

2023 Regular Session

HOUSE BILL NO. 519

BY REPRESENTATIVE CARPENTER

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

VOTERS/VOTING: Provides relative to absentee voting by qualified incarcerated voters

1 AN ACT

2 To amend and reenact R.S. 18:1307(B)(1)(b) and 1308(B)(1) and to enact R.S.  
3 18:115(F)(2)(f) and 1307(B)(1)(a)(iv), relative to absentee voting by mail; to provide  
4 for voting by qualified incarcerated voters; to provide for absentee by mail voting  
5 following registration by mail; to provide for the delivery of absentee by mail voting  
6 applications and ballots by the sheriff or his representative; and to provide for related  
7 matters.

8 Be it enacted by the Legislature of Louisiana:

9 Section 1. R.S. 18:1307(B)(1)(b) and 1308(B)(1) are hereby amended and reenacted  
10 and R.S. 18:115(F)(2)(f) and 1307(B)(1)(a)(iv) are hereby enacted to read as follows:

11 §115. Registration by mail

12 \* \* \*

13 F.

14 \* \* \*

15 (2) The provisions of Paragraph (1) of this Subsection shall not apply in the  
16 case of the following:

17 \* \* \*

1                 (f) A person incarcerated in an institution inside or outside the parish in  
2                 which he is qualified to vote, who requests to vote absentee by mail pursuant to R.S.  
3                 18:1303(G).

4                                     \*        \*        \*

5                 §1307. Application by mail

6                                     \*        \*        \*

7                             B.(1)(a)

8                                     \*        \*        \*

9                 (iv) Notwithstanding the provisions of Item (ii) or (iii) of this Subparagraph,  
10                a sheriff or a representative of the sheriff's office may deliver via facsimile or hand  
11                delivery the completed application to vote by mail for any registered voter under the  
12                control and custody of the sheriff's office who is making application to vote absentee  
13                by mail pursuant to R.S. 18:1303(G). If delivered pursuant to this Item, the sheriff  
14                or his representative shall sign the application and may deliver more than one voter's  
15                application to the registrar of voters. If the sheriff delivers the application by  
16                facsimile, he shall include the facsimile number from where the facsimile was sent.

17                (b)(i) An application to vote by mail transmitted by facsimile to the registrar  
18                of voters shall not be sent on a facsimile machine that is owned, operated, or under  
19                the control of a candidate or agent of a party or campaign in the election, unless the  
20                application is for the candidate.

21                (ii) The provisions of Item (i) of this Subparagraph shall not apply to an  
22                application for a voter under the control and custody of a sheriff's office who is  
23                applying to vote absentee by mail pursuant to R.S. 18:1303(G) transmitted by the  
24                sheriff or a representative of the sheriff's office pursuant to Subparagraph (a)(iv) of  
25                this Paragraph.

26                                     \*        \*        \*

27                §1308. Absentee voting by mail

28                                     \*        \*        \*

1           B.(1) The ballot shall be marked as provided in R.S. 18:1310 and returned  
 2           to the registrar by the United States Postal Service, a commercial courier, or hand  
 3           delivery. If delivered by other than the voter, a commercial courier, or the United  
 4           States Postal Service, the registrar shall require that the person making such delivery  
 5           sign a statement, prepared by the secretary of state, certifying that he has the  
 6           authorization and consent of the voter to hand deliver the marked ballot. For  
 7           purposes of this Subsection, "commercial courier" shall have the same meaning as  
 8           provided in R.S. 13:3204(D). No person except the immediate family of the voter,  
 9           as defined in this Code, or a sheriff or a representative of the sheriff's office  
 10          delivering the ballot of a registered voter under the control and custody of the  
 11          sheriff's office who voting absentee by mail pursuant to R.S. 18:1303(G) shall hand  
 12          deliver more than one marked ballot per election to the registrar. Upon its receipt,  
 13          the registrar shall post the name and precinct of the voter as required by R.S.  
 14          18:1311.  
 15                                                               \*           \*           \*

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)]

HB 519 Original                                      2023 Regular Session                                      Carpenter

**Abstract:** Provides that a sheriff or his representative may deliver via hand delivery or facsimile the applications for absentee voting and completed absentee ballots of incarcerated voters in the custody and care of the sheriff who are otherwise eligible to vote absentee by mail.

Present law (R.S. 18:1303(G)) authorizes a person incarcerated in an institution inside or outside the parish in which he is qualified to vote, who is not under an order of imprisonment for conviction of a felony, to vote absentee by mail, only, upon certification to the appropriate registrar by the sheriff of the parish where the person is incarcerated that he is not a convicted felon.

Proposed law retains present law.

Present law (R.S. 18:115) requires a registered voter who has registered by mail and has not previously voted in the parish in which he is registered to vote in person either at a location where early voting is conducted in the parish in which he is registered to vote or at the precinct in which he is registered to vote.

CODING: Words in ~~struck through~~ type are deletions from existing law; words underscoped are additions.

Proposed law retains present law with the exception that an incarcerated voter who is otherwise authorized by present law to vote absentee by mail is not required to vote in person.

Present law (R.S. 18:1307) provides that an application to vote by mail may be delivered to the registrar by any means, including the United States Postal Service, commercial delivery service, hand delivery, or facsimile.

Proposed law retains present law.

Present law (R.S. 18:1307) provides that a person sending the application by facsimile shall sign the application to indicate that he is the sender and shall include the facsimile number from where the facsimile was sent. Further requires a person hand delivering an application to sign the application. Present law prohibits any person, except the immediate family of any voter from sending by facsimile or hand delivering more than one voter's application to vote by mail to the registrar of voters.

Proposed law retains present law with the exception that a sheriff or a representative of the sheriff's office may deliver via fax or hand delivery the completed application to vote by mail for any registered voter under the control and custody of the sheriff's office who is applying to vote absentee by mail. The sheriff or his representative shall not be required to sign the application and may deliver more than one voter's application to vote by mail to the registrar of voters.

Present law (R.S. 18:1307) prohibits a candidate or agent of a party or campaign in the election to fax an application to vote by mail from a fax machine that he owns, operates, or controls, unless the application is for the candidate.

Proposed law retains present law, but provides an exception for an application faxed by the sheriff or a representative of the sheriff's office if the application is for a voter under the control and custody of a sheriff's office.

Present law (R.S. 18:1308) prohibits any person except the immediate family of the voter from hand delivering more than one marked ballot per election to the registrar.

Proposed law retains present law except to provide that a sheriff or a representative of the sheriff's office may deliver more than one marked ballot of registered voters under the control and custody of the sheriff's office who are seeking to vote absentee by mail.

(Amends R.S. 18:1307(B)(1)(b) and 1308(B)(1); Adds R.S. 18:115(F)(2)(f) and 1307(B)(1)(a)(iv))