

2018 Regular Session

HOUSE BILL NO. 351

BY REPRESENTATIVE JENKINS

VOTERS/VOTING: Provides relative to voting by persons in a nursing home

1 AN ACT

2 To amend and reenact R.S. 18:1333(C)(2) and (D), relative to the nursing home early voting  
3 program; to provide relative to the requirements for eligibility to participate in the  
4 program; to provide relative to the requirements for making application to participate  
5 in the program; and to provide for related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. R.S. 18:1333(C)(2) and (D) are hereby amended and reenacted to read as  
8 follows:

9 §1333. Nursing home early voting program; voting by persons residing in a nursing  
10 home

11 \* \* \*

12 C. The following voters shall be eligible to vote pursuant to this Section:

13 \* \* \*

14 (2) A voter who is a resident of a nursing home who provides to the registrar  
15 of voters ~~current proof of disability from a physician along with a certification from~~  
16 the ~~physician~~ voter which indicates that ~~by reason of the voter's disability~~ the voter  
17 is a resident of the nursing home and unable to appear in person to vote either during  
18 early voting or at the polling place on election day.

19 D.(1) A voter qualified to vote under this Section shall make application in  
20 writing to vote pursuant to this Section to the registrar of voters ~~by letter~~. An

1 application to vote as provided in this Section shall be submitted to and received by  
 2 the registrar of voters at least thirty days prior to the election. Such ~~request~~  
 3 application may be submitted by mail, commercial carrier, or hand delivery. The  
 4 ~~request~~ application shall be submitted over the voter's signature or mark if the voter  
 5 is unable to sign his name, signed by the registrar, deputy registrar, or one witness;  
 6 provide the name of the voter and the address of the nursing home; and if qualified  
 7 pursuant to Paragraph (C)(2) of this Section, provide ~~current proof of disability from~~  
 8 ~~a physician along with a certification from the physician~~ voter which indicates that  
 9 ~~by reason of the voter's disability~~ the voter is a resident of the nursing home and  
 10 unable to appear in person to vote either during early voting or at the polling place  
 11 on election day.

12 (2) ~~Upon receipt of a valid request, the request shall serve as an application~~  
 13 ~~to vote pursuant to this Section. The~~ An application to vote in the nursing home  
 14 early voting program ~~as provided in~~ that satisfies the requirements of this Section  
 15 shall remain valid indefinitely unless the voter submits a written request to the  
 16 registrar to be removed from the program or the voter no longer resides in the  
 17 nursing home listed in his application. However, if the voter has become a resident  
 18 of a different nursing home in the parish and has notified the registrar of voters in  
 19 writing of the change of nursing home address, his application shall remain valid.

20 \* \* \*

21 Section 2. This Act shall become effective January 1, 2019.

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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 351 Original

2018 Regular Session

Jenkins

**Abstract:** Repeals the requirement that a person provide proof of disability and a certification from a physician to be eligible to participate in the nursing home early voting program.

Present law (R.S. 18:1333) provides relative to the nursing home early voting program. Provides requirements and procedures for the program, which requires the registrar to go to

each nursing home in the parish where voters eligible to vote pursuant to present law reside to assist them in voting by mail.

Present law provides that a voter who participated in the former Special Program for Handicapped Voters as such program existed prior to Jan. 1, 2010, and who is a resident or has become a resident of a nursing home is eligible to participate in the program.

Present law additionally provides that a voter is eligible to participate in the program if the voter resides in a nursing home and provides to the registrar of voters current proof of disability from a physician along with a certification from the physician that the voter is unable to appear in person to vote either during early voting or at the polling place.

Proposed law repeals the requirement to submit proof of disability and a certification from a physician. Instead provides that a voter is eligible to participate in the program if the voter certifies that he is a resident of the nursing home and that he is unable to appear in person to vote either during early voting or at the polling place.

Present law requires an eligible voter to make written application to the registrar of voters prior to participating in the program. Provides requirements for the application and deadlines.

Proposed law retains present law.

Present law provides that application is made by letter and refers to the letter as a request.

Proposed law repeals present law.

Effective January 1, 2019.

(Amends R.S. 18:1333(C)(2) and (D))