



1 (7) Prescribe uniform rules, regulations, forms, and instructions as to the use  
 2 of ~~electronic~~ voting machines, as defined by R.S. 18:1351, in the conduct of early  
 3 voting, which shall be approved by the attorney general and thereafter shall be  
 4 applied uniformly by each registrar of voters in the state.

\* \* \*

6 §1351. Definitions

7 As used in this Chapter, unless otherwise specified, the following terms shall  
 8 have the meanings herein ascribed to each:

\* \* \*

10 (13) "Voting machine" means the enclosure occupied by the voter when  
 11 voting, as formed by the machine, its screen, and privacy shield, ~~which shall include~~  
 12 ~~electronic voting machines.~~ **Tabulation of the vote may occur on the voting**  
 13 **machine or on another component of the voting system.**

\* \* \*

15 §1353. Secretary of state; powers and duties; voting systems and system  
 16 components; voter registration

\* \* \*

18 B. The secretary of state ~~may prescribe~~ **shall promulgate** uniform rules and  
 19 regulations with respect to ~~matters pertaining to the procurement,~~ **the** preparation;  
 20 and use of voting systems in the conduct of elections and the duties of each category  
 21 of persons charged with responsibility for any matter relating to the voting systems  
 22 **in accordance with the Administrative Procedure Act and subject to the**  
 23 **oversight of the House Committee on House and Governmental Affairs and the**  
 24 **Senate Committee on Senate and Governmental Affairs.** The rules and  
 25 regulations shall ~~be approved by the attorney general and thereafter shall~~ be  
 26 distributed by the secretary of state to the election officials having responsibilities  
 27 relating to elections. ~~The rules and regulations shall be~~ **and** applied uniformly  
 28 throughout the state.

29 C. In addition to any other duties and functions ~~now or hereafter~~ provided by

1 law, the secretary of state shall:

2 \* \* \*

3 (2) Be responsible for coordinating with the office of state procurement  
4 with regard to all procurement, sales, and transfers of voting systems and system  
5 components and for all matters ~~in connection with issuing~~ pertaining to the  
6 issuance of competitive bids or requests for proposals ~~or the advertising for and~~  
7 ~~opening of bids for or in connection therewith.~~

8 \* \* \*

9 D. The secretary of state ~~may~~ shall appoint or employ mechanics, experts,  
10 and other assistants when necessary in order to assume the maintenance, upkeep, and  
11 proper functioning and operation of the machines, or when necessary in order to  
12 explain and demonstrate to the election officials or to the public the proper method  
13 of operation of the machines.

14 \* \* \*

15 §1361. Approval of voting systems or system components; certificate; expenses of  
16 examination

17 A. Prior to the solicitation of bids for any new voting system, the  
18 secretary of state shall, by rule, develop and adopt reasonable certification  
19 standards solely pertaining to the durability, accuracy, efficiency, and capacity  
20 of voting systems for use in the state, in accordance with the Administrative  
21 Procedure Act and subject to the oversight of the House Committee on House  
22 and Governmental Affairs and the Senate Committee on Senate and  
23 Governmental Affairs. The secretary of state ~~may~~ shall examine any type or make  
24 of voting system or system component upon the request of a representative of the  
25 maker or supplier thereof for compliance with the certification standards. If the  
26 secretary of state determines that the voting system or system component complies  
27 with the ~~requirements of this Chapter and that it meets standards acceptable to him~~  
28 ~~as to durability, accuracy, efficiency, and capacity~~ certification standards, he shall  
29 approve that voting system or system component for use in this state and shall issue

1 his certificate of approval thereof. ~~Any voting system procured or used in the state~~  
2 ~~shall include a sound-creating device which will audibly indicate that a voter has left~~  
3 ~~the machine after casting his vote and allow for the challenge removal of early voting~~  
4 ~~ballots and may include a voter verification mechanism.~~

5 **B.** In addition **to meeting any applicable certification standards**, any  
6 voting system or system component procured or used in the state must have been  
7 certified according to the voluntary voting system guidelines developed and  
8 maintained by the United States Election Assistance Commission by a voting system  
9 test laboratory accredited by the United States Election Assistance Commission. This  
10 certificate, together with any relevant reports, drawings, and photographs, shall be  
11 a public record.

12 **BC.** The secretary of state ~~may employ~~ **shall appoint no fewer than three**  
13 **but no more than five qualified** experts to assist him in making the examination  
14 provided for in this Section. The expenses of the services of such experts, not to  
15 exceed ~~a total of five hundred~~ **thousand** dollars, shall be paid prior to the  
16 examination by the person requesting examination of the voting system or system  
17 component. Experts employed in the examination shall sign the certificate of  
18 approval made by the secretary of state. No voting system or system component shall  
19 be used at any election which has not been approved by the secretary of state as  
20 provided in this Section.

21 §1362. Method of procuring voting systems or system components; parts and  
22 supplies; and of contracting for the maintenance of voting machines

23 A.(1) All voting systems or system components used in this state shall be  
24 procured by the secretary of state, **in accordance with the specifications**  
25 **established by the Voting System Commission as provided in R.S. 18:1362.1**, out  
26 of state funds appropriated for that purpose, on the basis of a competitive request for  
27 proposals process or public bids submitted to the secretary of state in accordance  
28 with specifications prepared by him **the provisions of the Louisiana Procurement**  
29 **Code**. ~~The specifications may require~~ **Required specifications shall include** tests

1 and examinations of the operation of the voting systems or system components, and  
 2 the secretary of state, for that purpose, ~~may~~ **shall** employ experts to **conduct these**  
 3 **examinations and** report thereon and charge the expense thereof to the responders  
 4 ~~or bidders~~ **the results thereof to the Voting System Commission. The expenses**  
 5 **of the services of these experts shall not exceed five thousand dollars and shall**  
 6 **be paid by the vendor that seeks to have its system certified for consideration.**  
 7 ~~Advertisement and letting of contracts for~~ **In every respect**, the procurement of  
 8 voting systems or system components shall be in accordance with the Louisiana  
 9 Procurement Code ~~contained in Chapter 17 of Title 39 of the Louisiana Revised~~  
 10 ~~Statutes of 1950.~~

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

18 \* \* \*

19 **§1362.1. Voting System Commission; creation and organization; duties and**  
 20 **responsibilities**

21 **A.(1) The Voting System Commission is created and established within**  
 22 **the Department of State for the purpose of evaluating and selecting the type of**  
 23 **voting system that shall be procured to replace the voting system in use as**  
 24 **necessary.**

25 **(2) The purpose of this commission is to further the preservation of**  
 26 **democracy by strengthening the state's commitment to maintaining the faith,**  
 27 **integrity, and trust in election, voting, and ballot-counting processes, to provide**  
 28 **the highest level of election security and functionality, and to provide greater**  
 29 **clarity, public transparency, and objectivity with respect to the selection of**

1 voting equipment.

2 B. The Voting System Commission shall be comprised of the following  
3 members:

4 (1) The commissioner of elections, or his designee.

5 (2) Two members of the House of Representatives, appointed by the  
6 speaker of the House of Representatives.

7 (3) Two members of the Senate, appointed by the president of the Senate.

8 (4) Two members appointed by the governor, one of whom shall  
9 represent the disabled community.

10 (5) The secretary of state, or his designee.

11 (6) Two members appointed by the secretary of state.

12 (7) An expert on election cyber security, appointed by the chairman of  
13 the Louisiana Cybersecurity Commission.

14 (8) The president of the Louisiana Clerks of Court Association, or his  
15 designee.

16 (9) The president of the Louisiana Registrars of Voters Association, or  
17 his designee.

18 C. The chair of the commission shall be elected by a majority vote of the  
19 members and shall set the date, time, and place for all meetings. The secretary  
20 of state shall convene the initial meeting of the commission not later than  
21 September 1, 2021, and shall serve as the initial chair until a chairman is  
22 elected.

23 D. A majority of the members serving on the commission shall constitute  
24 a quorum to conduct official business. All actions of the commission shall  
25 require a majority vote of the quorum.

26 E. Members of the commission shall serve terms concurrent with the  
27 governor. Members shall serve without compensation; however, legislative  
28 members of the commission shall receive the per diem and expenses as provided  
29 for legislators during attendance at legislative committees and from the same

1 source.

2 F. The Department of State and office of state procurement shall provide  
3 administrative staff and resources to the commission upon request.

4 G. The commission may request from the secretary of state or any other  
5 source any information it considers necessary to assist in making a  
6 recommendation regarding voting systems.

7 H. The commission shall conduct a preliminary analysis of available  
8 voting systems and select up to three options for discussion during each public  
9 hearing held for the evaluation of which voting systems are most advantageous  
10 to the state based on functionality.

11 I.(1) After complying with the provisions of Subsection H of this Section,  
12 the commission shall determine the type of voting system to direct the secretary  
13 of state to submit for competitive solicitation in accordance with the provisions  
14 of the Louisiana Procurement Code.

15 (2) The determination of the Voting System Commission pursuant to this  
16 Subsection shall not be a valid basis for a protest pursuant to Part VI of the  
17 Louisiana Procurement Code relative to a procurement of voting systems. Any  
18 protest asserting that the determination of the Voting System Commission was  
19 erroneous shall be null and disregarded.

20 J. The commission shall submit a report of its findings and conclusions  
21 to the governor, the president of the Senate, the speaker of the House of  
22 Representatives, the secretary of state, and the division of administration no  
23 later than December 1, 2021.

24 K. Upon receipt of the report, the secretary of state, working in  
25 conjunction with the office of state procurement, shall develop a request for  
26 proposals based on the commission's recommendations. No later than thirty  
27 days prior to the issuance of the request for proposals, the secretary shall  
28 promulgate certification standards for the recommended system, in accordance  
29 with the provisions of R.S. 18:1361(A).

1           **§1362.2. Voting System Proposal Evaluation Committee; membership; duties**

2           **A. The Voting System Proposal Evaluation Committee is created and**  
3           **established within the Department of State for the purpose of independently**  
4           **reviewing any proposals received by the secretary of state in accordance with**  
5           **the provisions of R.S. 18:1361.1.**

6           **B.(1) The Voting System Proposal Evaluation Committee shall be**  
7           **comprised of the following members:**

8           **(a) A faculty member of a Louisiana postsecondary education institution**  
9           **with engineering or computer science expertise.**

10           **(b) A member of the Louisiana Clerks of Court Association.**

11           **(c) An individual with at least five years of experience with training or**  
12           **education in electronic voting systems and procedures and election security.**

13           **(d) A member of the Louisiana Registrars of Voters Association.**

14           **(e) A representative from the office of the secretary of state who did not**  
15           **serve as member of the Voting System Commission.**

16           **(2) Committee members shall be appointed by the secretary of state and**  
17           **shall serve without compensation.**

18           **C. The committee shall investigate and publicly test the voting systems**  
19           **proposed by the respondents to the request for proposals and may utilize**  
20           **experts to assist in the investigation. Upon completion of the investigation, the**  
21           **committee shall score each proposal according to the request for proposal**  
22           **criteria, which shall ensure that all proposals are evaluated in a fair and**  
23           **balanced manner and provide equal consideration for all potential vendors**  
24           **without exception. The highest-scoring proposal shall receive the**  
25           **recommendation of the committee. The recommendation shall be**  
26           **communicated to the secretary of state. The secretary of state shall then make**  
27           **a recommendation and submit the proposal to the chief procurement officer for**  
28           **subsequent review, approval, or further inquiry in accordance with the**  
29           **Louisiana Procurement Code.**



\* \* \*

§1364. Placement and sufficiency of voting machines and counting equipment for absentee by mail and early voting

A. The secretary of state shall consult with the Voting System Commission at least once annually to determine the sufficiency of the voting machines and absentee by mail and early voting counting equipment necessary to conduct absentee by mail and early voting in an election, taking into consideration the technological capabilities of the voting system. He shall ensure that the number of voting machines and the absentee by mail and early voting counting equipment placed within a parish for an election is adequate and sufficient to process and count the absentee by mail and early voting ballots cast in the election within a reasonable period.

\* \* \*

Section 2. R.S. 36:744(O) and (P) are hereby enacted to read as follows:

§744. Transfer of boards, commissions, and agencies to the Department of State

\* \* \*

O. The Voting System Commission (R.S. 18:1362.1) is placed within the Department of State and shall perform its powers, duties, functions, and responsibilities in the manner provided for agencies transferred in accordance with R.S. 36:801.1.

P. The Voting System Proposal Evaluation Committee (R.S. 18:1362.2) is placed within the Department of State and shall perform its powers, duties, functions, and responsibilities in the manner provided for agencies transferred in accordance with R.S. 36:801.1.

\* \* \*

Section 3. R.S. 18:553.1, 1351(5), and 1365 are hereby repealed.

Section 4. This Act shall become effective upon signature by the governor or, if not signed by the governor, upon expiration of the time for bills to become law without signature by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If

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

---

The original instrument and the following digest, which constitutes no part of the legislative instrument, were prepared by Matt DeVille.

---

## DIGEST

SB 221 Reengrossed

2021 Regular Session

Hewitt

Present law defines both voting machines and electronic voting machines.

Proposed law consolidates this definition to "voting machine" only and removes references to "electronic voting machines" in present law.

Present law provides that the secretary of state may prescribe rules and regulations regarding the preparation and use of voting systems that shall be approved by the attorney general.

Proposed law requires the secretary of state to promulgate these rules in accordance with the Administrative Procedure Act and subject to legislative oversight and removes the requirement for approval by the attorney general.

Present law provides that the secretary of state is responsible for all matters involving the procurement, sales, transfers of voting systems and any affiliated bids or requests for proposals to purchase new voting systems.

Proposed law retains present law and additionally requires the secretary of state to perform these duties in coordination with the office of state procurement and develop certification standards for voting systems in accordance with the Administrative Procedure Act and subject to legislative oversight.

Present law provides that the secretary of state may examine any voting system or system component upon the request of a representative of the system's maker or supplier, and certify the system for use in the state if it meets criteria established in present law.

Proposed law provides that the secretary is required to examine and certify any voting system or system component upon request and must develop and adopt appropriate certification standards prior to soliciting bids for any new voting system.

Present law provides that the secretary of state may employ experts to assist with the examination of voting systems or system components.

Proposed law requires the secretary of state to employ such experts and specifies the minimum number of experts required and maximum number of experts allowed.

Present law provides that the expenses of the services of the experts assisting the secretary of state with the examination of voting systems cannot exceed five hundred dollars.

Proposed law provides these expenses cannot exceed five thousand dollars.

Present law provides all voting systems or system components shall be procured by the secretary of state on the basis of a competitive request for proposal or solicitation of public bids in accordance with specifications in present law that may require tests and examinations of operations of the voting system or system components.

Proposed law provides that the secretary of state must procure all voting systems or system components in accordance with specifications developed by a commission established in

proposed law that mandate testing and examination of the voting system or system components.

Proposed law creates the Voting System Commission to analyze available voting systems and issue a report to the secretary of state directing him on which type of voting system to solicit bids or requests for proposals.

Proposed law creates the Voting System Proposal Evaluation Committee to investigate and test the voting systems that meet the qualifications established by the Voting System Commission and determine which voting system to suggest the secretary of state purchase in coordination with the office of state procurement.

Present law provides that the secretary of state shall determine the sufficiency of voting machines and absentee by mail and early voting counting equipment necessary to conduct an election at his discretion.

Proposed law requires the secretary of state to evaluate the sufficiency of this equipment annually in consultation with the Voting System Commission.

Present law provides that the secretary of state may utilize any procedure necessary to accommodate the use of paging direct record electronic voting machines for voting where possible.

Proposed law repeals present law.

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

(Amends R.S. 18:18(A)(7), 1351(13), 1353(B), (C)(intro para) and (C)(2), and (D), 1361, 1362(A), and 1364(A); adds R.S. 18:1362.1 and 1362.2 and 36:744(O) and (P); repeals R.S. 18:553.1, 1351(5), and 1365)

#### Summary of Amendments Adopted by Senate

##### Committee Amendments Proposed by Senate Committee on Senate and Governmental Affairs to the original bill

1. Specifies the minimum and maximum number of experts appointed by the secretary of state to assist him with examination of voting systems and provides for their expenses.
2. Revises membership of the Voting System Technology Commission.
3. Provides that the secretary of state shall convene the initial meeting of the Voting System Technology Commission.
4. Provides that the Department of State and office of state procurement shall provide staff and resources to the Voting System Technology Commission.
5. Removes the Joint Legislative Committee on the Budget and office of technology services from the list of recipients of the Voting Systems Technology Commission's report.
6. Renames the Voting System Technology Proposal Review Committee as the Voting System Technology Proposal Evaluation Committee.
7. Revises membership of the Voting System Technology Proposal Evaluation Committee.

8. Removes requirement that no more than two members of the Voting System Technology Proposal Evaluation Committee shall be registered members of the same political party.
9. Changes the effective date of the bill from August 1, 2021, to upon signature of the governor.

Senate Floor Amendments to engrossed bill

1. Changes names of Voting System Technology Commission and Voting System Technology Proposal Evaluation Committee to Voting System Commission and Voting System Proposal Evaluation Committee.
2. Increases the limit on expenses for the services of experts assisting the secretary of state with vendor certification.
3. Allows the secretary of state to obtain replacement parts for voting systems currently under contract from the contractor.
4. Revises membership of the Voting System Commission and Voting System Proposal Evaluation Committee.
5. Specifies that a challenge to the determination of the Voting System Commission will not be sustained under Title VI of the Procurement Code.
6. Removes requirement that the secretary of state must accept the proposal submitted by the Voting System Proposal Evaluation Committee.