

2024 First Extraordinary Session

HOUSE BILL NO. 9

BY REPRESENTATIVE MANDIE LANDRY

ELECTIONS/ABSENTEE VOTE: Allows all registered voters to utilize voting by mail  
(Item #10)

1 AN ACT

2 To amend and reenact R.S. 18:1301, 1302(introductory paragraph), (2), and (6), 1303(A)  
3 and (B), 1305, 1306(A)(1) and (4), (B)(1) and (2), (C), (D), and (E)(1)(introductory  
4 paragraph), 1307(A) and (D) through (H), 1307.1, 1307.2, 1308(A)(1)(a), (c)(i), and  
5 (d)(i) and (2)(a) and (c) and (B)(2)(introductory paragraph), (a), and (b), 1308.1  
6 (Section heading), 1308.2, 1309(F)(3) and (H), 1310(A), (B)(2) and (3), and (C)(1),  
7 1311(A)(1) and (2), (B), (C), (D)(1), (2), (4)(a), and (5)(a) and (c), and (E), and 1319  
8 and to repeal R.S. 18:1303(C) through (L) and 1307(A)(7), (8), and (9) and (I),  
9 relative to voting by mail; to provide for the distribution of vote by mail ballots; to  
10 provide for application for vote by mail ballot; and to provide for related matters.

11 Be it enacted by the Legislature of Louisiana:

12 Section 1. R.S. 18:1301, 1302(introductory paragraph),(2), and (6), 1303(A) and (B),  
13 1305, 1306(A)(1) and (4), (B)(1) and (2), (C), (D), and (E)(1)(introductory paragraph),  
14 1307(A) and (D) through (H), 1307.1, 1307.2, 1308(A)(1)(a), (c)(i), and (d)(i) and (2)(a) and  
15 (c) and (B)(2)(introductory paragraph), (a), and (b), 1308.1(Section heading), 1308.2,  
16 1309(F)(3) and (H), 1310(A), (B)(2) and (3), and (C)(1), 1311(A)(1) and (2), (B), (C),  
17 (D)(1), (2), (4)(a), and (5)(a) and (c), and (E), and 1319 are hereby amended and reenacted  
18 to read as follows:

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

2 §1301. Applicability

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

6 §1302. Definitions

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

9 \* \* \*

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

15 \* \* \*

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

18 \* \* \*

19 §1303. Persons entitled to vote in compliance with this Chapter

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

23 B. A person incarcerated in an institution inside or outside the parish in  
24 which he is qualified to vote, who is not under an order of imprisonment for  
25 conviction of a felony, may only vote by mail and only upon meeting the  
26 requirements of this Chapter and certification to the appropriate registrar by the  
27 sheriff of the parish where the person is incarcerated that he is not a convicted felon.  
28 ~~By mail. The following persons, otherwise qualified to vote, who expect to be out~~

1 of the parish on election day, may vote absentee by mail upon meeting the  
2 requirements of this Chapter:

3 (1) A member of the United States Service, as defined in R.S. 18:1302, and  
4 his spouse and dependents.

5 (2) A student, instructor, or professor in an institution of higher learning  
6 located outside the parish in which he is qualified to vote and who lives outside of  
7 said parish by reason thereof, and his spouse and any dependent accompanying and  
8 residing with him.

9 (3) A minister, priest, rabbi, or other member of the clergy assigned to a  
10 religious post outside the parish in which he is registered and his spouse and any  
11 dependents accompanying and residing with him.

12 (4) A person who is or who expects to be temporarily outside the territorial  
13 limits of the state or absent from the parish in which he is qualified to vote during the  
14 early voting period and on election day.

15 (5) A person who, after the registration books have closed as required by  
16 R.S. 18:135, has moved his residence to another parish and the new residence is  
17 more than one hundred miles from the parish seat of the parish of his former  
18 residence, in which case he may vote absentee by mail in the parish of his former  
19 residence.

20 (6) A person involuntarily confined in an institution for mental treatment  
21 outside the parish in which he is qualified to vote, who is not interdicted and not  
22 judicially declared incompetent.

23 (8) A person residing outside the United States.

24 §1305. Voting at polls prohibited

25 A person who has voted either by ~~absentee~~ by mail ballot or during early  
26 voting shall not vote in person at the polls on election day.

27 §1306. Preparation and distribution of ~~absentee~~ vote by mail and early voting ballots

28 A.(1) The secretary of state shall prepare ~~absentee~~ vote by mail and early  
29 voting ballots. The size and weight of paper, size and type of print, and other matters

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

7   \*       \*       \*

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

28               B.(1) The secretary of state shall prepare ~~absentee~~ vote by mail ballot  
29       envelopes, ~~absentee by mail~~ instructions, certificates, and other ~~absentee~~ vote by

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

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

23 \* \* \*

24 C.(1) At least twenty days before each primary election and at least thirteen  
 25 days before each general election, the secretary of state shall deliver to the registrar  
 26 in each parish in which the election is to be held the paper ~~absentee~~ vote by mail  
 27 ballots, envelopes, certificates, and instructions to be used in for voting ~~an~~ absentee  
 28 by mail ~~ballot~~ in that election, and a statement, approved by the attorney general,  
 29 explaining the scope and nature of any proposed constitutional amendment. The

1 number of paper ~~absentee~~ vote by mail ballots and other necessary paraphernalia to  
2 be delivered shall be up to ten percent of the registered voters within each parish.

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

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

12 FOR BALLOT ONLY  
13 VIOLATION OF ~~ABSENTEE~~ VOTE BY MAIL OR EARLY  
14 VOTING LAWS VOIDS BALLOT  
15 AND MAY RESULT IN CRIMINAL PENALTIES  
16 VOTING AT POLLS AFTER VOTING ~~ABSENTEE~~ BY MAIL  
17 OR DURING EARLY VOTING IS PROHIBITED  
18 AND MAY RESULT IN CRIMINAL PENALTIES

19 E.(1) The secretary of state shall prepare ~~an absentee~~ a vote by mail  
20 certificate, the content of which is subject to approval of the attorney general. The  
21 certificate shall include but not necessarily be limited to:

22 \* \* \*

23 §1307. Application by mail

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

28 (1) The election or elections for which he requests ~~an absentee~~ a vote by mail  
29 ballot.

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

8           ~~(3)~~ (2)(a) The address to which the ~~absentee~~ vote by mail ballot or ballots  
9 shall be sent. If the address is within the parish or an adjacent parish, such address  
10 shall only be the address at which the applicant is registered to vote, his mailing  
11 address on file with the registrar of voters, or an address at which he regularly  
12 receives mail.

13           ~~(4)~~ (b) Notwithstanding ~~Paragraph (3) of this Subsection~~ Subparagraph (a)  
14 of this Paragraph, the ~~absentee~~ vote by mail ballots shall not be sent to the following  
15 addresses:

16           ~~(a)~~ (i) The address of a political party.

17           ~~(b)~~ (ii) The residential, business, or campaign address of a candidate, unless  
18 the address is for the candidate's ballot or a ballot of an immediate family member  
19 of the candidate.

20           ~~(c)~~ (iii) A business address, unless the business address is the mailing  
21 address on file with the registrar of voters or an address at which the person regularly  
22 receives mail.

23           ~~(d)~~ (iv) The address of a political organization as defined in 26 U.S.C. 527.

24           ~~(e)~~ (v) The address of an organization which has tax-exempt status under  
25 Section 501(c)(3) or (4) of the Internal Revenue Code, unless the organization  
26 address is the mailing address on file with the registrar of voters or an address at  
27 which the person regularly receives mail.

28           ~~(5)~~ (3) The ward and precinct in which the person is qualified to vote, if  
29 known.

1 ~~(6)~~ (4) The date of birth of the voter.

2 ~~(7)~~ (5) The maiden name of the voter's mother or other identifying  
3 information provided in the voter's application for registration pursuant to R.S.  
4 18:104.

5 ~~(8)~~ (6) The street address in the parish where the voter resides. A post office  
6 box is insufficient.

7 \* \* \*

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

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

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

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

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

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



1 F. The registrar shall not send ~~an absentee~~ a vote by mail ballot to an  
2 applicant whose application for ~~an absentee~~ a vote by mail ballot does not meet the  
3 requirements of Subsection A or B of this Section. If the registrar rejects an  
4 application for ~~an absentee~~ a vote by mail ballot, the registrar shall provide the  
5 applicant with written reasons for the rejection.

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

18 (2) For purposes of this Subsection proof of disability means one of the  
19 following:

20 (a) A certificate of a medical doctor or optometrist certifying to the  
21 irremediable nature of the physical disability.

22 (b) A copy of a current mobility impairment identification card bearing a  
23 photograph of the voter and the international symbol of accessibility issued by the  
24 secretary of the Department of Public Safety and Corrections as authorized by R.S.  
25 47:463.4.

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

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

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

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

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

1           (2) The program participant's substitute address shall be used for all purposes  
2           relative to voter registration and voting. A program participant's name and physical  
3           address shall not be included on any list of registered voters available to the public.  
4           A program participant shall not vote during early voting or in person at the polls on  
5           election day.

6           §1307.1. Application by person serving on sequestered jury

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

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

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

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

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

15           B. An application shall be received by the registrar by noon on the day of the  
16           election for which it is requested, and the date and time received shall be noted  
17           thereon by the registrar.

18           §1307.2. Procedure for ~~absentee~~ voting by mail by member of sequestered jury

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

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

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

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

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

3 §1308. ~~Absentee voting~~ Voting by mail

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

9 \* \* \*

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

17 \* \* \*

18 (d)(i) Upon request, the registrar shall transmit electronically a ballot,  
19 certificate, and waiver of the right to a secret ballot as provided in Subsection D of  
20 this Section to a voter who is eligible to vote ~~absentee~~ by mail pursuant to R.S.  
21 ~~18:1303(F)~~ or (1) 18:1307(G)(1) and who is unable to vote ~~an absentee~~ by mail ~~ballot~~  
22 without assistance because of a disability.

23 \* \* \*

24 (2)(a) With respect to members of the United States Service and persons  
25 residing outside of the United States who are registered to vote, these materials shall  
26 be mailed as provided by the Uniformed and Overseas Citizens Absentee Voting  
27 Act, 39 U.S.C. 3406 and 52 U.S.C. 20301 et seq., and shall include both the primary  
28 election ballot and the special ballot for the general election. The registrar shall mail  
29 the materials for candidates for United States senator or United States representative

1 in congressional primary and general elections, candidates for presidential nominee  
2 in presidential preference primary elections, and candidates in presidential elections  
3 at least forty-five days prior to the election to those voters who have made  
4 application to vote ~~absentee~~ by mail by such time.

5 \* \* \*

6 (c) For mailed ballots, the envelope mailed to the voter shall contain ballot  
7 envelopes, an adequate number of certificates required pursuant to R.S. 18:1306, and  
8 a postage paid return envelope. The return envelope shall bear the official title and  
9 mailing address of the registrar and the name, return address, and precinct or district  
10 number of the voter. The voter shall return his voted primary election ballot and  
11 certificate and special ballot and certificate for the general election to the registrar  
12 in the appropriate envelope. The registrar of voters shall mail a regular general  
13 election ~~absentee~~ vote by mail ballot to a member of the United States Service or to  
14 persons residing overseas only if the regular general election ~~absentee~~ vote by mail  
15 ballot includes one or more elections that were not included on the special ballot  
16 sent, as provided herein, to the voter. The envelope for the special ballot shall  
17 contain language on the outside of the envelope that clearly designates which  
18 envelope is to be used for return of the general election ballot.

19 \* \* \*

20 B.

21 \* \* \*

22 (2) If the ballot is hand delivered, the voter or person authorized by the voter  
23 pursuant to Paragraph (1) of this Subsection shall deliver the ~~absentee~~ vote by mail  
24 ballot to the registrar or to an employee of the registrar at one of the following  
25 locations:

26 (a) The registrar's principal office, as long as the ~~absentee~~ vote by mail ballot  
27 is returned during the time period set forth in Subsection C of this Section.

1 (b) The registrar's branch office, as long as the ~~absentee vote~~ by mail ballot  
2 is returned during the time period set forth in Subsection C of this Section.

3 \* \* \*

4 §1308.1. ~~Absentee voting~~ Voting by mail by person serving on sequestered jury

5 \* \* \*

6 §1308.2. Voting ~~absentee~~ by mail for candidates for presidential nominee,  
7 presidential candidates, and congressional candidates

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

15 (2) At least forty-six days before each congressional primary and general  
16 election, the secretary of state shall deliver to each registrar a sufficient quantity of  
17 primary election ~~absentee vote~~ by mail ballots for congressional candidates and  
18 special ~~absentee vote~~ by mail ballots for congressional candidates as provided in R.S.  
19 18:1306(A)(4), envelopes, certificates, and instructions, including those to be  
20 electronically transmitted, to be used only by members of the United States Service  
21 and persons residing outside the United States who are registered to vote.

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

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

5                                   \*       \*       \*

6           §1309. Early voting; verification

7                                   \*       \*       \*

8           F.

9                                   \*       \*       \*

10           (3) At the end of the early voting period, the registrar shall complete the  
11           early voting verification form for each location and sign and certify to its correctness  
12           and print an early voter report from the state voter registration computer system  
13           listing all early voters from the parish. All early voting verification forms, early  
14           voting machine public counter logs, early voting confirmation sheets, early voter  
15           reports, and paper ballots voted during early voting shall be placed in the special,  
16           secure ~~absentee~~ vote by mail and early voting container for delivery to the parish  
17           board of election supervisors on election day for the tabulation and counting of early  
18           voting ballots.

19                                  \*       \*       \*

20           H. Prior to delivery of the precinct register to the parish custodian, the  
21           registrar shall ensure that the precinct register reflects for each voter whether the  
22           voter voted during early voting or voted timely ~~absentee~~ by mail using the words  
23           "voted by mail" and, if the register was not used during early voting, "voted early"  
24           in the signature line for the voter in the precinct register.

25                                  \*       \*       \*

26           §1310. Execution of certificate; marking of ballot; casting vote; assistance

27           A.(1) When a voter receives the ~~absentee~~ voting materials by mail, the voter  
28           first shall fill in all blanks on the provided certificate. The voter then shall mark the

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

1 ballot according to the printed instructions on its face. Then the voter shall place the  
2 voted ballot in the ballot envelope, seal the envelope, and sign the certificate.

3 (2) When ~~absentee~~ vote by mail voting materials are electronically  
4 transmitted to a voter pursuant to the provisions of this Chapter, the voter first shall  
5 mark each ballot according to the instructions on the ballot, either by marking the  
6 ballot electronically and then printing it, or by printing the ballot first and then  
7 marking it by hand. The voter shall then print all remaining documents and fill in  
8 all blanks on the certificate and the waiver of the right to a secret ballot for each  
9 ballot mailing. The voter shall then place the voted ballot or ballots, completed  
10 certificate, and waiver of the right to a secret ballot for each ballot mailing in a  
11 separate envelope, seal the envelope, mark "Absentee Mail Ballot Enclosed" on the  
12 envelope, and mail the envelope and its contents to the registrar of voters.

13 B.

14 \* \* \*

15 (2) Except as otherwise provided in Paragraph (1) of this Subsection, a  
16 person who is otherwise qualified to vote by ~~absentee~~ by mail who is visually  
17 impaired, ~~or~~ physically disabled, ~~or who is~~ unable to read or write may receive  
18 assistance in voting ~~absentee~~ by mail from any person selected by him. The failure  
19 of a voter to furnish notice and proof during the time that the registration records are  
20 closed shall not deprive the voter of his right to receive assistance in voting if he  
21 complies with the requirements of the laws governing the conduct of elections with  
22 respect to assistance to voters in casting their votes as required by R.S. 18:564 or  
23 1309.3.

24 (3) A person who is eligible for assistance in voting ~~absentee~~ by mail or  
25 early voting may, in the same manner, seek assistance in the signing of his name or  
26 making of his mark. Any person who assists a voter in signing his name or making  
27 his mark shall explain to the voter that a signature or mark so made certifies that all  
28 statements in the certificate, if applicable, are true and correct and that any person



1 who knowingly provides false or incorrect statements is subject to a fine or  
2 imprisonment, or both.

3 C.(1) Any person who assists a voter in voting ~~absentee~~ by mail shall  
4 execute the acknowledgment on the certificate prepared by the secretary of state,  
5 verifying that the person providing the assistance has marked the ballot in the  
6 manner dictated by the voter, and the signature on the acknowledgment by the person  
7 providing assistance may serve as the signature of the witness required by R.S.  
8 18:1306(E)(2)(a).

9 \* \* \*

10 §1311. List of ~~absentee~~ vote by mail and early voters; posting; delivery of  
11 alphabetized list to precincts; supplements; ~~absentee~~ vote by mail voter  
12 report

13 A.(1) The registrar shall keep a list containing the names of all persons who  
14 vote by early voting ballot during early voting and of those whose ~~absentee~~ vote by  
15 mail ballots ~~by mail~~ he has received. He shall ensure that the list is available for  
16 inspection by members of the public at the principal office of the registrar when the  
17 office is open. After the last day for early voting, the registrar shall prepare a list,  
18 arranged alphabetically by precinct, of the names of all persons who have voted  
19 during early voting or from whom ~~absentee~~ vote by mail ballots ~~by mail~~ were  
20 received on or before the last day for early voting. The registrar shall ensure that the  
21 list is available for inspection by members of the public at the principal office of the  
22 registrar when the office is open and shall retain a copy of the list for use by the  
23 parish board of election supervisors on election night.

24 (2) The registrar shall prepare a supplemental list, arranged alphabetically  
25 by precinct, of the names of all persons from whom ~~absentee~~ vote by mail ballots ~~by~~  
26 ~~mail~~ have been received after the last day for early voting and before election day.  
27 The registrar shall deliver the supplemental list for each precinct to the parish  
28 custodian. The parish custodian shall then deliver the supplemental list for each  
29 precinct to the deputy parish custodian appointed for that precinct when the key

1 envelopes are delivered as provided in R.S. 18:553(A). The registrar shall ensure  
2 that the list is available for inspection by members of the public at the principal  
3 office of the registrar when the office is open and shall retain a copy of the  
4 supplemental list for use by the parish board of election supervisors on election  
5 night.

6 \* \* \*

7 B. The registrar shall include the first ~~absentee~~ ballot received from a person  
8 voting by mail, if timely received, with those to be counted by the board. Any  
9 second or subsequent ballot received from such a person shall be considered not  
10 timely received.

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

16 D.(1)(a) Any ~~absentee~~ vote by mail ballot submitted by a member of the  
17 United States Service or person who resides outside of the United States who has  
18 made timely application to vote ~~absentee~~ by mail timely and which ballot is received  
19 by the registrar on election day shall be endorsed with the day and hour of receipt  
20 and shall be segregated from and kept separately from any other ~~absentee~~ vote by  
21 mail ballot received on or after election day.

22 (b) For any voter hospitalized who has made timely application to vote  
23 ~~absentee by mail~~ in accordance with R.S. 18:1303(D)(1) and whose ~~absentee~~ vote  
24 by mail ballot is received by the registrar on election day, either by hand delivery or  
25 facsimile transmission, such ~~absentee~~ ballot shall be endorsed with the day and hour  
26 of receipt and shall be segregated ~~from~~ and kept separately from any other ~~absentee~~  
27 vote by mail ballot received on or after election day.

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

4 \* \* \*

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

16 \* \* \*

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

24 \* \* \*

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

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

4 \* \* \*

5 §1319. Use of Federal Write-In Absentee Ballot; presidential preference primary,  
6 presidential, and congressional elections

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

14 Section 2. R.S. 18:1303(C) through (L) and 1307(A)(7), (8), and (9) and (I) are  
15 hereby repealed in their entirety.

16 Section 3. The Louisiana State Law Institute is hereby directed to change the  
17 expression "absentee by mail" or "vote absentee by mail" or grammatical variations thereof  
18 to "vote by mail" in the following provisions: R.S. 18:18, 25, 58, 59, 101, 105, 106.1, 134,  
19 152, 154, 158, 195, 196, 423, 531.1, 551, 553, 562, 566.2, 573, 574, 1312, 1313, 1313.1,  
20 1314, 1315, 1317, 1333, 1334, 1351, 1352, 1353, 1364, 1400.3, 1400.4, 1433, 1433.1, 1451,  
21 1452, and 1453 and R.S. 44:52.

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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)]

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HB 9 Original                                      2024 First Extraordinary Session                                      Mandie Landry

**Abstract:** Allows all eligible voters to vote by mail.

Present law (R.S. 18:1303) allows absentee voting for voters who expect to be out of the state or parish on election day and those who meet specific requirements. Proposed law removes requirements for absentee voting and allows all qualified voters to vote by mail.

Present law (R.S. 18:1307(A)(2)) 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 (R.S. 18:1307(D)) 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 (R.S. 18:1307(G)) 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 sixty-five 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 (R.S. 18:1307(H)) 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 (R.S. 18:1307(I)) 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 that 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 (R.S. 18:1308(A)(2)(g)) 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.

(Amends R.S. 18:1301, 1302(intro. para.)(2), and (6), 1303(A) and (B), 1305, 1306(A)(1) and (4), (B)(1) and (2), (C), (D), and (E)(1)(intro. para.), 1307(A) and (D) through (H), 1307.1, 1307.2, 1308(A)(1)(a), (c)(i), and (d)(i) and (2)(a) and (c) and (B)(2)(intro. para.), (a), and (b), 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(C) through (L) and 1307(A)(7), (8), and (9) and (I))