

1 candidates on the ballot; to provide relative to procedures and requirements for
2 voting absentee by mail; to provide relative to absentee by mail ballots; to provide
3 relative to the preparation of voting machines; to provide relative to absentee by mail
4 and early voting commissioners; to provide for the use of paper ballots; to provide
5 for effectiveness; and to provide for related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. R.S. 18:103(B)(3)(b) and (C)(3)(b), 109, 152(C)(2)(a), 154(C), 427(B),
8 431(A)(1)(a), 435(A)(1), 463(A)(1)(a), 591, 602(A), (B), (C), (D), (E)(1)(a), (2)(a), and (4),
9 and (F), 604(B)(1) and (2)(a), 1300.13, 1306(E)(2), 1307(B)(2) and (H), 1308(A)(1)(a),
10 1308.1(A), 1309.1, 1314(B)(1), (C)(1)(b) and (3), and (D)(2), 1352, 1402(C), 1406(B),
11 1415(B), (C), (D), (E), and (F), 1431, 1432(A), and 1433(A) and (B) are hereby amended
12 and reenacted and R.S. 18:1307(I), 1401(F), 1404(E), 1405(H), and 1415(G) are hereby
13 enacted to read as follows:

14 §103. Personal appearance of applicant required; exceptions

15 * * *

16 B. Any citizen of Louisiana who meets the qualifications set forth in R.S.
17 18:101 and who is a legal resident of this state, whether or not he has a place of
18 abode in this state, but who is unable to appear in person to register because he is in
19 the United States Service, as defined in R.S. 18:1302, may register by mail using the
20 state mail voter registration form in accordance with the following provisions:

21 * * *

22 (3) Upon receipt of the document, the applicant shall:

23 * * *

24 (b) Return the document by mail, facsimile, or other means of transmission
25 to the registrar.

26 * * *

27 C. A person who meets the qualifications set forth in R.S. 18:101(E) who is
28 unable to appear in person to register because he is residing outside the United States

1 may register by mail using the state mail voter registration form in accordance with
2 the following provisions:

3 * * *

4 (3) Upon receipt of the document, the applicant shall:

5 * * *

6 (b) Return the document by mail, facsimile, or other means of transmission
7 to the registrar.

8 * * *

9 §109. Notice of registration and change in registration

10 After receiving from the registrar the information concerning a new registrant
11 or the information concerning a change made with respect to the registration of any
12 person, the Department of State promptly shall mail a notice to the appropriate
13 registrar that the person is registered or that his registration has been changed. The
14 registrar shall then mail ~~a notice~~, postage prepaid, to each new registrant and to each
15 person whose registration was changed in any manner a notice that he is registered
16 or that his registration has been changed. The notice shall show the parish, ward,
17 precinct, and registration address, and party affiliation of the registrant. The notice
18 shall list an abbreviation of the name of the political party if the registrant is
19 registered as being affiliated with a recognized political party, "other" if the
20 registrant is registered as being affiliated with a political party that is not recognized,
21 or "none" if the registrant is registered with no political party affiliation. However,
22 the registrar shall not be required to send such a notice to any voter who has been on
23 the inactive list of voters for at least two years unless the change in registration
24 involves a change in the voter's address. The secretary of state shall prescribe the
25 form to be used on the notice; however, "Return Service Requested" shall be printed
26 on the front of the notice ~~shall contain directions to the postmaster to "deliver only~~
27 ~~as addressed; otherwise return to sender; address correction requested",~~ and the
28 return address shall be that of the registrar. When a notice is returned by the

1 postmaster, the registrar shall proceed in accordance with the applicable provisions
2 of Part V of this Chapter.

3 * * *

4 §152. Required records

5 * * *

6 C.

7 * * *

8 (2)(a) Prior to each election, the registrar shall ~~request a~~ obtain one current
9 precinct register ~~and duplicate precinct register~~ for each precinct in the parish where
10 an election is to be held. The Department of State shall provide the registrar with
11 one duplicate precinct register in electronic form. Such registers shall contain both
12 the official list of voters and the inactive list of voters. Each precinct register shall
13 contain information for identification of the voter at the polls, a space which the
14 voter shall sign at the time he votes, a space for the initials of the commissioner at
15 the polls, a space for the date of the election, and space for such other information
16 as is deemed necessary.

17 * * *

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

19 * * *

20 C.(1) Notwithstanding the provisions of this Section, neither the registrar nor
21 the Department of State shall disclose the fact that a registered voter is entitled to
22 assistance in voting or the social security number, driver's license number, day and
23 month of the date of birth, mother's maiden name, or electronic mail address of a
24 registered voter or circulate the fact that registered voters are entitled to assistance
25 in voting or the social security numbers, driver's license numbers, day and month of
26 the dates of birth, mother's maiden names, or electronic mail addresses of registered
27 voters on commercial lists, except when voter registration data is transmitted to the
28 office of motor vehicles of the Department of Public Safety and Corrections, for the
29 purposes of verifying the accuracy and authenticity of the social security number,

1 driver's license number, or full date of birth provided by the voter or when the full
2 date of birth of a registered voter is transmitted to the Board of Ethics to verify the
3 identity of a candidate for purposes of campaign finance reporting.

4 (2) Notwithstanding the provisions of Paragraph (1) of this Subsection, the
5 Board of Ethics shall not disclose the full date of birth of a registered voter
6 transmitted to the board by the Department of State.

7 * * *

8 §427. Watchers

9 * * *

10 B. Powers and duties. A watcher shall be admitted within all parts of the
11 polling place during the election day and the counting and tabulation of votes, and
12 shall call any infraction of the law to the attention of the commissioners. A watcher
13 may keep notes on the conduct of the election, but he shall not take part in the
14 counting and tabulation of votes. A watcher shall not electioneer, engage in political
15 discussions, or unnecessarily delay a voter at the polling place. A watcher shall be
16 subject to the authority of the commissioners and shall not interfere with the
17 commissioners in the performance of their duties.

18 * * *

19 §431. Commissioners; courses of instruction; certificates; reports; list of certified
20 persons furnished by parish board of election supervisors

21 A.(1)(a) At least ~~semiannually~~ annually the clerk of court shall conduct a
22 general course of instruction for commissioners. ~~These courses~~ Each such course of
23 instruction shall be open to the public, and the clerk shall publicize ~~the courses~~ each
24 course in a manner reasonably calculated to encourage maximum attendance and
25 participation. For informational purposes, the registrar may assist the clerk of court
26 in conducting the course.

27 * * *

1 §435. Watchers; appointment and commission

2 A. Right to have watchers. (1) Each candidate is entitled to have one
3 watcher at every precinct on election day where the office he seeks is voted on in a
4 primary or general election. The candidate or his authorized representative shall file
5 one list of watchers on a form provided by the secretary of state or on a form which
6 contains the same information as required by the form provided by the secretary of
7 state. When a candidate's list of watchers is filed by the candidate's authorized
8 representative, a letter of authorization from the candidate shall accompany the list
9 of watchers; however, in the case of a presidential election, each slate of candidates
10 for presidential elector is entitled to have one watcher at every precinct. The state
11 central committee of each recognized political party shall be responsible for filing
12 the list of watchers for its slate of candidates for presidential elector. The list of
13 watchers for an independent or other party slate of candidates for presidential elector
14 shall be filed by any person so authorized by the presidential candidate supported by
15 the slate of electors. A letter of authorization from the presidential candidate, or an
16 authorized agent of his campaign, shall accompany the list of watchers.

17 * * *

18 §463. Notice of candidacy; financial disclosure; political advertising; penalties

19 A.(1)(a) A notice of candidacy shall be in writing and shall state the
20 candidate's name, the office he seeks, the address of his domicile, and the parish,
21 ward, and precinct where he is registered to vote, ~~and the political party, if any, with~~
22 ~~which he is registered as being affiliated.~~ The candidate shall list on the notice of
23 candidacy the name of the political party if he is registered as being affiliated with
24 a recognized political party, "other" if he is registered as being affiliated with a
25 political party that is not a recognized political party, or "no party" if he is registered
26 with no political party affiliation. No candidate shall change or add his political
27 party designation, for purposes of printing on the election ballot as required by R.S.
28 18:551(D), after he has qualified for the election.

29 * * *

1 §591. Vacancy in office of elective members of state boards and commissions

2 Within twenty-four hours after any member of a state board or commission
3 has knowledge of a vacancy in an elective office on that state board or commission,
4 he shall notify the governor by certified mail of the vacancy, the date on which it
5 occurred, and the cause thereof. Within ~~ten~~ twenty days after he is notified of the
6 vacancy, the governor shall appoint a person to fill the vacancy who has the
7 qualifications for the office. However, if the deadline for making the appointment
8 falls on a Saturday, Sunday, or other legal holiday, then the next day which is not a
9 Saturday, Sunday, or legal holiday shall be deemed to be the final day for making
10 such appointment. If the unexpired term is one year or less, the member so
11 appointed shall serve for the remainder thereof. If the unexpired term exceeds one
12 year, the governor, within ~~ten~~ twenty days after he is notified of the vacancy, shall
13 issue his proclamation ordering a special election to fill the vacancy, which shall
14 specify, in accordance with R.S. 18:402, the dates on which the primary and general
15 elections shall be held, and in accordance with R.S. 18:467, 467.1, and 468, the dates
16 of the qualifying period for the candidates in the special election. However, if the
17 deadline for issuing the proclamation falls on a Saturday, Sunday, or other legal
18 holiday, then the next day which is not a Saturday, Sunday, or legal holiday shall be
19 deemed to be the final day for issuing such proclamation. Immediately thereafter the
20 governor shall publish the proclamation in the official journal of each parish in
21 which the election is to be held. Within twenty-four hours after issuing the
22 proclamation, the governor shall send a copy of the proclamation to the secretary of
23 state who shall within twenty-four hours after receipt of the information notify all
24 election officials having any duty to perform in connection with the special election
25 to fill such vacancy, including the parish boards of election supervisors for the parish
26 or parishes in which the vacancy occurred. The governor may appoint a person to
27 fill a vacancy and issue a proclamation ordering a special election when he learns of
28 a vacancy, whether or not he has received notice thereof from a state board or

1 commission member. Whenever a special election is required, the governor's
2 appointee shall serve only until the successor is elected and takes office.

3 * * *

4 §602. Vacancies in certain local and municipal offices; exceptions

5 A. When a vacancy occurs in the office of a member of a parish or municipal
6 governing authority or a combination thereof, a mayor, or any other local or
7 municipal office, except an office covered by Subsections B and C hereof of this
8 Section and except the office of judge, state legislator, or marshal of a city or
9 municipal court, and the office is filled by election wholly within the boundaries of
10 a local governmental subdivision, the governing authority of the local governmental
11 subdivision where the vacancy occurs shall; within ~~ten~~ twenty days; appoint a person
12 to fill the vacancy who meets the qualifications of the office. However, if the
13 deadline for making the appointment falls on a Saturday, Sunday, or other legal
14 holiday, then the next day which is not a Saturday, Sunday, or legal holiday shall be
15 deemed to be the final day for making such appointment. The presiding officer of
16 the governing authority shall not be required to vote on such an appointment to be
17 made by the governing authority of a local governmental subdivision unless a tie
18 vote occurs thereon, in which case he shall vote to break the tie; however, in no case
19 shall the presiding officer vote more than once on the appointment.

20 B. When a vacancy occurs in the membership of a city or parish school
21 board, the remaining members of the board shall; within ~~ten~~ twenty days; declare that
22 the vacancy has occurred and proceed to appoint a person who meets the
23 qualifications of the office to fill the vacancy. However, if the deadline for making
24 the appointment falls on a Saturday, Sunday, or other legal holiday, then the next day
25 which is not a Saturday, Sunday, or legal holiday shall be deemed to be the final day
26 for making such appointment. For the purposes of this Subsection, in addition to the
27 definition of "vacancy" provided in R.S. 18:581, a "vacancy" in a city or parish
28 school board office shall be deemed to have occurred when, in the case of a city
29 school board, a member's residence no longer lies within the jurisdiction of the board

1 or when, in the case of a parish school board, a member changes his domicile from
2 the district he represents or, if elected after reapportionment, is domiciled outside the
3 district he represents at the time he is sworn into office, any declaration of retention
4 of domicile to the contrary notwithstanding.

5 C. When a vacancy occurs in any of the following offices, the duties of the
6 office shall be assumed by the person hereinafter designated: (1) district attorney, by
7 the first assistant; (2) clerk of a district court, by the chief deputy; (3) coroner, by the
8 chief deputy; (4) sheriff, by the chief criminal deputy, except that in a parish that has
9 both a civil sheriff and a criminal sheriff, the civil sheriff by the chief civil deputy,
10 and the criminal sheriff, by the chief criminal deputy, respectively; and (5) tax
11 assessor, by the chief deputy assessor. If there is no such person to assume the duties
12 when the vacancy occurs, the governing authority or authorities of the parish or
13 parishes affected shall, within ~~ten~~ twenty days, appoint a person having the
14 qualifications of the office to assume the duties of the office. However, if the
15 deadline for making the appointment falls on a Saturday, Sunday, or other legal
16 holiday, then the next day which is not a Saturday, Sunday, or legal holiday shall be
17 deemed to be the final day for making such appointment.

18 D. If a vacancy is not filled within the time specified in Subsections A, B,
19 or C ~~herein~~ of this Section, the governor shall fill the vacancy.

20 E.(1)(a) If the unexpired term of an office covered by Subsection A, B, or
21 C ~~above~~ of this Section is one year or less, the person appointed to fill the vacancy
22 or designated to assume the duties of the office shall serve for the remainder of the
23 unexpired term.

24 * * *

25 (2)(a) If the unexpired term exceeds one year, the governing authority of the
26 local governmental subdivision in which the vacancy occurs, or the school board
27 when the vacancy occurs in its membership, or the governor when a vacancy occurs
28 in the office of district attorney or in an office for which there is not a single
29 governing authority or as provided in Subsection F of this Section, within ~~ten~~ twenty

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1 days after the vacancy occurs, shall issue a proclamation ordering a special election
 2 to fill the vacancy and shall specify in the proclamation, in accordance with R.S.
 3 18:402, the dates on which the primary and general elections shall be held and, in
 4 accordance with R.S. 18:467, 467.1, and 468, the dates of the qualifying period for
 5 candidates in the special election. However, if the deadline for issuing the
 6 proclamation falls on a Saturday, Sunday, or other legal holiday, then the next day
 7 which is not a Saturday, Sunday, or legal holiday shall be deemed to be the final day
 8 for issuing such proclamation. In selecting the dates for such special elections, the
 9 governing authority or school board as the case may be, may choose a gubernatorial
 10 or congressional election date, if such date is available within a year of the
 11 occurrence of the vacancy or may select an election date in accordance with R.S.
 12 18:402. In the cases in which the governor has the authority to select the date for
 13 such special elections, the governor shall first choose a gubernatorial or
 14 congressional election date. If no such date is available within a year of the
 15 occurrence of the vacancy, the governor shall then select an election date in
 16 accordance with R.S. 18:402. If the governing authority or school board fails to
 17 issue the proclamation within ~~ten~~ twenty days after the vacancy occurs, the governor
 18 shall issue the proclamation.

19 * * *

20 (4) If the unexpired term of a parish or municipal office covered by
 21 Subsection A of this Section is one year or more, but the vacancy occurs within one
 22 year of the ~~regular municipal~~ regularly scheduled primary election for that office, no
 23 special election will be called and the appointee shall serve for the remainder of the
 24 term of office.

25 F. Whenever multiple vacancies in a local or municipal governing authority
 26 or in a school board covered by Subsection A or B of this Section reduce the
 27 membership of such governing authority or board below the number of total
 28 members required to constitute a quorum to conduct official business, the remaining
 29 members shall immediately inform the governor of the existence of the vacancies.

1 Within ~~ten~~ twenty days after he receives this notice, the governor shall make
 2 appointments to fill all the vacancies and shall issue a proclamation calling special
 3 elections to fill such vacancies if special elections are required under the provisions
 4 of this Section. However, if the deadline for making the appointment or issuing the
 5 proclamation, if applicable, falls on a Saturday, Sunday, or other legal holiday, then
 6 the next day which is not a Saturday, Sunday, or legal holiday shall be deemed to be
 7 the final day for making such appointment or issuing such proclamation.

* * *

9 §604. Marshal of city or municipal court; temporary absence; vacancy

* * *

11 B.(1) When a vacancy occurs in the office of constable or marshal of a city
 12 or municipal court and the unexpired term of the office is one year or less, the chief
 13 deputy shall assume such duties and position and shall serve for the remainder of the
 14 expired term. However, in those cases where there is no such person to assume the
 15 duties when the vacancy occurs, the appropriate governing authority shall within ~~ten~~
 16 twenty days appoint a person having the qualifications of the office to assume the
 17 duties of the office for the remainder of the unexpired term. However, if the
 18 deadline for making the appointment falls on a Saturday, Sunday, or other legal
 19 holiday, then the next day which is not a Saturday, Sunday, or legal holiday shall be
 20 deemed to be the final day for making such appointment. The appointment shall be
 21 made by the governing authority of the parish, unless the jurisdiction of the city or
 22 municipal court is wholly within the municipal city limits, in which case, such
 23 appointment shall be made within ~~ten~~ twenty days by the municipal governing
 24 authority. However, if the deadline for making the appointment falls on a Saturday,
 25 Sunday, or other legal holiday, then the next day which is not a Saturday, Sunday,
 26 or legal holiday shall be deemed to be the final day for making such appointment.
 27 If the appropriate governing authority fails to fill the vacancy within ~~ten~~ twenty days,
 28 the governor shall fill the vacancy. The judge of the city or municipal court which
 29 he serves shall fix the amount of the bond.

1 (2)(a) When the unexpired term exceeds one year, the chief deputy shall
 2 assume such duties and position and shall serve until the successor is elected and
 3 takes office. If there is no such person to assume the duties when the vacancy
 4 occurs, the appropriate governing authority shall within ~~ten~~ twenty days appoint a
 5 person having the qualifications of the office to assume the duties of the office until
 6 the successor is elected and takes office. However, if the deadline for making the
 7 appointment falls on a Saturday, Sunday, or other legal holiday, then the next day
 8 which is not a Saturday, Sunday, or legal holiday shall be deemed to be the final day
 9 for making such appointment. If the appropriate governing authority fails to fill the
 10 vacancy within ~~ten~~ twenty days, the governor shall fill the vacancy. The appropriate
 11 governing authority shall, within ~~ten~~ twenty days after the vacancy occurs, issue a
 12 proclamation ordering a special election to fill the vacancy and shall specify in the
 13 proclamation, in accordance with R.S. 18:402, the dates on which the primary and
 14 general elections shall be held and, in accordance with R.S. 18:467, 467.1, and 468,
 15 the dates of the qualifying period for candidates in the special election. However,
 16 if the deadline for issuing the proclamation falls on a Saturday, Sunday, or other
 17 legal holiday, then the next day which is not a Saturday, Sunday, or legal holiday
 18 shall be deemed to be the final day for issuing such proclamation. If the appropriate
 19 governing authority fails to issue the proclamation within ~~ten~~ twenty days after the
 20 vacancy occurs, the governor shall issue the proclamation.

21 * * *

22 §1300.13. Declaration of vacancy

23 When the majority is in favor of the recall, the public officer is, ipso facto,
 24 recalled and removed from office, and the office shall be vacated upon receipt by the
 25 ~~secretary of state of certified returns from all of the parish boards of election~~
 26 ~~supervisors within the jurisdiction~~ expiration of the time period for contesting the
 27 recall election set forth in R.S. 18:1405(H) if an action contesting the recall election
 28 is not commenced timely or when the final judgment becomes definitive if an action
 29 contesting the recall election is commenced timely, and the office shall be filled as

1 in the case of ordinary vacancies and according to the constitution and laws of the
2 state. A public officer who has been recalled and removed from office shall not be
3 appointed to succeed himself in the office from which he was recalled and removed.

4 * * *

5 §1306. Preparation and distribution of absentee by mail and early voting ballots

6 * * *

7 E.

8 * * *

9 (2) An absentee by mail or early voting ballot envelope flap shall also
10 contain lines for the handwritten signature of two witnesses. The voter may sign the
11 certificate in the presence of two witnesses, or one witness if the voter is voting
12 absentee by mail as authorized by R.S. 18:1303(F), ~~or (I), or (J)~~, and in such a case,
13 the voter shall not be required to obtain the signature of a notary public, but his
14 certificate shall be made under penalty of perjury for providing false or fraudulent
15 information. Above the perforation and along the seal line, the words "DO NOT
16 DETACH FLAP" shall be printed.

17 * * *

18 §1307. Application by mail

19 * * *

20 B.

21 * * *

22 (2) Except as provided in Subsections C and D of this Section and R.S.
23 ~~18:1333(D)(2)~~ 18:1333(D)(1), an application must be received by the registrar not
24 earlier than sixty days or later than 4:30 p.m. on the fourth day prior to the election
25 for which it is requested, and the date received shall be noted thereon. However, if
26 the deadline falls on a Saturday, Sunday, or other legal holiday, then the next day
27 which is not a Saturday, Sunday, or legal holiday shall be deemed to be the final day
28 of the deadline.

29 * * *

1 H. If the applicant is eligible to vote absentee by mail pursuant to
2 R.S. 18:1303(H), his application, if such application meets the requirements of this
3 Section, shall remain valid as long as the applicant is a program participant in the
4 Department of State Address Confidentiality Program pursuant to Part III of Chapter
5 1 of Title 44 of the Louisiana Revised Statutes of 1950. When the applicant ceases
6 participation in the program, the Department of State shall notify the registrar of the
7 parish where the applicant is registered to vote that the applicant is no longer a
8 participant in the program. Upon receipt of the notification from the Department of
9 State, the registrar shall send notice by forwardable mail to the applicant that his
10 application will no longer be valid, and the applicant shall be required to submit a
11 new application to the registrar that meets the requirements of this Section and
12 provide a current address before the applicant will be eligible to vote absentee by
13 mail again pursuant to this Section.

14 I. If the registrar of voters has reason to believe that the eligibility of a voter
15 to vote absentee by mail pursuant to R.S. 18:1303(I) is based upon false or fraudulent
16 information, he shall immediately notify the parish board of election supervisors.
17 If, after appropriate hearing and opportunity for the voter to be heard, the parish
18 board of election supervisors finds that the voter's eligibility to vote absentee by mail
19 was based upon false or fraudulent information, the board shall inform the
20 appropriate district attorney and the registrar of voters who shall not allow the voter
21 to vote absentee by mail pursuant to R.S. 18:1303(I).

* * *

23 §1308. Absentee voting by mail

24 A.(1)(a) Beginning with the date on which the registrar receives the absentee
25 by mail ballots and other necessary paraphernalia from the secretary of state, and
26 thereafter, immediately upon receipt of an application by mail, the registrar shall
27 mail the necessary instructions, certificates, ballots, and envelopes to the applicant
28 at the address furnished by the applicant. ~~The registrar shall detach the perforated~~

1 slip from the absentee by mail ballot before mailing it to the voter and shall retain
2 the slip in the records of his office for six months.

3 * * *

4 §1308.1. Absentee voting by person serving on sequestered jury

5 A. Immediately upon receipt of an application, the registrar shall
6 deliver the necessary instructions, certificates, ballots, and envelopes to the
7 officer of the court in charge of the sequestered jury on which the applicant
8 is serving, at the address furnished by the applicant. ~~The registrar shall
9 detach the perforated slip from each absentee ballot before delivering it to the
10 officer, shall retain the slip from each absentee ballot before delivering it to
11 the officer, and shall retain the slip in the records of his office for six months.~~

12 Each envelope delivered to the officer shall contain two envelopes, one of
13 which shall be the ballot envelope and the other shall be a return envelope
14 bearing the official title and mailing address of the registrar and the name,
15 return address, and precinct or district number of the voter. This latter
16 envelope shall be used by each voter to return his ballot.

17 * * *

18 §1309.1. ~~Notice of preparation~~ Preparation of machines for early voting;
19 examination by candidate or his representative; sealing machines

20 A. ~~Prior to the conduct of early voting~~ At the time of qualifying, the parish
21 custodian shall notify each candidate ~~of~~ to contact the registrar of voters for the time
22 and place at which the voting machines will be prepared for early voting. ~~The notice
23 shall state the time and place at which he will begin preparation of the machines for
24 sealing and that the~~ The candidate or his representative may be present to observe the
25 preparation of the machines ~~for~~ by the registrar of voters with the assistance of the
26 secretary of state's technicians and to observe the testing and sealing of the machines
27 by the ~~parish custodian~~ registrar of voters in the presence of the parish board of
28 election supervisors. Each candidate or his representative shall be afforded a
29 reasonable opportunity to ~~inspect and test vote the machines~~ view the test vote tape

1 for each machine to see that they are in the proper condition for use in the election,
 2 which opportunity shall not be less than thirty minutes beginning at the time
 3 designated by the ~~parish custodian~~ registrar of voters to begin preparation of the
 4 machines for sealing. However, no candidate, representative, or citizen shall
 5 interfere with the registrar of voters, secretary of state's technicians, parish ~~custodian~~
 6 board of election supervisors, or any employee or technician or assume any of their
 7 duties.

8 B. Each candidate or representative shall identify to the registrar of voters
 9 the candidate whom he is representing. In addition, any citizen of this state may be
 10 present to observe the preparation, testing, and sealing of the machines by the parish
 11 ~~custodian~~ registrar of voters and shall be afforded an opportunity to inspect the
 12 ~~machines~~ test vote tape for each machine to see that they are in proper condition for
 13 use for early voting.

14 C. After the machines have been examined by each candidate, or
 15 representative, or citizen who is present, the parish board of election supervisors
 16 shall generate a zero tally to ensure that the voting machine's public counter is set at
 17 zero and that no votes have been cast for any candidate or for or against any
 18 proposition. The ~~parish custodian~~ registrar of voters shall then seal the voting
 19 machine.

20 * * *

21 §1314. Absentee by mail and early voting commissioners

22 * * *

23 B. Selection for primary election. (1) The parish board of election
 24 supervisors shall determine the number of absentee by mail and early voting
 25 commissioners necessary to count the absentee by mail and early voting ballots in
 26 the parish. The parish board of election supervisors shall select a ~~minimum~~
 27 maximum of ~~three~~ six such commissioners. If the parish board of election
 28 supervisors determines that the number of absentee by mail and early voting
 29 commissioners should be increased to more than six such commissioners, the parish

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1 board shall make a request to the secretary of state for the additional absentee by
2 mail and early voting commissioners. If the secretary of state or his designee
3 determines that there is a need for the additional absentee by mail and early voting
4 commissioners, the parish board shall select the additional absentee by mail and
5 early voting commissioners.

6 * * *

7 C. Selection for general election. (1)

8 * * *

9 (b) If it determines that the number cannot be reduced or should be
10 increased, those persons who served as absentee by mail and early voting
11 commissioners and alternate absentee by mail and early voting commissioners for
12 the parish in the primary election shall serve in the general election, unless replaced
13 or disqualified in the manner provided by law for commissioners and alternate
14 commissioners. ~~The number of absentee by mail and early voting commissioners for~~
15 ~~a general election shall not be less than three.~~ If the parish board of election
16 supervisors determines that the number of absentee by mail and early voting
17 commissioners should be increased to more than the number of such commissioners
18 who served in the primary election, the parish board shall make a request to the
19 secretary of state for the additional absentee by mail and early voting commissioners.
20 If the secretary of state or his designee determines that there is a need for the
21 additional absentee by mail and early voting commissioners, the parish board shall
22 select the additional absentee by mail and early voting commissioners.

23 * * *

24 (3) If the parish board ~~determines~~ and the secretary of state or his designee
25 determine that the number of absentee by mail and early voting commissioners
26 should be increased, the parish board shall meet at 10:00 a.m. on the fifth day before
27 a general election and shall select the additional absentee by mail and early voting
28 commissioners and alternate absentee by mail and early voting commissioners to
29 serve in the general election for that parish from the list of certified commissioners

1 who have not been chosen to serve in the general election as a commissioner-in-
2 charge, commissioner, or, if applicable, absentee by mail and early voting
3 commissioner in the manner provided by law for the selection of commissioners and
4 alternate commissioners. If there are not enough certified commissioners to select
5 the appropriate number of absentee by mail and early voting commissioners and
6 alternate absentee by mail and early voting commissioners, the board of election
7 supervisors may select a qualified elector of the parish to serve; however, no such
8 elector shall serve as an absentee by mail and early voting commissioner if a
9 certified commissioner has been selected as an alternate absentee by mail and early
10 voting commissioner.

11 D. Selection for provisional ballot counting for a primary or general election.

12 * * *

13 (2) Upon approval by the secretary of state or his designee, the parish board
14 of election supervisors shall appoint the approved number of absentee by mail and
15 early voting commissioners for assistance to the board in counting and tabulating the
16 provisional ballots.

17 * * *

18 §1352. Use of voting machines throughout state; exception for failure of voting
19 equipment, absentee by mail and early voting

20 A. Voting machines shall be used throughout this state in all elections;
21 ~~however, nothing.~~

22 B. Notwithstanding the provisions of Subsection A of this Section, paper
23 ballots may be used when voting machines fail.

24 C. Nothing in this Chapter shall prohibit absentee by mail and early voting
25 as otherwise provided in this Title.

26 * * *

27 §1401. Objections to candidacy, contests of elections, contests of certification of
28 recall petition; parties authorized to institute actions

29 * * *

1 §1406. Petition; answer; notification

2 * * *

3 B. The petition shall set forth in specific detail the facts upon which the
4 objection or contest is based. If the action contests an election involving election to
5 office, the petition shall allege that except for substantial irregularities or error, fraud,
6 or other unlawful activities in the conduct of the election, the petitioner would have
7 qualified for a general election or would have been elected. If the action contests an
8 election involving the recall of a public officer, the petition shall allege that except
9 for substantial irregularities or error, fraud, or other unlawful activities in the conduct
10 of the election, the petitioner would not have been recalled. The trial judge may
11 allow the filing of amended pleadings for good cause shown and in the interest of
12 justice.

13 * * *

14 §1415. Discovery prior to filing a suit contesting an election

15 * * *

16 B. Provided an action contesting an election involving the recall of a public
17 officer has not been filed pursuant to R.S. 18:1405(H), the recalled public officer
18 may conduct limited discovery as provided herein during the period of time after the
19 close of the polls on election day and prior to the expiration of time to file a suit
20 contesting such election.

21 C. Such discovery may be conducted only after execution of an affidavit by
22 a poll watcher, commissioner, or any other election official that he has personal
23 knowledge of an irregularity in the election and only after such affidavit has been
24 filed with a court of competent jurisdiction. The nature of the irregularity shall be
25 specified in the affidavit. The clerk of court shall immediately notify the secretary
26 of state by telephone and by written notice when such affidavit has been filed, and
27 shall notify the opponents of the candidate of the filing of the affidavit. The clerk
28 shall also supply a copy of the affidavit to each opponent of the candidate.

1 ~~C. D.~~ Discovery shall be limited to the taking of the deposition of any
2 election official, including his employees, having responsibilities regarding the
3 conduct of such election and the inspection and copying of documents and other
4 records in the custody and control of any such election official, but shall not include
5 access to voting machines prior to the date such machines are opened in accordance
6 with R.S. 18:573. The deposition of a statewide elected official or his employee
7 shall be conducted at the office of such official.

8 ~~D. E.~~ Upon the request of the candidate or recalled public officer, after the
9 filing of the affidavit as provided in Subsection ~~B C~~ of this Section, the clerk of any
10 district court shall issue subpoenas and subpoenas duces tecum in aid of the taking
11 of depositions and the production of documentary evidence for inspection or
12 copying, or both.

13 ~~E. F.~~ The authority for a candidate or recalled public officer to conduct
14 discovery under the provisions of this Section shall cease when an action contesting
15 such election is filed pursuant to R.S. 18:1405(B) or (H).

16 ~~F. G.~~ A candidate or recalled public officer who conducts limited discovery
17 as provided in this Section shall be responsible for all reasonable costs associated
18 with such discovery.

19 * * *

20 §1431. Fraudulent or illegal votes; uncounted votes; determination of election result

21 When the court finds that one or more of the votes cast in a contested election
22 are illegal or fraudulent, the judge shall subtract such vote or votes from the total
23 votes cast for the candidate who received them if the contest involves election to
24 office, ~~or~~ from the total vote for or against a proposition; if the contest is of an
25 election upon a proposition, or from the total vote for or against the recall of a public
26 officer if the contest involves an election for the recall of a public officer. If the
27 court determines that legal votes cast in the election were excluded in the total votes
28 cast on a candidate, ~~or~~ proposition, or recall, then these excluded legal votes shall be
29 added to the total votes on the candidate, ~~or the~~ proposition, or recall to which they

1 are attributable. Thereafter, and after considering all the evidence, the court shall
2 determine the result of the election.

3 §1432. Remedies

4 A.(1) If the trial judge in an action contesting an election determines that:
5 ~~(1)~~ (a) it is impossible to determine the result of election, or ~~(2)~~ (b) the number of
6 qualified voters who were denied the right to vote by the election officials was
7 sufficient to change the result in the election, if they had been allowed to vote, or ~~(3)~~
8 (c) the number of unqualified voters who were allowed to vote by the election
9 officials was sufficient to change the result of the election if they had not been
10 allowed to vote, or ~~(4)~~ (d) a combination of the factors referred to in ~~(2)~~ (b) and ~~(3)~~
11 (c) in this ~~Subsection~~ Paragraph would have been sufficient to change the result had
12 they not occurred, the judge may render a final judgment declaring the election void
13 and ordering a new primary or general election for all the candidates, or, if the judge
14 determines that the appropriate remedy is the calling of a restricted election, the
15 judge may render a final judgment ordering a restricted election, specifying the date
16 of the election, the appropriate candidates for the election, the office or other position
17 for which the election shall be held, and indicating which voters will be eligible to
18 vote.

19 (2) If the trial judge in an action contesting an election for the recall of a
20 public officer determines that: (a) it is impossible to determine the result of election,
21 or (b) the number of qualified voters who were denied the right to vote by the
22 election officials was sufficient to change the result in the election, if they had been
23 allowed to vote, or (c) the number of unqualified voters who were allowed to vote
24 by the election officials was sufficient to change the result of the election if they had
25 not been allowed to vote, or (d) a combination of the factors referred to in (b) and (c)
26 in this Paragraph would have been sufficient to change the result had they not
27 occurred, the judge may render a final judgment declaring the election void and
28 ordering a new recall election, or, if the judge determines that the appropriate remedy
29 is the calling of a restricted election, the judge may render a final judgment ordering

1 a restricted election, specifying the date of the election, and indicating which voters
2 will be eligible to vote.

3 * * *

4 §1433. Revote in precincts where voting machine malfunctions if result cannot be
5 otherwise ascertained

6 A. Notwithstanding the provisions of R.S. 18:1432, if a discrepancy
7 sufficient to change the result of the election between the total votes cast at an
8 election and the votes counted for the candidates in the election or for or against the
9 recall of a public officer occurs as a result of a voting machine malfunction, and an
10 accurate count of the votes cast on the malfunctioning machine cannot be determined
11 by the offering of circumstantial evidence or any other evidence, the court shall order
12 a revote in the precinct where the voting machine malfunctioned, which shall be
13 limited to those persons listed on the poll list as having cast their ballots in person
14 at the polls in the election in which the machine malfunctioned.

15 B. Notwithstanding the provisions of R.S. 18:1432, if a discrepancy
16 sufficient to change the result of the election between the total votes cast at an
17 election and the votes counted for the candidates in the election or for or against the
18 recall of a public officer occurs as a result of the malfunction of a voting machine
19 used for early voting, and an accurate count of the votes cast on the malfunctioning
20 machine cannot be determined by the offering of circumstantial evidence or any
21 other evidence, the court shall order a revote of electronic early voting ballots in the
22 parish where the voting machine used for early voting malfunctioned, which shall
23 be limited to those persons who voted during early voting in the election.

24 * * *

25 Section 2. R.S. 18:463(A)(1)(a), 551(D), 1284(F)(1) and (2), and 1299.1 are hereby
26 amended and reenacted to read as follows:

27 §463. Notice of candidacy; financial disclosure; political advertising; penalties
28 A.(1)(a) A notice of candidacy shall be in writing and shall state the
29 candidate's name, the office he seeks, the address of his domicile, and the parish,

1 ward, and precinct where he is registered to vote. The candidate shall list on the
2 notice of candidacy the name of the political party if he is registered as being
3 affiliated with a recognized political party, "other" if he is registered as being
4 affiliated with a political party that is not a recognized political party, or "~~no party~~"
5 "independent" if he is registered with no political party affiliation. No candidate
6 shall change or add his political party designation, for purposes of printing on the
7 election ballot as required by R.S. 18:551(D), after he has qualified for the election.

8 * * *

9 §551. Ballots

10 * * *

11 D. Political party designation. The political party designation of a candidate
12 who is registered as being affiliated with a recognized political party shall be listed
13 on the primary or general election ballot on the same line and immediately after or
14 below the candidate's name. If a candidate is affiliated with a political party, but
15 such party is not a recognized political party, the space after his name shall be left
16 blank. If a candidate is not affiliated with any political party, the ~~words "no party"~~
17 word "independent" or an abbreviation thereof shall be placed after his name. The
18 secretary of state shall promulgate and adopt rules as necessary to effectuate the
19 provisions and purposes of this Subsection.

20 * * *

21 §1284. Resolution calling election; proposition

22 * * *

23 F.(1) The preparation of ~~the statement of~~ the proposition to be submitted to
24 the voters at an election shall be the responsibility of the governing authority of the
25 political subdivision ordering the election. ~~The statement of the~~ proposition shall
26 also include a simple and unbiased concise summary in easily understood language
27 ~~which sets forth the substance of the proposition~~ include the information required by
28 this Section in simple, unbiased, concise, and easily understood language and be in
29 the form of a question. ~~The statement of the proposition, including the summary,~~

1 shall not exceed ~~four~~ two hundred words in length. ~~Such summary shall be placed~~
2 ~~at the beginning of the statement of the proposition.~~

3 (2) The secretary of state shall be responsible for ensuring that the ~~statement~~
4 ~~of the proposition contains the summary as provided in Paragraph (1) of this~~
5 ~~Subsection~~ complies with the requirements of this Section.

6 * * *

7 §1299.1. ~~Statement of question~~ Question or proposition to be voted on; ~~statement~~
8 length

9 A. The preparation of ~~the statement of any~~ a question or proposition to be
10 submitted to the voters at an election shall be the responsibility of the governing
11 authority or other entity calling the election or submitting the question or
12 proposition. ~~The statement of the proposition shall also include a simple and~~
13 ~~unbiased concise summary in easily understood language which sets forth the~~
14 ~~substance of the proposition~~ be comprised of simple, unbiased, concise, and easily
15 understood language and be in the form of a question. ~~The statement of the~~
16 ~~proposition, including the summary, shall not exceed four~~ two hundred words in
17 length. ~~Such summary shall be placed at the beginning of the statement of the~~
18 ~~proposition.~~

19 B. The secretary of state shall be responsible for ensuring that the ~~statement~~
20 ~~of the proposition contains the summary as provided in Subsection A~~ complies with
21 the requirements of this Section.

22 Section 3.(A) This Section and Section 1 of this Act shall become effective upon
23 signature of this Act by the governor or, if not signed by the governor, upon expiration of
24 the time for bills to become law without signature by the governor, as provided by Article
25 III, Section 18 of the Constitution of Louisiana. If this Act is vetoed by the governor and
26 subsequently approved by the legislature, this Section and Section 1 of this Act shall become
27 effective on the day following such approval.

28 (B) Section 2 of this Act shall become effective on January 1, 2012.

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)]

Gallot

HB No. 533

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

Present law (R.S. 18:103) provides for voter registration. Provides requirements and procedures for registering to vote by mail, including procedures for persons who are unable to register in person because they are in the U.S. Service or because they reside outside of the U.S. Provides that such a person must return registration documents by mail to the registrar. Proposed law allows for the transmission of registration documents by facsimile or other means of transmission in addition to mailing. Otherwise retains present law.

Present law (R.S. 18:152) provides that prior to each election, the registrar shall "request" a current precinct register and duplicate precinct register for each precinct in the parish where an election is to be held. Proposed law requires the registrar to "obtain" one current copy of the precinct register and repeals the requirement for a hard copy duplicate precinct register. Provides that the Dept. of State shall provide the registrar with a duplicate precinct register in electronic form instead.

Present law (R.S. 18:154) prohibits the registrar and the Dept. of State from disclosing certain voter information, including the day and month of the date of birth of a voter. Proposed law retains present law, but provides an exception for transmitting the full date of birth of a voter to the Board of Ethics to verify the identity of a candidate for purposes of campaign finance reporting.

Present law (R.S. 18:431) requires the clerk of court to conduct a general course of instruction for commissioners at least semiannually. Proposed law changes this requirement to provide that the course of instruction be conducted at least annually instead of semiannually.

Present law (R.S. 18:427 and 435) provides for poll watchers. Provides for qualifications, powers, duties, appointment, and commission of watchers. 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. 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 shall call any infraction of the law to the attention of the commissioners. Proposed law specifies that watcher's responsibilities are limited to election day voting. Otherwise retains present law.

Present law (R.S. 18:463) requires a candidate to file a notice of candidacy. Requires that certain information be in the notice, including the political party, if any, with which the candidate is registered as being affiliated. Proposed law requires the candidate to list on the notice of candidacy the name of the political party if he is registered as being affiliated with a recognized political party, "other" if he is registered as being affiliated with a political party that is not a recognized political party, or "independent" if he is registered with no political party affiliation. Otherwise retains present law.

Present law (R.S. 18:109) requires the registrar to mail a notice of registration to a person who has sent information to the registrar concerning a new registration or change in registration. Requires that the notice contain certain information, including the party affiliation of the registrant. Proposed law requires the notice to contain an abbreviation of the name of the political party if the registrant is registered as being affiliated with a recognized political party, "other" if the registrant is registered as being affiliated with a

political party that is not recognized, or "none" if the registrant is registered with no political party affiliation.

Present law (R.S. 18:551) provides requirements for ballots. Provides that the political party designation of a candidate who is registered as being affiliated with a recognized political party shall be listed on the primary or general election ballot on the same line and immediately after or below the candidate's name. Provides that if a candidate is affiliated with a political party, but such party is not a recognized political party, the space after his name shall be left blank. Proposed law retains present law.

Present law provides that if a candidate is not affiliated with any political party, the words "no party" or an abbreviation thereof shall be placed after his name. Proposed law provides that "independent" instead of "no party" shall be placed on the ballot for a candidate who is not affiliated with any political party.

Present law (R.S. 18:591, 602, and 604) provides a 10-day deadline for making an appointment to fill a vacancy in the offices of elective members of state boards and commissions and certain local and municipal offices. Provides a 10-day deadline for issuing a proclamation calling a special election for certain offices. Proposed law extends both deadlines to 20 days.

Present law (R.S. 18:602) provides for vacancies in the office of a member of a parish or municipal governing authority or a combination thereof, a mayor, or any other local or municipal office, except member of a city or parish school board, district attorney, clerk of a district court, coroner, sheriff, tax assessor, judge, state legislator, or marshal of a city or municipal court, and the office is filled by election wholly within the boundaries of a local governmental subdivision. Provides that if the unexpired term of such a municipal office is one year or more, but the vacancy occurs within one year of the regular municipal primary election for that office, no special election will be called and the appointee shall serve for the remainder of the term of office. Proposed law applies provisions of present law relative to the holding of a special election based on the timing of the regular primary election to parish offices covered by present law. Otherwise retains present law.

Present law (R.S. 19:1284 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 a statement of a proposition to be submitted to the voters. Provides that the statement is the responsibility of the governing authority, political subdivision, or other entity calling the election. Requires certain information to be included, including a simple, unbiased, and concise summary of the proposition. Provides that the statement of the proposition shall not exceed 400 words. Provides that the secretary of state is responsible for ensuring that the statement of the proposition contains a summary as required by present law.

Proposed law repeals references to a "statement of a proposition" and applies requirements to the proposition itself. Provides that the proposition shall not exceed 200 words, instead of 400. Requires the proposition to be stated in the form of a question. Provides that the secretary of state shall ensure that the proposition complies with proposed law. Otherwise retains present law.

Present law (R.S. 44:52 et seq.) provides for the Dept. of State Address Confidentiality Program. Provides for the confidentiality of the physical addresses of program participants who are victims of abuse, sexual assault, or stalking.

Present law (R.S. 18:1303) provides eligibility requirements for voting absentee by mail. Provides that a program participant in the Address Confidentiality Program is eligible to vote absentee by mail. Present law (R.S. 18:1308) provides procedures and requirements for applying to vote absentee by mail. Requires the submission, within certain deadlines, of an application containing certain required information.

Proposed law (R.S. 18:1307) retains present law. Additionally provides that if a person applying to vote absentee by mail is a program participant in the Address Confidentiality Program pursuant to present law, his application, if it meets the requirements of present law, shall remain valid as long as the applicant is a program participant in the Address Confidentiality Program. Provides that when the applicant ceases participation in the program, the registrar shall send notice by forwardable mail to the applicant that his application will no longer be valid, and the applicant shall be required to submit a new application to the registrar that meets the requirements of present law and provide a current address before the applicant will be eligible to vote absentee by mail again.

Present law (R.S. 18:1306) additionally allows persons who are 65 years old or older to vote absentee by mail.

Present law (R.S. 18:1306) provides procedures and requirements for voting absentee by mail. Requires a voter to execute a certificate stating that his statements are true and correct and that he is aware of the penalties for knowingly making a false statement. In signing the certificate, requires the voter to obtain the signature of a notary public unless he signs the certificate in the presence of two witnesses who also sign the certificate. Allows certain disabled voters to execute the certificate in the presence of one witness. Proposed law allows persons who are 65 years old or older to sign the certificate in the presence of one witness, instead of two witnesses. Otherwise retains present law.

Present law (R.S. 18:1308 and 1308.1) requires the registrar to detach a perforated slip from an absentee by mail ballot before mailing or delivering the ballot and to retain the slip in his records for six months. Proposed law repeals present law.

Present law (R.S. 18:1309.1) requires the parish custodian, prior to the conduct of early voting, to provide notice to each candidate of the time and place at which the voting machines will be sealed for absentee voting in person; that each candidate or his representative may be present to observe the preparation of the machines; and that each candidate or his representative will have the opportunity to inspect and test vote the machines to see that they are in proper condition for the election. Provides that the notice shall state the time and place at which the parish custodian of voting machines will begin preparation of the machines for sealing and provides that the reasonable opportunity to inspect the machines shall not be less than 30 minutes beginning at the time designated by the parish custodian to begin preparation of the machines for sealing. Prohibits a candidate, his representative, or citizen from interfering with the registrar of voters, parish custodian, or any employee or technician or assuming any of their duties.

Proposed law requires each candidate to be notified at the time of qualifying instead of prior to the conduct of early voting. Provides that a candidate shall be notified to contact the registrar of voters concerning the time and place at which the voting machines will be prepared. Repeals provisions requiring the notice to contain the time and place for sealing. Provides that machines are prepared, tested, and sealed by the registrar in the presence of the parish board of election supervisors. Provides that a candidate may view the test vote tape for each machine instead of actually inspecting and testing the machines.

Present law (R.S. 18:1314) provides relative to absentee by mail and early voting commissioners. Provides for qualifications and selection. Provides that the parish board of election supervisors shall determine the number of absentee by mail and early voting commissioners necessary for an election. Requires the board to select at least three commissioners for the primary or first party primary election. Allows the board to increase or decrease the number of absentee by mail and early voting commissioners for a second party primary or general election.

Proposed law repeals the minimum number of absentee by mail and early voting commissioners that must be selected and provides for a maximum of six such commissioners. Requires approval of the secretary of state or his designee if the board seeks

to use more than six absentee by mail and early voting commissioners for an election. Requires approval of the secretary of state or his designee to increase the number of commissioners to be used at the second party primary or general election. Provides that a designee of the secretary of state may approve the number of absentee by mail and early voting commissioners used to count and tabulate provisional ballots. Otherwise retains present law.

Present law (R.S. 18:1352) provides that voting machines shall be used throughout the state in all elections, provided that nothing in present law prohibits absentee by mail and early voting. Proposed law provides that paper ballots may be used when voting machines fail. Otherwise retains present law.

Present law provides procedures and time limits for contesting elections. Proposed law (R.S. 18:1401 and 1402) retains present law and additionally provides procedures and time limits for contesting recall elections. Provides that a public officer who alleges that, except for substantial irregularities or error, or except for fraud or other unlawful activities in the conduct of the election, he would not have been recalled may bring an action contesting the election. Provides that the secretary of state, in his official capacity, shall be made a party defendant to any action contesting an election for the recall of a public officer.

Proposed law (R.S. 18:1404, 1405, 1406, 1415) provides that an action contesting an election for the recall of a public officer shall be instituted in the district court for a parish included in whole or in part in the voting area wherein the recall election is held; however, if the public officer recalled is a statewide elected official, an action contesting the election shall be instituted in the district court for the parish where the state capitol is situated. Provides that an action contesting an election involving the recall of a public officer shall be instituted on or before 4:30 p.m. of the ninth day after the date of the election. Requires the petition in such an action to contain allegations that except for substantial irregularities or error, fraud, or other unlawful activities in the conduct of the election, the petitioner would not have been recalled. Provides further that if an action contesting an election involving the recall of a public officer has not been filed, the recalled public officer may conduct limited discovery as provided pursuant to present law during the period of time after the close of the polls on election day and prior to the expiration of time to file a suit contesting such election.

Present law (R.S. 18:1431) provides that when the court finds that one or more of the votes cast in a contested election are illegal or fraudulent, the judge shall subtract such vote or votes from the total votes cast for the candidate who received them if the contest involves election to office or from the total vote for or against a proposition if the contest is of an election upon a proposition. Provides that if the court determines that legal votes cast in the election were excluded in the total votes cast on a candidate or proposition, then these excluded legal votes shall be added to the total votes on the candidate or the proposition to which they are attributable. Provides that thereafter, and after considering all the evidence, the court shall determine the result of the election. Proposed law applies present law to votes cast in a recall election.

Present law (R.S. 18:1432) provides if the trial judge in an action contesting an election determines that: (1) it is impossible to determine the result of election, or (2) the number of qualified voters who were denied the right to vote by the election officials was sufficient to change the result in the election, if they had been allowed to vote, or (3) the number of unqualified voters who were allowed to vote by the election officials was sufficient to change the result of the election if they had not been allowed to vote, or (4) a combination of the factors referred to in (2) and (3) would have been sufficient to change the result had they not occurred, the judge may render a final judgment declaring the election void and ordering a new primary or general election for all the candidates, or, if the judge determines that the appropriate remedy is the calling of a restricted election, the judge may render a final judgment ordering a restricted election, specifying the date of the election, the appropriate candidates for the election, the office or other position for which the election shall be held,

and indicating which voters will be eligible to vote. Proposed law applies present law to actions contesting recall elections.

Present law (R.S. 18:1433) provides for a revote at a precinct when a discrepancy sufficient to change the result of the election is caused because of a voting machine malfunction. Proposed law applies present law to recall elections.

Present law (R.S. 18:1300.13) provides that when a majority votes in favor of the recall, the public officer is, ipso facto, recalled and removed from office, and the office shall be vacated upon receipt by the secretary of state of certified returns from all of the parish boards of election supervisors within the jurisdiction. Proposed law provides instead that the office shall be vacated upon expiration of the time period for contesting the recall election set forth in proposed law if an action contesting the recall election is not commenced timely or when the final judgment becomes definitive if an action contesting the recall election is commenced timely.

Proposed law makes various technical changes.

Effective upon signature of governor or lapse of time for gubernatorial action, except that provisions of proposed law relative to propositions submitted to voters and to candidates who are not affiliated with any political party become effective Jan. 1, 2012.

(Amends R.S. 18:103(B)(3)(b) and (C)(3)(b), 109, 152(C)(2)(a), 154(C), 427(B), 431(A)(1)(a), 435(A)(1), 463(A)(1)(a), 551(D), 591, 602(A), (B), (C), (D), (E)(1)(a), (2)(a), and (4), and (F), 604(B)(1) and (2)(a), 1284(F)(1) and (2), 1299.1, 1300.13, 1306(E)(2), 1307(B)(2) and (H), 1308(A)(1)(a), 1308.1(A), 1309.1, 1314(B)(1), (C)(1)(b) and (3), and (D)(2), 1352, 1402(C), 1406(B), 1415(B), (C), (D), (E), and (F), 1431, 1432(A), and 1433(A) and (B); Adds R.S. 18:1307(I), 1401(F), 1404(E), 1405(H), and 1415(G))

Summary of Amendments Adopted by House

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

1. Adds provisions to allow absentee by mail voters who are 65 or older to execute the required ballot certificate in the presence of one witness instead of two witnesses.
2. Removes provisions in present law relative to perforated slips on absentee by mail ballots.
3. Adds provisions requiring a candidate to list "independent" on a notice of candidacy instead of "no party" if he is not affiliated with any political party.
4. Adds provisions requiring "independent" to be listed on the ballot instead of "no party" in connection with a candidate who is not affiliated with any political party.
5. Makes technical changes.

House Floor Amendments to the engrossed bill.

1. Removes provisions in proposed law relative to the arrangement of the ballot in elections for presidential elector.
2. Makes technical changes.