



1 and 1353(C)(2) and (3)(b) are hereby amended and reenacted and R.S. 18:1302(8) is hereby  
2 enacted to read as follows:

3 §18. Secretary of state; powers and duties

4 A. The secretary of state shall administer the laws relating to custody of  
5 voting machines and voter registration, and for the purpose he shall:

6 \* \* \*

7 (8)(a) Prescribe uniform rules, regulations, forms, and instructions as to  
8 standards for effective nonpartisan voter education, which shall be approved by the  
9 attorney general and thereafter shall be implemented uniformly by each registrar of  
10 voters in the state. In developing the standards, the secretary of state shall review  
11 current voter education programs within the state. The standards shall address but  
12 shall not be limited to voter education concerning voter registration, balloting  
13 procedures ~~both for voting absentee by mail, during early voting,~~ and at the polling  
14 places, distribution of sample ballots, and effective voter education methods,  
15 including the use of public service announcements and other public awareness  
16 methods. By December fifteenth of each general election year, each registrar of  
17 voters shall report to the secretary of state a detailed description of the voter  
18 education programs implemented in his parish. The secretary of state, upon receipt  
19 of such information, shall prepare a report on the effectiveness of voter education  
20 programs and shall submit the report to the governor, the president of the Senate, and  
21 the speaker of the House of Representatives by January thirty-first of each year  
22 following a general election.

23 \* \* \*

24 §531.1. Exception to opening polls; alternative voting locations

25 A. Notwithstanding any provision of law to the contrary, the polling place  
26 for a particular precinct shall not be required to be opened in either of the following  
27 circumstances:

28 \* \* \*

1           (2) When it is determined by the registrar of voters after the close of  
2 ~~absentee voting in person~~ early voting, that all voters eligible to vote in the precinct  
3 have voted absentee by mail or during early voting.

4   \*       \*       \*

5           C. Whenever the polling place for a precinct to which a voter is assigned is  
6 not opened pursuant to the provisions of Subsection A and it is subsequently  
7 determined on election day that a voter is eligible to vote and has not voted absentee  
8 by mail or during early voting, the voter may cast his vote at the polling place nearest  
9 the precinct at which he is registered, provided such polling place has the ballot for  
10 which he is eligible to vote on a voting machine. The registrar of voters shall  
11 authorize a commissioner at the nearest polling place to allow the voter to vote after  
12 the voter completes and signs the affidavit of voter form. If no such polling place  
13 is available, the voter may cast his vote by paper ~~absentee~~ ballot in the office of the  
14 registrar of voters or at a location designated by the registrar.

15   \*       \*       \*

16 §551. Ballots

17           A. Preparation. The secretary of state shall prepare and certify the absentee  
18 by mail ballots, the early voting ballots, and the ballots to be used on the voting  
19 machines in primary and general elections.

20   \*       \*       \*

21 §553. Inspection and preparation of voting machines at polling places; precinct  
22 registers and supplemental list

23   \*       \*       \*

24           E. Maintenance of precinct registers.

25           (1) The parish custodian of voting machines shall be responsible for  
26 delivering a supplemental list of absentee voters who voted absentee by mail and  
27 whose ballots were received after the last day for ~~voting absentee in person~~ early  
28 voting and before election day, if necessary.

29   \*       \*       \*

1 §1302. Definitions

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

4 \* \* \*

5 (4) "Early voting" means the period of time from twelve days to six days  
6 prior to any scheduled election when any person who is qualified to vote may vote  
7 in person at a place designated by the registrar as provided in R.S. 18:1309.

8 ~~(4)~~ (5) "Election official" means the parish board of election supervisors;  
9 clerks and their employees who perform duties in the election process; registrars of  
10 voters and their employees; the secretary of state and employees of his office who  
11 perform duties in the election process; and the poll commissioners, including the  
12 commissioner-in-charge.

13 ~~(5)~~ (6) "Federal postcard application" means an application for absentee by  
14 mail ballot as permitted by 50 USC 1464.

15 ~~(6)~~ (7) "Registrar" means the registrar of voters of each parish.

16 ~~(7)~~ (8) "United States Service" means the following persons, and their  
17 spouses and dependents:

18 (a) A member of the armed forces while in active service.

19 (b) A member of the merchant marine of the United States.

20 (c) A civil employee of the United States, in any category, while serving  
21 outside the territorial limits of the several states of the United States and the District  
22 of Columbia, whether or not the employee is subject to the federal civil service laws  
23 and the Classification Act of 1949 and whether or not paid from funds appropriated  
24 by ~~Congress~~ congress.

25 (d) A member of a religious group or welfare agency assisting members of  
26 the armed forces who is officially attached to and serving with the armed forces.

27 §1303. Persons entitled to vote in compliance with this Chapter

28 A. In person. ~~The persons hereafter enumerated, who are otherwise qualified~~  
29 ~~to vote,~~ Any person who is qualified to vote may vote absentee in person during the

1        early voting period at a place designated by the registrar as provided in R.S.  
2        18:1309(A) and (B): .

3                ~~(1) A person who expects to be absent from the parish in which he is~~  
4        ~~qualified to vote on election day.~~

5                ~~(2) A person who expects to be hospitalized on election day or a person who~~  
6        ~~expects to be hospitalized and released prior to election day but who expects to be~~  
7        ~~restricted to his bed by his physician on election day.~~

8                ~~(3) A member of the United States Service, as defined in R.S. 18:1302, and~~  
9        ~~his spouse and dependents, who expect to be out of the parish on election day.~~

10               ~~(4) A student, instructor, or professor in an institution of higher learning~~  
11        ~~located outside the parish in which he is qualified to vote and who lives outside of~~  
12        ~~said parish by reason thereof, and his spouse and dependents accompanying and~~  
13        ~~residing with him, who expect to be out of the parish on election day.~~

14               ~~(5) A minister, priest, rabbi, or other member of the clergy assigned to a~~  
15        ~~religious post outside of the United States and his spouse and any dependents~~  
16        ~~accompanying and residing with him, who expect to be out of the parish on election~~  
17        ~~day.~~

18               ~~(6) A person residing outside the United States who expects to be out of the~~  
19        ~~parish on election day.~~

20               ~~(7) A person who, after the registration books have closed as required by~~  
21        ~~R.S. 18:135, has moved his residence to another parish, and the new residence is~~  
22        ~~more than one hundred miles from the parish seat of the parish of his former~~  
23        ~~residence, in which case he may vote by absentee ballot in the parish of his former~~  
24        ~~residence.~~

25               ~~(9) A person involuntarily confined to an institution for mental treatment~~  
26        ~~who is not interdicted and judicially declared mentally incompetent.~~

27               ~~(10) A person who, by virtue of his employment or occupation, expects to~~  
28        ~~be out of his parish of registration on election day or who by virtue of his~~

1 employment or occupation expects to be out of his precinct of registration and upon  
2 the waters of the state on election day.

3 (11) ~~A disabled voter, as provided in R.S. 18:1304.~~

4 (12) ~~A person who declares to the registrar that tenets of his religion require  
5 his attendance at religious services on election day, prevent him from affixing his  
6 handwritten signature on any ballot or registration rolls on an election day, or  
7 otherwise prevent him from casting his ballot on election day.~~

8 (13) ~~A clerk of court, registrar of voters, or a person who is employed by the  
9 secretary of state, the commissioner of elections, a clerk of court, or registrar of  
10 voters and who, by virtue of his employment, expects to be unable to go to his  
11 polling place on election day to cast his ballot.~~

12 (14) ~~A person serving as commissioner-in-charge, commissioner, or alternate  
13 commissioner for an election in a precinct other than the precinct in which he is  
14 registered to vote.~~

15 (15) ~~A person who is sixty-five years of age or older.~~

16 (16) ~~Any person who has registered by mail who has not previously voted  
17 in any election.~~

18 B. By mail. The following persons, otherwise qualified to vote, who expect  
19 to be out of the parish on election day, may vote absentee by mail upon meeting the  
20 requirements of this Chapter:

21 \* \* \*

22 (4) A person who is or who expects to be temporarily outside the territorial  
23 limits of the state or absent from the parish in which he is qualified to vote during the  
24 ~~absentee voting~~ early voting period and on election day.

25 (5) A person who, after the registration books have closed as required by  
26 R.S. 18:135, has moved his residence to another parish and the new residence is  
27 more than one hundred miles from the parish seat of the parish of his former

CODING: Words in ~~struck through~~ type are deletions from existing law; words underscored are additions.

1 residence, in which case he may vote ~~by absentee ballot~~ by mail in the parish of his  
2 former residence.

3 \* \* \*

4 D. Hospitalized. (1) A person who is otherwise qualified to vote, who  
5 expects to be hospitalized on election day and who did not have knowledge of his  
6 proposed hospitalization until after the time ~~to vote absentee in person~~ for early  
7 voting had expired, may vote absentee by mail upon meeting the requirements of this  
8 Chapter.

9 (2) A person who is otherwise qualified to vote, who expects to be  
10 hospitalized on election day and who was hospitalized during the time ~~to vote~~  
11 ~~absentee in person~~ for early voting, may vote absentee by mail upon meeting the  
12 requirements of this Chapter.

13 (3) A person who was hospitalized and released prior to an election but who  
14 is either hospitalized or restricted to his bed by his physician during ~~absentee voting~~  
15 ~~in person~~ early voting and is restricted to his bed by his physician on election day  
16 may vote absentee by mail upon meeting the requirements of this Chapter.

17 E. Employed upon state waters. A person who by virtue of his employment  
18 or occupation expects to be out of his precinct of registration and upon the waters of  
19 the state both during the ~~absentee~~ early voting period and on election day may vote  
20 absentee by mail upon meeting the requirements of this Chapter.

21 \* \* \*

22 §1305. Voting at polls prohibited

23 A person who has voted ~~by absentee ballot~~ either by absentee by mail ballot  
24 or ~~in person~~ during early voting shall not vote in person at the polls on election day.

25 §1306. Preparation and distribution of absentee by mail and early voting ballots

26 A.(1) The secretary of state shall prepare absentee by mail and early voting  
27 ballots. The size and weight of paper, size and type of print, and other matters  
28 pertaining to absentee by mail and early voting ballots shall be determined by the  
29 secretary of state, subject to approval as to content by the attorney general. All

1 ballots and paraphernalia of the same kind shall be identical as to size and weight of  
2 paper, size, type, and color of print, and other matters.

3 \* \* \*

4 B.(1) The secretary of state shall prepare absentee by mail and early voting  
5 ballot envelopes, ~~in-person absentee~~ early voting applications, absentee by mail and  
6 early voting instructions, certificates, and other absentee by mail and early voting  
7 balloting paraphernalia consistent with the provisions of this Chapter, subject to  
8 approval of the attorney general as to content. Notwithstanding the provisions of  
9 R.S. 18:1316 relating to distinguishing marks on absentee by mail and early voting  
10 ballots, absentee by mail voting instructions on absentee ballots to be transmitted by  
11 facsimile in accordance with R.S. 18:1308(A)(1)(b) shall stipulate that the voter may  
12 mark his ballot with a cross (X) mark or a check [T] mark as provided in  
13 Subparagraphs (A)(2)(a) and (b) of this Section. When a court of competent  
14 jurisdiction, a registrar of voters, the secretary of state, or other competent authority  
15 determines that there exists a literate linguistic minority equal to more than five  
16 percent of the total population of any parish, the secretary of state, with approval of  
17 the attorney general as to content, shall prepare and furnish absentee by mail and  
18 early voting ballots, absentee by mail and early voting instructions, and certificates  
19 in the minority language in sufficient quantity to ~~send~~ provide to each absentee by  
20 mail and early voter requesting voting material in that language.

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

1 C.(1) At least twenty days before each primary election and at least thirteen  
 2 days before each general election, the secretary of state shall deliver to the registrar  
 3 in each parish in which the election is to be held the paper absentee by mail and early  
 4 voting ballots, envelopes, ~~in-person absentee~~ early voting applications, certificates,  
 5 instructions to be used in voting by absentee by mail and early voting ballot in that  
 6 election, and a statement, approved by the attorney general, explaining the scope and  
 7 nature of any proposed constitutional amendment. The number of paper absentee by  
 8 mail and early voting ballots and other necessary paraphernalia to be so delivered  
 9 shall be up to ten percent of the registered voters within each parish.

10 \* \* \*

11 D. An absentee by mail and early voting ballot envelope shall have printed  
 12 on its face in red bold face type:

13 FOR BALLOT ONLY  
 14 VIOLATION OF ABSENTEE BY MAIL OR EARLY  
 15 VOTING LAWS VOIDS BALLOT  
 16 AND MAY RESULT IN CRIMINAL PENALTIES  
 17 VOTING AT POLLS AFTER VOTING ABSENTEE BY MAIL  
 18 OR DURING EARLY VOTING IS PROHIBITED  
 19 AND MAY RESULT IN CRIMINAL PENALTIES

20 E.(1) An absentee by mail or early voting ballot envelope also shall have a  
 21 perforated extension or flap below the sealing line, which shall bear a certificate  
 22 prescribed by the secretary of state and approved by the attorney general. The  
 23 certificate shall include but not necessarily be limited to:

24 \* \* \*

25 (2) An absentee by mail or early voting ballot envelope flap shall also  
 26 contain lines for the handwritten signature of two witnesses. The voter may sign the  
 27 certificate in the presence of two witnesses, who must also sign the certificate, and  
 28 in such a case, the voter shall not be required to obtain the signature of a notary  
 29 public, but his certificate shall be made under penalty of perjury for providing false

1 or fraudulent information. Above the perforation and along the seal line the words  
2 "DO NOT DETACH FLAP" shall be printed.

3 F. An ~~in-person absentee~~ early voting application shall have printed on its  
4 face in bold face type:

5 "VIOLATION OF ABSENTEE BY MAIL OR EARLY VOTING LAWS  
6 VOIDS BALLOT AND MAY RESULT IN CRIMINAL PENALTIES  
7 VOTING AT POLLS AFTER VOTING ABSENTEE  
8 BY MAIL OR DURING EARLY VOTING IS PROHIBITED  
9 AND MAY RESULT IN CRIMINAL PENALTIES".

10 G.(1) An ~~in-person absentee~~ early voting application shall bear a certificate  
11 prescribed by the secretary of state and approved by the attorney general. The  
12 certificate shall include but not necessarily be limited to:

13 (a) The full name and place of residence of the voter in Louisiana, including  
14 ~~state~~, parish, ward, precinct, city, and street.

15 \* \* \*

16 (f) Spaces for the ~~state and~~ parish where it is executed.

17 \* \* \*

18 (2) The ~~absentee~~ early voter shall sign the certificate in the presence of the  
19 registrar, and his certificate shall be made under penalty of perjury for providing  
20 false or fraudulent information.

21 \* \* \*

22 §1307. Application by mail

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

27 \* \* \*

28 (2) The reason for his request to vote absentee by mail and attaching any  
29 documents in support thereof that are required by law. Any person who is or expects

1 to be temporarily outside the territorial limits of the state or absent from the parish  
2 in which he is qualified to vote during the ~~in-person absentee~~ early voting period and  
3 on election day and who requests an absentee ballot be mailed to an address within  
4 the parish shall indicate in his application the dates he will be outside the territorial  
5 limits of the state or absent from the parish.

6 \* \* \*

7 §1309. ~~Absentee~~ Early voting application and early voting ~~in-person~~

8 A.

9 \* \* \*

10 (2) During the early voting period of ~~absentee voting in-person~~, the registrar  
11 shall maintain regular office hours, remaining open from 8:30 a.m. to 4:30 p.m.  
12 Monday through Friday, and from 8:30 a.m. to 12:00 noon on Saturday; however,  
13 if a ~~Saturday~~ or any holiday provided by law or proclaimed by the governor for state  
14 departments falls during the period for ~~absentee~~ early voting, the office of the  
15 registrar shall remain open until 4:30 p.m. on ~~such any~~ Saturday during early voting  
16 and on the last day of the period for ~~absentee~~ early voting and the registrar shall post  
17 a notice to that effect at the entrance to the office of the registrar. ~~Absentee voting~~  
18 ~~in-person~~ Early voting on the last day of voting will terminate when all persons who  
19 were in line to vote at the close of the regular office hours of the registrar's office,  
20 as provided herein, have been allowed to vote. If the office space of the registrar is  
21 insufficient or inconvenient to accommodate ~~absentee~~ early voting, the registrar may  
22 provide for an alternate location to conduct ~~absentee~~ early voting, which location  
23 shall be in the courthouse or in a public building in the immediate vicinity thereof,  
24 and in such case, adequate notice shall be posted at the registrar's office informing  
25 the public of the location where ~~absentee~~ early voting is being conducted.

26 \* \* \*

27 D.(1) Before any voter is allowed to vote ~~absentee in-person~~ during early  
28 voting, the registrar or his deputy shall establish the voter's identity by requiring him  
29 to submit his Louisiana driver's license, his current registration certificate, or other

1 identification card, by comparison with the descriptive information on the precinct  
2 register, or in the manner provided in R.S. 18:105(A).

3 \* \* \*

4 G. Prior to delivery of the precinct register to the parish custodian, the  
5 registrar shall enter the word "absentee" and the date of the election in the proper  
6 space on the precinct register for each voter who voted ~~absentee in person~~ during  
7 early voting and for each voter who voted absentee by mail whose ballot the registrar  
8 had received on or before the last day for early voting ~~absentee in person~~.

9 \* \* \*

10 §1311. List of absentee by mail and early voting voters; posting; delivery of  
11 alphabetized list to precincts; supplements

12 A. Immediately upon receipt of an application to vote absentee by mail or  
13 ~~in person~~ during early voting, the registrar shall enter the name of the applicant and  
14 his street or mailing address, ward, and precinct number on a list. He shall post the  
15 list in a conspicuous place accessible to the public at the entrance to his office.

16 B. The registrar shall keep a list containing the names of all persons who  
17 vote by ~~absentee~~ early voting ballot ~~in person~~ during early voting and of those whose  
18 absentee ballots by mail he has received. He shall post this list in a conspicuous  
19 place accessible to the public at the entrance to his office. After the last day for early  
20 voting ~~absentee in person~~, the registrar shall prepare a list, arranged alphabetically  
21 by precinct, of the names of all persons who have voted ~~absentee in person~~ during  
22 early voting or from whom absentee ballots by mail were received on or before the  
23 last day for early voting ~~absentee in person~~. The registrar shall retain a copy of the  
24 list for use by the parish board of election supervisors on election night and shall post  
25 a copy of the list in a conspicuous place accessible to the public at the entrance to his  
26 office.

27 C.(1) The registrar shall prepare a supplemental list, arranged alphabetically  
28 by precinct, of the names of all persons from whom absentee ballots by mail have  
29 been received after the last day for early voting ~~absentee in person~~ and before

1 election day. The registrar shall deliver the supplemental list for each precinct to the  
2 parish custodian. The parish custodian shall then deliver the supplemental list for  
3 each precinct to the deputy parish custodian appointed for that precinct when the key  
4 envelopes are delivered as provided in R.S. 18:553(A). The registrar shall retain a  
5 copy of the supplemental list for use by the parish board of election supervisors on  
6 election night and shall post a copy of the supplemental list in a conspicuous place  
7 accessible to the public at the entrance to his office.

8 \* \* \*

9 D.(1) Any absentee ballot submitted by a member of the United States  
10 Service or person who resides outside of the United States who has made application  
11 to vote absentee by mail timely and which ballot is received by the registrar on  
12 election day shall be endorsed with the day and hour of receipt and shall be  
13 segregated from and kept separately from any other absentee by mail ballot received  
14 on or after election day.

15 \* \* \*

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

27 \* \* \*

28 §1312. Retention of ballots at registrar's office

29 \* \* \*



1 envelope containing the absentee by mail or early voting ballot, leave the envelope  
 2 sealed, and shall write the word "rejected", together with the reasons for rejecting the  
 3 ballot, across the envelope containing the ballot or across the ~~in-person absentee~~  
 4 early voting application. The rejected absentee by mail and early voting ballots and  
 5 ~~in-person absentee~~ early voting applications shall be replaced in the special absentee  
 6 by mail and early voting ballot envelope. No rejected absentee by mail or early  
 7 voting ballot shall be counted.

8 (6) After the validity of all absentee by mail and early voting ballots has  
 9 been determined, the members of the board shall place the valid ~~in-person absentee~~  
 10 early voting applications and the flaps removed from the valid absentee by mail and  
 11 early voting ballots in the envelope provided for that purpose and seal the envelope.  
 12 Two of the members shall execute the certificate on the envelope.

13 (7) The members shall open the envelopes containing the valid absentee by  
 14 mail and early voting ballots and remove the ballots.

15 \* \* \*

16 (9) Prior to utilizing any absentee by mail and early voting counting  
 17 equipment, the parish board of election supervisors shall generate a zero tally to  
 18 ensure that the equipment's candidate and question counter are set at zero and that  
 19 no votes have been cast for any candidate or for or against any proposition.

20 (10) The absentee by mail and early voting votes cast for a candidate and  
 21 those cast for and against a proposition shall be counted and the total number of  
 22 absentee by mail and early voting votes cast for a candidate and those cast for and  
 23 against a proposition shall be announced in the order the offices and candidates and  
 24 propositions are listed on the ballot. The members of the board shall enter the total  
 25 number of votes on the final absentee by mail and early voting vote report and shall  
 26 certify the results.

27 \* \* \*

28 H. When the supplemental lists have been returned to the registrar of voters,  
 29 the registrar, based on the information contained in the lists, shall confirm that the

1 word "absentee" is written in the proper space on the precinct register for each voter  
2 who voted absentee by mail.

3 I.

4 \* \* \*

5 (3) A candidate or his representative, in the presence of a majority of the  
6 parish board of election supervisors, shall be allowed to inspect the valid ~~in-person~~  
7 ~~absentee~~ early voting applications and the flaps removed from the valid absentee by  
8 mail and early voting ballots. All such inspections shall be held at 10:00 a.m. or  
9 following the recount of absentee by mail and early voting ballots on the fifth day  
10 after the election and at any time ordered by a court of competent jurisdiction. If the  
11 fifth day after the election falls on a holiday or weekend, such inspection shall be  
12 held on the next working day at 10:00 a.m. or following the recount of absentee by  
13 mail and early voting ballots. Any written request for inspection shall be filed with  
14 the clerk of court. The deadline for filing a request for inspection shall be the last  
15 working day prior to the date of the inspection. Immediately upon receiving any  
16 request, the clerk of court shall prominently post in his office a notice of the time and  
17 place where the inspection will occur and the name of the candidate requesting the  
18 inspection. The candidate requesting the inspection shall be responsible for all  
19 reasonable costs associated with such inspection.

20 \* \* \*

21 §1315. Challenge of absentee by mail or early voting ballot

22 A.(1) A candidate or his representative, a member of the board, or a qualified  
23 elector may challenge an absentee by mail or early voting ballot for the grounds  
24 specified in R.S. 18:565(A), by personally filing his written challenge with the  
25 registrar no later than the fourth day before the election for which the ballot is  
26 challenged. Such challenge shall be on a form provided by the secretary of state.

27 \* \* \*

28 (3) The form shall also include information about the date and place where  
29 the board will determine the validity of the challenge, which information shall be

1 included by the registrar. Within twenty-four hours after the challenge has been  
2 filed, the registrar shall mail a copy of the challenge to the voter whose absentee by  
3 mail or early voting ballot is being challenged at the address shown on the registrar's  
4 roll of electors. The registrar shall retain the original challenge form and shall  
5 transmit it to the place where the absentee by mail or early voting ballot will be  
6 counted and tabulated for the use of the board on election day.

7 B. During the counting of absentee by mail and early voting ballots, any  
8 candidate or his representative, member of the board, or qualified elector may  
9 challenge an absentee by mail or early voting ballot for cause, other than those  
10 grounds specified in R.S. 18:565(A).

11 C.(1) During the counting of absentee by mail and early voting ballots, at  
12 least a majority of the members of the board shall hear and determine the validity of  
13 any ballot challenged in accordance with the provisions of Subsection A or B of this  
14 Section.

15 (2) If a challenge in accordance with the provisions of Subsection A is  
16 sustained, the vote shall not be counted, the ballot or ~~in-person absentee~~ early voting  
17 application shall be placed in the special absentee by mail and early voting ballot  
18 envelope, and the board shall notify the voter in writing of the challenge and the  
19 cause therefor. This notification shall be on a form provided by the secretary of state  
20 and shall be signed by at least a majority of the members of the board. The notice  
21 of the challenge and the cause therefor shall be given within three days by certified  
22 mail, return receipt requested, addressed to the voter at his place of residence. The  
23 board shall retain a copy of the notification. However, if the challenge is based upon  
24 a change of residence within the parish or is based upon a change of residence  
25 outside the parish that has occurred within the last three months, the ballot shall be  
26 counted provided that the voter confirmed his current address as shown by the  
27 affidavit of the absentee by mail or early voting ballot envelope flap or ~~in-person~~  
28 ~~absentee~~ early voting application or, if the voter is on the inactive list of voters, as  
29 shown by the information provided on an address confirmation card.



1 §1332. Disabled voters; physical disability rendering voter incapable of voting in  
2 person, voting absentee by mail; requirements

3 A. Except as provided in R.S. 18:1333, a person otherwise qualified to vote  
4 who is physically disabled to an extent which prevents him from voting at the polls  
5 on election day or from voting ~~absentee in person as authorized by R.S. 18:1304~~  
6 during early voting may vote absentee by mail in accordance with the applicable  
7 provisions of Chapter 7 of this Election Code, upon approval for participation in the  
8 special program as provided by this Chapter.

9 \* \* \*

10 §1333. Voting by persons confined to a nursing home

11 \* \* \*

12 B. A qualified voter who is unable to vote because of confinement in a  
13 nursing home within the parish in which he is entitled to vote by reason of physical  
14 handicap to an extent which prevents him from voting in person at the polls or from  
15 voting ~~in person by absentee ballot~~ during early voting as otherwise provided by this  
16 Code may vote absentee as provided in this Section during the period extending at  
17 least one week prior to the beginning day for ~~absentee~~ early voting in person through  
18 the last day for ~~absentee~~ early voting in person established by R.S. 18:1309.

19 \* \* \*

20 G. The voting by each voter shall be accomplished in the following manner:

21 \* \* \*

22 (6)

23 \* \* \*

24 (b) Upon returning to the registrar's office, the registrar shall unlock the  
25 metal box containing the absentee ballots, remove them from the box, and otherwise  
26 follow the procedures for the posting of the name, ward, and precinct of the voter,  
27 and other procedures as required by R.S. 18:1311 and other applicable provisions of  
28 the Election Code relating to absentee by mail and early voting ballots.

29 \* \* \*



1 Section 4.(A) As used in Chapters 3 through 11 of the Louisiana Election Code,  
2 "absentee in person voting", "voting in-person absentee", "in-person absentee voting", and  
3 "voting absentee in person" shall mean "early voting". The Louisiana State Law Institute  
4 shall work with appropriate legislative staff and state elections officials to identify and  
5 redesignate all such references to absentee in person voting remaining in such provisions.

6 (B) The Louisiana State Law Institute shall change "absentee in person voting",  
7 "voting in-person absentee", "in-person absentee voting", "voting absentee in person" and  
8 any other incidence of the word "absentee" in the following provisions to "early voting",  
9 "during early voting", "early voting voter", "early voting ballots", "early voting votes", as  
10 the case may be, in the following provisions: R.S. 18:18(A)(7), 115(F)(1)(a), 401.1(A), (B),  
11 and (C), 564(E), 566(title), (C), and (D)(introductory paragraph), (1), and (2), 566.2(A) and  
12 (F)(1), 1300.6(A), 1309(A)(1), (3), and (4), (B), (C), (E)(1), (3), (5), and (6), (F), and (H),  
13 1309.1(title), (A), and (B), 1310(A)(2), 1321(A), 1332(B)(1)(introductory paragraph) and  
14 (a)(i) and (ii), 1334(A)(introductory paragraph), 1400.3(D)(4), 1433(B),  
15 1462(A)(introductory paragraph) and (2), and 1531(A), (B), and (D).

16 (C) In the following provisions, all occurrences of the word "absentee" refer to both  
17 voting absentee by mail and during early voting. The Louisiana State Law Institute shall  
18 change "absentee" or references to "absentee voting", "absentee voter", "absentee ballots",  
19 and "absentee votes" to "absentee by mail and early voting", "absentee by mail and during  
20 early voting", "absentee by mail and early voting voter", "absentee by mail and early voting  
21 ballots", "absentee by mail and early voting votes", as the case may be, in the following  
22 provisions: R.S. 18:25(B), 58(B), 59(I)(2), 158(title) and (A), 573(B), 574(A)(2), Chapter  
23 7 (title) of Title 18, 1301, 1302(2), 1312(A), (C), and (E), 1313(A), (B), (C), (D), (E), (G),  
24 and (I)(1), (2)(a), (b), and (c), and (4), 1314, 1334 (title), Chapter 8 (title) of Title 18,  
25 1351(1), 1352(title and body), 1353(B), 1361(B), 1364(title), (A), and (B), 1400.4(D)(3),  
26 Part III (title) of Chapter 9 of Title 18, 1451, 1452, and 1453(C).

27 (D) In the following provisions, all occurrences of the word "absentee" refer to either  
28 voting absentee by mail or during early voting. The Louisiana State Law Institute shall  
29 change "absentee" to "absentee by mail or early voting", "absentee by mail or during early

1 voting", "absentee by mail or early voting voter", "absentee by mail or early voting ballots",  
 2 "absentee by mail or early voting votes", as the case may be, in the following provisions:  
 3 R.S. 18:196(C)(2), 562(B)(1) and (2), 1310(B)(2) and (3), 1333(A), 1433(C), and 1433.1(C).

4 (E) In the following provisions, all occurrences of the word "absentee" refer to  
 5 voting absentee by mail. The Louisiana State Law Institute shall change "absentee" to  
 6 "absentee by mail" in the following provisions: R.S. 18:101(D)(2) and (E)(1), 195(B)(2),  
 7 1308(A)(1)(a), 1308.2(A) and (B), and 1311(D)(2), (5)(a), and (E).

8 (F) In the following provisions, all occurrences of the word "absentee" are  
 9 appropriate as used in present law and shall not be changed by the Louisiana State Law  
 10 Institute: R.S. 18:105(A), 115(F)(3), 152(C)(2)(b), 177(A), 553(E)(2), 1303(C), (F), and (G),  
 11 1306(A)(4) and (C)(2), 1307(A)(introductory paragraph) and (1) and (B), (D), and (E),  
 12 1307.1(A)(introductory paragraph), (1), (2), and (3), 1307.2(title), (introductory paragraph),  
 13 (1), and (4), 1308(title), (A)(2)(a) and (c), 1308.1(title) and (A), 1308.2(title), 1310(A)(1),  
 14 1311(C)(2), and (D)(5)(c), 1312(D), 1333(D), (E), (F), and (G)(1) and (6)(a), and 1334(D).

15 Section 5. This Act shall become effective on January 1, 2006.

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#### DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument.

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Waddell

HB No. 336

**Abstract:** Allows any qualified voter to vote absentee in person. Redesignates absentee in person voting as early voting.

Present law (R.S. 18:1303(A)) lists those persons, otherwise eligible to vote, who may vote absentee in person:

- (1) A person who expects to be absent from the parish in which he is qualified to vote on election day.
- (2) A person who expects to be hospitalized on election day or a person who expects to be hospitalized and released prior to election day but who expects to be restricted to his bed by his physician on election day.
- (3) A member of the U.S. Service and his spouse and dependents, who expect to be out of the parish on election day.
- (4) A student, instructor, or professor in an institution of higher learning located outside the parish in which he is qualified to vote and who therefore lives outside the parish,

- and his spouse and dependents accompanying and residing with him, who expect to be out of the parish on election day.
- (5) A minister, priest, rabbi, or other member of the clergy assigned to a religious post outside of the U.S. and his spouse and any dependents accompanying and residing with him, who expect to be out of the parish on election day.
  - (6) A person residing outside the U.S. who expects to be out of the parish on election day.
  - (7) A person who, after the registration books have closed, has moved his residence to another parish, and the new residence is more than 100 miles from the parish seat of the parish of his former residence. Such person is allowed to vote absentee in the parish of his former residence.
  - (8) A person involuntarily confined to an institution for mental treatment who is not interdicted and judicially declared mentally incompetent.
  - (9) A person who, by virtue of his employment or occupation, expects to be out of his parish of registration on election day or out of his precinct of registration and upon the waters of the state on election day.
  - (10) A disabled voter (as provided in R.S. 18:1304).
  - (11) A person who declares to the registrar that tenets of his religion require his attendance at religious services on election day, prevent him from affixing his signature on any ballot or registration rolls on an election day, or otherwise prevent him from casting his ballot on election day.
  - (12) A clerk of court, registrar of voters, or a person who is employed by the secretary of state, the commissioner of elections, a clerk of court, or registrar of voters and who, by virtue of his employment, expects to be unable to go to his polling place on election day to cast his ballot.
  - (13) A person serving as commissioner-in-charge, commissioner, or alternate commissioner for an election in a precinct other than the precinct in which he is registered to vote.
  - (14) A person who is 65 years of age or older.
  - (15) Any person who has registered by mail who has not previously voted in any election.

Proposed law deletes the eligibility requirements in present law and provides instead that any person who is otherwise qualified to vote may vote absentee in person.

Present law (R.S. 18:1304) provides for absentee voting in person for qualified voters who are physically disabled such that they cannot vote at the polls on election day. Provides for an identification card for such voters.

Proposed law repeals present law.

Present law specifies the information that must be included in the certificate executed by the voter and attached to the absentee ballot. Present law (R.S. 18:1306(E)(1)(h)) includes among such information a statement of the voter, if voting absentee in the registrar's office, that he has reviewed the eligibility requirements and is entitled to vote absentee in person.

Proposed law removes this requirement.

Present law (R.S. 18:1306(G)(1)) specifies the information that must be included in the in-person absentee application. Includes among such information the state, parish, ward, precinct, and address of the voter; the state and parish where the application is executed; the voter's mother's maiden name; a statement of the voter that he has reviewed the eligibility requirements and is entitled to vote absentee in person.

Proposed law removes the requirement for the voter to provide information regarding the state of residence of the voter and the state where the application is executed. Also removes the requirement that the voter provide a statement that he has reviewed the eligibility requirements and is entitled to vote absentee in person.

Present law (R.S. 18:1306(H)) provides for a notice to be posted in the registrar of voter's office wherein absentee voting is being conducted advising the public of the eligibility requirements for voting absentee in person.

Proposed law repeals present law.

Present law (R.S. 18:1331 and 1332(A)) provides for a special program for handicapped voters who are unable to vote at the polling place or absentee in person to vote at another polling place or absentee by mail.

Proposed law retains present law but removes reference to R.S. 18:1304.

Proposed law changes and redesignates present law use of the term "absentee voting in person" to "early voting". Requires the La. State Law Institute to change occurrences of the word "absentee" accordingly. Prohibits Dept. of State from discarding election materials to accomplish purposes of the Act and requires Dept. of State to seek alternative means such as stamping election materials with the term "early voting".

Effective January 1, 2006.

(Amends R.S. 18:18(A)(8)(a), 531.1(A)(2) and (C), 551(A), 553(E)(1), 1302(4), (5), (6), and (7), 1303(A), (B)(4) and (5), (D), and (E), 1305, 1306(A)(1), (B), (C)(1), (D), (E)(1)(intro. para.) and (2), (F), and (G)(1)(intro. para.), (a), and (f), and (2), 1307(A)(2), 1309(A)(2), (D)(1), and (G), 1311(A), (B), (C)(1), (D)(1), and (4)(a), 1312(B), 1313(F)(intro. para.), (1), (2), (4), (5), (6), (7), (9), and (10), (H), and (I)(3), 1315(A)(1) and (3), (B), and (C), 1317, 1331, 1332(A), 1333(B), (G)(6)(b), and (H), and 1353(C)(2) and (3)(b); Adds R.S. 18:1302(8); Repeals R.S. 18:1304 and 1306(E)(1)(h), (G)(1)(g), and (H))

#### Summary of Amendments Adopted by House

##### Committee Amendments Proposed by House Committee on House and Governmental Affairs to the original bill.

1. Technical amendments clarifying and differentiating between certain references to absentee by mail and early voting.

##### House Floor Amendments to the engrossed bill.

1. Removes provision that would have extended the hours for voting absentee in person from 4:30 p.m. to 8:00 p.m. on the Thursday evening of the absentee in person voting period.