

2020 Regular Session

HOUSE BILL NO. 751

BY REPRESENTATIVE DWIGHT

ELECTION CODE: Makes revisions to the Louisiana Election Code

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AN ACT

To amend and reenact R.S. 18:31(A), 104(C)(2), 106(B) and (C)(2)(a), 132(A), 154(C)(1)(f), 421(B), 435(A)(1)(b), 463(A)(1)(a) and (c), 532(C) and (D), 532.1(A), (D)(1)(b)(i), and (F), 553(B)(5), 564(D)(1)(a)(i) and (2)(a)(i) and (b), 573(E)(1), 1303(I)(1)(c), 1307.1(B), 1309(B), (E)(1), and (K)(1), 1309.1, 1309.3(D)(1)(a)(i), 1373(A), 1400.3(D)(4) and (E)(4), 1402(A), 1406(D), 1461.7(A)(4), and 1945 and to enact R.S. 18:113.1, 115(F)(2)(e) and 532.1(C)(4), relative to the Louisiana Election Code; to revise the system of laws comprising the Louisiana Election Code; to provide relative to elections procedures and requirements; to provide relative to cybersecurity training; to provide relative to voter registration; to provide relative to assistance in voting; to provide relative to location of registrar of voters office; to provide relative to candidates for public office; to provide relative to voter's rights; to provide relative to watchers; to provide for the content of the notice of candidacy; to provide relative to the establishment of precincts; to provide relative to absentee voting; to provide relative to early voting; to provide relative to certification of early voting commissioners; to provide relative to the preparation of voting machines for an election; to provide relative to extraordinary election expenses; to provide relative to objecting to candidacy and contesting an election; to provide relative to redistricting plans; to provide relative to compensation of commissioners; to provide

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

1 relative to withdrawal of candidates; to provide relative to recount and reinspection;  
2 and to provide for related matters.

3 Be it enacted by the Legislature of Louisiana:

4 Section 1. R.S. 18:31(A), 106(B) and (C)(2)(a), 132(A), 154(C)(1)(f), 421(B),  
5 435(A)(1)(b), 463(A)(1)(c), 532(C) and (D), 532.1(A), (D)(1)(b)(i), and (F), 553(B)(5),  
6 564(D)(1)(a)(i) and (2)(a)(i) and (b), 573(E)(1), 1303(I)(1)(c), 1307.1(B), 1309(B) and  
7 (E)(1), 1309.1, 1309.3(D)(1)(a)(i), 1373(A), 1400.3(D)(4) and (E)(4), 1402(A), 1406(D),  
8 1461.7(A)(4) and 1945 are hereby amended and reenacted and R.S. 18:113.1 and  
9 532.1(C)(4) are hereby enacted to read as follows:

10 §31. State voter registration computer system; parish computer system

11 A.(1) The secretary of state shall establish a state voter registration computer  
12 system for the registration of voters throughout the state in accordance with the  
13 provisions of this Title.

14 (2) The secretary of state shall prepare a minimum of one hour of training  
15 on cybersecurity for all persons who have user credentials to access the computer  
16 network operated or managed by the secretary of state. The secretary of state shall  
17 require each such person to complete this training annually in order to maintain  
18 credentialed access to the computer network.

19 \* \* \*

20 §106. Physical disability; inability to write English; language minority groups;  
21 execution of documents; assistance

22 \* \* \*

23 B. If the person requesting assistance has a physical disability or is unable  
24 to read or write English, the registrar or any person authorized to accept voter  
25 registration applications shall assist the person by reading the documents to him and  
26 by executing the documents by writing what the person dictates. If the applicant or  
27 voter does not speak English adequately for such dictation, the dictation shall be  
28 given and taken through an interpreter. If the applicant or voter is able to sign his  
29 name to the document, he shall do so. If he is unable to sign his name, he shall sign

1 with his mark in the presence of ~~two witnesses~~ a witness, who shall sign as ~~witnesses~~  
2 witness to his mark.

3 C.

4 \* \* \*

5 (2) For purposes of this Subsection proof of disability means one of the  
6 following:

7 (a) A certificate of a medical doctor, ~~or optometrist, physician's assistant as~~  
8 defined in R.S. 37:1360.22, or nurse practitioner as defined in R.S. 37:913 certifying  
9 to the irremediable nature of the physical disability.

10 \* \* \*

11 §113.1. Denial or cancellation of registration; correction of errors

12 If a person's registration was denied or cancelled and the registrar of voters  
13 determines that the registration was not processed correctly or was cancelled through  
14 an error of the registrar of voters, the registrar of voters shall process and approve  
15 the registration or correct the error and reinstate the registration.

16 \* \* \*

17 §132. Offices furnished registrar; supplies; expenses

18 A. Except as otherwise provided by law, the governing authority of each  
19 parish shall furnish the office space required by law for the registrar and also shall  
20 be responsible for the cost of all equipment and supplies, including all furniture,  
21 books, stationery, and other expenses for the operation of each office necessary to  
22 enable the registrar fully to discharge his duties. The parish governing authority  
23 shall provide space for the registrar's principal office in the courthouse or in ~~close~~  
24 proximity thereto a public facility within the parish, and this office shall be  
25 accessible and convenient to the residents of the parish. The space to be used for this  
26 office shall be specifically designated by the parish governing authority, which shall  
27 designate adequate space to enable the registrar to fully discharge his duties. No  
28 other official or unit of government shall have authority to designate or allocate such  
29 office space. Before the expenses are paid, the registrar shall furnish the head of the

1 parish governing authority a budget of anticipated expenses for each succeeding  
2 year.

3 \* \* \*

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

5 \* \* \*

6 C.(1) Notwithstanding any provision of this Section to the contrary, the  
7 registrar, the clerk of court, the Department of State, the office of motor vehicles of  
8 the Department of Public Safety and Corrections and any entity that contracts with  
9 the office, each voter registration agency and any entity that contracts with a voter  
10 registration agency, and any person who handles the voter registration application  
11 form of another person shall be prohibited from circulating on a commercial list or  
12 otherwise disclosing the following:

13 \* \* \*

14 (f) The electronic mail address of a registered voter, except a registered voter  
15 who has qualified as a candidate for public office.

16 \* \* \*

17 §421. Secretary of state; first assistant and other employees of the secretary of state

18 \* \* \*

19 B. The secretary of state shall develop and print ~~cards of instruction to the~~  
20 voters' bill of rights posters for voters and commissioners, which shall not be  
21 inconsistent with the constitution and laws of the United States or of this state and  
22 which shall be approved by the attorney general.

23 \* \* \*

24 §435. Watchers; appointment and commission

25 A.(1)

26 \* \* \*

27 (b) In the case of a presidential election, each slate of candidates for  
28 presidential elector is entitled to have one watcher at every precinct. The state  
29 central committee of each recognized political party shall be responsible for filing

1 the list of watchers for its slate of candidates for presidential elector, and the list of  
 2 watchers shall be signed by the chairman of the state central committee. The list of  
 3 watchers for ~~an independent or other party~~ a slate of candidates for presidential  
 4 elector who are not affiliated with a recognized political party shall be signed and  
 5 filed by any person so authorized by the presidential candidate supported by the slate  
 6 of electors. A letter of authorization from the presidential candidate, or from an  
 7 authorized agent of his campaign, shall accompany the list of watchers.

8 \* \* \*

9 §463. Notice of candidacy; campaign finance disclosure; political advertising;  
 10 penalties

11 A.(1)

12 \* \* \*

13 (c) When an agent files a notice of candidacy on behalf of a candidate, the  
 14 agent shall file with the qualifying official an affidavit with the signature of the  
 15 candidate attesting that the agent has the authorization and consent of the candidate  
 16 to file the notice.

17 \* \* \*

18 §532. Establishment of precincts

19 \* \* \*

20 C. Each parish governing authority shall provide and maintain at all times  
 21 geospacial shape files, if available, and a suitable printed map showing the current  
 22 geographical boundaries with designation of precincts, and a ~~word~~ correct, written  
 23 legal description of the precinct geographical boundaries. Each parish governing  
 24 authority shall send a copy of each map, with description attached, to the registrar  
 25 of voters and the secretary of state. The map may be composed of one or more  
 26 sheets but each sheet shall not exceed three feet by four feet. The map shall include  
 27 all existing roads, streets, railroad tracks, and drainage features but shall not include  
 28 underground utility lines, land use and zoning symbols or shadings, symbols for  
 29 vegetation cover, topographic contour lines, and similar items that obscure the basic

1 street pattern and names. All features, names, titles, and symbols on the map shall  
 2 be clearly shown and legible. The map sheet of the entire parish shall be on a scale  
 3 of one inch equals one mile to one inch equals two miles. Map sheets of each  
 4 incorporated place within the parish shall be on a scale of one inch equals eight  
 5 hundred feet to one inch equals sixteen hundred feet. Each map sheet shall indicate  
 6 the date of the base map or the date of last revision. Wherever the boundaries of a  
 7 precinct or incorporated place are coterminous, they shall be clearly indicated as  
 8 such.

9 D. The parish governing authority shall also furnish to the registrar of voters  
 10 and secretary of state geospacial shape files, if available, and a printed map clearly  
 11 indicating the boundaries of each parish governing authority district, school board  
 12 district, special election district, representative district, and senate district, and a  
 13 correct, written legal description of the boundaries.

14 \* \* \*

15 §532.1. Changing boundaries

16 A. The parish governing authority shall have authority, in accordance with  
 17 this Section, to change the configuration, boundaries, or designation of an election  
 18 precinct. Any change so determined shall be adopted by ordinance of the parish  
 19 governing authority. Within fifteen days after adoption of the ordinance, the parish  
 20 governing authority shall send to the secretary of state a certified copy of the  
 21 ordinance, a geospacial shape file, if available, ~~and~~ a printed copy of the map  
 22 showing the new precinct boundaries and designations ~~together with a~~ and a correct,  
 23 written legal description of such boundaries. The parish governing authority shall  
 24 comply with the provisions of R.S. 18:1941 when changing precinct boundaries.

25 \* \* \*

26 C.

27 \* \* \*

1                   (4) No precinct boundary change shall become effective for the election  
2                   unless the information required in this Subsection is received by the secretary of state  
3                   prior to 4:30 p.m. at least four weeks prior to the date the qualifying period opens.

4   \*       \*       \*

5                   D.(1)

6   \*       \*       \*

7                   (b) Notwithstanding the provisions of Subparagraph (a) of this Paragraph to  
8                   the contrary, if the legislature has completed the reapportionment required by Article  
9                   III, Section 6 of the Constitution of Louisiana following the latest federal decennial  
10                   census and, if required, has received preclearance pursuant to the Voting Rights Act  
11                   of 1965, the parish governing authority may merge precincts upon the parish  
12                   governing authority's certifying in writing to the office of the secretary of state that  
13                   the parish governing authority and all school boards within the parish have  
14                   completed all redistricting that is required following the latest federal decennial  
15                   census, if required, have received preclearance pursuant to the Voting Rights Act of  
16                   1965, and have received written approval to merge the precincts from the office of  
17                   the secretary of state.

18                   (i) A certified copy of the ordinance describing such precinct mergers, a  
19                   correct, written legal description of proposed new precinct boundaries, geospatial  
20                   shape files, if available, and a printed copy of a map clearly detailing the precinct  
21                   boundaries within the parish shall be sent to the secretary of the Senate, the clerk of  
22                   the House of Representatives, the secretary of state, the clerk of court, and the  
23                   registrar of voters of the parish within fifteen days after the adoption of the  
24                   ordinance.

25   \*       \*       \*

26                   F. Within fifteen days after the adoption of the ordinance as provided in this  
27                   Section, the parish governing authority shall send to the secretary of the Senate and  
28                   the clerk of the House of Representatives, the secretary of state, the clerk of court,  
29                   and the registrar of voters a certified copy of the ordinance, geospatial shape files,

1 if available, and a printed copy of a map showing the new precinct boundaries  
2 ~~together with a~~ and a correct, written legal description of such boundaries.

3 \* \* \*

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

6 \* \* \*

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

10 \* \* \*

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

16 \* \* \*

17 §564. Assistance in voting on election day

18 \* \* \*

19 D.(1)(a) Prior to receiving assistance pursuant to this Section due to a  
20 disability, including visual impairment, the voter shall file with the registrar in  
21 person or by mail a statement setting forth the necessity and reasons for this  
22 assistance and shall furnish the registrar one of the following:

23 (i) A certificate of a medical doctor, ~~or optometrist~~, physician's assistant as  
24 defined in R.S. 37:1360.22, or nurse practitioner as defined in R.S. 37:913 certifying  
25 to the irremediable nature of the physical disability as proof of disability.

26 \* \* \*

27 (2)(a) A voter shall also be entitled to assistance without having filed with  
28 the registrar a statement setting forth the necessity and reasons for this assistance if,



1 on election day, the voter presents to the commissioner-in-charge one of the  
2 following as proof of disability:

3 (i) A ~~physician's~~ certificate of a physician, optometrist, physician's assistant  
4 as defined in R.S. 37:1360.22, or nurse practitioner as defined in R.S. 37:913  
5 indicating the voter's inability to vote without assistance because of a physical  
6 disability.

7 \* \* \*

8 (b) The commissioner-in-charge shall place any ~~physician's~~ certificate,  
9 statement setting forth the necessity and reasons for assistance, copy of proof of  
10 disability, or completed and signed voter assistance form presented by a voter in the  
11 envelope marked "Registrar of Voters" and attach the envelope to the precinct  
12 register.

13 \* \* \*

14 §573. Evidence of election results

15 \* \* \*

16 E. Transmission and disposition of original challenges, duplicate voters'  
17 affidavits, and address confirmation cards. (1) At the opening of the voting  
18 machines, the sealed precinct registers shall be immediately returned to the registrar  
19 of voters. Upon receipt of the sealed precinct registers, the registrar shall remove  
20 any attached original record of challenges of voters made during the election, any  
21 precinct register correction affidavits, any voter identification affidavits made  
22 pursuant to R.S. 18:562, any address confirmation cards, any physical disability  
23 affidavits, any ~~physicians'~~ certificates, any copies of disability documentation, and  
24 any completed voter registration applications.

25 \* \* \*

26 §1303. Persons entitled to vote in compliance with this Chapter

27 \* \* \*

1 I. Voters with disabilities. (1) Any qualified voter who submits any of the  
2 following to the registrar of voters may vote absentee by mail upon meeting the  
3 requirements of this Chapter:

4 \* \* \*

5 (c) Current proof of disability from a physician, optometrist, physician's  
6 assistant as defined in R.S. 37:1360.22, or nurse practitioner as defined in R.S.  
7 37:913.

8 \* \* \*

9 §1307.1. Application by person serving on sequestered jury

10 \* \* \*

11 B. An application ~~must~~ shall be received by the registrar by noon on the day  
12 of the election for which it is requested, and the date received shall be noted thereon  
13 by the registrar.

14 \* \* \*

15 §1309. Early voting; verification

16 \* \* \*

17 B.(1) For the purpose of facilitating early voting, the registrar may designate,  
18 in addition to the location for early voting provided in Subsection A of this Section,  
19 one branch office wherein early voting may be conducted. Any such branch office  
20 shall be located in a public building, and the ~~hours~~ days during which early voting  
21 may be conducted therein shall be fixed by the registrar, with the approval of the  
22 secretary of state, at least thirty days prior to a primary election and twenty-one days  
23 prior to a general election, as provided in Subsection A of this Section, and the  
24 registrar shall post at his office adequate notice of the days on which early voting  
25 will be held at a branch office. However, if a branch office of a registrar is  
26 destroyed, inaccessible, or unsafe during or following a gubernatorially declared  
27 state of emergency, the registrar may utilize a temporary building as a branch office  
28 to discharge his duties until an office that meets the requirements of this Section  
29 becomes available. Such temporary office shall be located within the parish, or if



1 state's technicians, parish board of election supervisors, or any employee or  
2 technician or assume any of their duties.

3 B. Each candidate or representative shall identify to the registrar of voters  
4 the candidate whom he is representing. In addition, any citizen of this state may be  
5 present to observe the preparation, testing, and sealing of the machines by the  
6 registrar of voters and the secretary of state's technicians and shall be afforded an  
7 opportunity to inspect the test vote tape for each machine to see that they are in  
8 proper condition for use for early voting.

9 C. After the machines have been examined by each candidate, ~~or~~  
10 representative, or citizen who is present, the ~~parish board of election supervisors~~  
11 registrar of voters and secretary of state's technicians shall generate a zero tally to  
12 ensure that the voting machine's public counter is set at zero and that no votes have  
13 been cast for any candidate or for or against any proposition. The registrar of voters  
14 and the parish board shall then seal the voting machine.

15 D. The registrar of voters and the secretary of state's technicians shall record  
16 the public and protective counter numbers for each early voting machine on a form  
17 prepared by the secretary of state for use in verifying the early voting results on  
18 election day.

19 \* \* \*

20 §1309.3. Assistance in voting during early voting

21 \* \* \*

22 D.(1)(a) Prior to receiving assistance pursuant to this Section because of a  
23 disability, including visual impairment, the voter shall file with the registrar in  
24 person or by mail a statement setting forth the necessity and reasons for this  
25 assistance and shall furnish the registrar one of the following:

26 (i) A certificate of a medical doctor, ~~or optometrist,~~ physician's assistant as  
27 defined in R.S. 37:1360.22, or nurse practitioner as defined in R.S. 37:913 certifying  
28 to the irremediable nature of the physical disability as proof of disability.

29 \* \* \*

1 §1373. Notice of preparation of machines for election; preparation of machines for  
2 election; testing and adjusting; examination by candidate or his  
3 representative; securing and sealing machines

4 A.(1) The secretary of state shall notify each parish custodian of the time and  
5 place at which he will begin preparing and testing the voting machines for an  
6 election. The qualifying official shall at the time of qualifying provide each  
7 candidate in the election with a chronological table of procedures for the election that  
8 instructs the candidate to contact the parish custodian for the time and place at which  
9 the preparation and testing of the machines will be conducted and when the machines  
10 will be sealed and states that the candidate or his representative may be present to  
11 observe the preparation; and testing; ~~and sealing~~ of the machines by the ~~parish~~  
12 ~~custodian~~ secretary of state's technicians.

13 (2) The secretary of state shall prepare the voting machines for the election  
14 by placing them in order, inserting the proper ballots, and testing and adjusting the  
15 voting machines for the election. A test vote report shall be produced by each  
16 machine. In preparing the machines, the secretary of state shall lock out against use  
17 on each machine those vote indicators or devices that are not to be used at the  
18 election. In preparing and adjusting machines, the secretary of state shall use the  
19 mechanics and technicians authorized by R.S. 18:1353.

20 (3) Each candidate or his representative shall be afforded a reasonable  
21 opportunity to inspect and review the test vote report of the machines to see that they  
22 are in the proper condition for use in the election, which shall not be less than thirty  
23 minutes beginning at the time designated by the parish custodian, in conjunction with  
24 the secretary of state, to seal the machines.

25 (4) No candidate, representative, or citizen shall interfere with the secretary  
26 of state or any employee or technician or assume any of their duties during the  
27 preparation and testing of the voting machines. Each candidate or representative  
28 shall identify to the secretary of state and parish custodian the candidate whom he  
29 is representing. In addition, any citizen of this state may be present to observe the

1 preparation; and testing, ~~and sealing~~ of the machines by the ~~parish custodian~~  
2 secretary of state's technicians and shall be afforded an opportunity to inspect and  
3 review the test vote report of the machines.

4 (5) After the machines have been prepared and tested by the secretary of  
5 ~~state~~ state's technicians and examined by each candidate or representative, citizen,  
6 or parish board member who is present, the parish ~~custodian~~ board shall ~~enclose~~  
7 confirm the enclosure of the registration books or lists and other paraphernalia and  
8 shall forthwith seal each machine with a numbered seal. At that time, the parish  
9 custodian, in the presence of the candidates or their representatives, parish board  
10 members, and any citizens who are present, shall certify to the numbers of the  
11 machines, that all of the public counters are set at zero, and as to the number  
12 registered on the protective counter of the machine.

13 \* \* \*

14 §1400.3. Election expenses incurred by clerks of court and registrars of voters;  
15 payment by secretary of state; payment by governing authorities

16 \* \* \*

17 D. For the purposes of this Section, "election expenses incurred by registrars  
18 of voters" is defined and limited to the following:

19 \* \* \*

20 (4) Expenses of an extraordinary nature incurred by a registrar of voters for  
21 an election which have received prior approval of the secretary of state or his  
22 designee.

23 \* \* \*

24 E. For the purposes of this Section, "election expenses incurred by clerks of  
25 court" is defined and limited to the following:

26 \* \* \*

27 (4) Expenses of an extraordinary nature incurred by a clerk of court for an  
28 election which have received prior approval of the secretary of state or his designee.

29 \* \* \*

1 §1402. Proper parties

2 A. The following persons are the proper parties against whom actions  
3 objecting to candidacy shall be instituted:

4 (1) The person whose candidacy is objected to.

5 (2) ~~The official, in his official capacity, before whom the person whose~~  
6 ~~candidacy is objected to had qualified.~~ The clerk of court, in his official capacity, if  
7 the candidate qualified with the clerk of court.

8 (3) The secretary of state, in his official capacity, if the candidate qualified  
9 with the secretary of state.

10 \* \* \*

11 §1406. Petition; answer; notification

12 \* \* \*

13 D. The clerk of court shall immediately notify the secretary of state by  
14 telephone and by written notice sent by ~~certified~~ electronic mail or facsimile when  
15 an action objecting to the calling of a special election, objecting to candidacy,  
16 contesting the certification of a recall petition, or contesting an election has been  
17 filed.

18 \* \* \*

19 §1461.7. Miscellaneous election offenses; penalties

20 A. No person shall knowingly, willfully, or intentionally:

21 \* \* \*

22 (4) Being a physician, optometrist, physician's assistant as defined in R.S.  
23 37:1360.22, or nurse practitioner as defined in R.S. 37:913 certify to the disability  
24 of a voter under this Title or certify that a person will be hospitalized on election day,  
25 knowing such information to be false.

26 \* \* \*

27 §1945. Submission of redistricting plans to the secretary of state; required format

28 A. If a local governing body utilizes a geographic information system to  
29 develop its redistricting plan, the local governing body shall submit an electronic

1 shapefile which reflects its redistricting plan to the secretary of state within ten  
2 business days of its adoption of the redistricting plan.

3 B. If a local governing body is unable to submit an electronic shapefile, the  
4 local governing body shall submit an ASCII, comma delimited block equivalency  
5 import file which indicates the census block assignments in accordance with its  
6 redistricting plan to the secretary of state within ten business days of its adoption of  
7 the redistricting plan.

8 C. No redistricting plan shall be implemented unless the information  
9 required in Subsection A or B of this Section is received by the secretary of state  
10 prior to 4:30 p.m. four weeks prior to the date the qualifying period opens.

11 D. For the purposes of this Section, "local governing body" shall include  
12 each parish governing authority, municipal governing authority, and school board.

13 Section 2. R.S. 18:104(C)(2) and 463(A)(1)(a) are hereby amended and reenacted  
14 and R.S. 18:115(F)(2)(e) is hereby enacted to read as follows:

15 §104. Application for registration; form

16 \* \* \*

17 C.

18 \* \* \*

19 (2) If the applicant is unable to write, the applicant shall affix his mark to the  
20 application in the presence of ~~two witnesses~~ one witness who shall ~~also sign their~~  
21 ~~names as witnesses~~ witness to the mark.

22 \* \* \*

23 §115. Registration by mail

24 \* \* \*

25 F.

26 \* \* \*

27 (2) The provisions of Paragraph (1) of this Subsection shall not apply in the  
28 case of the following:

29 \* \* \*





1 subsequently approved by the legislature, Section 1 and this Section of this Act shall become  
2 effective on the day following such approval.

3 (B) Section 2 of this Act shall become effective on February 1, 2021.

4 (C) Section 3 of this Act shall become effective on January 1, 2022.

#### 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 751 Original

2020 Regular Session

Dwight

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

Present law (R.S. 18:31) requires the secretary of state to create a state voter registration computer system.

Proposed law retains present law. Provides that the secretary of state must create an annual cybersecurity training for persons with access to the system.

Present law (R.S. 18:106) provides relative to assistance in voter registration. Allows a person who has a disability or is unable to read or write English to sign his mark in the presence of two witnesses if he is unable to sign.

Proposed law requires only one witness to be present.

Present law requires a voter to provide proof of physical disability when registering to vote, if he needs assistance in voting. Further provides that proof of disability can be a certificate of a medical doctor or optometrist certifying to the irremediable nature of the physical disability.

Proposed law retains present law. Allows a physician's assistant or nurse practitioner to provide a certificate of physical disability.

Present law (R.S. 18:132) requires the registrar's principal office to be in the parish's courthouse or in close proximity thereto.

Proposed law removes requirement for registrar's office to be in close proximity to the parish courthouse. Further provides that the office can be in any public facility within the parish.

Present law (R.S. 18:154) provides that the electronic mail address of a registered voter shall not be circulated on a commercial list by any voter registration agency or any agency that contracts with the office.

Proposed law allows the electronic mail address of a registered voter who has qualified as a candidate for public office to be shared on such a list.

Present law (R.S. 18:421) provides that the secretary of state must provide cards of instruction, which have been approved by the attorney general, to voters and commissioners.

Proposed law retains present law. Changes "cards of instructions" to "voters' bill of rights posters".

Present law (R.S. 18:463) provides that an agent filing a notice of candidacy on behalf of a candidate must file an affidavit that the agent has the authorization and consent of the candidate to file the notice.

Proposed law requires the affidavit to be signed by the candidate.

Present law (R.S. 18:532) provides that a parish governing authority shall maintain a suitable map showing the current geographical boundaries with designation of precincts and a word description of the precinct geographical boundaries.

Proposed law further requires a parish governing authority to maintain a geospatial shape file, if available, of the precinct boundaries.

Present law (R.S. 18:532.1) allows a parish governing authority to change and adopt the boundaries of an election precinct. Provides that the parish governing authority shall submit proposed changes in precinct boundaries to the secretary and the clerk or their designees on United States Bureau of the Census maps prepared for the next federal decennial census. No change in a precinct boundary may be made by the parish governing authority without prior review and approval by the secretary and the clerk or their designees.

Proposed law prohibits changes to a precinct's boundaries from becoming effective for an election unless the information required by present law is received by the secretary of state prior to 4:30 p.m. at least four weeks prior to the date the qualifying period opens for the election.

Present law (R.S. 18:564) provides that prior to receiving assistance, a voter must file a statement with the registrar providing the reason for voting assistance and providing proof of physical disability. Additionally, provides that a voter may receive voting assistance without the prior statement if he presents proof of physical disability to the commissioner-in-charge on election day. Further provides that proof of disability can be a certificate of a medical doctor or optometrist certifying to the irremediable nature of the physical disability.

Proposed law retains present law. Allows a physician's assistant or nurse practitioner to provide a certificate of physical disability.

Present law (R.S. 18:1303) provides that a voter with disabilities who submits to the registrar of voters current proof of disability from a physician may vote absentee by mail.

Proposed law allows a voter with disabilities to also submit proof of disability from an optometrist, physician's assistant, or nurse practitioner.

Present law (R.S. 18:1307.1) provides that an application to vote absentee by mail from sequestered jury member must be received by the registrar on the day of the election for which it is requested, and the date received shall be noted thereon by the registrar.

Proposed law changes deadline for receipt of the application by the registrar. Provides that the application shall be received by noon on the day of the election for which it is requested.

Present law (R.S. 18:1309) provides that the registrar may designate an additional early voting location and the hours for early voting at such a location.

Proposed law allows the registrar, with the approval of the secretary of state at least 30 days prior to a primary election and 21 days prior to a general election, to designate the days that the additional early voting location shall be open. Requires the registrar to give notice of the days for early voting at an additional location.

Present law (R.S. 18:1309.1) provides that a candidate, his representative, or any citizen of the state may be present to observe the preparation, testing, and sealing of early voting machines by the registrar of voters.

Proposed law provides that in addition to the registrar of voters, the secretary of state's technicians shall participate in the process of preparing and testing early voting machines. Further provides that the parish board shall participate in the sealing of voting machines.

Present law (R.S. 18:1309.3) provides that prior to receiving assistance during early voting, a voter shall file a statement with the registrar providing the reason for voting assistance and providing proof of physical disability from a medical doctor or optometrist.

Proposed law allows a voter with disabilities to submit proof of disability from a physician's assistant or nurse practitioner.

Present law (R.S. 18:1373) provides that the secretary of state shall notify each parish custodian of the time and place at which he will begin preparing and testing the voting machines for an election. The qualifying official shall instruct the candidate to contact the parish custodian for the time and place at which he may observe the preparation, testing, and sealing of the machines by the parish custodian.

Proposed law provides that the candidate shall have an opportunity to observe the preparation and testing of the machines by the secretary of state's technicians.

Present law provides that each candidate or his representative shall have a reasonable opportunity to inspect and review the test vote. The opportunity shall not be less than 30 minutes beginning at the time designated by the parish custodian to seal the machines.

Proposed law changes "test vote" to "report of the test vote". Further provides that the secretary of state will work with the parish custodian in designating the time for the inspection process.

Present law provides that any citizen of the state may be present to observe the preparation, testing, and sealing of the machines by the parish custodian.

Proposed law removes parish custodian and authorizes the secretary of state's technicians to conduct the process of preparing and testing machines.

Present law provides that after the machines have been prepared and tested by the secretary of state and examined by each party who is present, the parish custodian shall enclose the registration books and seal each machine.

Proposed law provides that the secretary of state's technicians shall conduct the inspection and testing instead of the secretary of state. Further provides that the parish board, not the parish custodian, shall confirm the enclosure of the registration books and seal each machine.

Present law (R.S. 18:1400.3) provides that "election expenses incurred by registrars of voters" means expenses of an extraordinary nature that are incurred by a registrar of voters for an election and that have received prior approval of the secretary of state.

Proposed law allows the secretary of state's designee to give prior approval of such expenses.

Present law provides that "election expenses incurred by clerks of court" means expenses of an extraordinary nature that are incurred by a clerk of court for an election and that have received prior approval of the secretary of state.

Proposed law allows the secretary of state's designee to give prior approval of such expenses.

Present law (R.S. 18:1406) provides that the clerk of court shall immediately notify the secretary of state by telephone and by written notice sent by certified mail when an action objecting to the calling of a special election, objecting to candidacy, contesting the certification of a recall petition, or contesting an election has been filed.

Proposed law provides that electronic mail and facsimile are the written methods for providing such notice.

Present law (R.S. 18:1461.7) provides that a physician shall not certify to the disability of a voter or certify that a person will be hospitalized on election day, knowing such information to be false.

Proposed law adds that an optometrist, physician's assistant, and nurse practitioner shall not certify to the disability of a voter or certify that a person will be hospitalized on election day, knowing such information to be false.

Present law (R.S. 18:1945) provides that a local governing body must submit an electronic shapefile which reflects its redistricting plan or an ASCII, comma delimited block equivalency import file which indicates the census block assignments in accordance with its redistricting plan to the secretary of state.

Proposed law provides that no redistricting plan shall be implemented unless the information required in present law is received by the secretary of state prior to 4:30 p.m. four weeks prior to the date the qualifying period opens.

Effective upon signature of the governor.

Present law (R.S. 18:104) provides relative to voter registration. Allows a person who is unable to write to sign his mark in the presence of two witnesses.

Proposed law requires only one witness to be present.

Present law (R.S. 18:115) requires a person, who registered to vote by mail but has not previously voted in the parish in which he is registered, to vote during early voting in the registrar of voters' office or in person at the precinct in which he is registered to vote.

Proposed law provides that present law does not apply to a person who was registered to vote in another parish and previously voted in the other parish.

Present law (R.S. 18:463) requires notice of candidacy to be in writing, state the candidate's name, the office he seeks, the address of his domicile, and the parish, ward, and precinct where he is registered to vote.

Proposed law additionally requires the notice of candidacy to include the candidate's telephone number and his electronic mail address, if available.

Effective Feb. 1, 2021.

Present law (R.S. 18:1309) provides that only a certified commissioner may be selected to serve as an early voting commissioner.

Proposed law removes present law. Requires a person to receive a certificate of instruction, attend a course of instruction for early voting commissioners, and receive a certificate of instruction from the registrar of voters to serve as an early voting commissioner.

Effective Jan. 1, 2022.

(Amends R.S. 18:31(A), 104(C)(2), 106(B) and (C)(2)(a), 132(A), 154(C)(1)(f), 421(B), 435(A)(1)(b), 463(A)(1)(a) and (c), 532(C) and (D), 532.1(A), (D)(1)(b)(i), and (F),

553(B)(5), 564(D)(1)(a)(i) and (2)(a)(i) and (b), 573(E)(1), 1303(I)(1)(c), 1307.1(B), 1309(B), (E)(1), and (K)(1), 1309.1, 1309.3(D)(1)(a)(i), 1373(A), 1400.3(D)(4) and (E)(4), 1402(A), 1406(D), 1461.7(A)(4) and 1945; Adds R.S. 18:113.1, 115(F)(2)(e), and 532.1(C)(4)