

ACT No. 60

Regular Session, 2014

HOUSE BILL NO. 383

BY REPRESENTATIVE TIM BURNS

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AN ACT

To amend and reenact R.S. 18:58(B), 104(A)(15), 154(C)(1)(introductory paragraph), (D)(3), and (G)(introductory paragraph), 425(A)(1)(b), 433(B)(8), 435(B), 465(E)(1)(a), 531.1(B), 566.2(B), 571(A)(6) and (7), 573(B), 1284(F)(1), 1299.1(A), 1300.3(A) and (B)(1), 1300.7(A), 1300.32(A) and (B)(1), 1302(2), 1308(A)(1)(b), (h)(i), and (i), 1309(M)(1)(a), 1353(B) and (C)(2), 1361(A) and (B), and 1362, to enact R.S. 18:154(D)(4) and (F)(3), and to repeal R.S. 18:174 and Part I-A of Chapter 5 of Title 18 of the Louisiana Revised Statutes of 1950, comprised of R.S. 18:411 through 417, relative to the Louisiana Election Code; to revise the system of laws comprising the Louisiana Election Code; to provide relative to the duties of registrars of voters; to require registrars to assign voters according to voting districts; to provide deadlines; to provide relative to requirements and procedures for application for voter registration; to provide relative to disclosure of certain voter information; to repeal provisions requiring certain reports regarding changes of name and remarriage; to repeal provisions applicable to certain elections held in 1992; to provide relative to the selection of commissioners and commissioners-in-charge; to provide relative to the deadline for filing a list of watchers; to provide relative to the deadline for submitting a nominating petition; to provide relative to notification that a polling place will not be opened; to provide relative to the counting and tabulation of votes; to provide relative to the verification of election results; to provide relative to requirements for a proposition submitted to the voters at an election; to provide relative to the deadline for certifying a recall petition; to provide relative to the deadline for removing or adding a signature to a recall petition; to provide relative

1 to the deadline for the governor to issue a proclamation ordering a recall election; to
 2 provide relative to certain deadlines for petitions relative to neighborhood and crime
 3 prevention districts; to provide relative to early voting at additional locations; to
 4 provide relative to procedures and requirements for absentee voting by mail; to
 5 provide relative to voting machines and absentee by mail and early voting counting
 6 equipment; to provide relative to the authority of the secretary of state relative to
 7 voting machines and absentee by mail and early voting counting equipment; to
 8 provide relative to the ownership of voting machines; to provide relative to parish
 9 board commissioners; to provide relative to the counting and tabulation of absentee
 10 by mail, early voting, and provisional ballots; to provide for effectiveness; and to
 11 provide for related matters.

12 Be it enacted by the Legislature of Louisiana:

13 Section 1. R.S. 18:58(B), 104(A)(15), 154(C)(1)(introductory paragraph), (D)(3),
 14 and (G)(introductory paragraph), 425(A)(1)(b), 433(B)(8), 435(B), 465(E)(1)(a), 531.1(B),
 15 566.2(B), 571(A)(6) and (7), 573(B), 1284(F)(1), 1299.1(A), 1300.3(A) and (B)(1),
 16 1300.7(A), 1300.32(A) and (B)(1), 1302(2), 1308(A)(1)(b), (h)(i), and (i), 1309(M)(1)(a),
 17 1353(B) and (C)(2), 1361(A) and (B), and 1362 are hereby amended and reenacted and R.S.
 18 18:154(D)(4) and (F)(3) are hereby enacted to read as follows:

19 §58. Powers and duties of registrars

20 * * *

21 B.(1) The registrar shall be responsible for conducting absentee by mail and
 22 early voting in the parish he serves, as provided by Chapter 7 of this Code.

23 (2) The registrar shall assign voters in the state voter registration computer
 24 system according to each voting district in the parish from which an election is to be
 25 conducted. For a primary election, the assignment of voters shall be completed on
 26 or before the fifth business day prior to the opening of qualifying for the primary
 27 election. For a general election, the assignment of voters shall be completed on or
 28 before the fifty-first day prior to the general election.

29 * * *

1 §104. Application for registration; form

2 A. The secretary of state, subject to approval by the attorney general as to
3 content, shall prescribe the form that shall be used uniformly by each registrar in the
4 state and any person authorized to accept voter registration applications in registering
5 qualified citizens to vote. The form shall contain spaces for at least the following
6 information with respect to the applicant:

7 * * *

8 (15) The application form also shall inform the applicant of the penalty for
9 violation of applicable laws relating to registration of voters and shall contain an
10 affidavit to be subscribed, through a handwritten signature, ~~before the registrar,~~
11 ~~deputy, or any person authorized to accept voter registration applications~~ attesting
12 that the applicant is a United States citizen and that the facts given by him on this
13 application are true to the best of his knowledge and belief. When the registration
14 application is completed at the office of motor vehicles of the Department of Public
15 Safety and Corrections or electronically on the secretary of state's website, an
16 electronically captured signature of the applicant ~~may~~ shall suffice as a handwritten
17 signature of the applicant.

18 * * *

19 §154. Records open to inspection; copying; exceptions

20 * * *

21 C.(1) Notwithstanding any provision of this Section to the contrary, ~~neither~~
22 ~~the registrar, the clerk of court, nor the Department of State, the office of motor~~
23 ~~vehicles of the Department of Public Safety and Corrections and any entity that~~
24 ~~contracts with the office, each voter registration agency and any entity that contracts~~
25 ~~with a voter registration agency, and any person who handles the voter registration~~
26 ~~application form of another person shall circulate~~ be prohibited from circulating on
27 a commercial list or otherwise ~~disclose~~ disclosing the following:

28 * * *

29 D.

30 * * *

1 (3) Notwithstanding any provision of this Section to the contrary, the clerk
 2 of court shall not disclose the name and address of a law enforcement officer if the
 3 state voter registration computer system indicates that certification has been received
 4 from the law enforcement agency employing the officer that the officer is engaging
 5 in hazardous activities to the extent that it is necessary for his name and address to
 6 be kept confidential.

7 (4) Any agency employing a law enforcement officer availing himself of
 8 Paragraph (1) or (2) of this Subsection shall also issue decertification notices to the
 9 registrar of voters and the secretary of state when the officer is no longer engaging
 10 in hazardous activities to the extent that it is necessary for his name and address to
 11 be kept confidential.

12 * * *

13 F.

14 * * *

15 (3) Notwithstanding any provision of this Section to the contrary, the clerk
 16 of court shall not disclose the name and physical address of a program participant in
 17 the Department of State Address Confidentiality Program, as provided in R.S. 44:51
 18 et seq.

19 G. Notwithstanding any provision of this Section to the contrary, ~~neither the~~
 20 ~~registrar, the clerk of court, nor and~~ the Department of State shall ~~disclose be~~
 21 prohibited from disclosing the following:

22 * * *

23 §425. Commissioners

24 A. Number. (1) In addition to the commissioner-in-charge, at the following
 25 elections there shall be the following number of additional commissioners at each
 26 precinct:

27 * * *

28 (b) For all elections not specifically provided for in Subparagraph (a) of this
 29 Paragraph or in Part III of Chapter 6 of this Code:

1 (i) Three commissioners for precincts with more than three hundred active
2 registered voters eligible to vote in the election.

3 (ii) Two commissioners for precincts with three hundred or fewer active
4 registered voters ~~or less~~ eligible to vote in the election.

5 * * *

6 §433. Commissioners-in-charge; course of instruction; selection; commission;
7 disqualification; replacement

8 * * *

9 B. Selection.

10 * * *

11 (8) After the commissioners-in-charge are selected, the parish board of
12 election supervisors shall compile a list containing the name, social security number,
13 party affiliation, and mailing address of each and ~~shall mail the list to the secretary~~
14 ~~of state~~ the clerk of court shall enter the list in the state voter registration computer
15 system.

16 * * *

17 §435. Watchers; appointment and commission

18 * * *

19 B. Lists of watchers. A list of watchers shall be filed with the clerk of court
20 before ~~5:00~~ 4:30 p.m. on the tenth day before the primary or general election;
21 however, if the tenth day before the primary or general election falls on a Saturday,
22 Sunday, or other legal holiday, the list shall be filed on the next day which is not a
23 Saturday, Sunday, or other legal holiday. Except for a candidate or recognized
24 political party filing for a slate of candidates for presidential elector, any person
25 filing a list of watchers must attach a certified statement that the report required by
26 R.S. 18:1486 has been filed with the supervisory committee in compliance with the
27 Campaign Finance Disclosure Act. If any candidate submits a list for the primary
28 election and does not submit a list for the general election, the list submitted in the
29 primary election shall be treated as his list submitted for the general election. A list
30 of watchers shall contain only one watcher and one alternate watcher for each

1 precinct where the candidate or person submitting the list is entitled to have a
2 watcher. The list shall be typed or legibly written, and it shall contain the name and
3 mailing address of each watcher and a designation of the precinct where he is to
4 serve.

5 * * *

6 §465. Nominating petitions

7 * * *

8 E. Certification. (1)(a) A nominating petition shall be submitted to the
9 registrars of voters in the parishes where the signers reside. A nominating petition
10 shall be submitted to the registrars in such parishes not less than thirty days before
11 the qualifying period ends for candidates in the primary election or, in the case of
12 presidential electors, in the presidential election, except that in a special election
13 called pursuant to R.S. 18:402(E), 601(A)(2), or 1279, a nominating petition shall
14 be submitted by the candidate to the registrars of voters in such parishes not less than
15 fourteen days before the qualifying period ends for candidates in the special election.
16 If the final day for submitting a nominating petition to the registrars of voters falls
17 on a Saturday, Sunday, or legal holiday, then the next day which is not a Saturday,
18 Sunday, or legal holiday shall be deemed to be the final day for submitting the
19 nominating petition.

20 * * *

21 §531.1. Exception to opening polls; alternative voting locations

22 * * *

23 B. The registrar of voters shall notify the secretary of state and the other
24 members of the parish board of election supervisors of all such determinations.

25 * * *

26 §566.2. Tabulation and counting of provisional ballots for federal office

27 * * *

28 B. The parish board of election supervisors in each parish shall be
29 responsible for the counting and tabulation of all provisional ballots for federal
30 office. The board may utilize ~~absentee by mail and early voting~~ parish board

1 commissioners to count the provisional ballots in the parish. If the board determines
 2 that ~~absentee by mail and early voting~~ parish board commissioners are necessary to
 3 count and tabulate the provisional ballots, it shall select ~~absentee by mail and early~~
 4 ~~voting~~ parish board commissioners in accordance with the provisions of R.S.
 5 18:1314(D). In a parish where no ~~absentee by mail and early voting~~ parish board
 6 commissioners are utilized during the counting and tabulation of absentee by mail
 7 and early voting ballots, the board may utilize commissioners to count the
 8 provisional ballots. The selection and compensation of such commissioners to count
 9 and tabulate provisional ballots shall be in the same manner as ~~absentee by mail and~~
 10 ~~early voting~~ parish board commissioners as provided for in R.S. 18:1314(D) and (E).

11 * * *

12 §571. Counting and tabulating the votes

13 A. At the termination of voting in a primary or general election, the
 14 commissioners shall announce that voting is terminated. The commissioners in the
 15 presence of the watchers shall immediately:

16 * * *

17 (6) Complete ~~in duplicate~~ an affidavit. The affidavit shall be prepared by the
 18 secretary of state and shall contain the name, address, and last four digits of the
 19 social security number of each commissioner and an acknowledgment that the law
 20 prohibits disclosure of confidential voter information listed in the precinct register.
 21 The affidavit shall be signed by each commissioner; and ~~the original affidavit shall~~
 22 ~~be~~ placed in the bag that is delivered to the clerk of court.

23 (7) Place ~~the duplicate affidavit,~~ all duplicate records of challenges, all
 24 duplicate precinct register corrections, all voter identification affidavits, any
 25 physicians' certificates, and any address confirmation cards in the envelope marked
 26 "Registrar of Voters", seal it and attach it to the precinct register, and seal the
 27 precinct register.

28 * * *

1 §573. Evidence of election results

2 * * *

3 B. Verification of election results. After the machines are opened, the clerk
4 of court, in the presence of the parish board of election supervisors or the members
5 of the board selected by the board as its representatives and the candidates or their
6 representatives, shall immediately verify the total votes cast for each candidate and
7 the total votes cast for and against each proposition as shown on the voting machines
8 or voting machine election result sheets and the total number of absentee by mail and
9 early voting votes cast for each candidate and the total number of absentee by mail
10 and early voting votes cast for and against each proposition as shown by the
11 ~~tabulation blanks of absentee by mail and early voting votes~~ final absentee by mail
12 and early voting report filed with the clerk by the parish board of election
13 supervisors. The machine votes cast shall be shown separately by each precinct, and
14 the absentee by mail and early voting votes cast shall be shown as the total number
15 of votes cast for each candidate and the total number of votes cast for and against
16 each proposition.

17 * * *

18 §1284. Resolution calling election; proposition

19 * * *

20 F.(1) The preparation of the proposition to be submitted to the voters at an
21 election shall be the responsibility of the governing authority of the political
22 subdivision ordering the election. The proposition shall include the information
23 required by this Section in simple, unbiased, concise, and easily understood language
24 and be in the form of a question. The proposition shall not exceed two hundred
25 words in length and shall not include words that are struck through, underscored, or
26 in boldface type.

27 * * *

28 §1299.1. Question or proposition to be voted on; length

29 A. The preparation of a question or proposition to be submitted to the voters
30 at an election shall be the responsibility of the governing authority or other entity

1 calling the election or submitting the question or proposition. The proposition shall
2 be comprised of simple, unbiased, concise, and easily understood language and be
3 in the form of a question. The proposition shall not exceed two hundred words in
4 length and shall not include words that are struck through, underscored, or in
5 boldface type.

6 * * *

7 §1300.3. Certification of registrar of voters; addition or withdrawal of signatures;
8 form of names

9 A. The registrar of voters of each parish in the voting area wherein a recall
10 election is sought shall certify on the recall petition, within fifteen working days after
11 it is presented to him for that purpose, the number of names appearing thereon, the
12 number of qualified electors of the voting area within the parish whose handwritten
13 signatures appear on the petition, and also the total number of electors of the voting
14 area within the parish as of the date of the filing of the petition with the secretary of
15 state. However, if any parish wholly or partially within the voting area has more
16 than fifty thousand registered voters, the registrar of voters for each parish within the
17 voting area shall complete such certification on the recall petition within twenty
18 working days after it is presented to him for that purpose. If the final day for the
19 registrar to certify the recall petition falls on a Saturday, Sunday, or legal holiday,
20 then the next day which is not a Saturday, Sunday, or legal holiday shall be deemed
21 to be the final day for certifying the recall petition. Each registrar also shall indicate
22 on the petition the names appearing thereon who are not electors of the voting area.
23 Each person who participates in the review of the names on the petition for
24 certification by the registrar as required in this Section shall initial each of those
25 portions of the petition which he reviews for certification by the registrar.

26 B.(1) The registrar of voters shall honor the written request of any voter who
27 either desires to have his handwritten signature stricken from the petition or desires
28 to have his handwritten signature added to the petition at any time after receipt of the
29 signed petition as provided in R.S. 18:1300.2(C) but prior to certification of the
30 petition or within five days after receipt of such signed petition, whichever is earlier.

1 parish whose handwritten signatures appear on the petition, and also the total number
 2 of electors of the voting area within the parish as of the date of the filing of the
 3 petition with the appropriate local governing authority. If the final day for the
 4 registrar to certify the petition falls on a Saturday, Sunday, or legal holiday, then the
 5 next day which is not a Saturday, Sunday, or legal holiday shall be deemed to be the
 6 final day for certifying the petition. The registrar also shall indicate on the petition
 7 the names appearing thereon who are not electors of the voting area. Each person
 8 who participates in the review of the names on the petition for certification by the
 9 registrar as required in this Section shall initial each of those portions of the petition
 10 which he reviews for certification by the registrar.

11 B.(1) The registrar of voters shall honor the written request of any voter who
 12 either desires to have his handwritten signature stricken from the petition or desires
 13 to have his handwritten signature added to the petition at any time after receipt of the
 14 signed petition as provided in R.S. 18:1300.31(D) but prior to certification of the
 15 petition or within five days after receipt of such signed petition, whichever is earlier.
 16 If the deadline for removing or adding a signature to the petition falls on a Saturday,
 17 Sunday, or legal holiday, then the next day which is not a Saturday, Sunday, or legal
 18 holiday shall be deemed to be the deadline for removing or adding a signature to the
 19 petition. The written request of the voter shall include the name and address of the
 20 voter, the signature of the voter, the date of birth of the voter, and the date.

21 * * *

22 §1302. Definitions

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

25 * * *

26 (2) "Board" means the parish board of election supervisors of each parish.
 27 If ~~absentee by mail and early voting~~ parish board commissioners are utilized by the
 28 parish board of election supervisors to count and tabulate absentee ~~votes by mail and~~
 29 early voting ballots, the term "board" for the purposes of R.S. 18:1306, 1311, 1312,

1 1313, 1315, and 1316 ~~may~~ shall also mean ~~absentee by mail and early voting parish~~
2 board commissioners.

3 * * *

4 §1308. Absentee voting by mail

5 A.(1)

6 * * *

7 (b) If the voter feels he will not have time to vote timely by mail, the voter
8 may request that the registrar transmit to him by facsimile a ballot, ~~including the~~
9 ~~affidavit~~, or a second ballot, as the case may be, along with a certificate and waiver
10 of the right to a secret ballot, and the registrar shall do so if he has a facsimile
11 machine in his office. However, the registrar shall not be required to send a second
12 ballot by facsimile if the voter received a ballot by mail. The waiver of the right to
13 a secret ballot shall contain the following statement: "My ballot was transmitted by
14 facsimile to me, and I am voluntarily waiving my right to a secret ballot." The
15 waiver shall also contain spaces for the voter's handwritten signature, the date, and
16 the last four digits of the voter's social security number. The voter may then mail his
17 voted ballot, ~~including the affidavit, and completed certificate and waiver~~ back to the
18 registrar or transmit it the documents by facsimile ~~if the registrar has a facsimile~~
19 ~~machine in his office. If the voter transmits his voted ballot to the registrar by~~
20 ~~facsimile, the documents to be transmitted shall contain the following statement: "I~~
21 ~~understand that by faxing my voted ballot I am voluntarily waiving my right to a~~
22 ~~secret ballot." This statement shall be followed by the voter's handwritten signature,~~
23 ~~date, and social security number~~ at the facsimile machine number designated by the
24 registrar. Upon receipt ~~of the transmittal~~, the registrar shall place the voted ballot
25 along with the ~~signed statement and affidavit~~ completed certificate and waiver in an
26 appropriately marked envelope and seal it. The registrar and his staff shall take the
27 steps necessary to keep the voted ballots ~~received by facsimile~~ as confidential as
28 practicable.

29 * * *

1 ~~transmittal~~, the registrar shall place the voted ballot along with the ~~signed statement~~
 2 ~~and completed~~ certificate and waiver in an appropriately marked envelope and seal
 3 it. The registrar and his staff shall take the steps necessary to keep the voted ballots
 4 ~~received by facsimile~~ as confidential as practicable.

* * *

§1309. Early voting; verification

* * *

8 M.(1)(a) In a parish where early voting is conducted at an additional location
 9 pursuant to R.S. 18:1309.2, the registrar may fix the hours and days during which
 10 early voting shall be conducted at the additional location during the early voting
 11 period if such hours and days of voting are approved by the secretary of state no later
 12 than ~~seven~~ twenty-five days ~~after the close of qualifying for~~ prior to the election.

* * *

§1353. Secretary of state; powers and duties; voting machines; voter registration

* * *

16 B. The secretary of state shall prescribe uniform rules and regulations with
 17 respect to matters pertaining to the ~~purchase~~ procurement, preparation, and use of
 18 voting machines and absentee by mail and early voting counting equipment in the
 19 conduct of elections and the duties of each category of persons charged with
 20 responsibility for any matter relating to voting machines or absentee by mail and
 21 early voting counting equipment. The rules and regulations shall be approved by the
 22 attorney general and thereafter shall be distributed by the secretary of state to the
 23 election officials having responsibilities relating to elections. The rules and
 24 regulations shall be applied uniformly throughout the state.

25 C. In addition to any other duties and functions now or hereafter provided
 26 by law, the secretary of state shall:

* * *

28 (2) Be responsible for all ~~purchases~~ procurement, sales, and transfers of
 29 voting machines and absentee by mail and early voting counting equipment and for

1 all matters in connection with issuing competitive bids or requests for proposals or
2 the advertising for and opening of bids for or in connection therewith.

3 * * *

4 §1361. Approval of machines and equipment; certificate; expenses of examination

5 A. The secretary of state may examine any type or make of voting machine
6 upon the request of a representative of the maker or supplier thereof, and if he
7 determines that the machine complies with the requirements of this Chapter and that
8 it meets standards acceptable to him as to durability, accuracy, efficiency, and
9 capacity, he shall approve that type or make of machine for use in this state and shall
10 issue his certificate of approval thereof. In addition, any electronic voting machine
11 ~~acquired~~ procured or used in the state must have been certified by NASED
12 Independent Testing Authorities according to the voting systems standards adopted
13 by the Federal Election Commission. This certificate, together with any relevant
14 reports, drawings, and photographs, shall be a public record.

15 B. Any absentee by mail and early voting counting equipment to be ~~acquired~~
16 procured for use in this state shall be certified by the secretary of state as meeting
17 standards acceptable to him as to durability, accuracy, efficiency, and capacity.

18 * * *

19 §1362. Method of ~~acquiring~~ procuring voting machines; parts and supplies; and of
20 contracting for the maintenance of voting machines

21 A.(1) All voting machines used in this state shall be ~~purchased~~ procured by
22 the secretary of state, out of state funds appropriated for that purpose, on the basis
23 of a competitive request for proposals process or public bids submitted to the
24 secretary of state in accordance with specifications prepared by him. The
25 specifications may require tests and examinations of the operation of the machines,
26 and the secretary of state, for that purpose, may employ experts to report thereon and
27 charge the expense thereof to the responders or bidders. Advertisement and letting
28 of contracts for the ~~purchase~~ procurement of voting machines shall be in accordance
29 with the Louisiana Procurement Code contained in Chapter 17 of Title 39 of the
30 Louisiana Revised Statutes of 1950.

1 (2) Notwithstanding any provision of law to the contrary, particularly the
 2 provisions of Chapter 17 of Title 39 of the Louisiana Revised Statutes of 1950, the
 3 secretary of state is authorized to ~~purchase~~ procure directly from the supplier,
 4 through the Department of State, voting machine parts, supplies, and other election
 5 paraphernalia and to contract with the manufacturer through the Department of State
 6 for the maintenance of the voting machines.

7 B. Title to all voting machines purchased by the secretary of state shall vest
 8 in the state.

9 Section 2. R.S. 18:174 and Part I-A of Chapter 5 of Title 18 of the Louisiana
 10 Revised Statutes of 1950, comprised of R.S. 18:411 through 417, are hereby repealed in their
 11 entirety.

12 Section 3. This Act shall become effective upon signature by the governor or, if not
 13 signed by the governor, upon expiration of the time for bills to become law without signature
 14 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If
 15 vetoed by the governor and subsequently approved by the legislature, this Act shall become
 16 effective on the day following such approval.

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____