

RÉSUMÉ DIGEST

ACT 307 (HB 242)

2015 Regular Session

Tim Burns

Existing law (R.S. 18:101) provides that no one under the age of 18 is allowed to vote, but allows a person who is 16 years of age to register to vote when the person applies to obtain a driver's license. New law additionally allows a person who is 16 to register to vote in person at the office of the registrar of voters.

Existing law (R.S. 18:154) provides that the records of each registrar are public records. Provides for exceptions. New law provides an additional exception to require the confidentiality of voter registration information of a person who is 16 or 17 years of age. Prior law exempted early voting applications from public inspection. New law provides that early voting confirmation sheets, instead of early voting applications, are exempted from public inspection.

Existing law authorizes the Dept. of State or registrar of voters to transmit the full date of birth of a registered voter to the Supervisory Committee on Campaign Finance Disclosure to verify the identity of a candidate for purposes of campaign finance reporting. Prohibits the supervisory committee from disclosing the full date of birth of a registered voter transmitted pursuant to existing law.

New law additionally authorizes the Dept. of State or registrar of voters to transmit the last four digits of the social security number of a registered voter to the supervisory committee for this purpose and prohibits the supervisory committee from disclosing this information.

Existing law (R.S. 18:496, 502, 1300.7, and 1410) provides that if the name of a candidate who dies, withdraws, is disqualified, or resigns (in the case of a recall election) cannot be removed from the ballot, votes received by the candidate are void and are not counted for any purpose. New law (R.S. 18:154(H)) prohibits the Dept. of State from disclosing these votes.

Existing law (R.S. 18:173) provides for reporting by the Dept. of Health and Hospitals regarding deaths. Requires the department to send a report to the Dept. of State regarding persons of voter registration age who died in the preceding month.

Prior law also required the department to send a report each month to each registrar of voters regarding persons of voter registration age in the parish who died in the preceding month. New law repeals prior law.

Existing law (R.S. 18:178) requires the clerk of court or entity responsible for jury duty notices to notify the registrar of voters, on a monthly basis, of any returned jury duty notice indicating the person is unable to serve because he no longer resides in the parish. Also requires each federal district court to notify the Dept. of State of any person identified as out of the jurisdiction within the time limit of a particular panel for jury selection. Requires the Dept. of State to send the information received from the federal district courts to the registrars of voters.

New law applies requirements of existing law to jury duty questionnaires in addition to jury duty notices. Additionally requires the clerk of court or entity responsible for jury duty notices or questionnaires to notify the Dept. of State of any returned notice or questionnaire indicating that the person is unable to serve because he is not a U.S. citizen. Requires the Dept. of State to send this information to the registrar of voters of each parish.

Existing law (R.S. 18:402(F)) provides exclusive dates for the holding of bond, tax, or other elections at which a proposition or question is to be submitted to the voters.

Prior law provided that in an emergency, with approval of the governor and the State Bond Commission by two-thirds vote of its total membership, the governing authority of a parish or municipality, or a school board could conduct a bond or tax election on a Saturday that was not provided for in existing law. New law repeals prior law.

Existing law (R.S. 18:435) authorizes each candidate, on election day, to have one watcher at every precinct where the office he seeks is voted on.

Existing law requires the candidate or his authorized representative to file one list of watchers. Requires an authorized representative who files a list of watchers to also provide a letter of authorization from the candidate. New law additionally requires a list of watchers to be signed by the candidate.

Existing law requires the state central committee of each recognized political party to file the list of watchers for its slate of candidates for presidential elector. Requires that the list of watchers for an independent or other party slate of candidates for presidential elector be filed by any person so authorized by the presidential candidate. Requires a letter of authorization from the presidential candidate or an authorized agent of his campaign.

New law additionally requires a list of watchers submitted by the state central committee of a recognized political party to be signed by the chairman of the state central committee, and requires a list of watchers for an independent or other party slate of candidates to be signed by a person authorized by the presidential candidate.

Existing law requires a list of watchers to be filed with the clerk of court before 4:30 p.m. on the 10th day before the election.

New law specifies that the list may be filed by hand delivery, facsimile, mail, or commercial courier.

Existing law requires all lists of watchers to contain the name and mailing address of each watcher. New law requires inclusion of the same information for each alternate watcher.

Prior law provided that if a candidate submitted a list of watchers for the primary election and did not submit a list for the general election, the list submitted in the primary election was treated as his list for the general election.

New law provides instead that the list submitted for the primary election may be used for the general election only if the candidate notifies the clerk of court in writing no later than 4:30 p.m. on the 10th day before the general election.

Existing law (R.S. 18:461) provides that, subject to certain limited exceptions, a person who desires to become a candidate in a primary election qualifies as a candidate by timely filing notice of his candidacy, accompanied either by a nominating petition or by the qualifying fee and any additional fee imposed.

Existing law (R.S. 18:463) provides for the content of the notice of candidacy, including certification that the candidate acknowledges that he is subject to the provisions of existing law (R.S. 18:1481 et seq.—Campaign Finance Disclosure Act), unless he is a candidate for U.S. senator, representative in congress, or member of a committee of a political party, and that he does not owe outstanding fines, fees, or penalties pursuant to the Campaign Finance Disclosure Act.

Existing law defines "outstanding fines, fees, or penalties" for purposes of existing law as a fine, fee, or penalty of \$250 or more assessed by order of the Supervisory Committee on Campaign Finance Disclosure or by final decision of an adjudicatory panel of the Ethics Adjudicatory Board pursuant to the Campaign Finance Disclosure Act for which all appeals have been exhausted or a judgment of a district court assessing civil penalties pursuant to the Campaign Finance Disclosure Act.

Prior law required that an order of the supervisory committee or adjudicatory board to be converted into a court order. Required a judgment of the court to have become executory pursuant to existing law (R.S. 18:1511.4.1 or 1511.5).

New law repeals prior law. Additionally includes within the definition of "outstanding fines, fees, or penalties" a fine, fee, or penalty assessed by the staff of the supervisory committee.

Existing law also requires the candidate to certify that he does not owe outstanding fines, fees, or penalties pursuant to existing law (R.S. 42:1101 et seq.—Code of Governmental Ethics). Defines "outstanding fines, fees, or penalties" for purposes of existing law as a fine, fee, or penalty of \$250 or more imposed by the Board of Ethics for which all appeals have been exhausted.

New law additionally includes within the definition of "outstanding fines, fees, or penalties" a fine, fee, or penalty imposed by a final decision of an adjudicatory panel of the Ethics Adjudicatory Board pursuant to the Code of Governmental Ethics.

Existing law (R.S. 18:467) provides for the opening of the qualifying period for various elections, including gubernatorial primary elections; congressional primary elections; primary elections for municipal and ward officers who are not elected at the same time as the governor or members of congress in municipalities with a population of less than 300,000; primary elections for parochial and municipal officers in a parish containing a municipality with a population of 300,000 or more; primary elections held on the third Sat. in Oct. of 1981 and every fourth year thereafter; and special elections held at the same time as the foregoing elections.

Prior law provided for the opening of the qualifying period for candidates in any other special primary election, except for the office of judge, state legislator, or representative in congress. Provided that the qualifying period in such an election opened on the first Wednesday which was at least five days after publication of the proclamation ordering the special election.

New law repeals prior law.

Existing law (R.S. 18:492) provides specific grounds for bringing an action objecting to the candidacy of a person, including that the person is prohibited by law from becoming a candidate. Existing law (R.S. 18:491) authorizes certain people and entities to bring actions objecting to candidacy.

Existing law (R.S. 42:1113(A)(1)(b)(i)—Code of Governmental Ethics) allows a municipal or parish governing authority to appoint one of its members to fill a vacancy, but prohibits such an appointee from qualifying in the next election for that office.

New law requires the Board of Ethics to bring an action pursuant to existing law (R.S. 18:492) objecting to the candidacy of a person who qualified as a candidate in violation of existing law (R.S. 42:1113(A)(1)(b)(i)).

Existing law (R.S. 18:533) provides that the governing authority of each parish establishes polling places. Provides requirements and prohibitions. Existing law (R.S. 18:534) provides that once a polling place is established, it may only be changed by a vote of the parish governing authority. Prohibits changes during certain periods close to an election unless a polling place becomes unavailable due to an emergency caused by an act of God or when privately owned property becomes unavailable through no fault of the governing authority.

New law authorizes the parish president to change a polling place during the period and for the reasons provided in existing law if there is not a regularly scheduled meeting of the parish governing authority prior to the election. Provides that the change does not become permanent unless the parish governing authority subsequently votes to approve it.

Existing law (R.S. 18:536) provides that an employee of the parish governing authority shall be stationed at the former polling place for the purpose of directing potential voters to the new location of the polling place. Requires the employee to take a constitutional oath or affirmation administered by the clerk of court.

Existing law (R.S. 18:1354) provides for the appointment of a deputy parish custodian of voting machines to assist the parish custodian of voting machines in the performance of his duties. Prohibits appointing a deputy who has been convicted of a felony for which he has not been pardoned.

New law applies the qualifications of a deputy parish custodian of voting machines to a person stationed at the former polling place when a polling place has been changed pursuant to existing law or new law.

Existing law (R.S. 18:551) provides for the content of the ballot, including the listing of the names of candidates. Provides that the names of the candidates for each office shall be arranged alphabetically by surname and numbered from first to last. New law additionally provides that if two or more candidates have the same surname, the names shall be arranged

alphabetically by first name, regardless of whether a candidate's first name appears on the ballot.

Existing law (R.S. 18:1280.22) provides procedures for qualifying for the presidential preference primary. Provides that the qualifying period opens on the first Wednesday in Dec. and closes on the following Friday. Prior law provided that the qualifying period closed at 5:00 p.m. New law provides instead that the qualifying period closes at 4:30 p.m.

Existing law (R.S. 18:1306) provides for the content of absentee by mail and early voting materials. Requires the absentee by mail ballot envelope to have a perforated flap below the sealing line, which shall bear a certificate prescribed by the secretary of state and approved by the attorney general. Provides that the voter may sign the certificate in the presence of one witness and that his certificate shall be made under penalty of perjury for providing false or fraudulent information.

Prior law allowed the voter the option to obtain the signature of a notary public in executing the certificate in lieu of signing in the presence of a witness. New law repeals prior law.

Existing law provides required information for the certificate on the ballot envelope flap, including the full name and place of residence of the voter in La., including state, parish, ward, precinct, city, and street; the statement of the voter certifying that he applied for the ballot, marked the enclosed ballot or ballot himself or that they were marked for him according to his instructions and in his presence; the statement of the voter that he is entitled to vote at the precinct he names; authorization to the parish board of election supervisors to open the envelope and count his ballot; his mother's maiden name; and an affidavit followed by a line for the handwritten signature or mark of the voter, certifying that the statements made by him are true and correct and that the voter is aware of the penalties for knowingly making a false statement therein, which penalties shall be stated on the certificate.

Prior law additionally required the certificate to contain spaces for the state and parish or county where it was executed, if executed outside the voter's parish of registration. New law repeals prior law.

Existing law requires the ballot envelope flap to also contain a line for the handwritten signature of one witness.

New law additionally requires the ballot envelope flap to contain a line for the printed name of the witness.

Existing law (R.S. 18:1303) allows a qualified voter who expects to be hospitalized on election day and who did not have knowledge of his proposed hospitalization until after the time for early voting had expired to vote absentee by mail.

New law (R.S. 18:1308) additionally allows a person who is eligible to vote pursuant to existing law and who feels he will not have time to vote timely by mail to request that the registrar transmit voting materials to him electronically or allow an immediate family member to pick up his voting materials at the registrar's office. Provides procedures for voting and returning the materials to the registrar.

Effective upon signature of governor (June 29, 2015), except that provisions authorizing a person who is 16 years of age to register to vote at the office of the registrar and allowing the Dept. of State to disclose the last four digits of the social security number with the Supervisory Committee on Campaign Finance Disclosure become effective on January 15, 2016.

(Amends R.S. 18:101(A)(3), 154(A) and (C)(2)(b), 178, 402(C)(2) and (E)(2)(c), 435(A)(1) and (B), 463(A)(2)(c)(i) and (ii), 467(3), 534(B), 536(A)(intro. para.) and (3), 551(C)(1), 1280.22(B)(1), and 1306(E)(2); Adds R.S. 18:154(H) and (I), 491(C)(3), and 1308(A)(1)(c); Repeals R.S. 18:173(A), 402(F)(7), 467(5), and 1306(E)(1)(g))