

2024 Regular Session

SENATE BILL NO. 420

BY SENATORS HODGES, CLOUD AND KLEINPETER

CRIME/PUNISHMENT. Creates the crime of election fraud or forgery. (8/1/24)

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AN ACT

To amend and reenact R.S. 18:1461.2(B) and to enact R.S. 14:133.1.1, relative to election offenses affecting registration and election fraud; to create the crime of election fraud or forgery; to provide penalties; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 14:133.1.1 is hereby enacted to read as follows:

§133.1.1. Election fraud or forgery

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

(1) Vote or attempt to vote more than once in an election.

(2) Vote or attempt to vote, knowing that he is not qualified, or influence or attempt to influence another to vote, knowing that voter to be unqualified or the vote to be fraudulent.

(3) 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 in the Louisiana Election Code.

(4) Forge the name of another or use a fictitious name on an affidavit or document required by the Louisiana Election Code.

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

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

10 **(7) Have in his possession an official ballot in violation of any provision**
 11 **of the Louisiana Election Code.**

12 **(8) Have in his possession the registration certificate of another with**
 13 **intent to violate any provision of the Louisiana Election Code.**

14 **(9) For purposes other than fulfilling the person's duties relative to**
 15 **registration of voters as provided by law, copy or reproduce a voter registration**
 16 **application that has been submitted by an applicant.**

17 **B. Whoever violates any provision of this Section shall be fined not more**
 18 **than two thousand dollars or be imprisoned, with or without hard labor, for not**
 19 **more than two years, or both, for the first offense. On a second offense, or any**
 20 **subsequent offense, the penalty shall be a fine of not more than five thousand**
 21 **dollars or imprisonment at hard labor for not more than five years, or both.**

22 Section 2. R.S. 18:1461.2(B) is hereby amended and reenacted to read as follows:
 23 §1461.2. Election offenses affecting registration and election fraud or forgery;

24 penalties

25 * * *

26 ~~B. Whoever violates any provision of this Section shall be fined not more~~
 27 ~~than two thousand dollars or be imprisoned, with or without hard labor, for not more~~
 28 ~~than two years, or both, for the first offense. On a second offense, or any subsequent~~
 29 ~~offense, the penalty shall be a fine of not more than five thousand dollars or~~

1 ~~imprisonment at hard labor for not more than five years, or both~~ **Whoever violates**
 2 **any provision of this Section shall be subject to the penalty provisions of R.S.**
 3 **14:133.1.1.**

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

DIGEST

SB 420 Engrossed

2024 Regular Session

Hodges

Proposed law creates the crime of election fraud or forgery. Proposed law provides a person cannot knowingly, willfully, or intentionally:

- (1) Vote or attempt to vote more than once in an election.
- (2) Vote or attempt to vote, knowing that he is not qualified, or influence or attempt to influence another to vote, knowing the voter to be unqualified or the vote to be fraudulent.
- (3) 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 in present law (La. Election Code).
- (4) Forge the name of another or use a fictitious name on an affidavit or document required under present law (La. Election Code).
- (5) Procure or submit voter registration applications that are known by the person to be materially false, fictitious, or fraudulent.
- (6) 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 or provided for under present law (La. Election Code), unless required to be removed by a court of competent jurisdiction for inspection and photostatic copying for the court record.
- (7) Have in his possession an official ballot in violation of any provision of present law (La. Election Code).
- (8) Have in his possession the registration certificate of another with intent to violate present law (La. Election Code).
- (9) For purposes other than fulfilling the person's duties relative to registration of voters as provided by present law, copy or reproduce a voter registration application that has been submitted by an applicant.

A first offense violation of proposed law is punishable by imprisonment, with or without hard labor, for not more than two years, or a fine of up to \$2,000, or both. A second or subsequent offense is punishable by imprisonment at hard labor for not more than five years, or a fine of up to \$5,000, or both.

Present law provides that certain offenses relating to election fraud, voter registration, and forgery are punishable by a fine of not more than \$2,000, or imprisonment with or without hard labor for not more than two years, or both for a first offense, or a fine of not more than \$5,000 and imprisonment with hard labor for not more than five years, or both for

subsequent violations.

Proposed law deletes present law and provides that the penalties for violating present law are the penalties set forth in proposed law relative to the crime of election fraud or forgery.

Effective August 1, 2024.

(Amends R.S. 18:1461.2(B); adds R.S. 14:133.1.1)