

Regular Session, 2014

HOUSE BILL NO. 383

BY REPRESENTATIVE TIM BURNS

ELECTION CODE: Makes revisions to the La. Election Code

1 AN ACT

2 To amend and reenact R.S. 18:58(B), 104(A)(15), 154(C)(1)(introductory paragraph),

3 (D)(3), and (G)(introductory paragraph), 425(A)(1)(b), 433(B)(8), 435(B),

4 465(E)(1)(a), 531.1(B), 566.2(B), 571(A)(6) and (7), 573(B), 1284(F)(1), 1299.1(A),

5 1300.3(A) and (B)(1), 1300.7(A), 1300.32(A) and (B)(1), 1302(2), 1308(A)(1)(b),

6 (h)(i), and (i), 1309(M)(1)(a), 1353(B) and (C)(2), 1361(A) and (B), and 1362, to

7 enact R.S. 18:154(D)(4) and (F)(3), and to repeal R.S. 18:174 and Part I-A of

8 Chapter 5 of Title 18 of the Louisiana Revised Statutes of 1950, comprised of R.S.

9 18:411 through 417, relative to the Louisiana Election Code; to revise the system of

10 laws comprising the Louisiana Election Code; to provide relative to the duties of

11 registrars of voters; to require registrars to assign voters according to voting districts;

12 to provide deadlines; to provide relative to requirements and procedures for

13 application for voter registration; to provide relative to disclosure of certain voter

14 information; to repeal provisions requiring certain reports regarding changes of name

15 and remarriage; to repeal provisions applicable to certain elections held in 1992; to

16 provide relative to the selection of commissioners and commissioners-in-charge; to

17 provide relative to the deadline for filing a list of watchers; to provide relative to the

18 deadline for submitting a nominating petition; to provide relative to notification that

19 a polling place will not be opened; to provide relative to the counting and tabulation

20 of votes; to provide relative to the verification of election results; to provide relative

21 to requirements for a proposition submitted to the voters at an election; to provide

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

14 Be it enacted by the Legislature of Louisiana:

15 Section 1. R.S. 18:58(B), 104(A)(15), 154(C)(1)(introductory paragraph), (D)(3),  
 16 and (G)(introductory paragraph), 425(A)(1)(b), 433(B)(8), 435(B), 465(E)(1)(a), 531.1(B),  
 17 566.2(B), 571(A)(6) and (7), 573(B), 1284(F)(1), 1299.1(A), 1300.3(A) and (B)(1),  
 18 1300.7(A), 1300.32(A) and (B)(1), 1302(2), 1308(A)(1)(b), (h)(i), and (i), 1309(M)(1)(a),  
 19 1353(B) and (C)(2), 1361(A) and (B), and 1362 are hereby amended and reenacted and R.S.  
 20 18:154(D)(4) and (F)(3) are hereby enacted to read as follows:

21 §58. Powers and duties of registrars

22 \* \* \*

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

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

1 election. For a general election, the assignment of voters shall be completed on or  
2 before the fifty-first day prior to the general election.

3 \* \* \*

4 §104. Application for registration; form

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

10 \* \* \*

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

21 \* \* \*

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

23 \* \* \*

24 C.(1) Notwithstanding any provision of this Section to the contrary, ~~neither~~  
25 ~~the registrar, the clerk of court, nor the Department of State, and the office of motor~~  
26 vehicles of the Department of Public Safety and Corrections and any entity that  
27 contracts with the office shall circulate be prohibited from circulating on a  
28 commercial list or otherwise ~~disclose~~ disclosing the following:

29 \* \* \*

1 D.

2 \* \* \*

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

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

14 \* \* \*

15 F.

16 \* \* \*

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

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

24 \* \* \*

25 §425. Commissioners

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

29 \* \* \*

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

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

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

7 \* \* \*

8 §433. Commissioners-in-charge; course of instruction; selection; commission;  
9 disqualification; replacement

10 \* \* \*

11 B. Selection.

12 \* \* \*

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

18 \* \* \*

19 §435. Watchers; appointment and commission

20 \* \* \*

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

1 election and does not submit a list for the general election, the list submitted in the  
2 primary election shall be treated as his list submitted for the general election. A list  
3 of watchers shall contain only one watcher and one alternate watcher for each  
4 precinct where the candidate or person submitting the list is entitled to have a  
5 watcher. The list shall be typed or legibly written, and it shall contain the name and  
6 mailing address of each watcher and a designation of the precinct where he is to  
7 serve.

8 \* \* \*

9 §465. Nominating petitions

10 \* \* \*

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

23 \* \* \*

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

25 \* \* \*

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

28 \* \* \*

1 §566.2. Tabulation and counting of provisional ballots for federal office

2 \* \* \*

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

16 \* \* \*

17 §571. Counting and tabulating the votes

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

21 \* \* \*

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

28 (7) Place ~~the duplicate affidavit~~, all duplicate records of challenges, all  
29 duplicate precinct register corrections, all voter identification affidavits, any

1 physicians' certificates, and any address confirmation cards in the envelope marked  
2 "Registrar of Voters", seal it and attach it to the precinct register, and seal the  
3 precinct register.

4 \* \* \*

5 §573. Evidence of election results

6 \* \* \*

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

21 \* \* \*

22 §1284. Resolution calling election; proposition

23 \* \* \*

24 F.(1) The preparation of the proposition to be submitted to the voters at an  
25 election shall be the responsibility of the governing authority of the political  
26 subdivision ordering the election. The proposition shall include the information  
27 required by this Section in simple, unbiased, concise, and easily understood language  
28 and be in the form of a question. The proposition shall not exceed two hundred



1 words in length and shall not include words that are struck through, underscored, or  
2 in boldface type.

3 \* \* \*

4 §1299.1. Question or proposition to be voted on; length

5 A. The preparation of a question or proposition to be submitted to the voters  
6 at an election shall be the responsibility of the governing authority or other entity  
7 calling the election or submitting the question or proposition. The proposition shall  
8 be comprised of simple, unbiased, concise, and easily understood language and be  
9 in the form of a question. The proposition shall not exceed two hundred words in  
10 length and shall not include words that are struck through, underscored, or in  
11 boldface type.

12 \* \* \*

13 §1300.3. Certification of registrar of voters; addition or withdrawal of signatures;  
14 form of names

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

1 certification by the registrar as required in this Section shall initial each of those  
2 portions of the petition which he reviews for certification by the registrar.

3 B.(1) The registrar of voters shall honor the written request of any voter who  
4 either desires to have his handwritten signature stricken from the petition or desires  
5 to have his handwritten signature added to the petition at any time after receipt of the  
6 signed petition as provided in R.S. 18:1300.2(C) but prior to certification of the  
7 petition or within five days after receipt of such signed petition, whichever is earlier.  
8 If the deadline for removing or adding a signature to the petition falls on a Saturday,  
9 Sunday, or legal holiday, then the next day which is not a Saturday, Sunday, or legal  
10 holiday shall be deemed to be the deadline for removing or adding a signature to the  
11 petition. The written request of the voter shall include the name and address of the  
12 voter, the signature of the voter, the date of birth of the voter, and the date.

13 \* \* \*

14 §1300.7. Governor to order election; proclamation; publication

15 A. If the required number of qualified electors of the voting area sign the  
16 petition for recall, the governor shall issue a proclamation ordering an election to be  
17 held for the purpose of voting on the question of the recall of the officer. The total  
18 number of registered voters in the voting area and the total number of registered  
19 voters in the voting area signing the petition shall be calculated from the totals on the  
20 certificates of all of the registrars of voters received by the governor. The governor  
21 shall issue such proclamation within fifteen days after he receives the certified  
22 petitions from all of the registrars of voters in the voting area who have received  
23 petitions for certification. If the final day for the governor to issue the proclamation  
24 falls on a Saturday, Sunday, or legal holiday, then the next day which is not a  
25 Saturday, Sunday, or legal holiday shall be deemed to be the final day for issuing the  
26 proclamation. The proclamation shall order the election to be held on the next  
27 available date specified in R.S. 18:402(F). If the election is to be held on a primary  
28 election date, the proclamation shall be issued on or before the last day for  
29 candidates to qualify in the election. If the election is not to be held on a primary

1 election date, then the proclamation shall be issued on or before the forty-sixth day  
2 prior to the election.

3 \* \* \*

4 §1300.32. Certification of registrar of voters; addition or withdrawal of signatures;  
5 form of names

6 A. The registrar of the parish shall certify on the petition within fifteen  
7 working days after it is presented to him for that purpose, the number of names  
8 appearing thereon, the number of qualified electors of the voting area within the  
9 parish whose handwritten signatures appear on the petition, and also the total number  
10 of electors of the voting area within the parish as of the date of the filing of the  
11 petition with the appropriate local governing authority. If the final day for the  
12 registrar to certify the petition falls on a Saturday, Sunday, or legal holiday, then the  
13 next day which is not a Saturday, Sunday, or legal holiday shall be deemed to be the  
14 final day for certifying the petition. The registrar also shall indicate on the petition  
15 the names appearing thereon who are not electors of the voting area. Each person  
16 who participates in the review of the names on the petition for certification by the  
17 registrar as required in this Section shall initial each of those portions of the petition  
18 which he reviews for certification by the registrar.

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

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 (2) "Board" means the parish board of election supervisors of each parish.  
6 If ~~absentee by mail and early voting~~ parish board commissioners are utilized by the  
7 parish board of election supervisors to count and tabulate absentee ~~votes by mail and~~  
8 early voting ballots, the term "board" for the purposes of R.S. 18:1306, 1311, 1312,  
9 1313, 1315, and 1316 ~~may~~ shall also mean ~~absentee by mail and early voting~~ parish  
10 board commissioners.

11 \* \* \*

12 §1308. Absentee voting by mail

13 A.(1)

14 \* \* \*

15 (b) If the voter feels he will not have time to vote timely by mail, the voter  
16 may request that the registrar transmit to him by facsimile a ballot, ~~including the~~  
17 ~~affidavit~~, or a second ballot, as the case may be, along with a certificate and waiver  
18 of the right to a secret ballot, and the registrar shall do so if he has a facsimile  
19 machine in his office. However, the registrar shall not be required to send a second  
20 ballot by facsimile if the voter received a ballot by mail. The waiver of the right to  
21 a secret ballot shall contain the following statement: "My ballot was transmitted by  
22 facsimile to me, and I am voluntarily waiving my right to a secret ballot." The  
23 waiver shall also contain spaces for the voter's handwritten signature, the date, and  
24 the last four digits of the voter's social security number. The voter may then mail his  
25 voted ballot, ~~including the affidavit, and completed certificate and waiver~~ back to the  
26 registrar or transmit it the documents by facsimile if ~~the registrar has a facsimile~~  
27 ~~machine in his office.~~ ~~If the voter transmits his voted ballot to the registrar by~~  
28 ~~facsimile, the documents to be transmitted shall contain the following statement: "I~~  
29 ~~understand that by faxing my voted ballot I am voluntarily waiving my right to a~~



1        waiver shall also contain spaces for the voter's handwritten signature, the date, and  
 2        the last four digits of the voter's social security number. The voter may then ~~either~~  
 3        ~~mail or transmit by facsimile~~ his voted ballot and completed certificate and waiver  
 4        back to the registrar or transmit the documents by facsimile at the facsimile machine  
 5        number designated by the registrar. ~~If the voter chooses to transmit his voted ballot~~  
 6        ~~to the registrar by facsimile, the documents to be transmitted shall contain the~~  
 7        ~~following statement: "I understand that by faxing my voted ballot I am voluntarily~~  
 8        ~~waiving my right to a secret ballot." This statement shall be followed by the voter's~~  
 9        ~~handwritten signature, date, and social security number.~~ Upon receipt of the  
 10       ~~transmittal,~~ the registrar shall place the voted ballot along with the ~~signed statement~~  
 11       ~~and~~ completed certificate and waiver in an appropriately marked envelope and seal  
 12       it. The registrar and his staff shall take the steps necessary to keep the voted ballots  
 13       ~~received by facsimile~~ as confidential as practicable.

\* \* \*

§1309. Early voting; verification

\* \* \*

17            M.(1)(a) In a parish where early voting is conducted at an additional location  
 18            pursuant to R.S. 18:1309.2, the registrar may fix the hours and days during which  
 19            early voting shall be conducted at the additional location during the early voting  
 20            period if such hours and days of voting are approved by the secretary of state no later  
 21            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

\* \* \*

25            B. The secretary of state shall prescribe uniform rules and regulations with  
 26            respect to matters pertaining to the ~~purchase~~ procurement, preparation, and use of  
 27            voting machines and absentee by mail and early voting counting equipment in the  
 28            conduct of elections and the duties of each category of persons charged with  
 29            responsibility for any matter relating to voting machines or absentee by mail and

1 early voting counting equipment. The rules and regulations shall be approved by the  
2 attorney general and thereafter shall be distributed by the secretary of state to the  
3 election officials having responsibilities relating to elections. The rules and  
4 regulations shall be applied uniformly throughout the state.

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

7 \* \* \*

8 (2) Be responsible for all ~~purchases~~ procurement, sales, and transfers of  
9 voting machines and absentee by mail and early voting counting equipment and for  
10 all matters in connection with issuing competitive bids or requests for proposals or  
11 the advertising for and opening of bids for or in connection therewith.

12 \* \* \*

13 §1361. Approval of machines and equipment; certificate; expenses of examination

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

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

27 \* \* \*

1 §1362. Method of ~~acquiring~~ procuring voting machines; parts and supplies; and of  
2 contracting for the maintenance of voting machines

3 A.(1) All voting machines used in this state shall be ~~purchased~~ procured by  
4 the secretary of state, out of state funds appropriated for that purpose, on the basis  
5 of a competitive request for proposals process or public bids submitted to the  
6 secretary of state in accordance with specifications prepared by him. The  
7 specifications may require tests and examinations of the operation of the machines,  
8 and the secretary of state, for that purpose, may employ experts to report thereon and  
9 charge the expense thereof to the responders or bidders. Advertisement and letting  
10 of contracts for the ~~purchase~~ procurement of voting machines shall be in accordance  
11 with the Louisiana Procurement Code contained in Chapter 17 of Title 39 of the  
12 Louisiana Revised Statutes of 1950.

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

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

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

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



## DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

Tim Burns

HB No. 383

**Abstract:** Revises the system of laws comprising the La. Election Code.

Present law (R.S. 18:58) provides for the powers and duties of registrars of voters. Proposed law retains present law and additionally requires a registrar to assign voters in the state voter registration computer system according to each voting district in the parish from which an election is to be conducted. Provides that for a primary election, the assignment of voters shall be completed on or before the fifth business day prior to the opening of qualifying for the primary election and that for a general election, the assignment of voters shall be completed on or before the 51st day prior to the general election.

Present law (R.S. 18:104) provides relative to application for voter registration. Provides for a voter registration application form and for the contents of the form. Requires the form to contain an affidavit to be subscribed, through a handwritten signature, attesting that the applicant is a U.S. citizen and that the facts given by him on the application are true to the best of his knowledge and belief. Proposed law retains present law.

Present law requires the affidavit to be subscribed before the registrar, deputy, or any person authorized to accept voter registration applications. Proposed law repeals present law.

Present law (R.S. 18:154) prohibits the registrar and the Dept. of State from disclosing certain voter information, including a voter's mother's maiden name and the driver's license number, social security number, day and month of the date of birth, e-mail address, and short message service number of a voter. Proposed law retains present law and additionally prohibits the clerk of court and the office of motor vehicles of the Dept. of Public Safety and Corrections and any contractor with the office from disclosing such information.

Present law prohibits the registrar and the Dept. of State from disclosing the following:

- (1) The name and address of a law enforcement officer under certain circumstances.
- (2) The name and physical address of a program participant in the Dept. of State Address Confidentiality Program as provided in present law (R.S. 44:51 et seq.).
- (3) Information of a type exempted from disclosure pursuant to present law received from another state pursuant to a cooperative agreement authorized by present law (R.S. 18:18(D)).
- (4) Geographical coding of addresses of registered voters.
- (5) An application to vote absentee by mail, or information contained therein, until the applicant has returned his voted ballot to the registrar.

Proposed law retains present law and additionally prohibits the clerk of court from disclosing such information.

Present law (R.S. 18:174) provides relative to changes of name. Requires the clerk of court to record certain information relative to changes of name and to transmit that information to the registrar of voters. Requires the secretary of the Dept. of Health and Hospitals to send to the registrar in each parish certain information concerning women who are remarried.

Proposed law repeals present law.

Present law (R.S. 18:411 through 417) provides relative to certain elections that occurred in 1992. Proposed law repeals present law.

Present law (R.S. 18:425(A)(1)(b)) provides for the number of additional commissioners at each precinct for elections other than gubernatorial and congressional elections and certain elections for municipal officers in a municipality with a population of 475,000 or more. Provides that the number of additional commissioners is determined for such elections based on the number of active registered voters associated with the precinct.

Proposed law provides that the number of additional commissioners is determined based on the number of active registered voters who are eligible to vote in the election. Otherwise retains present law.

Present law (R.S. 18:433) provides procedures and requirements for selecting commissioners-in-charge. Requires the parish board of election supervisors after selecting the commissioners-in-charge to compile a list of certain specified information concerning the commissioners-in-charge. Proposed law retains present law.

Present law requires the parish board of election supervisors to mail the list to the secretary of state. Proposed law repeals present law and provides instead that the clerk of court shall enter the list in the state voter registration computer system.

Present law (R.S. 18:427 and 435) provides for poll watchers. Provides for qualifications, powers, duties, appointment, and commission of watchers. Provides that a watcher shall be admitted within all parts of the polling place during the election and the counting and tabulation of votes and that he shall call any infraction of the law to the attention of the commissioners. Provides that each candidate is entitled to have one watcher at every precinct where the office he seeks is voted on in a primary or general election. Requires a list of watchers to be filed with the clerk of court on the 10th day prior to the election. Proposed law retains present law.

Present law requires the list of watchers to be filed before 5:00 p.m. on the 10th day before the primary or general election. Proposed law instead requires the list to be filed before 4:30 p.m.

Present law (R.S. 18:1300.3 and 1300.32) requires a registrar to honor the request of a person to have the person's signature added to or removed from a recall petition or petition for creation of a neighborhood crime prevention and security district and approval of a parcel fee. Requires the request to be made in writing and to include the name and address of the person, the signature of the person, and the date. Proposed law retains present law.

Proposed law additionally requires the request to include the date of birth of the person making the request.

Present law provides deadlines for the following:

- (1) For a candidate to submit a nominating petition (R.S. 18:465).
- (2) For the registrars to certify a recall petition and for a registrar to remove a signature from or add a signature to a recall petition (R.S. 18:1300.3).
- (3) For the governor to issue a proclamation calling a recall election (R.S. 18:1300.7).
- (4) For the registrar to certify a petition for creation of a neighborhood crime prevention and security district and approval of a parcel fee and to remove a signature from or add a signature to such a petition (R.S. 18:1300.32).

Proposed law retains present law, but in each case provides that if the deadline falls on a Saturday, Sunday, or legal holiday, then the next day which is not a Saturday, Sunday, or legal holiday shall be deemed to be the deadline.

Present law (R.S. 18:531.1) provides that the polling place for a particular precinct shall not be required to be opened when it is determined by the registrar of voters that there are no voters eligible to vote in the voting district in the precinct for any office or proposition on the ballot or when it is determined by the registrar of voters after the close of early voting, that all voters eligible to vote in the precinct have voted absentee by mail or during early voting. Requires the registrar to notify the secretary of state of all such determinations.

Proposed law retains present law and additionally requires the registrar to notify the other members of the parish board of election supervisors.

Present law (R.S. 18:566.2) provides relative to the tabulation and counting of provisional ballots. Provides that the parish board of election supervisors is responsible for such counting and tabulation. Authorizes the parish board of election supervisors to use absentee by mail and early voting commissioners to count provisional ballots.

Proposed law changes references to "absentee by mail and early voting commissioners" in present law to "parish board commissioners". Otherwise retains present law.

Present law (R.S. 18:1302(2)) provides for the definition of the term "board" in connection with provisions of present law (R.S. 18:1306, 1311, 1312, 1313, 1315, and 1316) relative to absentee by mail and early voting. Provides that the term "board" means the parish board of election supervisors. Proposed law retains present law.

Present law provides that the term "board" also means absentee by mail and early voting commissioners when such commissioners are used. Proposed law changes references to "absentee by mail and early voting commissioners" in present law to "parish board commissioners". Otherwise retains present law.

Present law (R.S. 18:571) provides procedures for counting and tabulating votes on election day. Provides that when voting is finished, the commissioners in the presence of the watchers shall complete an affidavit. Provides for the content of the affidavit. Proposed law retains present law.

Present law requires that the affidavit be completed in duplicate. Requires the duplicate affidavit to be placed in the registrar's envelope with other specified records.

Proposed law repeals present law.

Present law (R.S. 18:573) provides relative to verification of election results. Requires the clerk of court to verify the total number of absentee by mail and early voting votes cast for and against each proposition. Proposed law retains present law.

Present law requires the clerk to use the tabulation blanks of absentee by mail and early voting votes to verify the absentee by mail and early voting votes. Proposed law provides instead that the clerk use the final absentee by mail and early voting report to verify such votes.

Present law (R.S. 18:1284 and 1299.1) provides relative to bond, debt, and tax elections and other elections where a proposition or question is put to the voters. Provides requirements for the proposition to be submitted to the voters. Provides for the content of the proposition. Requires the proposition to be written in simple, unbiased, concise, and easily understood language and be in the form of a question. Provides that the proposition shall not exceed 200 words in length. Proposed law retains present law and provides that the proposition shall not include words that are struck through, underscored, or in boldface type.

Present law (R.S. 18:1308) provides procedures and requirements for voting absentee by mail. Provides that if a voter feels he will not have time to vote timely by mail, the voter may request that the registrar transmit to him by facsimile voting materials. Provides that such materials include a ballot or second ballot. Provides that the voter may mail his voted ballot and other required materials back to the registrar or transmit the documents by facsimile. Requires the voter to waive his right to a secret ballot if his voting documents are transmitted by facsimile. Requires the waiver to include the date and the voter's signature. Proposed law retains present law.

Present law requires the ballot that is sent to the voter to include an affidavit. Proposed law repeals present law and requires that a certificate be sent to the voter with the ballot. Requires the voter to complete the certificate and send it back to the registrar along with the ballot. Additionally requires the voter to complete the waiver and send it back to the registrar if the voting documents are sent by mail.

Present law requires the waiver to include the voter's social security number. Proposed law repeals present law and requires instead that the waiver include the last four digits of the voter's social security number.

Present law provides that the registrar may transmit voting materials to certain voters electronically. Requires the voter to complete a waiver of the right to a secret ballot and send it back to the registrar along with the ballot. Requires the waiver to contain the date and the voter's signature. Proposed law retains present law.

Present law requires the waiver to include the voter's social security number. Proposed law requires instead that the waiver include the last four digits of the voter's social security number.

Present law requires the voter to send the electronically transmitted ballot and other materials back to the registrar by mail. Proposed law retains present law and additionally provides that the voter may return the voting documents to the registrar by the U.S. Postal Service, a commercial courier, or hand delivery.

Present law (R.S. 18:1309.2) authorizes the secretary of state to develop and implement a program for the conduct of early voting at locations other than the office or branch office of a registrar. Requires approval of legislative committees. Requires annual reporting.

Present law (R.S. 18:1309) provides that in a parish where early voting is conducted at an additional location pursuant to present law (R.S. 18:1309.2), the registrar may fix the hours and days during which early voting shall be conducted at the additional location during the early voting period. Proposed law retains present law.

Present law provides that the registrar may fix the hours and days of early voting at the additional location only if the hours and days are approved by the secretary of state no later than seven days after the close of qualifying for the election. Proposed law provides instead that the registrar may fix the hours and days of early voting at the additional location if the hours and days are approved no later than 25 days prior to the election.

Present law (R.S. 18:1353, 1361, and 1362) authorizes the secretary of state to purchase voting machines and absentee by mail and early voting counting equipment. Proposed law provides instead that the secretary of state may "procure" voting machines and absentee by mail and early voting counting equipment. Provides for procurement by a competitive request for proposals process or public bid.

Present law provides that title to all voting machines vests in the state. Proposed law specifies that title to only those voting machines purchased by the secretary of state vests in the state.

Proposed law makes various technical changes.

Effective upon signature of governor or lapse of time for gubernatorial action.

(Amends R.S. 18:58(B), 104(A)(15), 154(C)(1)(intro. para.), (D)(3), and (G)(intro. para.), 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; Adds R.S. 18:154(D)(4) and (F)(3); Repeals R.S. 18:174 and 411-417)

Summary of Amendments Adopted by House

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

1. Adds provisions changing "absentee by mail and early voting commissioners" to "parish board commissioners" in present law provisions relative to the counting and tabulation of absentee by mail, early voting, and provisional ballots.
2. Makes technical changes.