HOUSE COMMITTEE AMENDMENTS
2019 Regular Session
Amendments proposed by House Committee on House and Governmental Affairs to
Original House Bill No. 563 by Representative Gregory Miller

1 AMENDMENT NO. 1
On page 1, line 3, delete "511(B),"

2 AMENDMENT NO. 2
On page 1, at the end of line 5 delete "and" and at the beginning of line 6, delete "1375," and insert "1351(9), 1353(B) and (C)(1) and (2), 1354(B)(3), 1361, 1362(A), 1373(A)(5), 1375, and 1433(A) and (B),"

7 AMENDMENT NO. 3
On page 1, line 7, after "572(A)(1)(b)(viii)," and before "1400.3(E)(7)," insert 1351(14),"

9 AMENDMENT NO. 4
On page 1, at the beginning of line 8, delete "18:469, 573(D)," and insert "18:573(D), 1351(2), (3), and (6), 1355,"

12 AMENDMENT NO. 5
On page 2, line 4, after "election expenses;" and before "to provide for" insert the following:
"to provide for definitions; to provide relative to rulemaking by the secretary of state; to provide relative to the examination, testing, evaluation, certification, approval, procurement, and requirements for voting systems and system components, to provide relative to the preparation of voting machines for an election; to provide relative to a revote caused by the malfunction of certain voting equipment;"

19 AMENDMENT NO. 6
On page 2, line 8, delete "511(B),"

21 AMENDMENT NO. 7
On page 2, line 10, after "(F)(4)," delete "and 1375" and insert "1351(9), 1353(B) and (C)(1) and (2), 1354(B)(3), 1361, 1362(A), 1373(A)(5), 1375, and 1433(A) and (B)"

24 AMENDMENT NO. 8
On page 2, line 11, after "572(A)(1)(b)(viii)," and before "1400.3(E)(7)," insert 1351(14),"

26 AMENDMENT NO. 9
On page 6, delete lines 18 through 26

28 AMENDMENT NO. 10
On page 13, between lines 3 and 4, insert the following:
"§1351. Definitions

CODING: Words in struck through type are deletions from existing law; words underscored are additions.
As used in this Chapter, unless otherwise specified, the following terms shall have the meanings herein ascribed to each:

(9) "Protective counter" means a counter, tabulator, or protective device that will register each time the machine is operated during the life of the machine.

(14) "Voting system" means the total combination of equipment, including voting machines, used to define ballots, cast and count votes, report or display election results, and maintain and produce any audible data and the software, firmware, hardware, and documentation required to program, control, and support such equipment. "Voting system" also includes the vendor's practices and documentation used to identify system components and versions of such components, test the system during its development and maintenance, maintain records of system errors and defects, determine specific system changes made after initial certification, and make available any materials to the voter.

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

B. The secretary of state shall may prescribe uniform rules and regulations with respect to matters pertaining to the procurement, preparation, and use of voting machines and absentee by mail and early voting counting equipment systems in the conduct of elections and the duties of each category of persons charged with responsibility for any matter relating to the voting machines or absentee by mail and early voting counting equipment systems. The rules and regulations shall be approved by the attorney general and thereafter shall be distributed by the secretary of state to the election officials having responsibilities relating to elections. The rules and regulations shall be applied uniformly throughout the state.

C. In addition to any other duties and functions now or hereafter provided by law, the secretary of state shall:

(1) Determine general policy and supervise the administration and execution of the laws relating to voting machines systems.

(2) Be responsible for all procurement, sales, and transfers of voting machines and absentee by mail and early voting counting equipment systems and system components and for all matters in connection with issuing competitive bids or requests for proposals or the advertising for and opening of bids for or in connection therewith.

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

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

(3) Certify that the candidate counters, question counters, and public counters are set at zero on the machines, and certify to the number on the protective counter or device of the machines prior to the election, as provided in R.S. 18:1373.

§1361. Approval of machine and equipment voting systems or system components; certificate; expenses of examination

A. The secretary of state may examine any type or make of voting machine system or system component upon the request of a representative of the maker or supplier thereof, and if the secretary of state determines that the machine voting system or system component complies with the requirements of this Chapter and that it meets standards acceptable to him as to durability, accuracy, efficiency, and capacity, he shall approve that type or make of machine voting system or system component for use in this state and shall issue his certificate of approval thereof. Any voting system procured or used in the state shall include a sound-creating device which will audibly indicate that a voter has left the machine after casting his vote and...
allow for the challenge removal of early voting ballots and may include a voter verification mechanism. In addition, any electronic voting machine system or system component procured or used in the state must have been certified according to the voluntary voting system guidelines developed and maintained by the United States Election Assistance Commission by a voting system test laboratory accredited by the United States Election Assistance Commission. This certificate, together with any relevant reports, drawings, and photographs, shall be a public record.

B. Any absentee by mail and early voting counting equipment to be procured for use in this state shall be certified by the secretary of state as meeting standards acceptable to him as to durability, accuracy, efficiency, and capacity.

C. The secretary of state may employ experts to assist him in making the examination provided for in this Section. The expenses of the services of such experts, not to exceed a total of five hundred dollars, shall be paid prior to the examination by the person requesting examination of the machine voting system or system component. Experts employed in the examination shall sign the certificate of approval made by the secretary of state. No machine voting system or system component shall be used at any election which has not been approved by the secretary of state as herein provided in this Section.

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

A.(1) All voting machines systems or system components used in this state shall be procured by the secretary of state, out of state funds appropriated for that purpose, on the basis of a competitive request for proposals process or public bids submitted to the secretary of state in accordance with specifications prepared by him. The specifications may require tests and examinations of the operation of the machines voting systems or system components, and the secretary of state, for that purpose, may employ experts to report thereon and charge the expense thereof to the responders or bidders. Advertisement and letting of contracts for the procurement of voting machines systems or system components shall be in accordance with the Louisiana Procurement Code contained in Chapter 17 of Title 39 of the Louisiana Revised Statutes of 1950.

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

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

A. * * * *

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

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AMENDMENT NO. 11

On page 14, between lines 5 and 6, insert the following:

CODING: Words in struck through type are deletions from existing law; words underscored are additions.
§1433. Revote in precincts where voting machine because of malfunction of results cannot be otherwise ascertained

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

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

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AMENDMENT NO. 12

On page 15, line 27, after "R.S." delete "18:469, 573(D)," and insert "18:573(D), 1351(2), (3), and (6), 1355,"