

2020 Regular Session

SENATE BILL NO. 486

BY SENATOR BARROW

VOTERS/VOTING. Authorizes registered voters to vote by mail in certain circumstances.
(8/1/20)

1 AN ACT

2 To amend and reenact R.S. 18:1301, 1302(2) and (6), 1303(A), 1305, 1306(A)(1) and (4),

3 (B)(1) and (2), (C), (D), the introductory paragraph of (E)(1) and (2)(a), 1307(A) and

4 (D) through (H), 1307.1, 1307.2, and 1308(A)(1)(a), (c)(i), and (d)(i) and (2)(a) and

5 (g), 1308.1(Section heading), 1308.2, 1309(F)(3) and (H), 1310(A), (B)(2) and (3),

6 and (C)(1), 1311(A)(1) and (2), (B), (C), (D)(1), (2), (4)(a), and (5)(a) and (c), and

7 (E), and 1319 and to repeal R.S. 18:1303(B) through (L) and 1307(I), relative to

8 voting; to provide for the distribution of vote by mail ballots; to provide for an

9 application for vote by mail ballot; and to provide for related matters.

10 Be it enacted by the Legislature of Louisiana:

11 Section 1. R.S. 18:1301, 1302(2) and (6), 1303(A), 1305, 1306(A)(1) and (4), (B)(1)

12 and (2), (C), (D), the introductory paragraph of (E)(1) and (2)(a), 1307(A) and (D) through

13 (H), 1307.1, 1307.2, and 1308(A)(1)(a), (c)(i), and (d)(i) and (2)(a) and (g), 1308.1(Section

14 heading), 1308.2, 1309(F)(3) and (H), 1310(A), (B)(2) and (3), and (C)(1), 1311(A)(1) and

15 (2), (B), (C), (D)(1), (2), (4)(a), and (5)(a) and (c), and (E), and 1319 are hereby amended

16 and reenacted to read as follows:

17 CHAPTER 7. ~~ABSENTEE~~ **VOTE** BY MAIL AND EARLY VOTING

1 §1301. Applicability

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

5 §1302. Definitions

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

8 * * *

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

14 * * *

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

17 * * *

18 §1303. Persons entitled to vote in compliance with this Chapter

19 A.(1) ~~In person~~. Any person who is qualified to vote may vote by mail or
20 vote during the early voting period at a place designated by the registrar as provided
21 in R.S. 18:1309.

22 (2) A person incarcerated in an institution inside or outside the parish
23 in which he is qualified to vote, who is not under an order of imprisonment for
24 conviction of a felony, may only vote by mail and only upon meeting the
25 requirements of this Chapter and certification to the appropriate registrar by
26 the sheriff of the parish where the person is incarcerated that he is not a
27 convicted felon.

28 §1305. Voting at polls prohibited

29 A person who has voted either by ~~absentee~~ by mail ballot or during early

1 voting shall not vote in person at the polls on election day.

2 §1306. Preparation and distribution of absentee vote by mail and early voting
3 ballots

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

12 * * *

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

1 more than one candidate on the ballot if the voter so chooses. The secretary of state
2 shall also prepare instructions for use of the special ballot, including instructions for
3 voting by mail using an electronically transmitted ballot.

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

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

27 * * *

28 C.(1) At least twenty days before each primary election and at least thirteen
29 days before each general election, the secretary of state shall deliver to the registrar

1 in each parish in which the election is to be held the paper ~~absentee~~ vote by mail
 2 ballots, envelopes, certificates, **and** instructions to be used **in for** voting ~~an absentee~~
 3 by mail ~~ballot~~ in that election, and a statement, approved by the attorney general,
 4 explaining the scope and nature of any proposed constitutional amendment. The
 5 number of paper ~~absentee~~ vote by mail ballots and other necessary paraphernalia to
 6 be delivered shall be up to ~~ten~~ **fifteen** percent of the registered voters within each
 7 parish.

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

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

17 FOR BALLOT ONLY

18 VIOLATION OF ~~ABSENTEE~~ VOTE BY MAIL OR EARLY

19 VOTING LAWS VOIDS BALLOT

20 AND MAY RESULT IN CRIMINAL PENALTIES

21 VOTING AT POLLS AFTER VOTING ~~ABSENTEE~~ BY MAIL

22 OR DURING EARLY VOTING IS PROHIBITED

23 AND MAY RESULT IN CRIMINAL PENALTIES

24 E.(1) ~~An absentee~~ A vote by mail ballot envelope also shall have a
 25 perforated extension or flap below the sealing line, which shall bear a certificate
 26 prescribed by the secretary of state and approved by the attorney general. The
 27 certificate shall include but not necessarily be limited to:

28 * * *

29 (2)(a) ~~An absentee~~ A vote by mail ballot envelope flap shall also contain a

1 line for the handwritten signature of one witness and a line for the printed name of
 2 the witness. The voter shall sign the certificate in the presence of one witness, and
 3 his certificate shall be made under penalty of perjury for providing false or
 4 fraudulent information. Above the perforation and along the seal line, the words
 5 "DO NOT DETACH FLAP" shall be printed.

6 * * *

7 §1307. Application by mail

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

12 (1) The election or elections for which he requests an ~~absentee~~ **vote by mail**
 13 ballot.

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

21 ~~(3)~~**(2)** The address to which the ~~absentee~~ **vote by mail** ballot or ballots shall
 22 be sent. If the address is within the parish or an adjacent parish, such address shall
 23 only be the address at which the applicant is registered to vote, his mailing address
 24 on file with the registrar of voters, or an address at which he regularly receives mail.

25 ~~(4)~~**(3)** The ward and precinct in which the person is qualified to vote, if
 26 known.

27 ~~(5)~~**(4)** The date of birth of the voter.

28 ~~(6)~~**(5)** The maiden name of the voter's mother or other identifying
 29 information provided in the voter's application for registration pursuant to R.S.

1 18:104(A)(12).

2 ~~(7)~~(6) The street address in the parish where the voter resides. A post office
3 box is insufficient.

4 ~~(8)~~(7) If the person requests that a ballot for a general election be sent in
5 addition to a ballot for the primary, he shall declare in writing to the registrar that he
6 will be eligible to vote ~~absentee~~ by mail in the general election.

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**
21 **who is either hospitalized or restricted to his bed by his physician during early**
22 **voting and 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.

29 F. The registrar shall not send an ~~absentee~~ **a vote by mail** ballot to an

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

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

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

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

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

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

29 **(d) A completed and signed voter registration application attesting that**

1 the voter has a physical disability and requires assistance in voting.

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

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

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

29 (2) The program participant's substitute address shall be used for all

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

5 §1307.1. Application by person serving on sequestered jury

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

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

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

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

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

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

17 §1307.2. Procedure for ~~absentee~~ voting by mail by member of sequestered jury

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

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

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

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

29 (4) Deliver to the registrar of voters the envelopes containing ~~absentee~~ vote

1 by mail ballots as set forth in R.S. 18:1308.1, prior to the closing of the polls.

2 §1308. ~~Absentee voting~~ Voting by mail

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

8 * * *

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

15 * * *

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

20 * * *

21 (2)(a) With respect to members of the United States Service and persons
22 residing outside the United States who are registered to vote, these materials shall
23 be mailed as provided by the Uniformed and Overseas Citizens Absentee Voting Act
24 (39 U.S.C. 3406 and 42 U.S.C. 1973ff et seq.) and shall include both the primary
25 election ballot and the special ballot for the general election. The registrar shall mail
26 the materials for candidates for United States senator or United States representative
27 in congressional primary and general elections, candidates for presidential nominee
28 in presidential preference primary elections, and candidates in presidential elections
29 at least forty-five days prior to the election to those voters who have made

1 application to vote ~~absentee~~ by mail by such time.

2 * * *

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

15 * * *

16 §1308.1. ~~Absentee voting~~ **Voting by mail** by person serving on sequestered jury

17 * * *

18 §1308.2. Voting ~~absentee~~ by mail for candidates for presidential nominee,
19 presidential candidates, and congressional candidates

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

27 (2) At least forty-six days before each congressional primary and general
28 election, the secretary of state shall deliver to each registrar a sufficient quantity of
29 primary election ~~absentee~~ **vote** by mail ballots for congressional candidates and

1 special ~~absentee~~ **vote** by mail ballots for congressional candidates as provided in R.S.
2 18:1306(A)(4), envelopes, certificates, and instructions, including those to be
3 electronically transmitted, to be used only by members of the United States Service
4 and persons residing outside the United States who are registered to vote.

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

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

15 * * *

16 §1309. Early voting; verification

17 * * *

18 F.

19 * * *

20 (3) At the end of the early voting period, the registrar shall complete the
21 early voting verification form for each location, ~~and~~ sign and certify to its
22 correctness, and print an early voter report from the state voter registration computer
23 system listing all early voters from the parish. All early voting verification forms,
24 early voting machine public counter logs, early voting confirmation sheets, early
25 voter reports, and paper ballots voted during early voting shall be placed in the
26 special ~~absentee~~ **vote** by mail and early voting envelope or container for delivery to
27 the parish board of election supervisors on election day for the tabulation and
28 counting of early voting ballots.

29 * * *

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

6 * * *

7 §1310. Execution of certificate; marking of ballot; casting vote; assistance

8 A.(1) When a voter receives the ~~absentee voting~~ **vote by mail** materials by
 9 mail, he first shall fill in all blanks on the certificate on the ballot envelope flap. The
 10 voter then shall mark the ballot according to the printed instructions on its face.
 11 Then the voter shall place the voted ballot in the envelope, seal the envelope, and
 12 sign the certificate on the ballot envelope flap.

13 (2) When ~~absentee~~ **vote** by mail voting materials are electronically
 14 transmitted to a voter pursuant to the provisions of this Chapter, the voter first shall
 15 mark each ballot according to the instructions on the ballot, either by marking the
 16 ballot electronically and then printing it, or by printing the ballot first and then
 17 marking it by hand. The voter shall then print all remaining documents and fill in
 18 all blanks on the certificate and the waiver of the right to a secret ballot for each
 19 ballot mailing. The voter shall then place the voted ballot or ballots, completed
 20 certificate, and waiver of the right to a secret ballot for each ballot mailing in a
 21 separate envelope, seal the envelope, mark "~~Absentee~~ **Mail** Ballot Enclosed" on the
 22 envelope, and mail the envelope and its contents to the registrar of voters.

23 B.

24 * * *

25 (2) Except as otherwise provided in Paragraph (1) of this Subsection, a
 26 person **who is** otherwise qualified to vote by ~~absentee by mail~~ **and** who is visually
 27 impaired, or physically disabled, or ~~who is~~ unable to read or write may receive
 28 assistance in voting ~~absentee~~ by mail from any person selected by him. The failure
 29 of a voter to furnish notice and proof during the time that the registration records are

1 closed shall not deprive the voter of his right to receive assistance in voting if he
2 complies with the requirements of the laws governing the conduct of elections with
3 respect to assistance to voters in casting their votes as required by R.S. 18:564 or
4 1309.3.

5 (3) A person who is eligible for assistance in voting ~~absentee~~ by mail or
6 early voting may, in the same manner, seek assistance in the signing of his name or
7 making of his mark. Any person who assists a voter in signing his name or making
8 his mark shall explain to the voter that a signature or mark so made certifies that all
9 statements in the certificate, if applicable, are true and correct and that any person
10 who knowingly provides false or incorrect statements is subject to a fine or
11 imprisonment, or both.

12 C.(1) Any person who assists a voter in voting ~~absentee~~ by mail shall
13 execute the acknowledgment on the ballot envelope flap prepared by the secretary
14 of state, verifying that the person providing the assistance has marked the ballot in
15 the manner dictated by the voter, and the signature on the acknowledgment by the
16 person providing assistance may serve as the signature of the witness required by
17 R.S. 18:1306(E)(2)(a).

18 * * *

19 §1311. List of ~~absentee~~ vote by mail and early voters; posting; delivery of
20 alphabetized list to precincts; supplements; ~~absentee~~ vote by mail voter
21 report

22 A.(1) The registrar shall keep a list containing the names of all persons who
23 vote by early voting ballot during early voting and of those whose ~~absentee~~ vote by
24 mail ballots ~~by mail~~ he has received. He shall ensure that the list is available for
25 inspection by members of the public at the principal office of the registrar when the
26 office is open. After the last day for early voting, the registrar shall prepare a list,
27 arranged alphabetically by precinct, of the names of all persons who have voted
28 during early voting or from whom ~~absentee~~ vote by mail ballots ~~by mail~~ were
29 received on or before the last day for early voting. The registrar shall ensure that the

1 list is available for inspection by members of the public at the principal office of the
2 registrar when the office is open and shall retain a copy of the list for use by the
3 parish board of election supervisors on election night.

4 (2) The registrar shall prepare a supplemental list, arranged alphabetically
5 by precinct, of the names of all persons from whom ~~absentee~~ vote by mail ballots
6 ~~by mail~~ have been received after the last day for early voting and before election day.
7 The registrar shall deliver the supplemental list for each precinct to the parish
8 custodian. The parish custodian shall then deliver the supplemental list for each
9 precinct to the deputy parish custodian appointed for that precinct when the key
10 envelopes are delivered as provided in R.S. 18:553(A). The registrar shall ensure
11 that the list is available for inspection by members of the public at the principal
12 office of the registrar when the office is open and shall retain a copy of the
13 supplemental list for use by the parish board of election supervisors on election
14 night.

15 * * *

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

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

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

1 mail ballot received on or after election day.

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

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

11 * * *

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

23 * * *

24 (5)(a) Upon receipt of the special ballot for members of the United States
25 Service and persons residing outside of the United States, the registrar shall endorse
26 the day and hour of receipt on ~~said~~ the ballots and place those received on the day
27 of the election for which the ballot is cast, in an envelope separate from any other
28 mail ballot. The registrar shall include, on a separate list for this purpose, in
29 alphabetical order and by precinct, the name of each voter submitting such special

1 **absentee vote** by mail ballot.

2 * * *

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

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

10 * * *

11 §1319. Use of Federal Write-In Absentee Ballot; presidential preference primary,
12 presidential, and congressional elections

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

20 Section 2. The Louisiana State Law Institute is hereby directed to change the
21 expression "absentee by mail" or "vote absentee by mail" or grammatical variations thereof
22 to "vote by mail" in the following provisions: R.S. 18:18, 25, 58, 59, 101, 106.1, 152, 154,
23 158, 195, 196, 551, 553, 562, 566.2, 573, 574, 1312, 1313, 1314, 1315, 1333, 1334, 1351,
24 1352, 1353, 1400.3, 1400.4, 1433, 1433.1, 1451, 1452, and 1453 and R.S. 44:52.

25 Section 3. R.S. 18:1303(B) through (L) and 1307(I) are hereby repealed in their
26 entirety.

The original instrument and the following digest, which constitutes no part
of the legislative instrument, were prepared by Tim Prather.

DIGEST

SB 486 Original

2020 Regular Session

Barrow

Present law allows absentee voting for voters who expect to be out of the state or parish on election day, who also meet specific requirements. Proposed law removes absentee requirements for absentee voting and allows all qualified voters to vote by mail.

Present law requires the secretary of state to deliver to the registrar in each parish absentee by mail ballots for up to 10% of the registered voters within the parish. Proposed law changes the percentage of vote by mail ballots to up to 15% of the registered voters within the parish.

Present law 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 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 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 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 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, 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 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.

Effective August 1, 2020.

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