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## DIGEST

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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)