

SENATE BILL NO. 74

[**VETOED**](#)
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BY SENATOR CLOUD AND REPRESENTATIVES AMEDEE, BUTLER, CARRIER, CREWS, DESHOTEL, DEVILLIER, EDMONDS, EDMONSTON, EMERSON, FIRMENT, FRIEMAN, GAROFALO, HARRIS, HODGES, HORTON, MIKE JOHNSON, MACK, MCCORMICK, MCFARLAND, MIGUEZ, NELSON, CHARLES OWEN, PRESSLY, ROMERO, SCHAMERHORN, SEABAUGH, THOMPSON AND VILLIO

1 AN ACT

2 To amend and reenact R.S. 18:1461.2(A)(2), (3), (5), and (6), relative to election offenses
3 affecting registration and election fraud or forgery; to provide for absentee ballot
4 offenses; to provide for an effective date; and to provide for related matters.

5 Be it enacted by the Legislature of Louisiana:

6 Section 1. R.S. 18:1461.2(A)(2), (3), (5), and (6), are hereby amended and reenacted
7 to read as follows:

8 §1461.2. Election offenses affecting registration and election fraud or forgery;
9 penalties

10 A. No person shall knowingly, willfully, or intentionally:

11 * * *

12 (2) ~~Vote or attempt to vote~~, **attempt to vote, submit an application to vote**
13 **absentee by mail, or attempt to submit an application to vote absentee by mail,**
14 knowing that he is not qualified, or influence or attempt to influence another to vote,
15 **attempt to vote, submit an application to vote absentee by mail, or attempt to**
16 **vote absentee by mail,** knowing such voter to be unqualified or the vote to be
17 fraudulent.

18 (3) Register, vote, **submit an application to vote absentee by mail,** or
19 attempt to register ~~or~~, **vote, or submit an application to vote absentee by mail** in
20 the name of another or in an assumed or fictitious name, or in any manner other than
21 as provided in this Title.

22 * * *

1 (5) Procure or submit voter registration applications or applications to vote
2 absentee by mail that are known by the person to be materially false, fictitious, or
3 fraudulent.

4 (6) Forge, alter, add to, deface, take, destroy, or remove from proper custodial
5 care any book, card, record, voter registration application, application to vote
6 absentee by mail, election return, nomination papers, withdrawals of candidacy,
7 election supplies, election paraphernalia, or any affidavit or other document required
8 or provided for under the provisions of this Title, unless required to be removed by
9 a court of competent jurisdiction for inspection and photostatic copying for the court
10 record.

11 * * *

12 Section 2. This Act shall become effective upon signature by the governor or, if not
13 signed by the governor, upon expiration of the time for bills to become law without signature
14 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If
15 vetoed by the governor and subsequently approved by the legislature, this Act shall become
16 effective on the day following such approval.

PRESIDENT OF THE SENATE

SPEAKER OF THE HOUSE OF REPRESENTATIVES

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____

VETO MESSAGE

"Please be advised that I have vetoed Senate Bill 74 of the Second Extraordinary Session.

The intent of this bill is to make it an election offense for a person to submit an application to vote absentee by mail when the person knows that information on the application is false in some manner or another. Even a cursory review of the Louisiana Election Code reveals that this is already an election offense. La. R.S. 18:1461.3(A)(3) provides that "No person shall knowingly, willfully, or intentionally... [s]upply a false answer or statement to an election official or in any document required by the Title, or execute an affidavit knowing

it to contain false or incorrect information." The potential punishment for violation of this provision is contained in La. R.S. 18:1461.3(B), which states "Whoever violates any provision of Subsection A of this Section shall be fined not more than two thousand dollars or be imprisoned, with or without hard labor, for not more than two years, or both." Further, La. R.S. 18:1307, the statute that provides for making application to vote absentee by mail, requires the applicant to provide the reason for which the person is eligible to vote by absentee ballot and provide any supporting documentation required by law. In fact, each category of Application for Absentee by Mail Ballot available on the Secretary of State's website contains the statement "I CERTIFY that the statements made herein by me are true and correct and I may be subject to a fine of not more than \$2,000 or imprisonment for not more than two years, or both, for knowingly making false statements."

There is no question that voting absentee by mail has been anticipated for numerous circumstances and provided for by the Louisiana Election Code for decades. In no way is this a new concept and safeguards surrounding potential fraud and election offenses were anticipated by previous legislatures and are already in place. For these reasons, this bill should not become law."