

RÉSUMÉ DIGEST

SB 74

2020 Second Extraordinary Session

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Present law provides that no person shall knowingly, willfully, or intentionally vote or attempt to vote knowing that he is not qualified or attempt to influence another to vote, knowing such voter to be unqualified or the vote to be fraudulent.

Proposed law would provide that no person shall knowingly, willfully, or intentionally vote, attempt to vote, submit an application to vote absentee by mail, or attempt to submit an application to vote absentee by mail, knowing that he is not qualified or attempt to influence another to vote, attempt to vote, submit application to vote absentee by mail, or attempt to submit an application to vote absentee by mail, knowing such voter to be unqualified or the vote to be fraudulent.

Present law provides that no person shall knowingly, willfully, or intentionally register, vote, or attempt to register or vote in the name of another or in an assumed or fictitious name, or in any manner other than as provided by law.

Proposed law would provide that no person shall knowingly, willfully, or intentionally register, vote, submit an application to vote absentee by mail or attempt to register, vote, or submit an application to vote absentee by mail in the name of another or in an assumed or fictitious name, or in any manner other than as provided by law.

Present law provides that no person shall knowingly, willfully, or intentionally procure or submit voter registration applications that are known by the person to be materially false, fictitious, or fraudulent.

Proposed law would provide that no person shall knowingly, willfully, or intentionally procure or submit voter registration applications or applications to vote absentee by mail that are known by the person to be materially false, fictitious, or fraudulent.

Present law would provide that no person shall knowingly, willfully, or intentionally forge, alter, add to, deface, take, destroy, or remove from proper custodial care any book, card, record, voter registration application, election return, nomination papers, withdrawals of candidacy, election supplies, election paraphernalia, or any affidavit or other document required, unless required to be removed by a court of competent jurisdiction for inspection and photostatic copying for the court record.

Proposed law would provide that no person shall knowingly, willfully, or intentionally forge, alter, add to, deface, take, destroy, or remove from proper custodial care any book, card, record, voter registration application, application to vote absentee by mail, election return, nomination papers, withdrawals of candidacy, election supplies, election paraphernalia, or any affidavit or other document required, unless required to be removed by a court of competent jurisdiction for inspection and photostatic copying for the court record.

Would become effective upon signature of the governor or lapse of time for gubernatorial action.

(Proposed to amend R.S. 18:1461.2(A)(2), (3), (5), and (6))

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."