

2024 Regular Session

SENATE BILL NO. 218

BY SENATOR KLEINPETER

VOTERS/VOTING. Provides relative to voting. (8/1/24)

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AN ACT

To amend and reenact R.S. 18:564(B)(5)(b), 1307(B)(1)(a)(i), 1309.3(B)(4)(b), and 1461.7(A)(6) and to enact R.S. 18:1307(J) and (K) and 1461.7(A)(7), relative to voting; to require certain information from persons assisting voters; to prohibit the distribution of unsolicited absentee by mail ballots; to provide for emergency procedure relative to distribution of absentee by mail ballot applications; to provide for election offenses; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 18:564(B)(5)(b), 1307(B)(1)(a)(i), 1309.3(B)(4)(b), and 1461.7(A)(6) are hereby amended and reenacted and R.S. 18:1307(J) and (K) and 1461.7(A)(7) are hereby enacted to read as follows:

§564. Assistance in voting on election day

* * *

B. Persons prohibited from assisting voters.

* * *

(5)(a)

* * *

(b) The commissioners shall write the voter's name in the precinct register

1 and write the name, **address, and relationship to the voter** of the person, including
 2 a commissioner, assisting the voter behind the tab for Assistance to Voters **and an**
 3 **attestation indicating whether the person, other than a commissioner, assisting**
 4 **the voter was paid to provide assistance.** If the voter is not marked for assistance
 5 in voting in the precinct register the voter or the person, including a commissioner,
 6 assisting the voter shall check the box behind the tab for Assistance to Voters
 7 indicating that the voter has a physical disability or is unable to read. The person,
 8 including a commissioner, assisting the voter shall sign his name behind the tab for
 9 Assistance to Voters.

* * *

11 §1307. Application by mail

* * *

13 B.(1)(a)(i) An application to vote by mail may be delivered to the registrar
 14 by any means, including the United States Postal Service, commercial delivery
 15 service, hand delivery, or facsimile. **No person except the immediate family**
 16 **member of the voter, as defined in this Code, shall submit by any means or send**
 17 **for delivery by the United States Postal Service or commercial courier more**
 18 **than one marked ballot application per election to the registrar of voters.**

* * *

20 **J. Except as otherwise authorized by law, no person, organization, or**
 21 **entity shall distribute an application form for an absentee by mail ballot to any**
 22 **person who has not requested the application under the provisions of this**
 23 **Section.**

24 **K.(1) If a gubernatorially declared state of disaster or emergency occurs**
 25 **within forty-five days of an election, the secretary of state shall determine if the**
 26 **distribution of absentee by mail ballot applications is necessary for voters**
 27 **displaced by the gubernatorially declared state of disaster or emergency.**

28 **(2) Upon the determination by the secretary of state of the need for the**
 29 **limited distribution of absentee by mail ballot applications, the secretary shall**

1 **provide notice to the Senate Committee on Senate and Governmental Affairs**
2 **and the House Committee on House and Governmental Affairs within ten days**
3 **of the distribution.**

4 * * *

5 §1309.3. Assistance in voting during early voting

6 * * *

7 B. Persons prohibited from assisting voters during early voting.

8 * * *

9 (4)

* * *

10 (b) The registrar or deputy registrar shall write the voter's name in the
11 precinct register or early voting list kept by the registrar and the name, **address, and**
12 **relationship to the voter** of the person assisting the voter behind the tab for
13 Assistance to Voters **and attest whether the person, other than a commissioner,**
14 **providing assistance was paid to assist the voter.** The person assisting the voter,
15 including a registrar or deputy registrar, shall sign his name behind the tab for
16 Assistance to Voters.

17 * * *

18 §1461.7. Miscellaneous election offenses; penalties

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

20 * * *

21 **(6) Facilitate the distribution and collection of absentee by mail ballot**
22 **applications for more than one person other than an immediate family member.**

23 ~~(6)(7)~~ Breach any mandatory provision of this Title.

24 * * *

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

SB 218 Engrossed DIGEST 2024 Regular Session Kleinpeter

Present law requires commissioners at a polling place to write the name of a voter receiving assistance in voting on election day and the name of the person, including a commissioner, assisting the voter behind the tab for Assistance to Voters in the precinct register.

Proposed law retains present law and further requires commissioners to record the address and relationship to the voter receiving assistance of the person assisting the voter and if the person providing assistance other than a commissioner was paid to do so.

Present law provides that an application to vote by mail may be delivered to the registrar of voters by any means, including the U.S. Postal Service, commercial delivery service, hand delivery, or facsimile.

Proposed law retains present law and further provides that no person except the immediate family member of the voter shall submit more than one marked ballot application to vote by mail by any means or send it for delivery to the registrar of voters by the United States Postal Service or commercial courier per election.

Proposed law further provides that except as otherwise authorized by law, no person, organization, or entity shall distribute an application form for an absentee by mail ballot to any person who has not requested the application under the provisions of present law.

Proposed law further provides that if a gubernatorially declared state of disaster or emergency occurs within forty-five days of an election, the secretary of state shall determine if the distribution of absentee by mail ballot applications is necessary for voters displaced by the gubernatorially declared state of disaster or emergency.

Proposed law further provides that upon the determination by the secretary of state of the need for the limited distribution of absentee by mail ballot applications as a result of a gubernatorially declared state of disaster or emergency, the secretary shall provide notice to the legislative committees on governmental affairs within ten days of the distribution.

Present law requires the registrar or deputy registrar to write the name of a voter receiving assistance during early voting in the precinct register or early voting list kept by the registrar and the name of the person assisting the voter behind the tab for Assistance to Voters and for the person assisting the voter, including a registrar or deputy registrar, to sign his name behind the tab for Assistance to Voters.

Proposed law retains present law and further requires the registrar or deputy registrar to write the address and relationship to the voter of the person providing assistance behind the tab for Assistance to Voters and attest whether the person other than a commissioner providing assistance was paid to do so.

Present law provides that the breach of any mandatory provision of present law relative to the conduct of elections is considered an election offense and is punishable by law.

Proposed law retains present law and further provides that facilitation of the distribution and collection of absentee by mail ballot applications for more than one person other than an immediate family member is also an election offense punishable by law.

Effective August 1, 2024.

(Amends R.S. 18:564(B)(5)(b), 1307(B)(1)(a)(i), 1309.3(B)(4)(b), and 1461.7(A)(6); adds R.S. 18:1307(J) and (K) and 1461.7(A)(7))

Summary of Amendments Adopted by Senate

Committee Amendments Proposed by Senate Committee on Senate and Governmental Affairs to the original bill

1. Provide that a record must be made by the registrar or deputy registrar of voters indicating whether any person other than a commissioner was paid to assist a voter on election day and during early voting.

2. Provide that no person except a family member of the voter shall submit more than one marked ballot application to vote by mail by any means or send it for delivery to the registrar of voters by the U.S. Postal Service or commercial courier per election.