

Regular Session, 2011

HOUSE BILL NO. 533

BY REPRESENTATIVE GALLOT AND SENATOR JACKSON

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

1 AN ACT

2 To amend and reenact R.S. 18:103(B)(3)(b) and (C)(3)(b), 109, 152(C)(2)(a), 154(C),
3 427(B), 431(A)(1)(a), 435(A)(1), 463(A)(1)(a), 551(D), 591, 602(A), (B), (C), (D),
4 (E)(1)(a), (2)(a), and (4), and (F), 604(B)(1) and (2)(a), 1284(F)(1) and (2), 1299.1,
5 1300.13, 1306(E)(2), 1307(B)(2) and (H), 1308(A)(1)(a), 1308.1(A), 1309.1,
6 1314(B)(1), (C)(1)(b) and (3), and (D)(2), 1352, 1402(C), 1406(B), 1415(B), (C),
7 (D), (E), and (F), 1431, 1432(A), and 1433(A) and (B) and to enact R.S. 18:1307(I),
8 1401(F), 1404(E), 1405(H), and 1415(G), relative to the Louisiana Election Code;
9 to revise the system of laws comprising the Louisiana Election Code; to provide for
10 the return of voter registration materials to the registrar of voters; to provide for the
11 content of notices of registration; to provide relative to precinct registers used by the
12 registrar of voters; to provide relative to disclosure of voter information; to provide
13 relative to watchers; to provide relative to courses of instruction for commissioners;
14 to provide for information required on a notice of candidacy; to provide for the time
15 limits for making appointments to fill vacancies in certain offices; to provide for the
16 time limits for issuing proclamations for special elections to fill vacancies in certain
17 offices; to provide relative to the requirements for special elections for certain
18 offices; to provide relative to propositions submitted to voters at certain elections;
19 to provide relative to recall elections; to provide relative to applying to vote absentee
20 by mail; to provide relative to the designation of political party affiliation of
21 candidates on the ballot; to provide relative to procedures and requirements for
22 voting absentee by mail; to provide relative to absentee by mail ballots; to provide
23 relative to the preparation of voting machines; to provide relative to absentee by mail

1 and early voting commissioners; to provide for the use of paper ballots; to provide
2 for effectiveness; and to provide for related matters.

3 Be it enacted by the Legislature of Louisiana:

4 Section 1. R.S. 18:103(B)(3)(b) and (C)(3)(b), 109, 152(C)(2)(a), 154(C), 427(B),
5 431(A)(1)(a), 435(A)(1), 463(A)(1)(a), 591, 602(A), (B), (C), (D), (E)(1)(a), (2)(a), and (4),
6 and (F), 604(B)(1) and (2)(a), 1300.13, 1306(E)(2), 1307(B)(2) and (H), 1308(A)(1)(a),
7 1308.1(A), 1309.1, 1314(B)(1), (C)(1)(b) and (3), and (D)(2), 1352, 1402(C), 1406(B),
8 1415(B), (C), (D), (E), and (F), 1431, 1432(A), and 1433(A) and (B) are hereby amended
9 and reenacted and R.S. 18:1307(I), 1401(F), 1404(E), 1405(H), and 1415(G) are hereby
10 enacted to read as follows:

11 §103. Personal appearance of applicant required; exceptions

12 * * *

13 B. Any citizen of Louisiana who meets the qualifications set forth in R.S.
14 18:101 and who is a legal resident of this state, whether or not he has a place of
15 abode in this state, but who is unable to appear in person to register because he is in
16 the United States Service, as defined in R.S. 18:1302, may register by mail using the
17 state mail voter registration form in accordance with the following provisions:

18 * * *

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

20 * * *

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

23 * * *

24 C. A person who meets the qualifications set forth in R.S. 18:101(E) who is
25 unable to appear in person to register because he is residing outside the United States
26 may register by mail using the state mail voter registration form in accordance with
27 the following provisions:

28 * * *

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

30 * * *

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

3 * * *

4 §109. Notice of registration and change in registration

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

26 * * *

27 §152. Required records

28 * * *

29 C.

30 * * *

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

* * *

§154. Records open to inspection; copying; exceptions

* * *

13 C.(1) Notwithstanding the provisions of this Section, neither the registrar nor
14 the Department of State shall disclose the fact that a registered voter is entitled to
15 assistance in voting or the social security number, driver's license number, day and
16 month of the date of birth, mother's maiden name, or electronic mail address of a
17 registered voter or circulate the fact that registered voters are entitled to assistance
18 in voting or the social security numbers, driver's license numbers, day and month of
19 the dates of birth, mother's maiden names, or electronic mail addresses of registered
20 voters on commercial lists, except when voter registration data is transmitted to the
21 office of motor vehicles of the Department of Public Safety and Corrections, for the
22 purposes of verifying the accuracy and authenticity of the social security number,
23 driver's license number, or full date of birth provided by the voter or when the full
24 date of birth of a registered voter is transmitted to the Board of Ethics to verify the
25 identity of a candidate for purposes of campaign finance reporting.

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

* * *

1 §427. Watchers

2 * * *

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

11 * * *

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

14 A.(1)(a) At least ~~semianually~~ annually the clerk of court shall conduct a
15 general course of instruction for commissioners. ~~These courses~~ Each such course of
16 instruction shall be open to the public, and the clerk shall publicize ~~the courses~~ each
17 course in a manner reasonably calculated to encourage maximum attendance and
18 participation. For informational purposes, the registrar may assist the clerk of court
19 in conducting the course.

20 * * *

21 §435. Watchers; appointment and commission

22 A. Right to have watchers. (1) Each candidate is entitled to have one
23 watcher at every precinct on election day where the office he seeks is voted on in a
24 primary or general election. The candidate or his authorized representative shall file
25 one list of watchers on a form provided by the secretary of state or on a form which
26 contains the same information as required by the form provided by the secretary of
27 state. When a candidate's list of watchers is filed by the candidate's authorized
28 representative, a letter of authorization from the candidate shall accompany the list
29 of watchers; however, in the case of a presidential election, each slate of candidates
30 for presidential elector is entitled to have one watcher at every precinct. The state

1 central committee of each recognized political party shall be responsible for filing
 2 the list of watchers for its slate of candidates for presidential elector. The list of
 3 watchers for an independent or other party slate of candidates for presidential elector
 4 shall be filed by any person so authorized by the presidential candidate supported by
 5 the slate of electors. A letter of authorization from the presidential candidate, or an
 6 authorized agent of his campaign, shall accompany the list of watchers.

7 * * *

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

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

19 * * *

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

21 Within twenty-four hours after any member of a state board or commission
 22 has knowledge of a vacancy in an elective office on that state board or commission,
 23 he shall notify the governor by certified mail of the vacancy, the date on which it
 24 occurred, and the cause thereof. Within ~~ten~~ twenty days after he is notified of the
 25 vacancy, the governor shall appoint a person to fill the vacancy who has the
 26 qualifications for the office. However, if the deadline for making the appointment
 27 falls on a Saturday, Sunday, or other legal holiday, then the next day which is not a
 28 Saturday, Sunday, or legal holiday shall be deemed to be the final day for making
 29 such appointment. If the unexpired term is one year or less, the member so
 30 appointed shall serve for the remainder thereof. If the unexpired term exceeds one

1 year, the governor, within ~~ten~~ twenty days after he is notified of the vacancy, shall
 2 issue his proclamation ordering a special election to fill the vacancy, which shall
 3 specify, in accordance with R.S. 18:402, the dates on which the primary and general
 4 elections shall be held, and in accordance with R.S. 18:467, 467.1, and 468, the dates
 5 of the qualifying period for the candidates in the special election. However, if the
 6 deadline for issuing the proclamation falls on a Saturday, Sunday, or other legal
 7 holiday, then the next day which is not a Saturday, Sunday, or legal holiday shall be
 8 deemed to be the final day for issuing such proclamation. Immediately thereafter the
 9 governor shall publish the proclamation in the official journal of each parish in
 10 which the election is to be held. Within twenty-four hours after issuing the
 11 proclamation, the governor shall send a copy of the proclamation to the secretary of
 12 state who shall within twenty-four hours after receipt of the information notify all
 13 election officials having any duty to perform in connection with the special election
 14 to fill such vacancy, including the parish boards of election supervisors for the parish
 15 or parishes in which the vacancy occurred. The governor may appoint a person to
 16 fill a vacancy and issue a proclamation ordering a special election when he learns of
 17 a vacancy, whether or not he has received notice thereof from a state board or
 18 commission member. Whenever a special election is required, the governor's
 19 appointee shall serve only until the successor is elected and takes office.

20 * * *

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

22 A. When a vacancy occurs in the office of a member of a parish or municipal
 23 governing authority or a combination thereof, a mayor, or any other local or
 24 municipal office, except an office covered by Subsections B and C ~~hereof~~ of this
 25 Section and except the office of judge, state legislator, or marshal of a city or
 26 municipal court, and the office is filled by election wholly within the boundaries of
 27 a local governmental subdivision, the governing authority of the local governmental
 28 subdivision where the vacancy occurs shall; within ~~ten~~ twenty days; appoint a person
 29 to fill the vacancy who meets the qualifications of the office. However, if the
 30 deadline for making the appointment falls on a Saturday, Sunday, or other legal

1 holiday, then the next day which is not a Saturday, Sunday, or legal holiday shall be
2 deemed to be the final day for making such appointment. The presiding officer of
3 the governing authority shall not be required to vote on such an appointment to be
4 made by the governing authority of a local governmental subdivision unless a tie
5 vote occurs thereon, in which case he shall vote to break the tie; however, in no case
6 shall the presiding officer vote more than once on the appointment.

7 B. When a vacancy occurs in the membership of a city or parish school
8 board, the remaining members of the board shall; within ~~ten~~ twenty days; declare that
9 the vacancy has occurred and proceed to appoint a person who meets the
10 qualifications of the office to fill the vacancy. However, if the deadline for making
11 the appointment falls on a Saturday, Sunday, or other legal holiday, then the next day
12 which is not a Saturday, Sunday, or legal holiday shall be deemed to be the final day
13 for making such appointment. For the purposes of this Subsection, in addition to the
14 definition of "vacancy" provided in R.S. 18:581, a "vacancy" in a city or parish
15 school board office shall be deemed to have occurred when, in the case of a city
16 school board, a member's residence no longer lies within the jurisdiction of the board
17 or when, in the case of a parish school board, a member changes his domicile from
18 the district he represents or, if elected after reapportionment, is domiciled outside the
19 district he represents at the time he is sworn into office, any declaration of retention
20 of domicile to the contrary notwithstanding.

21 C. When a vacancy occurs in any of the following offices, the duties of the
22 office shall be assumed by the person hereinafter designated: (1) district attorney, by
23 the first assistant; (2) clerk of a district court, by the chief deputy; (3) coroner, by the
24 chief deputy; (4) sheriff, by the chief criminal deputy, except that in a parish that has
25 both a civil sheriff and a criminal sheriff, the civil sheriff by the chief civil deputy,
26 and the criminal sheriff, by the chief criminal deputy, respectively; and (5) tax
27 assessor, by the chief deputy assessor. If there is no such person to assume the duties
28 when the vacancy occurs, the governing authority or authorities of the parish or
29 parishes affected shall; within ~~ten~~ twenty days; appoint a person having the
30 qualifications of the office to assume the duties of the office. However, if the

1 deadline for making the appointment falls on a Saturday, Sunday, or other legal
2 holiday, then the next day which is not a Saturday, Sunday, or legal holiday shall be
3 deemed to be the final day for making such appointment.

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

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

10 * * *

11 (2)(a) If the unexpired term exceeds one year, the governing authority of the
12 local governmental subdivision in which the vacancy occurs, or the school board
13 when the vacancy occurs in its membership, or the governor when a vacancy occurs
14 in the office of district attorney or in an office for which there is not a single
15 governing authority or as provided in Subsection F of this Section, within ~~ten~~ twenty
16 days after the vacancy occurs, shall issue a proclamation ordering a special election
17 to fill the vacancy and shall specify in the proclamation, in accordance with R.S.
18 18:402, the dates on which the primary and general elections shall be held and, in
19 accordance with R.S. 18:467, 467.1, and 468, the dates of the qualifying period for
20 candidates in the special election. However, if the deadline for issuing the
21 proclamation falls on a Saturday, Sunday, or other legal holiday, then the next day
22 which is not a Saturday, Sunday, or legal holiday shall be deemed to be the final day
23 for issuing such proclamation. In selecting the dates for such special elections, the
24 governing authority or school board as the case may be, may choose a gubernatorial
25 or congressional election date, if such date is available within a year of the
26 occurrence of the vacancy or may select an election date in accordance with R.S.
27 18:402. In the cases in which the governor has the authority to select the date for
28 such special elections, the governor shall first choose a gubernatorial or
29 congressional election date. If no such date is available within a year of the
30 occurrence of the vacancy, the governor shall then select an election date in

1 duties of the office for the remainder of the unexpired term. However, if the
2 deadline for making the appointment falls on a Saturday, Sunday, or other legal
3 holiday, then the next day which is not a Saturday, Sunday, or legal holiday shall be
4 deemed to be the final day for making such appointment. The appointment shall be
5 made by the governing authority of the parish, unless the jurisdiction of the city or
6 municipal court is wholly within the municipal city limits, in which case, such
7 appointment shall be made within ~~ten~~ twenty days by the municipal governing
8 authority. However, if the deadline for making the appointment falls on a Saturday,
9 Sunday, or other legal holiday, then the next day which is not a Saturday, Sunday,
10 or legal holiday shall be deemed to be the final day for making such appointment.
11 If the appropriate governing authority fails to fill the vacancy within ~~ten~~ twenty days,
12 the governor shall fill the vacancy. The judge of the city or municipal court which
13 he serves shall fix the amount of the bond.

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

1 shall be deemed to be the final day for issuing such proclamation. If the appropriate
2 governing authority fails to issue the proclamation within ~~ten~~ twenty days after the
3 vacancy occurs, the governor shall issue the proclamation.

4 * * *

5 §1300.13. Declaration of vacancy

6 When the majority is in favor of the recall, the public officer is, ipso facto,
7 recalled and removed from office, and the office shall be vacated upon receipt by the
8 ~~secretary of state of certified returns from all of the parish boards of election~~
9 ~~supervisors within the jurisdiction~~ expiration of the time period for contesting the
10 recall election set forth in R.S. 18:1405(H) if an action contesting the recall election
11 is not commenced timely or when the final judgment becomes definitive if an action
12 contesting the recall election is commenced timely, and the office shall be filled as
13 in the case of ordinary vacancies and according to the constitution and laws of the
14 state. A public officer who has been recalled and removed from office shall not be
15 appointed to succeed himself in the office from which he was recalled and removed.

16 * * *

17 §1306. Preparation and distribution of absentee by mail and early voting ballots

18 * * *

19 E.

20 * * *

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

29 * * *

1 was based upon false or fraudulent information, the board shall inform the
2 appropriate district attorney and the registrar of voters who shall not allow the voter
3 to vote absentee by mail pursuant to R.S. 18:1303(I).

4 * * *

5 §1308. Absentee voting by mail

6 A.(1)(a) Beginning with the date on which the registrar receives the absentee
7 by mail ballots and other necessary paraphernalia from the secretary of state, and
8 thereafter, immediately upon receipt of an application by mail, the registrar shall
9 mail the necessary instructions, certificates, ballots, and envelopes to the applicant
10 at the address furnished by the applicant. ~~The registrar shall detach the perforated~~
11 ~~slip from the absentee by mail ballot before mailing it to the voter and shall retain~~
12 ~~the slip in the records of his office for six months.~~

13 * * *

14 §1308.1. Absentee voting by person serving on sequestered jury

15 A. Immediately upon receipt of an application, the registrar shall
16 deliver the necessary instructions, certificates, ballots, and envelopes to the
17 officer of the court in charge of the sequestered jury on which the applicant
18 is serving, at the address furnished by the applicant. ~~The registrar shall~~
19 ~~detach the perforated slip from each absentee ballot before delivering it to the~~
20 ~~officer, shall retain the slip from each absentee ballot before delivering it to~~
21 ~~the officer, and shall retain the slip in the records of his office for six months.~~
22 Each envelope delivered to the officer shall contain two envelopes, one of
23 which shall be the ballot envelope and the other shall be a return envelope
24 bearing the official title and mailing address of the registrar and the name,
25 return address, and precinct or district number of the voter. This latter
26 envelope shall be used by each voter to return his ballot.

27 * * *

1 §1352. Use of voting machines throughout state; exception for failure of voting
2 equipment, absentee by mail and early voting

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

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

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

9 * * *

10 §1401. Objections to candidacy, contests of elections, contests of certification of
11 recall petition; parties authorized to institute actions

12 * * *

13 F. A public officer who alleges that, except for substantial irregularities or
14 error, or except for fraud or other unlawful activities in the conduct of the election,
15 he would not have been recalled may bring an action contesting the election.

16 §1402. Proper parties

17 * * *

18 C. The secretary of state, in his official capacity, shall be made a party
19 defendant to any action contesting an election for public office or an election for the
20 recall of a public officer. The secretary of state, in his official capacity, shall be
21 made defendant to any action objecting to the calling of a special election. The
22 secretary of state, in his official capacity, shall be made a party defendant to any
23 action contesting the certification of a recall petition. When named as a defendant
24 in an action contesting an election, costs of court shall not be assessed against the
25 secretary of state. When named as a defendant in an action contesting the
26 certification of a recall petition, costs of court shall not be assessed against the
27 secretary of state.

28 * * *

1 close of the polls on election day and prior to the expiration of time to file a suit
 2 contesting such election.

3 C. Such discovery may be conducted only after execution of an affidavit by
 4 a poll watcher, commissioner, or any other election official that he has personal
 5 knowledge of an irregularity in the election and only after such affidavit has been
 6 filed with a court of competent jurisdiction. The nature of the irregularity shall be
 7 specified in the affidavit. The clerk of court shall immediately notify the secretary
 8 of state by telephone and by written notice when such affidavit has been filed, and
 9 shall notify the opponents of the candidate of the filing of the affidavit. The clerk
 10 shall also supply a copy of the affidavit to each opponent of the candidate.

11 ~~E.~~ D. Discovery shall be limited to the taking of the deposition of any
 12 election official, including his employees, having responsibilities regarding the
 13 conduct of such election and the inspection and copying of documents and other
 14 records in the custody and control of any such election official, but shall not include
 15 access to voting machines prior to the date such machines are opened in accordance
 16 with R.S. 18:573. The deposition of a statewide elected official or his employee
 17 shall be conducted at the office of such official.

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

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

1 for which the election shall be held, and indicating which voters will be eligible to
2 vote.

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

16 * * *

17 §1433. Revote in precincts where voting machine malfunctions if result cannot be
18 otherwise ascertained

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

28 B. Notwithstanding the provisions of R.S. 18:1432, if a discrepancy
29 sufficient to change the result of the election between the total votes cast at an
30 election and the votes counted for the candidates in the election or for or against the

1 secretary of state shall promulgate and adopt rules as necessary to effectuate the
2 provisions and purposes of this Subsection.

3 * * *

4 §1284. Resolution calling election; proposition

5 * * *

6 F.(1) The preparation of ~~the statement~~ of the proposition to be submitted to
7 the voters at an election shall be the responsibility of the governing authority of the
8 political subdivision ordering the election. ~~The statement of the proposition shall~~
9 ~~also include a simple and unbiased concise summary in easily understood language~~
10 ~~which sets forth the substance of the proposition~~ include the information required by
11 this Section in simple, unbiased, concise, and easily understood language and be in
12 the form of a question. ~~The statement of the proposition, including the summary,~~
13 ~~shall not exceed four~~ two hundred words in length. ~~Such summary shall be placed~~
14 ~~at the beginning of the statement of the proposition.~~

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

18 * * *

19 §1299.1. ~~Statement of question~~ Question or proposition to be voted on; ~~statement~~
20 length

21 A. The preparation of ~~the statement of any~~ a question or proposition to be
22 submitted to the voters at an election shall be the responsibility of the governing
23 authority or other entity calling the election or submitting the question or
24 proposition. ~~The statement of the proposition shall also include a simple and~~
25 ~~unbiased concise summary in easily understood language which sets forth the~~
26 ~~substance of the proposition~~ be comprised of simple, unbiased, concise, and easily
27 understood language and be in the form of a question. ~~The statement of the~~
28 ~~proposition, including the summary,~~ shall not exceed ~~four~~ two hundred words in
29 length. ~~Such summary shall be placed at the beginning of the statement of the~~
30 ~~proposition.~~

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

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

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

 SPEAKER OF THE HOUSE OF REPRESENTATIVES

 PRESIDENT OF THE SENATE

 GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____