

2018 Regular Session

SENATE BILL NO. 449

BY SENATOR BARROW

VOTERS/VOTING. Provides for registration until and upon election day. (8/1/18)

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AN ACT

To amend and reenact R.S. 18:114(F)(8), 115(E)(1), 116(D), 135(A)(1) and (2)(a) and (b), 152(C)(2)(b), and 157, to enact R.S. 18:1309(E)(7), and to repeal R.S. 18:101(D), 115(B), and 135(A)(2)(c) and (d), relative to voters and voting; to provide for voter registration until and upon election day; to provide for a person to register to vote and vote on the same day under certain circumstances; to provide relative to requirements and procedures for voter registration; to provide relative to requirements and procedures for voting; to provide relative to requirements and procedures for early voting; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 18:114(F)(8), 115(E)(1), 116(D), 135(A)(1) and (2)(a) and (b), 152(C)(2)(b), and 157 are hereby amended and reenacted and R.S. 18:1309(E)(7) is hereby enacted to read as follows:

§114. Registration at driver's license facilities

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F. Procedures for voter registration pursuant to this Section shall be as follows:

* * *

(8) Upon completion of these procedures, the authorized employee shall, within five working days, return the completed registration application to the registrar of voters within the parish where the office is located who shall transmit ~~such~~ **the** application to the appropriate registrar of voters for the parish in which the applicant resides, as determined from the information contained on the registration application. If a registration application is accepted within five days before the ~~last day for registration~~ **election**, each driver's license facility shall transmit the completed voter registration application forms at the conclusion of each business day. If the information contained on the application form is insufficient to register the applicant, the registrar of voters shall mail a notice to the applicant at the address provided on the application form informing the applicant that he has ten days from the date on which the notice was mailed to provide the necessary information. If the applicant fails to provide the necessary information within that time, the applicant shall not be registered and the registrar shall so advise the applicant; **however, on election day, if the registration application contains sufficient information to be accepted, the driver's license facility shall direct any registrant to the appropriate registrar's office where he may register to vote and receive the Same-day Registration Certificate.**

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§115. Registration by mail

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E.(1) Mail voter registration applications returned through the United States Postal Service shall be deemed to have been made as of the date of the postmark affixed to such application by the United States Postal Service, or if no such postmark is affixed or if the postmark affixed by the United States Postal Service is illegible or bears no date, such application shall be deemed to have been made timely if received through the United States mail by the registrar of voters no later than the close of business on the ~~thirtieth day prior to an~~ **day of the election**.

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§116. Voter registration agencies

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D. Each designated voter registration agency shall transmit no later than five days after acceptance, all completed voter registration applications to the registrar of voters within the parish where the voter registration agency is located who shall transmit such applications to the appropriate registrar of voters for the parish in which the applicant resides, as determined from the information contained on the registration application. If a registration application is accepted within five days before the ~~last day for registration~~ **election**, each agency shall transmit the completed voter registration application forms to the registrar at the conclusion of each business day; **however, on election day, if the registration application is accepted, the voter registration agency shall direct the registrant to the appropriate registrar's office where he may register to vote and receive the Same-day Registration Certificate.**

* * *

§135. Close of registration

A.(1) Registrars shall close the registration records ~~thirty days prior to an~~ **at the close of business on the day of the** election. ~~However, if the deadline falls on a legal holiday, the registrars shall close the registration records on the first day after such holiday which is not a Saturday, Sunday, or other legal holiday.~~

(2)(a) ~~Notwithstanding the provisions of Paragraph (1) of this Subsection, if because of an emergency as declared by the governor or by the parish president the registrar is unable to open at least one office in the parish on the day on which the registration records are to be closed pursuant to Paragraph (1) of this Subsection, the registrar shall not close the registration records on that day. In such case, the registrar shall close the registration records on the first business day thereafter that the registrar opens an office in the parish, and an application for any entry or change in a registration received by the registrar on this day shall be deemed to have been~~

1 ~~received as of the day the registration records were to be closed pursuant to~~
2 ~~Paragraph (1) of this Subsection.~~ A person who seeks to register to vote on the
3 same day that he seeks to vote either at the polls on election day or during early
4 voting shall be required to provide proof of identity and residence and shall
5 complete a registration form which includes signing a statement, under penalty
6 of perjury, that the person is a citizen of the United States and resides at the
7 address given. The person shall be required to present two documents as proof
8 of identity and residence: his Louisiana driver's license, Louisiana special
9 identification card issued pursuant to R.S. 40:1321, or other generally
10 recognized picture identification card that contains the name and signature of
11 the person; and a utility bill, bank statement, paycheck, government issued
12 check, or other state issued document.

13 ~~(b) The registrar shall notify the secretary of state as soon as possible upon~~
14 ~~determining that the registrar will be unable to open at least one office in the parish~~
15 ~~on the day on which the registration records are to be closed pursuant to Paragraph~~
16 ~~(1) of this Subsection.~~ A person who registers to vote pursuant to this Paragraph
17 shall not be eligible to vote prior to registering. Upon application to register to
18 vote, the registrar shall immediately verify the qualifications and address of the
19 registrant, and shall issue a Same-day Registration Certificate to the voter,
20 which shall include the registrant's name, address, requirements for election
21 day registration, required forms of identification, and the phone number of the
22 registrar of voters in the parish where the registrant is eligible to register. The
23 voter shall be required to present the Same-day Registration Certificate and two
24 documents of identification, as provided in Subparagraph (a) of this Paragraph
25 at the polling place when he seeks to vote on the same day that he registered. A
26 person who registers to vote on the same day that he votes shall vote on a paper
27 ballot with a removable ballot flap that contains a form for the person to
28 complete prior to voting which requests the person's identification information
29 and address. If the registrar of voters is able to determine that the applicant

1 meets the qualifications set forth in R.S. 18:101 for voter registration, the ballot
 2 shall be counted and the registrant shall be added to the list of active voters. If
 3 the applicant does not meet the qualifications set forth in R.S. 18:101, the
 4 applicant shall not be added to the list of active voters, his vote shall not be
 5 counted, and the parish board of election supervisors shall notify him in writing
 6 of the reason his vote was not counted.

7 * * *

8 §152. Required records

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10 C.

11 * * *

12 (2)

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14 (b) Prior to delivery of the precinct register to the contractor authorized by
 15 the secretary of state to deliver voting machines pursuant to R.S. 18:1371, the
 16 registrar shall add the names and collateral information on those ~~mail~~ registrants and
 17 registrants who submitted an electronic application pursuant to R.S. 18:115.1 who
 18 ~~were verified~~ **registered to vote** after the printing of the precinct register. Such
 19 listing of registrants shall be considered to be a supplement to the official list of
 20 voters and a part of the precinct register. Subsequent to the delivery of the precinct
 21 register, the registrar shall add the names and collateral information on those ~~mail~~
 22 registrants and registrants who submitted an electronic application pursuant to R.S.
 23 18:115.1 who ~~were verified~~ **registered to vote** after the delivery of the precinct
 24 register. Such listing of registrants shall be considered another supplement to the
 25 official list of voters and a part of the precinct register. Any supplemental list so
 26 produced shall be delivered to the precinct in the same manner as a list of absentee
 27 voters who voted absentee by mail and whose ballots were received after the precinct
 28 register was sealed.

29 * * *

1 §157. Delivery of precinct registers to election authorities

2 A. The registrar shall seal a precinct register for each precinct in the parish
3 which is involved in the election, which shall contain both the official list of voters
4 and inactive list of voters in each precinct and shall be bound in a pressboard binder,
5 labeled with the correct ward and the precinct number, and shall surrender such to
6 the contractor authorized by the secretary of state to deliver voting machines
7 pursuant to R.S. 18:1371, not less than three days before the opening hour of the
8 election.

9 **B. Each registrar shall, at the end of the business day on the day prior**
10 **to the election, compile a final supplemental list for each precinct that contains**
11 **the name and collateral information for each voter who registered after the**
12 **printing of the precinct register and any other supplemental lists affixed to the**
13 **precinct register. The registrar shall deliver the final supplemental list prior to**
14 **the opening of the polls on election day to any precinct in which a voter on the**
15 **final supplemental list is eligible to vote.**

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17 §1309. Early voting; verification

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19 E.

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21 **(7) If a voter seeks to vote during early voting, and the voter claims he**
22 **has already registered to vote, but the voter does not appear on the precinct**
23 **register or list kept by the registrar, the voter shall register to vote and vote as**
24 **provided for in R.S. 18:135. The same-day registration application shall be used**
25 **to determine whether the voter is eligible to vote pursuant to R.S. 18:101, and**
26 **any prior application to register to vote from the voter shall be disregarded.**

27 * * *

28 Section 2. R.S. 18:101(D), 115(B), and 135(A)(2)(c) and (d) are hereby repealed in
29 their entirety.

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

DIGEST

SB 449 Original 2018 Regular Session Barrow

Present law provides for voter registration to close 30 days prior to an election.

Proposed law provides for voter registration to close on election day. Removes provisions of present law relative to persons who have changed residence after the 30th day prior to an election for president or vice-president of the United States.

Present law provides for persons to submit an application to register to vote at driver's license facilities and voter registration agencies. Provides for the transmittal of such applications to the registrar of voters if received within five days before the last day for registration.

Proposed law retains present law, but provides for the transmittal of applications received within five days before the election. Also provides that on election day, a driver's license facility or voter registration agency shall direct any registrant to the appropriate registrar of voters' office where he may register to vote and receive the Same-day Registration Certificate.

Present law provides for procedures to verify the eligibility of an applicant who mails in his voter registration application. Provides for the registrar to mail a verification mailing to the applicant at the address provided on the application form, with return postage paid. Provides that if the mailing is returned to the registrar within ten days, the registrar of voters shall not add the applicant's name to the official list of voters and shall attempt to notify the applicant of his action.

Proposed law repeals present law.

Present law provides for the printing and delivery of a precinct register to the precinct. Provides that prior to delivery, the registrar shall add the names and collateral information on those mail registrants that were verified after the printing of the precinct register. Provides that after delivery, the registrar shall add the names and collateral information on those mail registrants that were verified after the delivery of the precinct register. Provides that each listing is considered a supplement to the official list of voters and part of the precinct register.

Proposed law retains present law. Provides additionally that each registrar shall, at the end of the business day on the day prior to the election, compile a final supplemental list for each precinct that contains the name and collateral information for each voter who registered after the printing of the precinct register and any other supplemental lists affixed to the precinct register. Requires the registrar to deliver the final supplemental list prior to the opening of the polls on election day to any precinct in which a voter on the final supplemental list is eligible to vote.

Proposed law provides that a person who seeks to register to vote on the same day that he seeks to vote either at the polls on election day or during early voting shall be required to provide proof of identity and residence and shall complete a registration form which includes signing a statement, under penalty of perjury, that the person is a citizen of the U.S. and resides at the address given. The person shall be required to present two documents as proof of identity and residence: his La. driver's license, La. special identification card, or other generally recognized picture identification card that contains the name and signature of the

person; and a utility bill, bank statement, paycheck, government issued check, or other state issued document.

Proposed law provides that a person who registers to vote pursuant to proposed law shall not be eligible to vote prior to registering. Provides that upon application to register to vote, the registrar shall immediately verify the qualifications and address of the registrant, and shall issue a Same-day Registration Certificate to the voter, which shall include the registrant's name, address, requirements for election day registration, required forms of identification, and the phone number of the registrar of voters in the parish where the registrant is eligible to register. Requires the voter to present the Same-day Registration Certificate and two documents of identification, as provided in proposed law at the polling place when he seeks to vote on the same day that he registered.

Proposed law provides that a person who registers to vote on the same day that he votes shall vote on a paper ballot with a removable ballot flap that contains a form for the person to complete prior to voting which requests the person's identification information and address. Provides that if the registrar of voters is able to determine that the applicant meets the qualifications set forth in present law for voter registration, the ballot shall be counted and the registrant shall be added to the list of active voters. If the applicant does not meet the qualifications set forth in present law for voter registration, the applicant shall not be added to the list of active voters, his vote shall not be counted, and the parish board of election supervisors shall notify him in writing of the reason his vote was not counted.

Proposed law provides that if a voter seeks to vote during early voting, and the voter claims he has already registered to vote, but the voter does not appear on the precinct register or list kept by the registrar, such voter shall register to vote and vote as provided for in proposed law. Provides that the same-day registration application shall be used to determine whether the voter is eligible to vote pursuant to present law provisions relative to qualification for voter registration. Provides further that any prior application to register to vote from the voter shall be disregarded.

Effective August 1, 2018.

(Amends R.S. 18:114(F)(8), 115(E)(1), 116(D), 135(A)(1) and (2)(a) and (b), 152(C)(2)(b), and 157; adds R.S. 18:1309(E)(7); repeals R.S. 18:101(D), 115(B), and 135(A)(2)(c) and (d))