

Election Statute Navigator: Louisiana

The Election Law Program prepared this Election Law Navigator to highlight state election statutes particularly relevant to the 2020 cycle. The Election Law Navigator is updated as of October 19, 2020. Please contact elect@wm.edu with questions or suggestions. To access COVID-specific legal information impacting this state's election process, please use this link: <https://ebenchmark.org/louisiana/covid/#tracker>.

Voter Registration

- Voters (other than above) register prior to Election Day
 - **18:135** - Close of registration & Plan by secretary of state
- Online registration available **18:115.1**
 - [See official Louisiana online registration website](#)
- Registration via mail available **18:115**
- In-Person registration available
 - **18:114** - DMV
 - **18:116** - Agencies
 - **18:118** - Voter registration application form availability; firearm retailers
- Preregistration allowed **18:101(A)**
 - **(2)** Any person age seventeen and who is otherwise qualified to vote may register to vote at any time prior to the first election at which he shall have attained the age of eighteen years. However, no one, under the age of eighteen years shall be permitted to vote in any election.
 - **(3)** A person who is sixteen years of age may register to vote in the manner provided in R.S. 18:114(B)(1) or by making application in person at the office of the registrar of voters. However, no one under the age of eighteen years shall be permitted to vote in any election.
- Residency requirement
 - **18:101(B)** - "Residency" definition
- Prior conviction eligibility **18:102(A)(1)**, **18:102(B)**
- Voters judged mentally incompetent cannot vote **18:102(A)(2)**, **18:102.1**
- Voter list maintenance guidelines
 - **18:192** - Annual canvass; costs of registrar of voters
- Other:



- **18:101(C)** - Any bona fide full-time student attending an institution of higher learning in this state may choose as his residence and may register to vote either at the place where he resides while attending the institution or at the place where he resides when not attending such institution, but he shall not have more than one residence at any one time for purposes of registering to vote. Such a student need not have an intent to reside indefinitely at the place where he offers to register.
- **18:106** - Physical disability, inability to write English; language minority groups; execution of documents; assistance
- **18:173** - Deaths of voters; removal; reporting
- **18:193** - Challenge and cancellation of registration; notice; procedures

State Absentee, Early, and Mail Voting

- Early voting allowed
 - **18:1309** - General
- In-Person early voting only
 - **18:1303(A)** - Any person who is qualified to vote may vote during the early voting period at a place designated by the registrar as provided in R.S. 18:1309.
 - **18:1309** - General
- Listed excuses to vote absentee
 - **18:1303** - Persons entitled to vote absentee by mail
- Online absentee ballot application available **18:1307(B)(1)(d)**
- Absentee ballot application is verified **18:1307**
- Permanent absentee voting options
- [See the Louisiana Secretary of State Disability Program](#)
- Notary or witness signatures required on return envelope **18:1306(E)**
- Absentee ballot verification details **18:1306, 18:1313**
- Someone other than the voter can return an absentee or mail ballot on behalf of the voter
 - **18:1308(B)** - 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 to the registrar. Upon its receipt, the registrar shall post the name and precinct of the voter as required by R.S. 18:1311.

- Deadline by which election official must receive absentee/mailed ballots **18:1311**
- Absentee/Mail ballot processing and counting procedures **18:1313(F)**
- Absentee/mail ballots are reported separately from precinct totals **18:573(B)**
 - The absentee by mail and early voting votes cast for each candidate and the total number of absentee by mail and early voting votes cast for and against each proposition as shown by the final absentee by mail and early voting report filed with the clerk of court by the parish board of election supervisors on election night *shall be shown separately from the precinct totals* as the final absentee vote report with the total number of votes cast for each candidate and the total number of votes cast for and against each proposition.
- Spoiling/Replacement/Correction ballot restrictions
 - **18:563(D)(2)(b)** - If a voter determines that his ballot is spoiled because he wants to change or correct his vote on the ballot before it is cast and counted but is unable to do so, he may obtain a replacement ballot upon returning the spoiled ballot to a commissioner.
 - **18:1309(E)(5)(b)(iii)** - If an early voter determines that his ballot is spoiled because he wants to change or correct his vote on the ballot before it is cast and counted but is unable to do so, he may obtain a replacement ballot upon returning the spoiled ballot to the registrar or deputy registrar.
- Other:
 - **18:1309.3** - Assistance in voting during early voting

In-Person Voter ID

- ID requirements **18:562**
- Options for voters without ID:
 - **18:562(A)(b)** - The applicant shall complete and sign an affidavit, which is supplied by the secretary of state, to that effect before the commissioners, which affidavit shall include the applicant's date of birth and mother's maiden name. If the applicant is unable to read or write or is otherwise unable to complete the affidavit due to disability, the applicant may receive assistance in completing the affidavit and the commissioner shall make a notation on the affidavit. The applicant may receive the assistance of any person of his choice, including a commissioner,



except a candidate, commissioner-in-charge, the applicant's employer or employer's agent, or the applicant's union agent. The commissioners shall place the affidavit in the envelope marked "Registrar of Voters" and attach the envelope to the precinct register. However, an applicant who is allowed to vote without the picture identification required by Subparagraph (a) of this Paragraph is subject to challenge as provided in R.S. 18:565.

- Other:
 - **18:564(A)** - Voters entitled to assistance
 - **18:564(B)** - Persons prohibited from assisting voters

Provisional Voting

- Provisional ballot availability
 - **18:566(A)** - When an applicant's name does not appear on the precinct register and the registrar of voters or secretary of state has not authorized the applicant to vote by precinct register correction affidavit as provided in R.S. 18:562, or the commissioners assert that the applicant is not eligible to vote, and the applicant declares himself to be a registered voter and eligible to vote in the election for federal office, the applicant may cast a provisional ballot for candidates for federal office.
 - **18:566(C)** - In an election for federal office during the period of early voting, when an applicant's name does not appear on the precinct register and the registrar of voters has not authorized the applicant to vote, or the registrar or deputy registrar asserts that the applicant is not eligible to vote, and the applicant declares himself to be a registered voter and eligible to vote in the election for federal office, the applicant shall be permitted to cast an early voting provisional ballot for candidates for federal office.
- Time allotted to determine the status of provisional ballot **18:566.2**
 - Provisional ballots shall be counted on the third day following the election.
- Provisional ballot rejection reasons **18:566.2**
 - Voter is not registered to vote in the parish
 - Voter did not vote on federal office or offices for which the provisional voter was eligible to vote
 - Voter did not vote early, absentee by mail, or at his precinct on election day
- Method for informing voters whether provisional vote was counted
 - [See official Louisiana provisional voter search website](#)



- Other:
 - **18:566.1** - Order for extension of poll hours

Polling Place

- Polling Place availability and requirements
 - **18:425.1** - Consolidation of polling places; reduction of voting machines and election officials
 - **18:531.1** - Exception to opening polls; alternative voting locations
 - **18:532** - Establishment of precincts
 - **18:532.1** - Changing boundaries
 - **18:533** - Establishment and location of polling places
 - **18:534** - Change of polling places
- Electioneering must not be closer than **600** feet to the entrance of the polling place
18:1462
- Poll watcher qualifications
 - **18:427** - General
 - **18:435** - Appointment and commission
- Police presence
 - **18:401.1(D)(2)v**The clerk of court in conjunction with the secretary of state shall coordinate with local police and the National Guard in an effort to provide security for existing polling places, including securing salvageable voting equipment from destroyed or damaged polling places to prevent further damage and looting.
 - **18:428** - Law enforcement assistance to commissioners in general
 - **(A)** Law enforcement officers shall not be stationed at polling places on election day, but the commissioners may summon law enforcement officers to assist them in preserving order, enforcing the election laws, or protecting election officials from interference with the performance of their duties. Law enforcement officers shall not be eligible to serve as commissioners-in-charge, commissioners, alternate commissioners, or watchers
 - **(B)** A law enforcement officer at a polling place on election day is subject only to the orders of the commissioners at that polling place.
- Firearms prohibitions in election code **18:1461.7(C)(3)**



- No person shall carry or possess a firearm while present in a polling place, except a peace officer as defined by R.S. 40:2402(3)(a), in the performance of his official duties.
- Other:
 - **18:531** - Notwithstanding the provisions of any law to the contrary, whenever the polling place to which a voter is assigned is inaccessible to him by reason of a physical disability, the voter may cast his vote at the polling place nearest the precinct at which he is registered which is accessible to the voter, provided such polling place is within the same congressional, senatorial, representative, school board, police jury, councilmanic and all other districts as the precinct at which he is registered
 - **18:542** - A person who is in line to vote when the polls close on election day shall be allowed to vote. Voting in a primary or general election shall terminate (1) when the polls close, if no one is in line to vote at that time, or (2) when all the persons who were in line to vote at 8:00 p.m. have been allowed to vote.

State Emergency Rules and How Elections are Affected

- Emergency contingency plan **18:401.1**
- Explicit remedies in election statute
 - **18.401.1** - Contingency plan
 - **18:401.2** - Relocation of polling places
 - **18:401.3** - Emergency plan by secretary of state
 - **18:135(A)(2)(a)** - If an emergency causes not a single registration office to be open on the last day of registration, then registration will continue for one more day on the next business day a registration office does open in the parish.
 - **18:1309(B)(1)** - The registrar may use a temporary office either within the parish or in the parish immediately adjacent.
 - **18:534** - The governing authority of a parish may move a polling place in an emergency.

Counting Rules

- Voting system requirements
 - **18:553** - Inspection and preparation of voting machines
 - **18:553.1** - Inspection and preparation of paging ballot electronic voting machines



- Counting procedures
 - **18:571** - Procedures for commissioners after termination of voting
 - **18:572** - Transmission of election returns
 - **18:573** - Evidence of election results
 - **18:574** - Compilation and promulgation of returns
 - **18:575** - Official results of a primary or general election
 - **18:576** - Election night returns

Contest/Protest, Recount Rules

- Challenging a candidate
 - **18:491** - Standing to object to candidacy
 - **18:492** - Grounds for an objection to candidacy
 - **18:493** - Time for objecting to candidacy
- Challenging a voter
 - **18:565** - Grounds; disposition
- Contest/Protest recount
 - **18:1313(J)(2)(a)(i)** - Notwithstanding the provisions of Paragraph (1) of this Subsection, if the number of absentee by mail and early voting ballots cast for all candidates for an office could make a difference in the outcome of the election for such office, upon the written request of a candidate for such office, the board shall recount the absentee by mail ballots by hand or scanning equipment and early voting ballots electronically, unless paper ballots were used for early voting and in such case, the ballots shall be recounted by hand for such office.
- Other:
 - **18:1300.1** - Election recall authorize

