

2020 Second Extraordinary Session

SENATE BILL NO. 74

BY SENATOR CLOUD

ELECTION OFFENSES. Provides relative to election offenses affecting registration and election fraud or forgery. (gov sig) (Item #5)

1 AN ACT

2 To amend and reenact R.S. 18:1461.2(A)(2), (3), (5), and (6), relative to election offenses
3 affecting registration and election fraud or forgery; to provide for absentee ballot
4 offenses; to provide for an effective date; and to provide for related matters.

5 Be it enacted by the Legislature of Louisiana:

6 Section 1. R.S. 18:1461.2(A)(2), (3), (5), and (6), are hereby amended and reenacted
7 to read as follows:

8 §1461.2. Election offenses affecting registration and election fraud or forgery;
9 penalties

10 A. No person shall knowingly, willfully, or intentionally:

11 * * *

12 (2) ~~Vote or attempt to vote~~ **, attempt to vote, submit an application to vote**
13 **absentee by mail, or attempt to submit an application to vote absentee by mail,**
14 knowing that he is not qualified, or influence or attempt to influence another to vote,
15 **attempt to vote, submit an application to vote absentee by mail, or attempt to**
16 **vote absentee by mail,** knowing such voter to be unqualified or the vote to be
17 fraudulent.

1 (3) Register, vote, **submit an application to vote absentee by mail**, or
 2 attempt to register or vote, **or submit an application to vote absentee by mail** in
 3 the name of another or in an assumed or fictitious name, or in any manner other than
 4 as provided in this Title.

5 * * *

6 (5) Procure or submit voter registration applications **or applications to vote**
 7 **absentee by mail** that are known by the person to be materially false, fictitious, or
 8 fraudulent.

9 (6) Forge, alter, add to, deface, take, destroy, or remove from proper custodial
 10 care any book, card, record, voter registration application, **application to vote**
 11 **absentee by mail**, election return, nomination papers, withdrawals of candidacy,
 12 election supplies, election paraphernalia, or any affidavit or other document required
 13 or provided for under the provisions of this Title, unless required to be removed by
 14 a court of competent jurisdiction for inspection and photostatic copying for the court
 15 record.

16 * * *

17 Section 2. This Act shall become effective upon signature by the governor or, if not
 18 signed by the governor, upon expiration of the time for bills to become law without signature
 19 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If
 20 vetoed by the governor and subsequently approved by the legislature, this Act shall become
 21 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 Matt DeVille.

DIGEST

SB 74 Engrossed

2020 Second Extraordinary Session

Cloud

Present law provides that no person shall knowingly, willfully, or intentionally vote or attempt to vote knowing that he is not qualified or attempt to influence another to vote, knowing such voter to be unqualified or the vote to be fraudulent.

Proposed law provides that no person shall knowingly, willfully, or intentionally vote, attempt to vote, submit an application to vote absentee by mail, or attempt to submit an application to vote absentee by mail, knowing that he is not qualified or attempt to influence another to vote, attempt to vote, submit application to vote absentee by mail, or attempt to submit an application to vote absentee by mail, knowing such voter to be unqualified or the

vote to be fraudulent.

Present law provides that no person shall knowingly, willfully, or intentionally register, vote, or attempt to register or vote in the name of another or in an assumed or fictitious name, or in any manner other than as provided by law.

Proposed law provides that no person shall knowingly, willfully, or intentionally register, vote, submit an application to vote absentee by mail or attempt to register, vote, or submit an application to vote absentee by mail in the name of another or in an assumed or fictitious name, or in any manner other than as provided by law.

Present law provides that no person shall knowingly, willfully, or intentionally procure or submit voter registration applications that are known by the person to be materially false, fictitious, or fraudulent.

Proposed law provides that no person shall knowingly, willfully, or intentionally procure or submit voter registration applications or applications to vote absentee by mail that are known by the person to be materially false, fictitious, or fraudulent.

Present law provides that no person shall knowingly, willfully, or intentionally forge, alter, add to, deface, take, destroy, or remove from proper custodial care any book, card, record, voter registration application, election return, nomination papers, withdrawals of candidacy, election supplies, election paraphernalia, or any affidavit or other document required, unless required to be removed by a court of competent jurisdiction for inspection and photostatic copying for the court record.

Proposed law provides that no person shall knowingly, willfully, or intentionally forge, alter, add to, deface, take, destroy, or remove from proper custodial care any book, card, record, voter registration application, application to vote absentee by mail, election return, nomination papers, withdrawals of candidacy, election supplies, election paraphernalia, or any affidavit or other document required, unless required to be removed by a court of competent jurisdiction for inspection and photostatic copying for the court record.

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

(Amends R.S. 18:1461.2(A)(2), (3), (5), and (6))