

2023 Regular Session

HOUSE BILL NO. 519

BY REPRESENTATIVE CARPENTER

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

VOTERS/VOTING: Provides relative to absentee voting by qualified incarcerated voters

1 AN ACT

2 To amend and reenact R.S. 1308(B)(1) and to enact R.S. 18:115(F)(2)(f), 1307(B)(1)(e), and  
3 1308(B)(3), relative to absentee voting by mail; to provide for voting by qualified  
4 incarcerated voters; to provide for absentee by mail voting following registration by  
5 mail; to provide for the collection of absentee by mail voting applications and ballots  
6 by the registrar of voters; and to provide for related matters.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. R.S. 18:1308(B)(1) is hereby amended and reenacted and R.S.  
9 18:115(F)(2)(f), 1307(B)(1)(e), and 1308(B)(3) are hereby enacted to read as follows:

10 §115. Registration by mail

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12 F.

13 \* \* \*

14 (2) The provisions of Paragraph (1) of this Subsection shall not apply in the  
15 case of the following:

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17 (f) A person incarcerated in an institution inside or outside the parish in  
18 which he is qualified to vote, who requests to vote absentee by mail pursuant to R.S.  
19 18:1303(G).

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§1307. Application by mail

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B.(1)

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(e) Prior to the date and time provided for in Paragraph (2) of this Subsection, the registrar of voters shall collect completed applications to vote by mail for any registered voter who is under the control and custody of the sheriff's office and who makes application to vote absentee by mail pursuant to R.S. 18:1303(G) directly from each jail or other location within the jurisdiction of the registrar of voters where a person is placed under the control and custody of the sheriff's office.

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§1308. Absentee voting by mail

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B.(1) The ballot shall be marked as provided in R.S. 18:1310 and returned to the registrar by the United States Postal Service, a commercial courier, or hand delivery. However, the registrar of voters shall collect the ballot of a registered voter who is under the control and custody of the sheriff's office and who is voting absentee by mail pursuant to R.S. 18:1303(G). If delivered by other than the voter, a commercial courier, or the United States Postal Service, the registrar shall require that the person making such delivery sign a statement, prepared by the secretary of state, certifying that he has the authorization and consent of the voter to hand deliver the marked ballot. For purposes of this Subsection, "commercial courier" shall have the same meaning as provided in R.S. 13:3204(D). No person except the immediate family of the voter, as defined in this Code, shall hand deliver more than one marked ballot per election to the registrar. Upon its receipt, the registrar shall post the name and precinct of the voter as required by R.S. 18:1311.

\* \* \*

1                   (3) Prior to the date and time provided for in Subsection C of this Section,  
 2                   the registrar of voters shall collect the ballot of each registered voter who is under  
 3                   the control and custody of the sheriff's office who is voting absentee by mail  
 4                   pursuant to R.S. 18:1303(G) directly from each jail or other location where an  
 5                   absentee by mail ballot was sent in response to an application to vote by mail  
 6                   collected by the registrar pursuant to R.S. 18:1307(B)(1)(e).

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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 519 Engrossed

2023 Regular Session

Carpenter

**Abstract:** Provides that an eligible incarcerated voter may vote absentee by mail after applying to vote by mail and requires the registrar of voters to collect completed applications and ballots from qualified incarcerated voters.

Present law (R.S. 18:1303(G)) authorizes a person who is incarcerated in an institution inside or outside the parish in which he is qualified to vote but who is not under an order of imprisonment for conviction of a felony to vote absentee by mail upon 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.

Present law (R.S. 18:115) requires a registered voter who has registered by mail and has not previously voted in the parish to vote in person either at a location where early voting is conducted or at the precinct in which he is registered to vote.

Proposed law retains present law with the exception that an incarcerated voter who is otherwise authorized by present law to vote absentee by mail is not required to vote in person.

Present law (R.S. 18:1307) authorizes certain voters, including incarcerated qualified voters, to apply by mail for an absentee by mail ballot. Further requires that an application must be received by the registrar not later than 4:30 p.m. on the fourth day prior to the election for which it is requested. Proposed law retains present law.

Proposed law provides that prior to the deadline provided in present law, the registrar of voters shall collect completed applications to vote by mail for any registered voter who is under the control and custody of the sheriff's office directly from each jail or other location within the jurisdiction of the registrar of voters where a person is placed under the control and custody of the sheriff's office.

Present law (R.S. 18:1308) authorizes eligible voters to return a marked absentee by mail ballot to the registrar of voters. Further requires that all ballots received by the registrar by 4:30 p.m. on the day before election day be counted.

Proposed law retains present law and further provides that prior to the deadline provided in present law, the registrar of voters shall collect the absentee by mail ballot of each registered voter who is under the control and custody of the sheriff directly from each jail or other location where an absentee by mail ballot was sent in response to an application to voter by mail pursuant to proposed law.

(Amends R.S. 1308(B)(1); Adds R.S. 18:115(F)(2)(f), 1307(B)(1)(e), and 1308(B)(3))

Summary of Amendments Adopted by House

The Committee Amendments Proposed by House Committee on House and Governmental Affairs to the original bill:

1. Remove provisions authorizing the sheriff to deliver completed applications and ballots to the registrar of voters.
2. Add provisions requiring the registrar of voters to collect completed applications and ballots from qualified incarcerated voters.