
20 applicant ceases participation in the program, the Department of State shall notify
21 the registrar of the parish where the applicant is registered to vote that the applicant
22 is no longer a participant in the program. Upon receipt of the notification from the
23 Department of State, the registrar shall send notice by forwardable mail to the
24 applicant that his application will no longer be valid, and the applicant shall be
25 required to submit a new application to the registrar that meets the requirements of
26 this Section and to provide a current address before the applicant will be eligible to
27 vote ~~absentee~~ by mail again pursuant to this Section.

28 **(2) The program participant's substitute address shall be used for all**
29 **purposes relative to voter registration and voting. A program participant's**

1 **name and physical address shall not be included on any list of registered voters**
 2 **available to the public. A program participant shall not vote during early voting**
 3 **or in person at the polls on election day.**

4 §1307.1. Application by person serving on sequestered jury

5 A. A person ~~qualified to vote absentee pursuant to R.S. 18:1303(C)~~ **servicing**
 6 **on sequestered jury** may make application ~~therefor~~ **to vote by mail** to the registrar
 7 by letter over his signature, setting forth:

8 (1) The election for which he requests ~~an absentee~~ **a vote by mail** ballot.

9 (2) The reason for his request to vote ~~absentee~~ **by mail** and attaching thereto
 10 a certified copy of the court order required by R.S. 18:1307.2.

11 (3) The address to which the ~~absentee~~ **vote by mail** ballot shall be delivered.

12 (4) The ward and precinct in which the person is qualified to vote, if known.

13 B. An application must be received by the registrar on the day of the election
 14 for which it is requested, and the date received shall be noted thereon by the
 15 registrar.

16 §1307.2. Procedure for ~~absentee~~ voting **by mail** by member of sequestered jury

17 Upon the request of a person selected to serve as a member of a jury which
 18 is sequestered on the day of an election and who is entitled to vote by ~~absentee ballot~~
 19 ~~under the provisions of R.S. 18:1303(C)~~ **mail**, the court shall so inform the registrar
 20 of voters in writing and shall order that the officer of the court in charge of the jury:

21 (1) Permit the jurors to make application to vote by ~~absentee ballot~~ **mail** as
 22 set forth in R.S. 18:1307.1 and provide the jurors with the materials needed to make
 23 application.

24 (2) Deliver all of the applications to the registrar of voters no later than noon
 25 on the day of the election.

26 (3) Obtain from the registrar of voters and deliver to the applicants necessary
 27 instructions, certificates, ballots, and envelopes as provided in R.S. 18:1308.1(A).

28 (4) Deliver to the registrar of voters the envelopes containing ~~absentee~~ **vote**
 29 **by mail** ballots as set forth in R.S. 18:1308.1, prior to the closing of the polls.

1 §1308. ~~Absentee voting~~ Voting by mail

2 A.(1)(a) Beginning with the date on which the registrar receives the ~~absentee~~
3 vote by mail ballots and other necessary paraphernalia from the secretary of state,
4 and thereafter, immediately upon receipt of an application by mail, the registrar shall
5 mail the necessary instructions, certificates, ballots, and envelopes to the applicant
6 at the address furnished by the applicant.

7 * * *

8 (c)(i) A voter who is eligible to vote ~~absentee~~ by mail pursuant to R.S.
9 ~~18:1303(D)(1)~~ 18:1307(D) and who feels he will not have time to vote timely by
10 mail may request that the registrar transmit electronically to him a ballot along with
11 a certificate and waiver of the right to a secret ballot, and the registrar shall do so.
12 Alternatively, an immediate family member of the voter may pick up the necessary
13 instructions, certificate, ballot, and envelope at the registrar's office.

14 * * *

15 (d)(i) Upon request, the registrar shall transmit electronically a ballot,
16 certificate, and waiver of the right to a secret ballot to a voter who is eligible to vote
17 ~~absentee~~ by mail pursuant to R.S. ~~18:1303(F) or (1)~~ 18:1307(G)(1) and who is unable
18 to vote ~~an absentee~~ by mail ~~ballot~~ without assistance because of a disability.

19 * * *

20 (2)(a) With respect to members of the United States Service and persons
21 residing outside the United States who are registered to vote, these materials shall
22 be mailed as provided by the Uniformed and Overseas Citizens Absentee Voting Act
23 (39 U.S.C. 3406 and 42 U.S.C. 1973ff et seq.) and shall include both the primary
24 election ballot and the special ballot for the general election. The registrar shall mail
25 the materials for candidates for United States senator or United States representative
26 in congressional primary and general elections, candidates for presidential nominee
27 in presidential preference primary elections, and candidates in presidential elections
28 at least forty-five days prior to the election to those voters who have made
29 application to vote ~~absentee~~ by mail by such time.

* * *

(g) For mailed ballots, the envelope mailed to the voter shall contain ballot envelopes and a **postage paid** return envelope. The return envelope shall bear the official title and mailing address of the registrar and the name, return address, and precinct or district number of the voter. The voter shall return his voted primary election ballot and special ballot for the general election to the registrar in the appropriate envelope. The registrar of voters shall mail a regular general election ~~absentee~~ **vote by mail** ballot to a member of the United States Service or to persons residing overseas only if the regular general election ~~absentee~~ **vote by mail** ballot includes one or more elections that were not included on the special ballot sent, as provided herein, to such voter. The envelope for the special ballot shall contain language on the outside of the envelope that clearly designates which envelope is to be used for return of the general election ballot.

* * *

§1308.1. ~~Absentee voting~~ **Voting by mail** by person serving on sequestered jury

* * *

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

A.(1) At least forty-six days before each presidential election, the secretary of state shall deliver to each registrar a sufficient quantity of ~~absentee~~ **vote** by mail ballots, envelopes, certificates, and instructions, including those to be electronically transmitted, for the election of the president of the United States to be used only by members of the United States Service and persons residing outside the United States who are registered to vote. The ~~absentee~~ **vote** by mail ballot shall be prepared according to law.

(2) At least forty-six days before each congressional primary and general election, the secretary of state shall deliver to each registrar a sufficient quantity of primary election ~~absentee~~ **vote** by mail ballots for congressional candidates and special ~~absentee~~ **vote** by mail ballots for congressional candidates as provided in R.S.

1 18:1306(A)(4), envelopes, certificates, and instructions, including those to be
2 electronically transmitted, to be used only by members of the United States Service
3 and persons residing outside the United States who are registered to vote.

4 (3) At least forty-six days before each presidential preference primary
5 election, the secretary of state shall deliver to each registrar a sufficient quantity of
6 ~~absentee~~ vote by mail ballots, envelopes, certificates, and instructions, including
7 those to be electronically transmitted, for candidates for presidential nominee to be
8 used only by members of the United States Service and persons residing outside the
9 United States who are registered to vote.

10 B. Voting ~~absentee~~ by mail for candidates for presidential nominee,
11 presidential candidates, and congressional candidates as provided in Subsection A
12 of this Section shall be conducted pursuant to the provisions of this Chapter
13 governing ~~absentee~~ by mail voting generally.

14 * * *

15 §1309. Early voting; verification

16 * * *

17 F.

18 * * *

19 (3) At the end of the early voting period, the registrar shall complete the early
20 voting verification form for each location, ~~and~~ sign and certify to its correctness, ~~and~~
21 print an early voter report from the state voter registration computer system listing
22 all early voters from the parish. All early voting verification forms, early voting
23 machine public counter logs, early voting confirmation sheets, early voter reports,
24 and paper ballots voted during early voting shall be placed in the special ~~absentee~~
25 vote by mail and early voting envelope or container for delivery to the parish board
26 of election supervisors on election day for the tabulation and counting of early voting
27 ballots.

28 * * *

29 H. Prior to delivery of the precinct register to the parish custodian, the

1 registrar shall ensure that the precinct register reflects for each voter whether the
2 voter voted during early voting or voted timely ~~absentee~~ by mail using the words
3 "voted by mail" and, if the register was not used during early voting, "voted early"
4 in the signature line for the voter in the precinct register.

5 * * *

6 §1310. Execution of certificate; marking of ballot; casting vote; assistance

7 A.(1) When a voter receives the ~~absentee voting~~ **vote by mail** materials by
8 mail, he first shall fill in all blanks on the certificate on the ballot envelope flap. The
9 voter then shall mark the ballot according to the printed instructions on its face. Then
10 the voter shall place the voted ballot in the envelope, seal the envelope, and sign the
11 certificate on the ballot envelope flap.

12 (2) When ~~absentee~~ **vote** by mail voting materials are electronically
13 transmitted to a voter pursuant to the provisions of this Chapter, the voter first shall
14 mark each ballot according to the instructions on the ballot, either by marking the
15 ballot electronically and then printing it, or by printing the ballot first and then
16 marking it by hand. The voter shall then print all remaining documents and fill in all
17 blanks on the certificate and the waiver of the right to a secret ballot for each ballot
18 mailing. The voter shall then place the voted ballot or ballots, completed certificate,
19 and waiver of the right to a secret ballot for each ballot mailing in a separate
20 envelope, seal the envelope, mark "~~Absentee~~ **Mail** Ballot Enclosed" on the envelope,
21 and mail the envelope and its contents to the registrar of voters.

22 B.

23 * * *

24 (2) Except as otherwise provided in Paragraph (1) of this Subsection, a
25 person **who is** otherwise qualified to vote ~~by absentee~~ by mail **and** who is visually
26 impaired, ~~or~~ physically disabled, ~~or who is~~ unable to read or write may receive
27 assistance in voting ~~absentee~~ by mail from any person selected by him. The failure
28 of a voter to furnish notice and proof during the time that the registration records are
29 closed shall not deprive the voter of his right to receive assistance in voting if he

1 complies with the requirements of the laws governing the conduct of elections with
2 respect to assistance to voters in casting their votes as required by R.S. 18:564 or
3 1309.3.

4 (3) A person who is eligible for assistance in voting ~~absentee~~ by mail or early
5 voting may, in the same manner, seek assistance in the signing of his name or
6 making of his mark. Any person who assists a voter in signing his name or making
7 his mark shall explain to the voter that a signature or mark so made certifies that all
8 statements in the certificate, if applicable, are true and correct and that any person
9 who knowingly provides false or incorrect statements is subject to a fine or
10 imprisonment, or both.

11 C.(1) Any person who assists a voter in voting ~~absentee~~ by mail shall execute
12 the acknowledgment on the ballot envelope flap prepared by the secretary of state,
13 verifying that the person providing the assistance has marked the ballot in the
14 manner dictated by the voter, and the signature on the acknowledgment by the person
15 providing assistance may serve as the signature of the witness required by R.S.
16 18:1306(E)(2)(a).

17 * * *

18 §1311. List of ~~absentee~~ **vote** by mail and early voters; posting; delivery of
19 alphabetized list to precincts; supplements; ~~absentee~~ **vote** by mail voter
20 report

21 A.(1) The registrar shall keep a list containing the names of all persons who
22 vote by early voting ballot during early voting and of those whose ~~absentee~~ **vote by**
23 **mail** ballots ~~by mail~~ he has received. He shall ensure that the list is available for
24 inspection by members of the public at the principal office of the registrar when the
25 office is open. After the last day for early voting, the registrar shall prepare a list,
26 arranged alphabetically by precinct, of the names of all persons who have voted
27 during early voting or from whom ~~absentee~~ **vote by mail** ballots ~~by mail~~ were
28 received on or before the last day for early voting. The registrar shall ensure that the
29 list is available for inspection by members of the public at the principal office of the

1 registrar when the office is open and **shall** retain a copy of the list for use by the
2 parish board of election supervisors on election night.

3 (2) The registrar shall prepare a supplemental list, arranged alphabetically by
4 precinct, of the names of all persons from whom ~~absentee~~ **vote by mail** ballots by
5 ~~mail~~ have been received after the last day for early voting and before election day.
6 The registrar shall deliver the supplemental list for each precinct to the parish
7 custodian. The parish custodian shall then deliver the supplemental list for each
8 precinct to the deputy parish custodian appointed for that precinct when the key
9 envelopes are delivered as provided in R.S. 18:553(A). The registrar shall ensure that
10 the list is available for inspection by members of the public at the principal office of
11 the registrar when the office is open and **shall** retain a copy of the supplemental list
12 for use by the parish board of election supervisors on election night.

13 * * *

14 B. The registrar shall include the first ~~absentee~~ ballot received from a person
15 voting by mail, if timely received, with those to be counted by the board. Any second
16 or subsequent ballot received from such **a** person shall be considered not timely
17 received.

18 C. The registrar shall print ~~an absentee~~ **a vote** by mail voter report from the
19 state voter registration computer system listing all voters from whom he has received
20 ~~absentee~~ **vote** by mail ballots before election day; he shall certify to the correctness
21 of the report and deliver the report to the parish board of election supervisors on
22 election day for use in the tabulation and counting of ~~absentee~~ **vote** by mail ballots.

23 D.(1)(a) Any ~~absentee~~ **vote by mail** ballot submitted by a member of the
24 United States Service or person who resides outside of the United States who has
25 made **timely** application to vote ~~absentee~~ by mail **timely** and which ballot is received
26 by the registrar on election day shall be endorsed with the day and hour of receipt
27 and shall be segregated from and kept separately from any other ~~absentee~~ **vote** by
28 mail ballot received on or after election day.

29 (b) For any voter hospitalized who has made timely application to vote

1 ~~absentee~~ **by mail** in accordance with R.S. 18:1303~~(D)~~**(1)** and whose ~~absentee~~ **vote**
2 **by mail** ballot is received by the registrar on election day, either by hand delivery
3 or facsimile transmission, such ~~absentee~~ ballot shall be endorsed with the day and
4 hour of receipt and shall be segregated ~~from~~ and kept separately from any other
5 ~~absentee~~ **vote** by mail ballot received on or after election day.

6 (2) Upon receipt of any such ~~absentee~~ **vote** by mail ballot, the registrar shall
7 include, on a separate list prepared for this purpose, in alphabetical order and by
8 precinct, the name of any such voter in each precinct.

9 * * *

10 (4)(a) If the voter has not voted in person at the precinct, the registrar shall
11 instruct the commissioner-in-charge to mark "voted by mail" in the place where the
12 voter would ordinarily sign the precinct register and to initial the precinct register
13 opposite the words "voted by mail". The registrar shall then include the first ~~absentee~~
14 **vote** by mail ballot received, if received timely, with those to be counted by the
15 board, or, if the counting and tabulation of ~~absentee~~ **vote** by mail and early voting
16 ballots has commenced, shall transmit such ballot to the board ~~to be counted for~~
17 **counting**. Any second or subsequent ballot received from such a person shall be
18 considered as not timely received. Accompanying any such ~~absentee~~ **vote** by mail
19 ballot shall be a statement certified by the registrar that he has verified that such
20 voter has not voted in person at the precinct where he is registered to vote.

21 * * *

22 (5)(a) Upon receipt of the special ballot for members of the United States
23 Service and persons residing outside of the United States, the registrar shall endorse
24 the day and hour of receipt on ~~said~~ **the** ballots and place those received on the day
25 of the election for which the ballot is cast, in an envelope separate from any other
26 mail ballot. The registrar shall include, on a separate list for this purpose, in
27 alphabetical order and by precinct, the name of each voter submitting such special
28 ~~absentee~~ **vote** by mail ballot.

29 * * *

1 (c) If the voter has not voted in person at the precinct, the first special ballot
2 received from the voter by the registrar, if timely received, shall be counted and
3 tabulated in accordance with the provisions of this Chapter relative to **absentee vote**
4 **by** mail ballots.

5 E. The commissioners at the polling place shall use the supplemental list
6 provided for in Paragraph (A)(2) of this Section to ensure that persons who have
7 voted **absentee** by mail do not vote in person at the polls on election day.

8 * * *

9 §1319. Use of Federal Write-In Absentee Ballot; presidential preference primary,
10 presidential, and congressional elections

11 A member of the United States Service or a person residing outside the
12 United States who made a timely application to vote **absentee** by mail as provided
13 in R.S. 18:1307(C) and who did not receive **absentee vote** by mail ballots may use
14 the Federal Write-In Absentee Ballot to vote for candidates for presidential nominee,
15 presidential candidates, and congressional candidates. The Federal Write-In
16 Absentee Ballot shall be submitted, processed, and counted in the manner provided
17 in this Chapter.

18 Section 2. The Louisiana State Law Institute is hereby directed to change the
19 expression "absentee by mail" or "vote absentee by mail" or grammatical variations thereof
20 to "vote by mail" in the following provisions: R.S. 18:18, 25, 58, 59, 101, 106.1, 152, 154,
21 158, 195, 196, 551, 553, 562, 566.2, 573, 574, 1312, 1313, 1314, 1315, 1333, 1334, 1351,
22 1352, 1353, 1400.3, 1400.4, 1433, 1433.1, 1451, 1452, and 1453 and R.S. 44:52.

23 Section 3. R.S. 18:1303(B) through (L) and 1307(I) are hereby repealed.

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

The original instrument and the following digest, which constitutes no part of the legislative instrument, were prepared by Alan Miller.

DIGEST

SB 504 Original

2020 Regular Session

Smith

Present law allows absentee voting for voters who expect to be out of the state or parish on election day, who also meet specific requirements. Proposed law removes absentee requirements for absentee voting and allows all qualified voters to vote by mail.

Present law requires the secretary of state to deliver to the registrar in each parish absentee by mail ballots for up to 10% of the registered voters within the parish. Proposed law changes the percentage of vote by mail ballots to up to 15% of the registered voters within the parish.

Present law requires a voter to provide a reason for his request to vote absentee. Further, requires a voter to provide the dates of his absence if he expects to be temporarily outside of the state during the early voting period and on election day. Proposed law removes these requirements.

Present law requires a hospitalized applicant to submit his application to vote absentee by mail to the registrar of voters no later than 4:30 p.m. on the day before the election. Proposed law retains present law.

Present law allows an applicant's application to remain valid indefinitely if the applicant is a participant in the Special Program for Handicapped Voters, able to furnish proof of a physical disability, or has attained the age of 65 years or more. If the applicant's absentee by mail ballot is returned to the registrar as undeliverable, the registrar shall notify such applicant that his application will no longer be valid. Proposed law retains present law.

Present law allows an applicant's application to remain valid indefinitely if the applicant is a participant in the Dept. of State Address Confidentiality Program. Proposed law retains present law.

Present law requires the registrar of voters to notify the parish board of election supervisors, if he believes that the eligibility of a voter to vote absentee by mail pursuant to present law is based upon false or fraudulent information. Further provides, if the parish board of election supervisors finds that the voter's eligibility to vote absentee by mail was based upon false or fraudulent information, the board shall inform the appropriate district attorney and the registrar of voters who shall not allow the voter to vote absentee by mail pursuant to present law. Proposed law repeals present law.

Present law provides that a mailed ballot shall be sent to a voter in an envelope containing a ballot envelope and a return envelope. Proposed law retains present law and specifies that a postage paid return envelope shall be provided to the voter.

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

(Amends R.S. 18:1301, 1302(2) and (6), 1303(A), 1305, 1306(A)(1) and (4), (B)(1) and (2), (C), (D), (E)(1)(intro para) and (2)(a) 1307(A) and (D)-(H), 1307.1, 1307.2, and 1308(A)(1)(a), (c)(i), and (d)(i) and (2)(a) and (g), 1308.1(Section heading), 1308.2, 1309(F)(3) and (H), 1310(A), (B)(2) and (3), and (C)(1), 1311(A)(1) and (2), (B), (C), (D)(1), (2), (4)(a), and (5)(a) and (c), and (E), and 1319; repeals R.S. 18:1303(B)-(L) and 1307(I))