

2018 Regular Session

HOUSE BILL NO. 692

BY REPRESENTATIVES SHADOIN, DANAHAY, AND GREGORY MILLER

ELECTION CODE: Makes revisions to the Louisiana Election Code

1 AN ACT

2 To amend and reenact R.S. 18:3(A)(3), 23(A)(8), 423(C)(2), 433(A)(5), 463(A)(2)(a)(iii),
3 464(B)(3), 467(3), 495(A) and (E), 533(D) and (E), 553, 562(B), 563(C) and (D)(1),
4 566(A) and (C), 571(A)(3) through (10), 572(A), 573(A)(2) and (3), (B), (C), and
5 (E)(1) and (3), 574(A)(3) and (B), (D)(1), (E), and (F), 1311, 1333(F)(2) and
6 (G)(6)(b), 1354(B)(5), 1355, and 1361(A), to enact R.S. 18:23(E)(3), 571(A)(11),
7 573(E)(4), and 1303(K) and (L), and to repeal R.S. 18:514, relative to the Louisiana
8 Election Code; to revise the system of laws comprising the Louisiana Election Code;
9 to provide relative to elections procedures and requirements, including petitions
10 submitted to registrars of voters for certification, membership of the State Board of
11 Election Supervisors and parish boards of election supervisors, the duties of the clerk
12 of court, qualifying fees, establishment and location of polling places, persons
13 entitled to vote absentee by mail, duties of registrars of voters, the nursing home
14 early voting program, voting machines and equipment, provisional voting for federal
15 office, duties of commissioners on election day, compilation and promulgation of
16 election returns, the qualifying period for candidates, and procedures for voting; to
17 provide for effectiveness; and to provide for related matters.

18 Be it enacted by the Legislature of Louisiana:

1 Section 1. R.S. 18:3(A)(3), 23(A)(8), 423(C)(2), 433(A)(5), 464(B)(3), 533(E),
2 1311, 1333(F)(2) and (G)(6)(b), 1354(B)(5), 1355, and 1361(A) are hereby amended and
3 reenacted and R.S. 18:23(E)(3), and 1303(K) and (L) are hereby enacted to read as follows:

4 §3. Petitions submitted to registrars of voters

5 A. Notwithstanding any other provision of law to the contrary, every petition
6 submitted to a registrar of voters for certification shall contain the following
7 information:

8 * * *

9 (3) The signer's ward, precinct, and ~~date~~ year of birth.

10 * * *

11 §23. State Board of Election Supervisors

12 A. The State Board of Election Supervisors is created and established in the
13 Department of State as provided in R.S. 36:802. The board shall be composed of the
14 following persons:

15 * * *

16 (8) One member of the Police Jury Association of Louisiana or its successor,
17 who shall be ~~elected by the membership thereof~~ selected in the manner determined
18 by the association to serve a four-year term concurrent with that of the governor. A
19 vacancy shall be filled in the same manner for the remainder of the unexpired term.

20 * * *

21 E.

22 * * *

23 (3) The Police Jury Association may select an alternate member to
24 permanently act for the and in place of the member selected pursuant to Paragraph
25 (A)(8) of this Section in his absence from meetings of the board. The executive
26 director of the association shall notify the board in writing of the alternate member
27 selected pursuant to this Paragraph.

28 * * *

29 §423. Parish boards of election supervisors

1 * * *

2 C. Composition.

3 * * *

4 (2) In a parish where a parish executive committee of a recognized political
5 party has not been formed or where there is a vacancy in the office of chairman, the
6 chairman of the state central committee of that political party may appoint a voter
7 who is registered in the parish as being affiliated with the political party to serve on
8 the parish board of election supervisors.

9 * * *

10 §433. Commissioners-in-charge; course of instruction; selection; commission;
11 disqualification; replacement

12 A. Course of instruction.

13 * * *

14 (5) On or before the last day of December of each year, but after the date of
15 the course of instruction, the clerk of court shall file with the parish board of election
16 supervisors ~~and the secretary of state~~ a certified list containing the name of each
17 person to whom he has issued a certificate, together with the social security number,
18 the party affiliation, the mailing address, and the ward in which each such person is
19 registered to vote. As soon as possible thereafter, the clerk of court shall enter the
20 list in the state voter registration computer system.

21 * * *

22 §464. Qualifying fees; additional fees imposed by political party committees;
23 financial statements

24 * * *

25 B. Amount of qualifying fees. The qualifying fees for candidates in primary
26 elections are:

27 * * *

28 (3) For municipal candidates -- forty dollars in a municipality with a
29 population of less than five thousand, seventy-five dollars in a municipality with a

1 population of five thousand or more but less than twenty-five thousand, one hundred
 2 fifty dollars in a municipality with a population of twenty-five thousand or more but
 3 less than fifty thousand, two hundred twenty-five dollars in a municipality with a
 4 population of fifty thousand or more but less than one hundred thousand, three
 5 hundred dollars in a municipality with a population of one hundred thousand or more
 6 but less than three hundred thousand, and three hundred seventy-five dollars in a
 7 municipality with a population of three hundred thousand or more. Population for
 8 purposes of this Paragraph shall be the population shown by the latest federal
 9 decennial census.

* * *

11 §533. Establishment and location of polling places; responsibility for acts or
 12 omissions

* * *

14 E. Lease. Prior to the designation by the governing authority of any polling
 15 place to be located on private property, the governing authority shall enter into a
 16 written lease for such property which lease shall state that the property is to be used
 17 as a polling place for a specified precinct and that the polling place is not owned,
 18 occupied, or leased by a candidate in the election, or a spouse of any such candidate,
 19 or an officer or employee of the state or any of its political subdivisions. Such lease
 20 shall be recorded in the office of the clerk of court for the parish wherein such
 21 property is located ~~and in addition shall be prominently posted in the office of the~~
 22 ~~registrar of voters.~~ After July 1, 1986, the lease shall also be filed with the secretary
 23 of state. The secretary of state shall not pay precinct rental for a polling place if a
 24 copy of the lease thereon has not been properly filed at least thirty days prior to the
 25 election, unless a change in the location of the polling place was necessitated
 26 immediately prior to the election and the governing authority lacked sufficient time
 27 to transmit a copy of the lease to the secretary of state prior to the election. Lease
 28 contracts entered into immediately prior to the election shall be filed with the
 29 secretary of state not later than ten days after the election for payment to be made by

1 the secretary of state. Payments on leases filed later than ten days following an
2 election will not be made by the secretary of state except for subsequent elections.

3 * * *

4 §1303. Persons entitled to vote in compliance with this Chapter

5 * * *

6 K. The secretary of state or an employee of the secretary of state who is a
7 qualified voter and who submits to the registrar of voters of the parish where he is
8 registered to vote a copy of a state employee identification card may vote absentee
9 by mail upon meeting the requirements of this Chapter.

10 L. An employee of the registrar of voters who is a qualified voter registered
11 to vote in a parish other than his parish of employment and who submits to the
12 registrar of voters of the parish where he is registered to vote a copy of an
13 identification card showing employment with the registrar of voters may vote
14 absentee by mail upon meeting the requirements of this Chapter.

15 * * *

16 §1311. List of absentee by mail and early voters; posting; delivery of alphabetized
17 list to precincts; supplements; absentee by mail voter report

18 ~~B:~~ A. The registrar shall keep a list containing only the names of all persons
19 who vote by early voting ballot during early voting and of those whose absentee
20 ballots by mail he has received. ~~He shall post this list in a conspicuous place~~
21 ~~accessible to the public at the entrance to his office.~~ A copy of the list shall be
22 available for viewing in a conspicuous place at the principal office of the registrar
23 of voters during office hours as set forth in R.S. 18:134. After the last day for early
24 voting, the registrar shall prepare a list, arranged alphabetically by precinct, of the
25 names of all persons who have voted during early voting or from whom absentee
26 ballots by mail were received on or before the last day for early voting. The registrar
27 shall retain a copy of the list for use by the parish board of election supervisors on
28 election night and ~~shall post a copy of the list in a conspicuous place accessible to~~
29 ~~the public at the entrance to his office.~~ A copy of the list shall be available for

1 viewing in a conspicuous place at the principal office of the registrar of voters during
2 office hours as set forth in R.S. 18:134.

3 ~~C.(1)~~ B.(1) The registrar shall prepare a supplemental list, arranged
4 alphabetically by precinct, of the names of all persons from whom absentee ballots
5 by mail have been received after the last day for early voting and before election day.
6 The registrar shall deliver the supplemental list for each precinct to the parish
7 custodian. The parish custodian shall then deliver the supplemental list for each
8 precinct to the deputy parish custodian appointed for that precinct when the key
9 envelopes are delivered as provided in R.S. 18:553(A). The registrar shall retain a
10 copy of the supplemental list for use by the parish board of election supervisors on
11 election night ~~and shall post a copy of the supplemental list in a conspicuous place~~
12 ~~accessible to the public at the entrance to his office.~~ A copy of the list shall be
13 available for viewing in a conspicuous place at the principal office of the registrar
14 of voters during office hours as set forth in R.S. 18:134.

15 (2) The registrar shall include the first absentee ballot received from a person
16 voting by mail, if timely received, with those to be counted by the board. Any
17 second or subsequent ballot received from such person shall be considered not timely
18 received.

19 (3) The registrar shall print an absentee by mail voter report from the state
20 voter registration computer system listing all voters from whom he has received
21 absentee by mail ballots before election day; he shall certify to the correctness of the
22 report and deliver the report to the parish board of election supervisors on election
23 day for use in the tabulation and counting of absentee by mail ballots.

24 ~~D.(1)(a)~~ C.(1)(a) Any absentee ballot submitted by a member of the United
25 States Service or person who resides outside of the United States who has made
26 application to vote absentee by mail timely and which ballot is received by the
27 registrar on election day shall be endorsed with the day and hour of receipt and shall
28 be segregated from and kept separately from any other absentee by mail ballot
29 received on or after election day.

1 (b) For any voter hospitalized who has made timely application to vote
2 absentee in accordance with R.S. 18:1303(D)(1) and whose absentee ballot is
3 received by the registrar on election day, either by hand delivery or facsimile
4 transmission, such absentee ballot shall be endorsed with the day and hour of receipt
5 and shall be segregated from and kept separately from any other absentee by mail
6 ballot received on or after election day.

7 (2) Upon receipt of any such absentee by mail ballot, the registrar shall
8 include, on a separate list prepared for this purpose, in alphabetical order and by
9 precinct, the name of any such voter in each precinct.

10 (3) The registrar shall immediately notify the commissioner-in-charge at
11 each precinct for which a name appears on the list.

12 (4)(a) If the voter has not voted in person at the precinct, the registrar shall
13 instruct the commissioner-in-charge to mark "voted by mail" in the place where the
14 voter would ordinarily sign the precinct register and to initial the precinct register
15 opposite the words "voted by mail". The registrar shall then include the first
16 absentee by mail ballot received, if received timely, with those to be counted by the
17 board, or, if the counting and tabulation of absentee by mail and early voting ballots
18 has commenced, shall transmit such ballot to the board to be counted. Any second
19 or subsequent ballot received from such person shall be considered as not timely
20 received. Accompanying any such absentee by mail ballot shall be a statement
21 certified by the registrar that he has verified that such voter has not voted in person
22 at the precinct where he is registered to vote.

23 (b) If the voter has voted in person at the precinct, the registrar shall write
24 across the ballot the words "rejected, voted at precinct" and shall include such ballot
25 with all other mail ballots received on or after election day, to be kept unopened for
26 six months, and destroyed.

27 (5)(a) Upon receipt of the special ballot for members of the United States
28 Service and persons residing outside of the United States, the registrar shall endorse
29 the day and hour of receipt on said ballots and place those received on the day of the

1 election for which the ballot is cast, in an envelope separate from any other mail
2 ballot. The registrar shall include, on a separate list for this purpose, in alphabetical
3 order and by precinct, the name of each voter submitting such special absentee by
4 mail ballot.

5 (b) Each envelope containing such ballot shall remain sealed until the
6 registrar, after the close of polls on election day, has verified with the commissioner-
7 in-charge at each precinct for which a name appears on the list whether or not such
8 voter has voted in person at that precinct.

9 (c) If the voter has not voted in person at the precinct, the first special ballot
10 received from the voter by the registrar, if timely received, shall be counted and
11 tabulated in accordance with the provisions of this Chapter relative to absentee mail
12 ballots.

13 E. D. The commissioners at the polling place shall use the supplemental list
14 provided for in Subsection ~~E~~ B of this Section to insure that persons who have voted
15 absentee by mail do not vote in person at the polls on election day.

16 * * *

17 §1333. Nursing home early voting program; voting by persons residing in a nursing
18 home

19 * * *

20 F.

21 * * *

22 (2) The registrar shall have in his possession such materials and supplies as
23 are needed to permit each of such voters to cast an absentee by mail ballot, including
24 but not restricted to absentee by mail ballot envelopes, each of which bears the
25 number corresponding to the number entered on the letter mailed to the applicant as
26 provided by Subsection E of this Section, instructions, certificates, envelopes,
27 acknowledgment forms required by Paragraph (G)(4) of this Section, and a portable
28 ~~metal box~~ container equipped with a lock and an open slot in its top surface of
29 sufficient size to permit a completed ballot envelope to be deposited in the ~~box~~

1 container. The registrar shall lock the ~~box~~ container before he removes it from his
2 office ~~and shall retain the keys in his office~~.

3 G. The voting by each voter shall be accomplished in the following manner:

4 * * *

5 (6)

6 * * *

7 (b) Upon returning to the registrar's office, the registrar shall unlock the
8 ~~metal box~~ container containing the absentee by mail ballots, remove them from the
9 ~~box~~ container, and otherwise follow the procedures for the posting of the name,
10 ward, and precinct of the voter, and other procedures as required by R.S. 18:1311
11 and other applicable provisions of the Election Code relating to absentee by mail and
12 early voting ballots.

13 * * *

14 §1354. Parish custodian of voting machines; powers and duties; appointment of
15 deputy custodians

16 * * *

17 B. In addition to any other duties vested in him by law, the parish custodian
18 shall:

19 * * *

20 (5) Be responsible for the trucking and delivery of the machines to the
21 polling places. Where necessary, he shall provide guards for the machines in transit
22 and at the polling places, and for this purpose, he may use local law enforcement
23 officers. Upon the request of the parish custodian, the chief administrative officer
24 of the police force shall furnish law enforcement officers for this purpose, and his
25 failure to do so shall be punishable as provided in R.S. ~~18:1461(B)~~ 18:1461.3.

26 * * *

27 §1355. Construction and equipment of machines; requirements

28 A. Each voting machine used in an election shall be so constructed and
29 equipped as to:

- 1 (1) Secure to the voter secrecy in the act of voting.
- 2 (2) Provide facilities for voting for or against each question that is submitted.
- 3 (3) Permit the voter to vote for as many persons for an office as he is
- 4 lawfully entitled to vote for, but no more. However, where the voter may vote for
- 5 more than one person for an office, it shall count each vote cast, even though the
- 6 voter has voted for fewer than the total number of votes he is entitled to cast for a
- 7 particular office.
- 8 (4) Prevent the voter from voting more than once on the same candidate or
- 9 on the same question.
- 10 (5) Permit the voter to vote for or against any question upon which he has
- 11 a right to vote, but no other.
- 12 (6) When used in a primary election at which members of a political party
- 13 committee are to be voted on, allow election officials to lock out all candidate
- 14 counters except those of the party with which the voter is affiliated.
- 15 (7) Permit all unused vote indicators or devices to be locked out against use.
- 16 (8) Correctly register and record and accurately count all votes cast for each
- 17 candidate and for or against each question.
- 18 (9) Be provided with a protective counter or tabulator or protective devices
- 19 which will prevent any operation of the machine before or after the election.
- 20 (10) Be provided with a counter or tabulator which at all times during the
- 21 election shall show the number of persons who have voted.
- 22 (11) Contain one or more automatic locks which, upon exposure of the vote
- 23 count at any time after the polls are opened on election day, will automatically lock
- 24 the machine against further operation.
- 25 (12) Contain a gong or other sound creating device which will audibly
- 26 indicate that a voter has left the machine after casting his vote.
- 27 (13) Contain, for elections for president and vice president, those devices
- 28 needed in order to comply with R.S. 18:1259.

1 (14) Have a lighting device which provides sufficient light to enable voters
2 to read the ballot and to enable the election commissioners to examine the counters
3 or tabulators.

4 (15) Be provided with a screen, hood, or curtain which is so made and can
5 be so adjusted as to protect the privacy of the voter while voting.

6 (16) Be capable of being operated by battery power.

7 (17) Be incapable of being reset, altered, or used except by operating the
8 machine.

9 B. Each voting machine used in an election may be so constructed and
10 equipped to have a voter verification mechanism.

11 * * *

12 §1361. Approval of machines and equipment; certificate; expenses of examination

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

26 * * *

27 Section 2. R.S. 18:566(A) and (C), 572(A), and 574(A)(3), (D)(1), (E), and (F), are
28 hereby amended and reenacted to read as follows:

29 §566. Provisional voting for federal office; polling place and early voting

1 A. In an election for federal office, when an applicant's name does not appear
 2 on the precinct register and the registrar of voters or secretary of state has not
 3 authorized the applicant to vote by precinct register correction affidavit as provided
 4 in R.S. 18:562, or the commissioners assert that the applicant is not eligible to vote,
 5 and the applicant declares himself to be a registered voter and eligible to vote in the
 6 election for federal office, the applicant may cast a provisional ballot for candidates
 7 for federal office.

8 * * *

9 C. In an election for federal office during the period of early voting, when
 10 an applicant's name does not appear on the precinct register and the registrar of
 11 voters has not authorized the applicant to vote ~~by affidavit~~, or the registrar or deputy
 12 registrar asserts that the applicant is not eligible to vote, and the applicant declares
 13 himself to be a registered voter and eligible to vote in the election for federal office,
 14 the applicant shall be permitted to cast an early voting provisional ballot for
 15 candidates for federal office.

16 * * *

17 §572. Transmission of election returns; voting machine keys; machine certificates

18 A.(1) After the results are printed from the voting machines and all election
 19 paperwork is complete, the commissioner-in-charge shall immediately:

20 (a) Mail to the secretary of state the ~~following~~: the envelope marked
 21 "Secretary of State's Envelope".

22 ~~(i) One copy of the printouts from the voting machines.~~

23 ~~(iii) One of the duplicate poll lists.~~

24 ~~(iv) One copy of the machine certificates.~~

25 (b) Deliver to the clerk of court in a clear plastic zipper bag the following:

26 (i) The ~~keys to~~ completed and signed key envelope for the voting machines;
 27 if applicable.

28 (ii) The original of the machine certificates.

1 (iii) The original of the signed list of commissioners affidavit of payroll and
2 nondisclosure for the commissioners.

3 (iv) One copy of the ~~final result tally sheets~~ official election results report
4 from the voting machines.

5 (v) A copy of each completed notation of irregularities form.

6 (vi) All election result cartridges, if applicable.

7 (vii) For a federal election, the return provisional ballot envelope containing
8 all voted provisional ballots and unused provisional ballots and envelopes.

9 (2)(a) Upon receipt of the items listed above, the clerk of court shall affix the
10 time of receipt upon the election documents which contain election results. The clerk
11 of court shall make a copy of the election results available to the press and public.

12 (b) For a federal election, the clerk of court shall deliver to the registrar of
13 voters the return provisional ballot envelope containing all voted provisional ballots
14 not later than 8:30 a.m. on the first business day following the election.

15 * * *

16 §574. Compilation and promulgation of returns

17 A.

18 * * *

19 (3) The board shall complete the compilation of the election returns and file
20 one copy of the compiled statement with the clerk of court no later than 4:00 p.m. on
21 the ~~fourth~~ fifth day after the election. One copy of the compiled statement shall be
22 postmarked no later than 12:00 noon on the ~~fifth~~ sixth day after the election and
23 mailed to the secretary of state. The clerk of court shall transmit the election returns
24 as shown by the compiled statement from the parish board of election supervisors to
25 the secretary of state no later than 12:00 noon on the ~~fifth~~ sixth day after the election.
26 In a parish containing a municipality with a population of three hundred thousand or
27 more, the parish board of election supervisors shall transmit the election returns as
28 shown by their compiled statement to the secretary of state no later than 12:00 noon

1 on the ~~fifth~~ sixth day after the election. Failure to comply with these time limits shall
2 not void the election.

3 * * *

4 D.(1) The secretary of state shall verify and compile the results of the
5 election for all candidates, proposed constitutional amendments, and recall elections
6 based upon the compilation of the votes transmitted to him by the clerks of court
7 from the compiled statements by the parish boards of election supervisors. In a
8 parish containing a municipality with a population of three hundred thousand or
9 more, the secretary of state shall verify and compile the results of the election for all
10 candidates, proposed constitutional amendments, and recall elections based upon the
11 compilation of the votes transmitted to him by the parish board of election
12 supervisors. The compilation shall be completed and the results thereof shall be
13 announced on the secretary of state's website not later than 12:00 noon on the ~~sixth~~
14 seventh day after the election.

15 * * *

16 E.(1) On or before the ~~twelfth~~ fourteenth day after the primary or general
17 election, if no action has been timely filed contesting the election to the office of a
18 state candidate, the secretary of state shall promulgate the returns for state
19 candidates, proposed constitutional amendments, and recall elections by publishing
20 in the official journal of the state the names of the state candidates for each office in
21 the election, the text of the proposed constitutional amendment, and recall elections
22 and the number of votes received by each such candidate, proposed constitutional
23 amendment, and recall elections as shown by the returns transmitted by the clerks
24 of court from the compiled statements by the parish boards of election supervisors.
25 In a parish containing a municipality with a population of three hundred thousand or
26 more, the promulgation shall be from the returns transmitted by the parish board of
27 election supervisors. On or before the ~~twelfth~~ fourteenth day after the primary or
28 general election, if no action has been timely filed contesting the election to office
29 of a candidate other than a state candidate, the secretary of state shall promulgate the

1 returns for the election for candidates other than state candidates by transmitting to
2 the clerk of court for the parish wherein the state capital is located a notice
3 containing the results of the elections for candidates other than state candidates. The
4 clerk of court shall post this notice in a prominent place in his office.

5 (2) However, if the ~~twelfth~~ fourteenth day after the primary or general
6 election falls on a Saturday, Sunday, or other legal holiday, and the secretary of state
7 does not promulgate said returns prior to the ~~twelfth~~ fourteenth day after the primary
8 or general election, he shall promulgate said returns on the next day which is not a
9 Saturday, Sunday, or other legal holiday.

10 F. Computation of all time intervals in this Section shall include Saturdays,
11 Sundays, and other legal holidays. However, if the final day in a time interval falls
12 on a Saturday, Sunday, or other legal holiday, then the next day which is not a
13 Saturday, Sunday, or legal holiday shall be deemed to be the final day of the time
14 interval. If one or more of the duties in this Section required to be performed on the
15 ~~fourth~~, fifth, sixth, seventh, or ~~twelfth~~ fourteenth day after an election are delayed
16 because of a Saturday, Sunday, or other legal holiday, the duties which follow will
17 be delayed a like amount of time.

18 Section 3. R.S. 18:463(A)(2)(a)(iii), 467(3), 495(A) and (E), 533(D), 553, 562(B),
19 563(C) and (D)(1), 571(A)(3) through (10), 573(A)(2) and (3), (B), (C), and (E)(1) and (3),
20 574(B) are hereby amended and reenacted and R.S. 18:571(A)(11) and 573(E)(4) are hereby
21 enacted to read as follows:

22 §463. Notice of candidacy; campaign finance disclosure; political advertising;
23 penalties

24 A.

25 * * *

26 (2)(a)

27 * * *

1 (iii) That he is not currently under an order of imprisonment for conviction
2 of a felony ~~and that he is not prohibited from qualifying as a candidate for conviction~~
3 ~~of a felony pursuant to Article I, Section 10 of the Constitution of Louisiana.~~

4 * * *

5 §467. Opening of qualifying period

6 The qualifying period for candidates in a primary election shall open:

7 * * *

8 (3) For candidates in a primary election for municipal and ward officers who
9 are not elected at the same time as the governor or members of congress in
10 municipalities with a population of less than three hundred thousand and those in any
11 special primary election to be held at the same time, on the ~~second~~ last Wednesday
12 in January of the year of the election, unless the primary election is held on the first
13 Saturday in March; in such case the qualifying period for candidates in such primary
14 election shall open on the first Wednesday in December of the year prior to the
15 election.

16 * * *

17 §495. Initiation of action by district attorney; attorney general; court costs and
18 attorney fees

19 A. If after investigation the district attorney has reason to believe that a
20 convicted felon who is prohibited from qualifying for office pursuant to ~~Article I,~~
21 ~~Section 10 of the Constitution of Louisiana~~ R.S. 18:451 has filed a notice of
22 candidacy, the district attorney shall immediately bring an action objecting to the
23 candidacy of such person. However, if the district attorney has a conflict or is
24 otherwise unable to bring the action objecting to the candidacy of such person, he
25 shall request the attorney general to bring such action.

26 * * *

27 E. The court shall assess all court costs, including any applicable attorney
28 fees, incurred in the institution of the action required by this Section against the

1 subject of the action if such person qualified for office in violation of ~~Article I,~~
2 ~~Section 10 of the Constitution of Louisiana~~ R.S. 18:451.

3 * * *

4 §533. Establishment and location of polling places; responsibility for acts or
5 omissions

6 * * *

7 D. Payment for use of private property. When it is necessary to pay for the
8 use of private property as a polling place, the payment shall not exceed one hundred
9 fifty dollars for each election unless written approval is received from the secretary
10 of state or his designee.

11 * * *

12 §553. Inspection and preparation of voting machines at polling places; precinct
13 registers and supplemental list

14 A. Delivery of the key envelope. The parish custodian of voting machines
15 shall seal the keys, if applicable, to the voting machines at each polling place in an
16 envelope on which shall be written the ward and precinct number of the polling
17 place, the location of the polling place, ~~and~~ the numbers of the seal and protective
18 counter of each voting machine at the polling place, and the number of the seal for
19 each precinct register. The parish custodian shall deliver the sealed key envelope to
20 the deputy parish custodian appointed for the polling place, and the deputy parish
21 custodian shall deliver the sealed key envelope to the commissioner-in-charge at the
22 polling place at least thirty minutes before the time for opening the polls on election
23 day.

24 B. Inspection of the voting machines. After the commissioners take their
25 oath and before the time for opening the polls, the commissioners, in the presence
26 of the watchers, shall prepare the polling place for voting as follows:

27 (1)(a) ~~Compare~~ The commissioners shall compare the voting machine serial
28 numbers on either side of the machines with the numbers on the envelope containing
29 the keys to the voting machines received from the deputy custodian. ~~Verify, verify~~

1 that the numbers on the keys also match the serial numbers of the machines.
2 ~~Compare, compare~~ the protective counter numbers on the key envelope with the
3 protective counter numbers on the machines. ~~Compare, and compare the numbers~~
4 on the key envelope with the seal numbers on the machines.

5 (b) If the numbers do not agree, the commissioners shall notify the parish
6 custodian, and the commissioners shall not proceed further in the preparation of the
7 voting machine for voting until a representative of the parish custodian has
8 reexamined the voting machine and certified that it is properly arranged. If the
9 numbers agree, the commissioners shall open the envelope, take out the keys, and
10 open the door of the voting machine.

11 (c) When the door of the voting machine is opened, the commissioners shall
12 compare the cartridge seal number on the key envelope with the protective seal
13 number for the results cartridge.

14 (2)(a) After the voting machines are set up and powered on and the polls are
15 opened, the commissioners shall compare the public and protective counter numbers
16 on the key envelope with the public and protective counter numbers on the machines.

17 (b)(i) The commissioners shall cause each machine to produce a zero proof
18 sheet. ~~Determine, determine~~ from the zero proof sheet that each counter on that
19 machine is set at zero. ~~Sign, sign~~ and certify to the correctness of each zero proof
20 sheet. ~~Immediately, and immediately~~ post each zero proof sheet within the polling
21 place.

22 (ii) If any zero proof sheet is illegible or damaged, the commissioners shall
23 immediately notify the parish custodian who ~~will~~ shall take action necessary to make
24 the machine operative.

25 (iii) If any zero proof sheet indicates that any candidate or question counter
26 does not register zero, the commissioners shall immediately notify the parish
27 custodian, who ~~will, if practical, readjust the counters. If it is impractical to readjust~~
28 the counters before the polls open, immediately shall contact the secretary of state's
29 voting machine technician assigned to the parish to either repair or replace the voting

1 machine. The commissioners shall make a written statement of the ~~letter and~~
2 ~~number designation on each counter and the number registered on the counter. Post~~
3 ~~this statement at the polling place throughout the election and~~ irregularity by
4 completing in triplicate a notation of irregularities form to preserve the statement as
5 part of the election returns.

6 (3) ~~Check~~ The commissioners shall check the ballot on the face of each
7 voting machine against the sample ballot supplied by the custodian of voting
8 machines to make certain it is correct. If the ballot is not correct, the commissioners
9 shall notify the parish custodian, and the machine shall not be used until the ballot
10 has been corrected under supervision of the parish custodian or his representatives.

11 (4) The commissioners shall set up the audio unit for use of the audio ballot
12 by voters during the election.

13 (5) ~~Post~~ The commissioners shall post the instructions, informational posters,
14 if required, the statement of proposed constitutional amendments on the ballot, and
15 a sample ballot in a conspicuous place at the principal entrance to the polling place,
16 where they shall remain posted throughout the election day.

17 (5) (6) ~~Leave~~ The commissioners shall leave the voting machines locked
18 against voting until the polls are formally opened, and thereafter they shall be
19 operated only by the commissioners to allow voters in casting to cast their votes.

20 (6) (7) ~~Complete~~ When the polls are opened, the commissioners shall
21 complete in triplicate Certificate No. 1 of the composite certificate designated
22 "Machine Certificates", which shall be prepared and furnished by the secretary of
23 state. This certificate shall state:

- 24 (a) The exact time when the keys to the voting machines were delivered.
- 25 (b) The serial number on each voting machine.
- 26 (c) The number of the seal on each voting machine ~~or cartridge, if applicable.~~
- 27 (d) The number of the seal on each precinct register.
- 28 (e) The number shown on the protective counter on each voting machine.

1 ~~(e)~~ (f) That the public counter on each machine numbered zero and whether
2 any visible damage was seen on any voting machine prior to the start of the election.

3 C. Disposition of the keys. ~~When the voting machines at the polling place~~
4 ~~are unlocked for voting;~~ After closing and locking the back of the voting machine,
5 the commissioners shall place the keys to the voting machines in the envelope
6 provided for that purpose. The commissioners, in the presence of the watchers, shall
7 seal and sign the envelope containing the voting machine keys, and the sealed
8 envelope shall be kept with the other election materials until the termination of
9 voting. The keys to the voting machines shall not be used during the election except
10 by mechanics or experts repairing or adjusting a voting machine under the
11 supervision and control of the parish custodian.

12 D. Operation of voting machines. During the election, the voting machines
13 shall only be operated by the commissioners to allow the voters ~~casting~~ to cast their
14 votes.

15 E. Maintenance of precinct registers on election day. (1) The parish
16 custodian of voting machines shall be responsible for delivering to the precinct a
17 ~~supplemental~~ list of absentee voters who voted absentee by mail and whose ballots
18 were received after the ~~last day for early voting and before election day, if necessary~~
19 precinct register was completed for election day voting by the registrar of voters and
20 placed in the voting machine.

21 (2) For each name appearing on the ~~supplemental~~ list, the commissioners
22 shall ~~mark "Absentee"~~ write "voted by mail" in the place where the voter usually
23 signs the precinct register and initial the precinct register adjacent ~~to the word~~
24 ~~"Absentee"~~ thereto.

25 (3) The parish custodian of voting machines shall be responsible for
26 delivering to the precinct a supplement to the official list of voters, if necessary.

27 (4) Upon receipt of any supplement to the official list of voters, the
28 commissioners shall add the supplement to the precinct register behind the
29 ~~"supplemental" divider~~ precinct register" tab.

1 * * *

2 §562. Prerequisites to voting

3 * * *

4 B. Review of precinct register. The commissioners shall then determine:

5 (1) If the applicant's name is found in the precinct register on the official list
6 of voters or the supplemental list of voters and he has not voted absentee by mail or
7 during early voting, one of the commissioners shall announce the applicant's name
8 again.

9 (2) If the applicant's name is found in the precinct register on the inactive list
10 of voters and he has not voted absentee by mail or during early voting, the applicant
11 may vote after complying with provisions of R.S. 18:196(B). After such compliance,
12 one of the commissioners shall announce the applicant's name again and shall
13 preserve the address confirmation card received from the voter by placing the
14 address confirmation card in the envelope marked "Registrar of Voters" and
15 attaching the envelope to the precinct register.

16 (3) If the name of a qualified voter was omitted from ~~or incorrectly printed~~
17 ~~on~~ the precinct register, the commissioner shall:

18 (a) Contact the registrar of voters or the secretary of state to ascertain
19 whether or not the person applying to vote is registered to vote in that precinct.

20 (b) In the absence of a valid challenge of the voter and confirmation from the
21 registrar of voters or secretary of state that the applicant is registered to vote in the
22 precinct, allow the applicant to sign ~~an~~ a precinct register correction affidavit before
23 a commissioner attesting that he is a qualified registered voter and describing the
24 ~~error or~~ omission in the voter records and print the voter's name in the precinct
25 register behind the precinct register correction affidavit tab.

26 (c) Preserve the applicant's original affidavit as part of the election records
27 by placing it in the envelope marked "~~Put in Voting Machine~~" ~~and place the~~
28 ~~duplicate affidavit in the envelope marked~~ "Registrar of Voters" and attach the
29 envelope to the precinct register after the termination of voting.

1 (4) If the name of a qualified voter was incorrectly printed on the precinct
2 register, the commissioner shall:

3 (a) Allow the applicant to complete a voter registration application to update
4 his voter registration record.

5 (b) Preserve the voter registration application as part of the election records
6 by placing it in the envelope marked "Registrar of Voters" and attach the envelope
7 to the precinct register after the termination of voting.

8 * * *

9 §563. Procedure for voting

10 * * *

11 C.(1) A voter shall not remain in a voting machine longer than three minutes.
12 If a voter fails to leave a voting machine promptly after a commissioner has notified
13 him that three minutes have elapsed, the commissioners shall ~~have~~ order the voter
14 ~~removed from~~ to complete voting and leave the voting machine.

15 (2) Notwithstanding Paragraph (1) of this Subsection, a voter receiving
16 assistance in voting pursuant to R.S. 18:564 or a voter using the audio ballot shall be
17 allowed to remain in a voting machine for up to twenty minutes. If such a voter fails
18 to leave a voting machine promptly after a commissioner has notified him that
19 twenty minutes have elapsed, the commissioners shall ~~have~~ order the voter ~~removed~~
20 ~~from~~ to complete voting and leave the voting machine.

21 D.(1)(a) In order to cast a vote on a voting machine, a voter shall make at
22 least one selection in a candidate or proposition election. Voting is completed by
23 activating the cast vote mechanism.

24 (b) If ~~the~~ a voter has made any selection in a candidate or proposition
25 election but has failed to activate the cast vote mechanism, a commissioner observed
26 by at least one other commissioner shall activate the cast vote mechanism for the fled
27 voter without altering any selections made by the voter.

28 (c) If a voter has failed to make any selection before leaving the voting
29 machine and, therefore, a commissioner cannot activate the cast vote mechanism for

CODING: Words in ~~struck through~~ type are deletions from existing law; words underscored are additions.

1 the fled voter, a commissioner shall complete in triplicate the notation of
2 irregularities form provided by the secretary of state and reset the voting machine.

3 * * *

4 §571. Procedures for commissioners after termination of voting

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

8 * * *

9 (3)(a) Close the polls.

10 (4)(a) Complete in ~~triplicate~~ duplicate Certificate No. 2 of the composite
11 certificate designated "Machine Certificates", which shall state (i) that the voting
12 machines were secured against further voting, (ii) the exact time the voting machines
13 were secured against further voting, (iii) the serial number on each voting machine,
14 (iv) the number shown on the public counter of each voting machine, which shall be
15 the total number of voters casting votes on that machine in the election, ~~and~~ (v) the
16 number shown on the protective counter of each voting machine, which shall be the
17 total number of times the machine has been voted in its lifetime (vi) the number of
18 the seal placed on the precinct register by the commissioners, and (vii) whether any
19 visible damage occurred to any voting machine during the election.

20 (b) Sign the completed machine certificates.

21 ~~(4)~~ (5) Sign and certify to the correctness of the duplicate poll lists.

22 ~~(5)~~ (6) Post the printouts from the voting machines at a conspicuous place
23 at the polling place for public viewing.

24 ~~(6)~~ (7) Complete an affidavit of payroll and nondisclosure. The affidavit
25 shall be prepared by the secretary of state and shall contain the name, address, and
26 last four digits of the social security number of each commissioner and an
27 acknowledgment that the law prohibits disclosure of confidential voter information
28 listed in the precinct register. The affidavit shall be signed by each commissioner
29 and placed in the bag that is delivered to the clerk of court.

1 ~~(7)~~ (8) Place one copy of the official election results reports, one of the
 2 duplicate poll lists, all duplicate records of challenges, all ~~duplicate~~ precinct register
 3 corrections, all voter identification affidavits, all physical disability affidavits, any
 4 physicians' certificates, any copies of disability documentation, a copy of each
 5 completed notation of irregularities form, and any address confirmation cards in the
 6 envelope marked "Registrar of Voters", seal it and attach it to the precinct register
 7 after the termination of voting, and place a new protective seal on the precinct
 8 register.

9 ~~(8)~~ (9) Seal any original ~~precinct register corrections and original challenges~~
 10 of voters that have been executed, the official election zero proof report, one copy
 11 of the official election results reports, one of the duplicate poll lists, a copy of each
 12 completed notation of irregularities form, and a copy of the machine certificates in
 13 the envelope marked "~~Put in Voting Machine~~" and ~~place in or attach to a voting~~
 14 ~~machine that envelope and the sealed precinct register~~ "Secretary of State's
 15 Envelope".

16 ~~(9)(a)~~ (10)(a) Lock the doors of the voting machines.
 17 (b) Secure the voting machines and election paraphernalia in accordance
 18 with the procedures in the informational pamphlet as provided in R.S. 18:553.1.

19 ~~(10)~~ (11) Place the keys to the voting machines in an envelope, which then
 20 shall be sealed and signed by all of the commissioners.

21 * * *

22 §573. Evidence of election results

23 A. Opening the voting machines.

24 * * *

25 (2) On the day immediately preceding the election, the clerk of court shall
 26 prominently post in his office a notice of the time and place where the election day
 27 voting machines will be opened after the election. If no order requiring an earlier
 28 opening has been issued, then at the time and place designated in the notice, the clerk
 29 of court, assisted by at least one member of the parish board of election supervisors,

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are additions.

1 in the presence of the candidates or their representatives who desire to be present,
2 shall open the voting machines and, if applicable, break the seals. Public and
3 protective counter numbers shall be recorded. Verification of the election results on
4 each machine, as provided for in Subsection B and subject to Subsection C of this
5 Section, shall be completed before another machine is opened.

6 (3) Each election day voting machine shall be relocked or otherwise secured
7 and, if applicable, resealed after the candidates or their representatives have had a
8 reasonable opportunity to inspect the machine, which shall not be less than thirty
9 minutes after the time designated for opening the machines by the clerk of court in
10 the notice posted in his office. The clerk of court, in the presence of a majority of
11 the parish board of election supervisors, shall reopen any voting machine for
12 reinspection by a candidate or his representative after receipt of a written request for
13 reinspection by the candidate. All reinspections shall be held at 10:00 a.m. on the
14 fifth day after the election and at any time ordered by a court of competent
15 jurisdiction. If the fifth day after the election falls on a holiday or weekend, such
16 reinspection shall be held at 10:00 a.m. on the next working day. Any written
17 request for reinspection of voting machines shall be filed with the clerk of court. The
18 deadline for filing a request for reinspection shall be the last working day prior to the
19 date of the reinspection. Immediately upon receiving any request, the clerk of court
20 shall prominently post in his office a notice of the time and place where the voting
21 machines will be reopened and the name of the candidate requesting that the
22 machines be reopened. The candidate requesting the reinspection shall be
23 responsible for all reasonable costs associated with such reinspection, including
24 technical support by the secretary of state's technicians, which shall be payable to the
25 clerk of court. The costs shall be estimated and paid at the time the written request
26 for reinspection of voting machines is filed with the clerk of court and shall be paid
27 in cash or by certified or cashier's check on a state or national bank or credit union,
28 United States postal money order, or money order issued by a state or national bank
29 or credit union. The parish board of election supervisors shall be entitled to

1 reimbursement for attending the reinspection at the rate established in R.S.
2 18:423(E); however, such reimbursement shall not be counted toward the six-day
3 limitation provided in R.S. 18:423(E). If it is necessary to reopen a voting machine
4 which has been relocked or otherwise secured and, if applicable, resealed to conduct
5 a reinspection thereof, the clerk of court shall relock or otherwise secure and, if
6 applicable, reseal the machine after the reinspection is completed.

7 * * *

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

26 C. Use of employees. The clerk of court may utilize deputy clerks and other
27 employees of his office to assist him in opening the voting machines and verifying
28 the election results as required in Subsections A and B of this Section. Nothing in
29 this Section shall prohibit the clerk from utilizing more than one team of his deputies

1 or employees to perform the duties required of him. To facilitate the verification of
2 election results, two or more voting machines may be opened simultaneously and the
3 results thereon verified.

4 * * *

5 E. Transmission and disposition of duplicate challenges, duplicate voters'
6 affidavits, and address confirmation cards. (1) At the opening of the voting
7 machines, the sealed precinct registers shall be immediately returned to the registrar
8 of voters. Upon receipt of the sealed precinct registers, the registrar shall remove
9 any attached duplicate record of challenges of voters made during the election, any
10 ~~duplicate voters'~~ precinct register correction affidavits, any voter identification
11 affidavits made pursuant to R.S. 18:562(B), and 18:562, any address confirmation
12 cards, any physical disability affidavits, any physicians certificates, any copies of
13 disability documentation, and any completed voter registration applications.

14 * * *

15 (3) The registrar also shall proceed to determine if each voter submitting ~~an~~
16 a voter identification affidavit made pursuant to R.S. 18:562 attesting that he is a
17 qualified registered voter ~~and alleging an error or omission on the precinct register~~
18 is in fact a registered voter qualified to vote in the election by comparing the
19 information provided by the voter with the information on file in the registrar's office
20 and by reasonably comparing the signature on the affidavit with any signature on file
21 for the voter in the registrar's office. If the registrar determines that any person who
22 has voted in the election by virtue of his submission of such an affidavit was not a
23 registered voter qualified to vote in the election, the registrar shall so inform the
24 ~~district attorney~~ elections compliance unit and shall transmit to ~~him~~ it the affidavit
25 of that person.

26 (4) The registrar shall scan the address confirmation card, voter
27 identification affidavit, disability documentation, or voter registration application
28 and add it to the voter's record in the state voter registration computer system after
29 processing.

1 §574. Compilation and promulgation of returns

2 * * *

3 B. By a majority vote of the members, the parish board of election
4 supervisors may complete in triplicate and attach to the compiled statements a
5 notation of ~~any~~ irregularities form prepared by the secretary of state to document
6 irregularities observed by the board with respect to:

- 7 (1) The security of the place in which the voting machines are located;
- 8 (2) The security of the voting machines;
- 9 (3) The physical condition of the voting machines;
- 10 (4) The physical condition of the election materials in the voting machines;
- 11 (5) The substantive contents of the election materials in the voting machines;

12 ~~and.~~

- 13 (6) Any other matter affecting the verification of the vote totals by the clerk
- 14 of court.

15 * * *

16 Section 4. R.S. 18:514 is hereby repealed in its entirety.

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

23 (B) Section 2 shall become effective on August 1, 2018.

24 (C) Section 3 shall become effective January 1, 2019.

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)]

HB 692 Original

2018 Regular Session

Shadoin

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

Present law (R.S. 18:3) provides requirements for any petition submitted to a registrar of voters for certification. Provides that each such petition must include certain information, including a handwritten signature of the voter, the date the voter signed the petition, the signer's ward, precinct, and date of birth, the registration address of the signer, and certain information concerning the person who witnessed and obtained the signature.

Proposed law retains present law.

Present law requires a petition to include the signer's date of birth.

Proposed law instead requires the petition to include only the signer's year of birth.

Present law (R.S. 18:23) provides relative to the State Bd. of Election Supervisors. Provides certain procedural requirements and for the membership of the board, including one member of the Police Jury Association of Louisiana (PJAL) or its successor.

Proposed law retains present law.

Present law provides that the member of the PJAL is elected by its membership.

Proposed law instead provides that the member of the PJAL is selected in the manner determined by the association. Additionally authorizes the PJAL to select an alternate member to permanently act for the and in place of the member selected pursuant to proposed law in his absence from meetings of the board. Requires the executive director of the association to notify the board in writing of the alternate member selected.

Present law (R.S. 18:423) provides relative to parish boards of election supervisors. Creates a parish board in each parish and provides for the powers, duties, and membership. Provides that each parish board includes the registrar of voters, the clerk of court, the chairman of the parish executive committee of each recognized political party or his designee who shall be a member of the parish executive committee of the same recognized political party, and one member appointed by the governor. Provides that in a parish where a parish executive committee of a recognized political party has not been formed, the chairman of the state central committee of that political party may appoint a voter who is registered in the parish as being affiliated with the political party to serve on the parish board.

Proposed law retains present law. Additionally provides that the chairman of the state central committee of a political party may appoint a voter to serve on the parish board if there is a vacancy in the office of chairman of the parish executive committee of the party.

Present law (R.S. 18:433) requires the clerk of court to conduct a course of instruction for commissioners-in-charge each year. Requires the clerk to issue a certificate to each person who successfully completes the course of instruction. Requires the clerk to file with the parish board of election supervisors a certified list of those persons and requires certain information to be included in the list.

Present law also requires the clerk to send the list to the secretary of state.

Proposed law repeals present law. Instead requires the clerk to enter the list in the state voter registration computer system as soon as possible after filing the list with the parish board.

Present law (R.S. 18:464) provides the amounts of qualifying fees for candidates. Provides different amounts based on the category of office. For municipal offices, provides different amounts depending on the population of the municipality.

Proposed law retains present law. Specifies that population for purposes of determining the size of municipalities is the population shown by the latest federal decennial census.

Present law (R.S. 18:467) provides for the opening of the qualifying period for candidates. Provides that qualifying opens for candidates in a primary election for municipal and ward officers who are not elected at the same time as the governor or members of congress in municipalities with a population of less than 300,000 and those in any special primary election to be held at the same time, on the second Wed. in Jan. of the year of the election, unless the primary election is held on the first Sat. in March; provides that in such case the qualifying period for candidates in such primary election shall open on the first Wed. in Dec. of the year prior to the election.

Proposed law changes the opening of qualifying from the second Wed. in Jan. to the last Wed. in Jan. when the primary election is not held on the first Sat. in March. Otherwise retains present law.

Present law (R.S. 18:514) provides that all elected parochial and municipal officers in a parish containing a municipality with a population of 300,000 or more shall take office on the first Mon. in May of 1982 and each four years thereafter.

Proposed law repeals present law.

Present law (R.S. 18:533) requires the governing authority of each parish to establish polling places for precincts in the parish. Provides requirements for polling places. Prohibits the use of certain locations. Provides that polling places are to be located in public buildings, but if no public building is available a precinct may be located on private property. Requires the governing authority to enter into a written lease for private property that will be used as a polling place. Provides requirements for such leases, and requires each lease to be recorded in the office of the clerk of court for the parish where the property is located and filed with the secretary of state.

Proposed law retains present law.

Present law provides that payment for the use of private property as a polling place shall not exceed \$150 for each election.

Proposed law provides an exception to present law if written approval is received from the secretary of state or his designee.

Present law also requires a copy of each polling place lease to be prominently posted in the office of the registrar of voters.

Proposed law repeals present law.

Present law (R.S. 18:553) requires the parish custodian of voting machines to seal the keys to the voting machines at each polling place in an envelope on which shall be written the ward and precinct number of the polling place, the location of the polling place, and the numbers of the seal and protective counter of each voting machine at the polling place. Requires the parish custodian to deliver the sealed key envelope to the deputy parish custodian appointed for the polling place; requires the deputy parish custodian to deliver the

sealed key envelope to the commissioner-in-charge at the polling place at least 30 minutes before the time for opening the polls on election day.

Proposed law retains present law. Additionally requires the parish custodian of voting machines to write on the key envelope the number of the seal for each precinct register.

Present law provides procedures for commissioners to prepare the polling place prior to the beginning of voting. Requires the commissioners to compare the voting machine serial numbers on either side of the machines with the numbers on the envelope containing the keys to the voting machines received from the deputy custodian, to verify that the numbers on the keys also match the serial numbers of the machines, to compare the protective counter numbers on the key envelope with the protective counter numbers on the machines, and to compare numbers on the key envelope with the seal numbers on the machines.

Present law provides that if the numbers do not agree, the commissioners shall notify the parish custodian, and the commissioners shall not proceed further in the preparation of the voting machine for voting until a representative of the parish custodian has reexamined the voting machine and certified that it is properly arranged. Provides that if the numbers agree, the commissioners shall open the envelope, take out the keys, and open the door.

Proposed law retains present law. Additionally provides that when the door of the voting machine is opened, the commissioners shall compare the cartridge seal number on the key envelope with the protective seal number for the results cartridge. Provides that after the voting machines are set up and powered on and the polls are opened, the commissioners shall compare the public and protective counter numbers on the key envelope with the public and protective counter numbers on the machines.

Present law provides that the commissioners shall cause each machine to produce a zero proof sheet, determine from the zero proof sheet that each counter on that machine is set at zero, sign and certify to the correctness of each zero proof sheet, and immediately post each zero proof sheet within the polling place. Provides that if any zero proof sheet is illegible or damaged, the commissioners shall immediately notify the parish custodian who shall take action necessary to make the machine operative.

Proposed law retains present law.

Present law provides that if any zero proof sheet indicates that any candidate or question counter does not register zero, the commissioners shall immediately notify the parish custodian.

Proposed law retains present law.

Present law requires the parish custodian to, if practical, readjust the counters.

Proposed law repeals present law. Provides that the parish custodian shall contact the secretary of state's voting machine technician assigned to the parish to either repair or replace the voting machine.

Present law requires the commissioners to immediately make a written statement of the letter and number designation on each counter and the number registered on the counter and post this statement at the polling place throughout the election and preserve the statement as part of the election returns.

Proposed law repeals present law. Instead requires the commissioners to make a written statement of the irregularity by completing in triplicate a notation of irregularities form to preserve the statement as part of the election returns.

Present law requires the commissioners to check the ballot on the face of each voting machine against the sample ballot supplied by the custodian of voting machines to make certain it is correct. Provides that if the ballot is not correct, the commissioners shall notify the parish custodian, and the machine shall not be used until the ballot has been corrected under supervision of the parish custodian or his representatives.

Present law requires the commissioners to post the instructions, informational posters, if required, the statement of proposed constitutional amendments on the ballot, and a sample ballot in a conspicuous place at the principal entrance to the polling place, where they shall remain posted throughout the election day.

Present law requires the commissioners to leave the voting machines locked against voting until the polls are formally opened and thereafter they shall be operated only by the voters in casting their votes.

Present law requires the commissioners to complete in triplicate Certificate No. 1 of the composite certificate designated "Machine Certificates", which shall be prepared and furnished by the secretary of state. Provides for the content of the certificate.

Proposed law retains present law. Additionally, requires Certificate No. 1 to include the number of the seal on the precinct register and whether any visible damage was seen on any voting machine prior to the start of the election. Also requires the commissioners to set up the audio unit for use of the audio ballot by voters during the election.

Present law requires the commissioners to place the keys to the voting machines in the envelope marked for that purpose.

Proposed law retains present law.

Present law provides that the keys are placed in the envelope when the voting machines at the polling place are unlocked for voting.

Proposed law provides instead that the keys are placed in the envelope after closing and locking the back of the voting machine.

Present law provides that during the election, the voting machines shall only be operated by the voters casting their votes.

Proposed law provides instead that the voting machines shall only be operated by the commissioners to allow the voters to cast their votes.

Present law requires the parish custodian of voting machines to deliver a supplemental list of absentee voters who voted absentee by mail and whose ballots were received after the last day for early voting and before election day, if necessary.

Proposed law provides that the list shall include a list of absentee voters whose ballots were received after the precinct register was completed for election day voting by the registrar of voters and placed in the voting machine.

Present law requires the commissioners to mark "Absentee" in the precinct register for each name appearing on the list.

Proposed law provides instead that the commissioners write "voted by mail".

Present law (R.S. 18:562) provides prerequisites for voting. Requires each voter to give his name and address to a commissioner, who shall announce the applicant's name and address to the persons at the polling place. The voter must identify himself and present the commissioners with certain forms of identification or execute an affidavit.

Proposed law retains present law.

Present law requires the commissioners to look for the voter's name in the precinct register on the official list of voters and determine whether the voter has voted absentee by mail or during early voting.

Proposed law retains present law and additionally requires the registrar to determine whether the voter's name is on the supplemental list of voters.

Present law provides procedures for a voter whose name is found on the inactive list of voters.

Proposed law retains present law.

Present law provides that if the name of a qualified voter was omitted from the precinct register, the commissioner must contact the registrar of voters to ascertain whether the person is registered to vote in that precinct. Provides that in the absence of a challenge, the voter may sign an affidavit attesting that he is a qualified voter and describing the omission.

Proposed law retains present law. Additionally provides that the commissioner may contact the secretary of state to determine whether the person is registered to vote in that precinct. Requires confirmation from the registrar or secretary of state that the person is registered to vote in the precinct. Specifies that the affidavit is a precinct register correction affidavit. Requires the commissioners to print the voter's name in the precinct register correction affidavit tab.

Present law provides that the same procedures apply if the name of the voter was incorrectly printed on the precinct register.

Proposed law repeals present law. Instead, provides that in such case, the commissioner shall allow the applicant to complete a voter registration application to update his voter registration record and preserve the voter registration application as part of the election records by placing it in the envelope marked "Registrar of Voters" and attach the envelope to the precinct register after the termination of voting.

Present law (R.S. 18:563) provides that a voter may not remain in a voting machine longer than three minutes, unless the voter receives assistance pursuant to present law (R.S. 18:564) or uses the audio ballot. In such case, the voter may remain in the voting machine for 20 minutes.

Proposed law retains present law.

Present law provides that if a voter fails to leave a voting machine promptly after being notified that the required time has elapsed, the commissioners shall have the voter removed from the voting machine.

Proposed law provides instead that if a voter fails to leave a voting machine promptly after being notified that the required time has elapsed, the commissioners shall order the voter to complete voting and leave the voting machine.

Present law provides that in order to cast a vote on a voting machine, a voter shall make at least one selection in a candidate or proposition election. Provides that voting is completed by activating the cast vote mechanism. Provides that if the voter has made any selection in a candidate or proposition election but has failed to activate the cast vote mechanism, a commissioner observed by at least one other commissioner shall activate the cast vote mechanism for the voter without altering any selections made by the voter.

Proposed law retains present law. Additionally provides that if a voter has failed to make any selection before leaving the voting machine and, therefore, a commissioner cannot activate the cast vote mechanism for the fled voter, a commissioner shall complete in triplicate the notation of irregularities form provided by the secretary of state and reset the voting machine

Present law (R.S. 18:571) provides procedures for commissioners to follow after the termination of voting. Requires the commissioners to announce that voting is terminated, secure the voting machines against further voting, and expose the count on the voting machines, leaving the counter in full view of the watchers.

Proposed law retains present law. Requires the commissioners to close the polls.

Present law requires the commissioners to complete Certificate No. 2 in triplicate.

Proposed law requires the certificate to be completed in duplicate, instead of in triplicate.

Present law requires the commissioners to state on the certificate the number on each voting machine.

Proposed law specifies that the number is the serial number. Additionally requires the certificate to include the number of the seal placed on the precinct register by the commissioners and whether any visible damage occurred to any voting machine during the election.

Present law requires the commissioners to place all duplicate records of challenges, all duplicate precinct register corrections, all voter identification affidavits, any physicians' certificates, and any address confirmation cards in the envelope marked "Registrar of Voters", seal it and attach it to the precinct register, and seal the precinct register.

Proposed law retains present law. Additionally requires the commissioners to include in the envelope one copy of the official election results reports, one of the duplicate poll lists, all physical disability affidavits, any copies of disability documentation, and a copy of each completed notation of irregularities form.

Present law requires the commissioners to seal any original challenges of voters that have been executed, the official election zero proof report, one copy of the official election results reports, one of the duplicate poll lists, and a copy of the machine certificates in an envelope.

Proposed law retains present law.

Present law also requires the commissioners to include precinct register corrections.

Proposed law repeals present law.

Present law requires the envelope to be marked "Put in Voting Machine" and placed in or attach to a voting machine that envelope and the sealed precinct register.

Proposed law repeals present law and instead requires the envelope to be marked "Secretary of State's Envelope". Additionally requires the commissioners to include a copy of each completed notation of irregularities form.

Present law (R.S. 18:572) provides procedures to be followed by the commissioner-in-charge following the termination of voting. Requires the commissioner-in-charge to mail certain documentation to the secretary of state and to deliver certain items to the clerk of court. Provides a deadline for completing the required procedures.

Proposed law retains present law.

Present law specifies documents to be mailed to the secretary of state. Proposed law instead requires the commissioner-in-charge to mail to the secretary of state the envelope marked "Secretary of State's Envelope".

Present law requires the commissioner-in-charge to deliver to the clerk of court the original machine certificates and all election result cartridges. Proposed law retains present law.

Proposed law makes the following changes relative to other items required to be delivered to

- (1) Instead of the keys to the voting machines, proposed law requires the completed and signed key envelope for the voting machines to be delivered.
- (2) Instead of the original of the signed list of commissioners, proposed law requires the affidavit of payroll and nondisclosure for the commissioners to be delivered.
- (3) Instead of a copy of the final result tally sheets, proposed law requires the official election results report from the voting machines to be delivered.

Proposed law additionally provides that the following shall be delivered by the commissioner-in-charge to the clerk of court:

- (1) A copy of each completed notation of irregularities form.
- (2) For a federal election, the return provisional ballot envelope containing all voted provisional ballots and unused provisional ballots and envelopes.

Proposed law specifies that the items shall be delivered to the clerk of court in a clear plastic zipper bag.

Present law provides that upon receipt of the items, the clerk of court shall affix the time of receipt upon the election documents which contain election results. Requires the clerk of court to make a copy of the election results available to the press and public.

Proposed law retains present law and additionally provides that for a federal election, the clerk of court shall deliver to the registrar of voters the return provisional ballot envelope containing all voted provisional ballots not later than 8:30 a.m. on the first business day following the election.

Present law (R.S. 18:573) provides procedures for opening and relocking voting machines and verifying election results after the election.

Proposed law retains present law. Specifies that present law applies to election day voting machines.

Present law requires the clerk of court to verify the total votes cast for each candidate and the total votes cast for and against each proposition as shown on the voting machines or voting machine election result sheets and the total number of absentee by mail and early voting votes cast for each candidate and the total number of absentee by mail and early voting votes cast for and against each proposition as shown by the final absentee by mail and early voting report filed with the clerk by the parish board of election supervisors.

Proposed law retains present law.

Present law provides that the machine votes cast shall be shown separately by each precinct, and the absentee by mail and early voting votes cast shall be shown as the total number of votes cast for each candidate and the total number of votes cast for and against each proposition.

Proposed law provides that the absentee by mail and early voting votes cast for each candidate and the total number of absentee by mail and early voting votes cast for and against each proposition as shown by the final absentee by mail and early voting report filed with the clerk of court by the parish board of election supervisors on election night shall be shown separately from the precinct totals as the final absentee vote report with the total number of votes cast for each candidate and the total number of votes cast for and against each proposition. Otherwise retains present law.

Present law provides that at the opening of the voting machines, the sealed precinct registers shall be immediately returned to the registrar of voters. Upon receipt of the sealed precinct registers, requires the registrar to remove any attached duplicate record of challenges of voters made during the election and any address confirmation cards.

Proposed law retains present law.

Present law also requires the registrar to remove any duplicate voters' affidavits.

Proposed law repeals present law. Additionally requires the registrar to remove any precinct register correction affidavits, any physical disability affidavits, any physicians certificates, any copies of disability documentation, and any completed voter registration applications.

Present law requires the registrar to proceed to determine if each voter submitting an affidavit attesting that he is a qualified registered voter is in fact a registered voter qualified to vote in the election.

Proposed law retains present law and provides that the registrar make his determination by comparing the information provided by the voter with the information on file in the registrar's office and by reasonably comparing the signature on the affidavit with any signature on file for the voter in the registrar's office.

Present law provides that if the registrar determines that any person who has voted in the election by virtue of his submission of such an affidavit was not a registered voter qualified to vote in the election, the registrar shall so inform the district attorney and shall transmit to him the affidavit of that person.

Proposed law requires the registrar to inform the elections compliance unit and send the affidavit to it, instead of the district attorney.

Proposed law additionally requires the registrar to scan the address confirmation card, voter identification affidavit, disability documentation, or voter registration application and add it to the voter's record in the state voter registration computer system after processing.

Present law (R.S. 18:574) provides procedures for the compilation and promulgation of election returns. Requires the parish board of election supervisors or selected members of the board to meet and observe the verification of the votes by the clerk of court. Requires the board to prepare two compiled statements of the election returns showing the machine votes for each candidate and for and against each proposition in each precinct, the total absentee by mail and early voting votes for each candidate and for and against each proposition in the parish, the total provisional votes for each candidate for federal office, and the total of all votes for each candidate and for and against each proposition in the parish.

Present law provides that the parish board may attach to the compiled statements a notation of any irregularities observed with respect to certain specified issues.

Proposed law provides that this notation must be done by executing in triplicate a notation of irregularities form prepared by the secretary of state.

Present law provides that the parish board shall complete the compilation of the election returns and file one copy of the compiled statement with the clerk of court no later than 4:00 p.m. on the fourth day after the election. Provides that one copy of the compiled statement shall be postmarked no later than 12:00 noon on the fifth day after the election and mailed to the secretary of state. Requires the clerk of court to transmit the election returns as shown by the compiled statement from the parish board of election supervisors to the secretary of state no later than 12:00 noon on the fifth day after the election. Provides that in a parish containing a municipality with a population of 300,000 or more, the parish board of election supervisors shall transmit the election returns as shown by their compiled statement to the secretary of state no later than 12:00 noon on the fifth day after the election. Provides that failure to comply with these time limits shall not void the election.

Proposed law each of the present law deadlines by one day. Otherwise retains present law.

Present law requires the secretary of state to compile the results of the election for all candidates, proposed constitutional amendments, and recall elections based upon the compilation of the votes transmitted to him by the clerks of court from the compiled statements by the parish boards of election supervisors. Provides that in a parish containing a municipality with a population of 300,000 or more, the secretary of state shall compile the results of the election for all candidates, proposed constitutional amendments, and recall elections based upon the compilation of the votes transmitted to him by the parish board of election supervisors. Requires the compilation to be completed and the results to be announced not later than 12:00 noon on the sixth day after the election.

Proposed law changes the deadline for compiling and announcing the results from the sixth day after the election to the seventh day after the election. Specifies that announcement of the results is on the secretary of state's website. Additionally requires the secretary of state to verify the results no later than 12:00 noon on the seventh day after the election. Otherwise retains present law.

Present law provides that on or before the 12th day after the primary or general election, if no action has been timely filed contesting the election to the office of a state candidate, the secretary of state shall promulgate the returns for state candidates, proposed constitutional amendments, and recall elections by publishing in the official journal of the state the names of the state candidates for each office in the election, the text of the proposed constitutional amendment, and recall elections and the number of votes received by each such candidate, proposed constitutional amendment, and recall elections as shown by the returns transmitted by the clerks of court from the compiled statements by the parish boards of election supervisors. Provides that in a parish containing a municipality with a population of 300,000 or more, the promulgation shall be from the returns transmitted by the parish board of election supervisors. Provides that on or before the 12th day after the primary or general election, if no action has been timely filed contesting the election to office of a candidate other than a state candidate, the secretary of state shall promulgate the returns for the election for candidates other than state candidates by transmitting to the clerk of court for the parish wherein the state capital is located a notice containing the results of the elections for candidates other than state candidates. Requires the clerk of court to post this notice in a prominent place in his office.

Proposed law changes the deadline for promulgation of the election returns from the 12th day after the election to the 14th day after the election. Otherwise retains present law.

Present law provides for the delay of deadlines in certain situations because of holidays. Proposed law amends present law to account for the changes in the deadlines.

Present law (R.S. 18:1303) authorizes and provides for voting absentee by mail. Specifies those persons who may vote absentee by mail, including a member of the U.S. service; a student, instructor, or professor at an institution of higher learning outside of the parish of registration; members of the clergy assigned to a religious post outside of the parish in which

he is registered to vote; a person who expects to be temporarily outside of the parish in which he is registered to vote during the early voting period and on election day; sequestered jury members; certain hospitalized persons; certain persons with disabilities; incarcerated persons; and persons over the age of sixty-five.

Proposed law retains present law. Adds the following to the list of persons entitled to vote absentee by mail:

- (1) The secretary of state or an employee of the secretary of state who is a qualified voter and who submits to the registrar of voters of the parish where he is registered to vote a copy of a state employee identification card.
- (2) An employee of the registrar of voters who is a qualified voter registered to vote in a parish other than his parish of employment and who submits to the registrar of voters of the parish where he is registered to vote a copy of an identification card showing employment with the registrar of voters.

Present law (R.S. 18:1311) requires the registrar of voters to keep a list containing the names of all persons who vote by early voting ballot during early voting and those whose absentee ballots by mail he has received. Requires the registrar, after the last day for early voting, to prepare a list, arranged alphabetically by precinct, of the names of all persons who have voted during early voting or from whom absentee ballots by mail were received on or before the last day for early voting. Requires the registrar to retain a copy of the list for use by the parish board of election supervisors on election night.

Present law requires the registrar to prepare a supplemental list, arranged alphabetically by precinct, of the names of all persons from whom absentee ballots by mail have been received after the last day for early voting and before election day. Requires the registrar to deliver the supplemental list for each precinct to the parish custodian who then delivers the supplemental list for each precinct to the deputy parish custodian appointed for that precinct. Requires the registrar to retain a copy of the supplemental list for use by the parish board of election supervisors on election night.

Proposed law retains present law.

Present law requires the registrar to post a copy of each list in a conspicuous place accessible to the public at the entrance to his office.

Proposed law repeals present law. Provides instead that a copy of the list shall be available for viewing in a conspicuous place at the principal office of the registrar of voters during regular office hours.

Present law (R.S. 18:1333) provides relative to the nursing home early voting program. Provides procedures and requirements for the registrar to go to each nursing home in the parish wherein reside voters who are eligible to vote pursuant to present law. Requires the registrar to have in his possession voting materials and supplies.

Proposed law retains present law.

Present law specifies that the registrar must use a portable metal box with a slot to hold absentee by mail ballots. Requires the registrar to lock the box before he removes it from his office.

Proposed law requires the registrar to have a portable container, instead of specifying that it be a metal box, and requires the container to include a lock. Otherwise retains present law.

Present law requires the registrar to retain the keys to the box in his office.

Propose law repeals present law.

Present law (R.S. 18:1355) requires voting machines to be constructed and equipped to allow and to prevent certain voting actions and to contain certain security features.

Proposed law retains present law. Additionally provides that a voting machine may be constructed and equipped to have a voter verification mechanism.

Proposed law removes references to provisions of the constitution held to be invalid (Art. I, §10(B)) and makes other technical changes.

Provisions of proposed law become effective upon signature of the governor, August 1, 2018, or January 1, 2019.

(Amends R.S. 18:3(A)(3), 23(A)(8), 423(C)(2), 433(A)(5), 463(A)(2)(a)(iii), 464(B)(3), 467(3), 495(A) and (E), 533(D) and (E), 553, 562(B), 563(C) and (D)(1), 566(A) and (C), 571(A)(3) through (10), 572(A), 573(A)(2) and (3), (B), (C), and (E)(1) and (3), 574(A)(3) and (B), (D)(1), (E), and (F), 1311, 1333(F)(2) and (G)(6)(b), 1354(B)(5), 1355, and 1361(A); Adds R.S. 18:23(E)(3), 571(A)(11), 573(E)(4), and 1303(K) and (L); Repeals R.S. 18:514)