

Regular Session, 2014

HOUSE BILL NO. 970

BY REPRESENTATIVE JEFFERSON

VOTERS/VOTING: Provides relative to voting by persons who are incarcerated

1 AN ACT

2 To amend and reenact R.S. 18:1303(G) and to enact Chapter 7-B of Title 18 of the Louisiana  
3 Revised Statutes of 1950, to be comprised of R.S. 18:1341 and 1342, relative to  
4 voting; to provide for a special program for incarcerated voters; to provide relative  
5 to the authority and duties of certain election officials with respect to such program;  
6 to provide for eligibility; to provide procedures and requirements; to prohibit certain  
7 conduct; to provide for criminal penalties; and to provide for related matters.

8 Be it enacted by the Legislature of Louisiana:

9 Section 1. R.S. 18:1303(G) is hereby amended and reenacted and Chapter 7-B of  
10 Title 18 of the Louisiana Revised Statutes of 1950, comprised of R.S. 18:1341 and 1342, is  
11 hereby enacted to read as follows:

12 §1303. Persons entitled to vote in compliance with this Chapter

13 \* \* \*

14 G. Persons incarcerated. (1) A person incarcerated in an institution inside  
15 or outside the parish in which he is qualified to vote, who is not under an order of  
16 imprisonment for conviction of a felony, may only vote absentee by mail and only  
17 upon meeting the requirements of this Chapter and certification to the appropriate  
18 registrar by the sheriff of the parish where the person is incarcerated that he is not  
19 a convicted felon.



1 that shall be stamped or entered in ink on the upper right side of the letter and also  
2 shall be entered in clearly distinguishable figures on the flap of the absentee by mail  
3 ballot envelope that will contain the absentee by mail ballot to be delivered to that  
4 applicant on the day designated in the letter. If the letter is mailed by the registrar  
5 prior to his receipt of the absentee by mail ballots for the election, he shall enter the  
6 name of the applicant, his address, ward and precinct, and the number assigned to the  
7 applicant on a list that he shall keep for the purpose and, upon receipt of the absentee  
8 by mail ballots for the election, he shall enter the number on the absentee by mail  
9 ballot envelope as provided in this Subsection.

10 D.(1) On the day within the period fixed by law for early voting pursuant to  
11 this Section specified in the letter to the applicant as provided in Subsection C of this  
12 Section, the registrar shall go to each institution within the parish wherein reside one  
13 or more voters who are eligible to vote pursuant to this Section and to whom the  
14 registrar mailed the letter provided for in Subsection C of this Section.

15 (2) The registrar shall have in his possession such materials and supplies as  
16 are needed to permit each of such voters to cast an absentee by mail ballot, including  
17 but not restricted to absentee by mail ballot envelopes, each of which bears the  
18 number corresponding to the number entered on the letter mailed to the applicant as  
19 provided by Subsection C of this Section, instructions, certificates, envelopes,  
20 acknowledgment forms required by Paragraph (E)(4) of this Section, and a portable  
21 metal box equipped with an open slot in its top surface of sufficient size to permit  
22 a completed ballot envelope to be deposited in the box. The registrar shall lock the  
23 box before he removes it from his office and shall retain the keys in his office.

24 E. The voting by each voter shall be accomplished in the following manner:

25 (1) The voter shall present to the registrar the letter he received from the  
26 registrar that bears the reply number assigned as provided in Subsection C of this  
27 Section. The registrar shall compare the number on the letter with the number on the  
28 absentee by mail ballot envelope in his possession and, if they are identical, he shall  
29 hand the envelope containing the absentee by mail ballot to the voter. However, if

1        the voter is on the inactive list of voters, the voter must complete an address  
2        confirmation card prior to receiving the envelope containing the absentee by mail  
3        ballot.

4                (2) Unless requested by the voter to assist him in voting as provided in  
5        Paragraph (4) of this Subsection, the registrar shall retire from the presence of the  
6        voter while the voter marks his ballot and completes his ballot envelope.

7                (3) The voter shall mark his ballot as provided in R.S. 18:1310(A). The  
8        voter then shall place the absentee by mail ballot in the absentee by mail ballot  
9        envelope, seal the envelope, and sign the certificate on the absentee by mail ballot  
10       envelope flap.

11               (4)(a) The voter may receive assistance from any person selected by him,  
12       except a person who is prohibited from assisting a voter pursuant to R.S. 18:1309.3  
13       and the owner, operator, or administrator of the institution or an employee of any of  
14       them or of the institution. However, no person except the registrar may assist more  
15       than one voter in voting.

16               (b) Any person who assists the voter in signing his name or marking his  
17       ballot shall explain to the voter that a signature or mark so made constitutes  
18       certification that all statements in the certificate are true and correct and that any  
19       person who knowingly provides false or incorrect statements is subject to a fine or  
20       imprisonment, or both.

21               (c) Any person who assists the voter shall execute an acknowledgment, on  
22       a form which shall be prescribed and furnished to the registrar of voters by the  
23       secretary of state and made available by the registrar of voters through the deputy  
24       registrar who appears at the institution, verifying that he has marked the ballot in the  
25       manner dictated by the voter.

26               (5) The voter shall notify the registrar when he has completed his voting, and  
27       the voter shall place the sealed absentee by mail ballot envelope in the locked metal  
28       box.

1           (6)(a) The registrar shall proceed in the above-described manner and using  
2           the same procedure for each voter in the institution who is qualified to vote pursuant  
3           to this Section in that election.

4           (b) Upon returning to the registrar's office, the registrar shall unlock the  
5           metal box containing the absentee by mail ballots, remove them from the box, and  
6           otherwise follow the procedures for the posting of the name, ward, and precinct of  
7           the voter, and other procedures as required by R.S. 18:1311 and other applicable  
8           provisions of the Election Code relating to absentee by mail and early voting ballots.

9           (7) Upon receipt of an address confirmation card, the registrar shall reinstate  
10          the voter to the official list of voters.

11          F. Notwithstanding the provisions of this Section, the registrar may utilize  
12          the same voting procedures, voting machines, and equipment used for early voting  
13          to conduct voting pursuant to this Section.

14          G. The secretary of state may adopt such rules and regulations as are  
15          necessary to effectuate the provisions of this Section.

16          §1342. Electioneering in connection with voting by incarcerated persons

17          A. During the period extending from seven days prior to the time that voting  
18          begins pursuant to R.S. 18:1341 for an election until the polls have closed on election  
19          day, no owner, operator, employee, or agent of such owner, operator, or employee,  
20          or any stockholder of any institution or candidate or employee of or agent or worker  
21          for any candidate shall perform or cause to be performed any of the following acts  
22          while on duty or on the premises of the institution:

23                 (1) Solicit in any manner or by any means whatsoever any person  
24                 incarcerated in the institution to vote for or against any candidate or proposition  
25                 being voted on in the election.

26                 (2) Hand out, place, or display campaign cards, pictures, or other campaign  
27                 literature of any kind or description in the institution.

28                 (3) Place or display political signs, pictures, or other forms of political  
29                 advertising in the institution.

- 1            B. Whoever violates any provision of this Section shall be fined not more  
 2            than five hundred dollars or be imprisoned for not more than six months, or both.  
 3            For a second offense or any succeeding offense, the penalty shall be a fine of not  
 4            more than one thousand dollars or imprisonment for not more than one year, or both.
- 5            C. The provisions of this Section shall not prohibit a person, who is not an  
 6            owner, operator, employee, or agent of such owner, operator, or employee, or any  
 7            stockholder of any institution from performing any of the listed acts in an institution  
 8            in which he is incarcerated. However, such a person shall not erect in or affix to any  
 9            of the common areas of the institution any political signs, pictures, or other forms of  
 10           political advertising, or display any such political material within the common areas  
 11           of the institution on the day when the registrar of voters conducts absentee voting at  
 12           the institution.

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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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Jefferson

HB No. 970

**Abstract:** Provides for a special program for incarcerated voters to vote early.

Present law provides for the suspension of voting rights when a person is under an order of imprisonment for conviction of a felony. Provides that 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, may only vote absentee by mail and only upon meeting the requirements of present law and 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 and additionally provides for a special program for voters incarcerated in the parish in which they are registered to vote whereby such voters may vote early as follows:

- (1) A qualified voter who is incarcerated in an institution within the parish in which he is entitled to vote may vote early during the period extending at least one week prior to the beginning day for early voting through the last day for early voting established by present law.
- (2) A voter qualified to vote pursuant to proposed law may make application to vote to the registrar of voters by letter. An application to vote as provided in proposed law shall be submitted to and received by the registrar of voters at least 30 days prior to the election. Such request may be submitted by mail or commercial carrier. The request shall be submitted over the voter's signature or mark if the voter is unable to sign his name, be signed by one witness, and provide the name of the voter and the address of the institution in which the voter is incarcerated.

- (3) Upon receipt of a valid request, the request shall serve as an application to vote pursuant to proposed law. The application shall remain valid indefinitely unless the voter submits a written request to the registrar to be removed from the program or the voter no longer is incarcerated in the institution listed in his application.
- (4) The registrar shall notify the applicant by letter, at the return institution address shown on the request, of the day on which a deputy registrar or other qualified person selected by the registrar will be present at the institution to permit the applicant to cast his ballot. The registrar shall assign a number to the applicant, that shall be stamped or entered in ink on the upper right side of the letter and also shall be entered in clearly distinguishable figures on the flap of the absentee by mail ballot envelope that will contain the absentee by mail ballot to be delivered to that applicant on the day designated in the letter. If the letter is mailed by the registrar prior to his receipt of the absentee by mail ballots for the election, he shall enter the name of the applicant, his address, ward and precinct, and the number assigned to the applicant on a list that he shall keep for the purpose and, upon receipt of the absentee by mail ballots for the election, he shall enter the number on the absentee by mail ballot envelope as provided in this Subsection.
- (5) On the day specified in the letter to the applicant, the registrar shall go to each institution within the parish wherein reside one or more voters who are eligible to vote pursuant to proposed law and to whom the registrar mailed the letter.
- (6) The registrar shall have in his possession such materials and supplies as are needed to permit each of such voters to cast an absentee by mail ballot.
- (7) The voter shall present to the registrar the letter he received from the registrar that bears the reply number assigned. The registrar shall compare the number on the letter with the number on the absentee by mail ballot envelope in his possession and, if they are identical, he shall hand the envelope containing the absentee by mail ballot to the voter. However, if the voter is on the inactive list of voters, the voter must complete an address confirmation card prior to receiving the envelope containing the absentee by mail ballot.
- (8) Unless requested by the voter to assist him in voting, the registrar shall retire from the presence of the voter while the voter marks his ballot and completes his ballot envelope.
- (9) The voter shall mark his ballot as provided in present law. The voter then shall place the absentee by mail ballot in the absentee by mail ballot envelope, seal the envelope, and sign the certificate on the absentee by mail ballot envelope flap.
- (10) The voter may receive assistance from any person selected by him, except a person who is prohibited from assisting a voter pursuant to present law and the owner, operator, or administrator of the institution or an employee of any of them or of the institution. However, no person except the registrar may assist more than one voter in voting.
- (11) Any person who assists the voter in signing his name or marking his ballot shall explain to the voter that a signature or mark so made constitutes certification that all statements in the certificate are true and correct and that any person who knowingly provides false or incorrect statements is subject to a fine or imprisonment, or both.
- (12) Any person who assists the voter shall execute an acknowledgment, on a form which shall be prescribed and furnished to the registrar of voters by the secretary of state and made available by the registrar of voters through the deputy registrar who appears at the institution, verifying that he has marked the ballot in the manner dictated by the voter.

- (13) The voter shall notify the registrar when he has completed his voting, and the voter shall place the sealed absentee by mail ballot envelope in the locked metal box.
- (14) The registrar shall proceed in the above-described manner and using the same procedure for each voter in the institution who is qualified to vote in that election.
- (15) Upon returning to the registrar's office, the registrar shall unlock the metal box containing the absentee by mail ballots, remove them from the box, and otherwise follow the procedures for the posting of the name, ward, and precinct of the voter, and other procedures as required by present law relating to absentee by mail and early voting ballots.

Proposed law provides that during the period extending from seven days prior to the time that voting begins pursuant to proposed law for an election until the polls have closed on election day, no owner, operator, employee, or agent of such owner, operator, or employee, or any stockholder of any institution or candidate or employee of or agent or worker for any candidate shall perform or cause to be performed any of the following acts while on duty or on the premises of the facility:

- (1) Solicit in any manner or by any means whatsoever any person incarcerated in an institution to vote for or against any candidate or proposition being voted on in the election.
- (2) Hand out, place, or display campaign cards, pictures, or other campaign literature of any kind or description in the institution.
- (3) Place or display political signs, pictures, or other forms of political advertising in the institution.

Proposed law provides that whoever violates any provision of this proposed law shall be fined not more than \$500 or be imprisoned for not more than six months, or both. Provides that for a second offense or any succeeding offense, the penalty shall be a fine of not more than \$1,000 or imprisonment for not more than one year, or both.

(Amends R.S. 18:1303(G); Adds R.S. 18:1341 and 1342)