

2015 Regular Session

HOUSE BILL NO. 242

BY REPRESENTATIVE TIM BURNS

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

ELECTION CODE: Makes revisions to the La. Election Code

1 AN ACT
2 To amend and reenact R.S. 18:101(A)(3), 154(A) and (C)(2)(b), 178, 402(C)(2) and
3 (E)(2)(c), 435(A)(Subsection heading) and (1) and (B), 463(A)(2)(c)(i) and (ii),
4 467(3), 534(B), 536(A)(introductory paragraph) and (3), 551(C)(1), 1280.22(B)(1),
5 and 1306(E)(2), to enact R.S. 18:154(H) and (I), 491(C)(3), and 1308(A)(1)(c), and
6 to repeal R.S. 18:173(A), 402(F)(7), 467(5), and 1306(E)(1)(g), relative to the
7 Louisiana Election Code; to revise the system of laws comprising the Louisiana
8 Election Code; to provide relative to qualifications, requirements, and procedures for
9 voter registration; to provide for the confidentiality of certain information relative
10 to voter registration and voting; to provide for exceptions; to provide for election
11 dates; to repeal certain reporting requirements relative to deaths; to require reports
12 of certain information received through jury questionnaires; to provide relative to
13 watchers; to provide for the content and procedure for submitting lists of watchers;
14 to provide relative to polling places; to provide for a change in the location of a
15 polling place; to authorize certain officials to change the location of a polling place
16 under certain circumstances; to provide for notification of such changes; to provide
17 relative to the appointment of certain persons to direct potential voters to the new
18 location of the polling place; to provide relative to absentee voting by mail; to
19 provide relative to procedures and requirements for voting absentee by mail; to
20 provide relative to the content of absentee by mail voting materials; to provide
21 relative to voting absentee by mail by certain persons who are hospitalized; to

1 provide relative to standing to bring an action objecting to candidacy; to provide
2 relative to listing candidates on the ballot; to provide relative to the qualifying period
3 in certain elections; to provide relative to the notice of candidacy; and to provide for
4 related matters.

5 Be it enacted by the Legislature of Louisiana:

6 Section 1. R.S. 18:154(A), 178, 402(C)(2) and (E)(2)(c), 435(A)(Subsection
7 heading) and (1) and (B), 463(A)(2)(c)(i) and (ii), 467(3), 534(B), 536(A)(introductory
8 paragraph) and (3), 551(C)(1), 1280.22(B)(1), and 1306(E)(2) are hereby amended and
9 reenacted and R.S. 18:154(H) and (I), 491(C)(3), and 1308(A)(1)(c) are hereby enacted to
10 read as follows:

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

12 A. The records of each registrar are public records and at all times during
13 office hours shall be open to inspection, except the early voting ~~applications~~
14 confirmation sheets of voters.

15 * * *

16 H. Notwithstanding any provision of this Section to the contrary, the
17 Department of State shall not disclose votes that are void because of the death of a
18 candidate pursuant to R.S. 18:469, withdrawal of a candidate pursuant to R.S.
19 18:502, resignation of a public officer subject to a recall election pursuant to R.S.
20 18:1300.7, or disqualification of a candidate pursuant to R.S. 18:1410.

21 I. Notwithstanding any provision of this Section to the contrary, the registrar,
22 the clerk of court, the Department of State, the office of motor vehicles of the
23 Department of Public Safety and Corrections and any entity that contracts with the
24 office, each voter registration agency and any entity that contracts with a voter
25 registration agency, and any person who handles the voter registration application
26 form of another person is prohibited from disclosing the voter registration
27 application and any information contained on the voter registration application of
28 any person who is sixteen or seventeen years of age.

29 * * *

1 §178. Notification on jury venire

2 A. ~~By~~ In each parish that sends out jury duty questionnaires, by the tenth day
3 of each month, the clerk of court shall notify, in writing, the registrar of voters of any
4 returned jury duty ~~notice~~ questionnaire indicating the person is unable to serve
5 because he no longer resides in the parish. In ~~parishes~~ a parish where the clerk of
6 court is not responsible for handling the jury duty ~~notices~~ questionnaires, the
7 responsible entity shall notify, in writing, the registrar of voters of any such returned
8 jury ~~notices~~ duty questionnaires.

9 B.(1) In each parish that sends out jury duty questionnaires, by the tenth day
10 of each month, the clerk of court shall notify, in writing, the Department of State of
11 any returned jury duty questionnaire indicating the person is unable to serve because
12 he is not a United States citizen. In a parish where the clerk of court is not
13 responsible for handling jury duty questionnaires, the responsible entity shall notify,
14 in writing, the Department of State of any such returned jury duty questionnaires.

15 (2) The Department of State shall send information received pursuant to
16 Paragraph (1) of this Subsection to the registrar of voters of each parish.

17 C.(1) Upon the expiration of each jury selection panel, each federal district
18 court in the state shall notify the Department of State of any person identified as out
19 of the jurisdiction within the time limit of a particular panel for jury selection or as
20 not being a United States citizen.

21 (2) The Department of State shall send such information received from the
22 federal district courts to the registrar of voters of each parish.

23 * * *

24 §402. Dates of primary and general elections

25 * * *

26 C. Municipal and ward elections. In all municipalities with a population of
27 less than three hundred thousand, elections for municipal and ward officers who are

1 not elected at the same time as the governor or members of congress shall be held
2 every four years.

3 * * *

4 (2) General elections for municipal and ward officers who are not elected at
5 the same time as the governor or members of congress shall be held on the fourth
6 Saturday after the first Saturday in April of an election year unless the primary
7 election for such officers is held on the first Saturday in March; in such case, the
8 general election shall be held on the fourth Saturday after the first Saturday ~~after the~~
9 ~~first Tuesday~~ in March of an election year.

10 * * *

11 E. Special elections to fill newly created office or vacancy in office. An
12 election to fill a newly created office or vacancy in an existing office, except the
13 office of representative in congress, shall be held on the dates fixed by the
14 appropriate authority in the proclamation ordering a special election as follows:

15 * * *

16 (2) A special general election shall be held on one of the following days:

17 * * *

18 (c) The fourth Saturday after the first Saturday in April of any year unless
19 the primary election is held on the first Saturday in March; in such case, the general
20 election shall be held on the fourth Saturday after the first Saturday ~~after the first~~
21 ~~Tuesday~~ in March; however, commencing in 1986 and every fourth year thereafter,
22 this date shall not be applicable in a parish containing a municipality with a
23 population of three hundred thousand or more.

24 * * *

25 §435. Watchers; appointment and commission

26 A. ~~Right to have watchers.~~ (1)(a) Each candidate is entitled to have one
27 watcher at every precinct on election day where the office he seeks is voted on in a
28 primary or general election. The candidate or his authorized representative shall file
29 one list of watchers on a form provided by the secretary of state or on a form which

1 contains the same information as required by the form provided by the secretary of
 2 state. ~~When a candidate's list of watchers is filed by the candidate's authorized~~
 3 ~~representative, a letter of authorization from the candidate shall accompany the list~~
 4 ~~of watchers; however, in~~ The list of watchers shall be signed by the candidate and
 5 duly acknowledged by him before an officer authorized to administer oaths.

6 (b) In the case of a presidential election, each slate of candidates for
 7 presidential elector is entitled to have one watcher at every precinct. The state
 8 central committee of each recognized political party shall be responsible for filing
 9 the list of watchers for its slate of candidates for presidential elector, and the list of
 10 watchers shall be signed by the chairman of the state central committee and duly
 11 acknowledged by him before an officer authorized to administer oaths. The list of
 12 watchers for an independent or other party slate of candidates for presidential elector
 13 shall be filed by any person so authorized by the presidential candidate supported by
 14 the slate of electors. ~~A letter of authorization from the presidential candidate, or an~~
 15 ~~authorized agent of his campaign, shall accompany the list of watchers.~~ and signed
 16 and duly acknowledged by him before an officer authorized to administer oaths.

17 * * *

18 ~~B.(1)(a) Lists of watchers.~~ A list of watchers shall be filed with the clerk of
 19 court by hand delivery, facsimile, mail, or commercial courier before 4:30 p.m. on
 20 the tenth day before the primary or general election; however, if the tenth day before
 21 the primary or general election falls on a Saturday, Sunday, or other legal holiday,
 22 the list shall be filed on the next day which is not a Saturday, Sunday, or other legal
 23 holiday. For purposes of this Paragraph, "commercial courier" shall have the same
 24 meaning as provided in R.S. 13:3204(D).

25 (b) A list of watchers submitted by a candidate for the primary election may
 26 be used for the general election only if the candidate notifies the clerk of court in
 27 writing by 4:30 p.m. on the tenth day before the general election that he wants to use
 28 the same list of watchers.

1 (2) Except for a candidate or recognized political party filing for a slate of
 2 candidates for presidential elector, any person filing a list of watchers must attach
 3 a certified statement that the report required by R.S. 18:1486 has been filed with the
 4 supervisory committee in compliance with the Campaign Finance Disclosure Act.
 5 ~~If any candidate submits a list for the primary election and does not submit a list for~~
 6 ~~the general election, the list submitted in the primary election shall be treated as his~~
 7 ~~list submitted for the general election.~~

8 (3) A list of watchers shall contain only one watcher and one alternate
 9 watcher for each precinct where the candidate or person submitting the list is entitled
 10 to have a watcher. The list shall be typed or legibly written, and it shall contain the
 11 name and mailing address of each watcher and alternate watcher, and a designation
 12 of the precinct where he is to serve.

13 * * *

14 §463. Notice of candidacy; campaign finance disclosure; political advertising;
 15 penalties

16 A.

17 * * *

18 (2)

19 * * *

20 (c) For the purposes of this Paragraph:

21 (i) "Outstanding fine, fee, or penalty pursuant to the Campaign Finance
 22 Disclosure Act" shall mean a fine, fee, or penalty equal to an amount of two hundred
 23 fifty dollars or more assessed by order of the Supervisory Committee on Campaign
 24 Finance Disclosure or its staff or by final decision of an adjudicatory panel of the
 25 Ethics Adjudicatory Board pursuant to the Campaign Finance Disclosure Act ~~that~~
 26 ~~has been converted into a court order~~ for which all requests for waiver or appeals
 27 have been exhausted or a judgment of a district court assessing civil penalties
 28 pursuant to the Campaign Finance Disclosure Act ~~and that has become executory~~
 29 ~~pursuant to R.S. 18:1511.4.1 or 1511.5~~ for which all appeals have been exhausted.

1 (ii) "Outstanding fines, fees, or penalties pursuant to the Code of
 2 Governmental Ethics" shall mean a fine, fee, or penalty equal to an amount of two
 3 hundred fifty dollars or more imposed by the Board of Ethics or by final decision of
 4 an adjudicatory panel of the Ethics Adjudicatory Board pursuant to the Code of
 5 Governmental Ethics for which all appeals have been exhausted.

6 * * *

7 §467. Opening of qualifying period

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

9 * * *

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

18 * * *

19 §491. Standing to object to candidacy

20 * * *

21 C. In addition to the persons with standing to bring an action objecting to
 22 candidacy as provided in Subsections A and B of this Section:

23 * * *

24 (3) The Board of Ethics shall bring or join in an action filed pursuant to R.S.
 25 18:492(4) on the grounds that the person qualified in violation of R.S.
 26 42:1113(A)(1)(b)(i).

27 * * *

28 §534. Change of polling places

29 * * *

1 polling place and to each candidate to be voted on at that polling place, if applicable,
2 in the following manner:

3 * * *

4 (3) An employee of the parish governing authority shall be stationed at the
5 former polling place for the purpose of directing potential voters to the new location
6 of the polling place. The eligibility requirements provided in R.S. 18:1354(C) for
7 appointment as a deputy parish custodian of voting machines are applicable to the
8 employee. Such employee shall be required to take the constitutional oath or
9 affirmation. The clerk of court shall administer the oath.

10 * * *

11 §551. Ballots

12 * * *

13 C. Names and numbers of candidates. The names of the candidates in a
14 primary or general election shall be listed on the ballot as follows:

15 (1)(a) In a primary election only the names of candidates who qualified for
16 election and were not subsequently disqualified by a judgment rendered in an action
17 objecting to candidacy shall be listed on the ballot.

18 (b) The name of each local candidate shall be listed on the ballot as certified
19 to the secretary of state by the clerk of court, and the name of each state candidate
20 shall be listed on the ballot in the form designated by the candidate in his notice of
21 candidacy on file with the secretary of state.

22 (c)(i) The names of the candidates for each office shall be arranged
23 alphabetically by surname and shall be listed below the title of the office, in smaller
24 capital letters. The names of the candidates shall be numbered from first to last.
25 Once the secretary of state has assigned numbers to the candidates on the primary
26 election ballot, the numbers shall not be changed.

27 (ii) If the qualifying period reopens because of the death of a candidate,
28 additional candidates who qualify for the primary election shall be given the numbers
29 following the number assigned to the last candidate on the ballot.

1 (iii) If two or more candidates have the same surname, the names of the
2 candidates having the same surname shall be arranged alphabetically by first name,
3 regardless of whether a candidate's first name appears on the ballot. The word
4 "Incumbent" shall be listed after the name of each candidate having the same
5 surname who is an incumbent, and the residence address shall be listed after the
6 name of each candidate having the same surname who is not an incumbent.

7 * * *

8 §1280.22. Candidates; procedure for qualifying

9 * * *

10 B.(1) The qualifying period for presidential candidates shall open on the first
11 Wednesday in December and shall close at ~~5:00~~ 4:30 p.m. on the following Friday.
12 During the qualifying period, presidential candidates shall file notices of candidacy
13 with the secretary of state.

14 * * *

15 §1306. Preparation and distribution of absentee by mail and early voting ballots

16 * * *

17 E.

18 * * *

19 (2)(a) An absentee by mail ballot envelope flap shall also contain a line for
20 the handwritten signature of one witness; and a line for the printed name of the
21 witness. The voter ~~may~~ shall sign the certificate in the presence of one witness and
22 ~~in such a case, the voter shall not be required to obtain the signature of a notary~~
23 ~~public, but~~ his certificate shall be made under penalty of perjury for providing false
24 or fraudulent information. Above the perforation and along the seal line, the words
25 "DO NOT DETACH FLAP" shall be printed.

26 (b) Notwithstanding the provisions of Subparagraph (a) of this Paragraph,
27 a member of the United States Service or person residing outside of the United States
28 who is registered to vote shall not be required to sign the certificate in the presence

1 of one witness ~~or to obtain the signature of a notary public~~, but his certificate shall
2 be made under penalty of perjury for providing false or fraudulent information.

3 * * *

4 §1308. Absentee voting by mail

5 A.(1)

6 * * *

7 (c)(i) A voter who is eligible to vote absentee by mail pursuant to R.S.
8 18:1303(D)(1) and who feels he will not have time to vote timely by mail may
9 request that the registrar transmit electronically to him a ballot along with a
10 certificate and waiver of the right to a secret ballot, and the registrar shall do so.
11 Alternatively, an immediate family member of the voter may pick up the necessary
12 instructions, certificate, ballot, and envelope at the registrar's office.

13 (ii) The waiver of the right to a secret ballot shall contain the following
14 statement: "My ballot was transmitted electronically to me, and I am voluntarily
15 waiving my right to a secret ballot." The waiver shall also contain spaces for the
16 voter's handwritten signature, the date, and the last four digits of the voter's social
17 security number.

18 (iii) If the materials are transmitted electronically to the voter, the voter shall
19 mark the ballot as provided in R.S. 18:1310 and complete the certificate and waiver
20 and return his voted ballot and completed certificate and waiver to the registrar by
21 facsimile or any means authorized by Subsection B of this Section. The registrar and
22 his staff shall take the steps necessary to keep the voted ballot as confidential as
23 practicable.

24 (iv) If an immediate family member of the voter picks up the voter's
25 materials, the voter shall mark the ballot as provided in R.S. 18:1310 and return his
26 voted ballot and completed certificate to the registrar by facsimile or any means
27 authorized by Subsection B of this Section. If the voter returns the voted ballot and
28 completed certificate by facsimile, he shall also include his completed waiver, and

1 the registrar and his staff shall take the steps necessary to keep the voted ballot as
2 confidential as practicable.

3 * * *

4 Section 2. R.S. 18:101(A)(3) and 154(C)(2)(b) are hereby amended and reenacted
5 to read as follows:

6 §101. Registration to vote; qualifications; more than one residence; presidential
7 elections

8 A.

9 * * *

10 (3) A person who is sixteen years of age may register to vote in the manner
11 provided in R.S. 18:114(B)(1) or by making application in person at the office of the
12 registrar of voters. However, no one under the age of eighteen years shall be
13 permitted to vote in any election.

14 * * *

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

16 * * *

17 C.

18 * * *

19 (2)

20 * * *

21 (b) Notwithstanding the provisions of Paragraph (1) of this Subsection, the
22 Department of State or registrar of voters may transmit the full date of birth and last
23 four digits of the social security number, if available, of a registered voter to the
24 Supervisory Committee on Campaign Finance Disclosure to verify the identity of a
25 candidate for purposes of campaign finance reporting. The supervisory committee
26 shall not disclose ~~the full date of birth of a registered voter~~ information transmitted
27 to it pursuant to this Subparagraph.

28 * * *

1 Section 3. R.S. 18:173(A), 402(F)(7), 467(5), and 1306(E)(1)(g) are hereby repealed
2 in their entirety.

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

9 (B) Section 2 of this Act shall become effective January 15, 2016.

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 242 Engrossed

2015 Regular Session

Tim Burns

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

Present law (R.S. 18:101) allows a person who is 16 years of age to register to vote, but only when the person applies to obtain a driver's license. Provides that no one under the age of 18 is allowed to vote.

Proposed law retains present law and additionally allows a person who is 16 to register to vote in person at the office of the registrar of voters.

Present law (R.S. 18:154) provides that the records of each registrar are public records and at all times during office hours shall be open to inspection. Provides for exceptions.

Proposed law provides an additional exception to require the confidentiality of voter registration information of a person who is 16 or 17 years of age.

Present law provides that early voting applications are not open to public inspection. Proposed law provides that it is early voting confirmation sheets, instead of early voting applications, that are not subject to public inspection.

Present law authorizes the Dept. of State or registrar of voters to transmit the full date of birth of a registered voter to the Supervisory Committee on Campaign Finance Disclosure to verify the identity of a candidate for purposes of campaign finance reporting. Prohibits the supervisory committee from disclosing the full date of birth of a registered voter transmitted pursuant to present law.

Proposed law retains present law and additionally authorizes the Dept. of State or registrar of voters to transmit the last four digits of the social security number of a registered voter to the Supervisory Committee on Campaign Finance Disclosure to verify the identity of a candidate for purposes of campaign finance reporting. Prohibits the supervisory committee from disclosing this information.

Present law (R.S. 18:496, 502, 1300.7, and 1410) provides that if a candidate dies, withdraws, is disqualified, or resigns (in the case of a recall election) but the timing is such that the candidate's name cannot be removed from the ballot, that votes received by the candidate are void and are not counted for any purpose.

Proposed law retains present law and additionally prohibits the Dept. of State from disclosing these votes.

Present law (R.S. 18:173) provides for reporting by the Dept. of Health and Hospitals regarding deaths. Requires the department to send a report to the Dept. of State regarding persons of voter registration age in each parish in the state who died in the preceding month.

Proposed law retains present law.

Present law also requires the department to send a report each month to the registrar of voters in each parish regarding persons of voter registration age in the parish who died in the preceding month.

Proposed law repeals present law.

Present law requires the clerk of court or entity responsible for jury duty notices to notify the registrar of voters, on a monthly basis, of any returned jury duty notice indicating the person is unable to serve because he no longer resides in the parish. Also requires each federal district court in the state, upon expiration of each jury selection panel, to notify the Dept. of State of any person identified as out of the jurisdiction within the time limit of a particular panel for jury selection. Requires the Dept. of State to send the information received from the federal district courts to the registrar of voters of each parish.

Proposed law changes references from "jury duty notice" to "jury duty questionnaire". Requires the clerk of court or entity responsible for jury duty questionnaires to notify the Dept. of State, on a monthly basis, of any returned jury duty questionnaire indicating that the person is unable to serve because he is not a U.S. citizen. Requires the Dept. of State to send this information to the registrar of voters of each parish. Otherwise retains present law.

Present law (R.S. 18:402(F)) provides exclusive dates for the holding of bond, tax, or other elections at which a proposition or question is to be submitted to the voters.

Proposed law retains present law.

Present law provides that in the case of an emergency, upon application to and approval by the State Bond Commission by two-thirds vote of its total membership, and with approval of the governor, the governing authority of a parish, of a municipality, or of a parish or city school board may conduct a bond or tax election on a Sat. which is not provided for in present law.

Proposed law repeals present law.

Present law (R.S. 18:435) provides that each candidate is entitled to have one watcher at every precinct on election day where the office he seeks is voted on in a primary or general election. Requires the candidate or his authorized representative to file one list of watchers on a form provided by the secretary of state or on a form which contains the same information.

Proposed law retains present law.

Present law requires an authorized representative who files a list of watchers to also provide a letter of authorization from the candidate.

Proposed law repeals present law.

Present law requires the state central committee of each recognized political party to file the list of watchers for its slate of candidates for presidential elector. Provides that the list of watchers for an independent or other party slate of candidates for presidential elector shall be filed by any person so authorized by the presidential candidate supported by the slate of electors.

Proposed law retains present law.

Present law requires a letter of authorization from the presidential candidate or an authorized agent of his campaign.

Proposed law repeals present law. Additionally requires a list of watchers submitted by the state central committee of a recognized political party to be signed by the chairman and duly acknowledged before an officer authorized to administer oaths. Requires a candidate supported by an independent or other party slate of electors to sign the list of watchers and duly acknowledge the list before an officer authorized to administer oaths.

Present law requires a list of watchers to be filed with the clerk of court before 4:30 p.m. on the 10th day before the election.

Proposed law retains present law and specifies that the list may be filed by hand delivery, facsimile, mail, or commercial courier.

Present law requires all lists of watchers to contain the name and mailing address of each watcher.

Proposed law retains present law and additionally requires each list to contain the name and mailing address of each alternate watcher.

Present law provides that if a candidate submits a list of watchers for the primary election and does not submit a list for the general election, the list submitted in the primary election is treated as his list submitted for the general election.

Proposed law repeals present law and provides instead that the list submitted by a candidate for the primary election may be used for the general election only if the candidate notifies the clerk of court in writing no later than 4:30 p.m. on the 10th day before the general election.

Present law (R.S. 18:461) provides that, subject to certain limited exceptions, a person who desires to become a candidate in a primary election qualifies as a candidate by timely filing notice of his candidacy, accompanied either by a nominating petition or by the qualifying fee and any additional fee imposed.

Present law (R.S. 18:463) provides for the content of the notice of candidacy, including certification that the candidate acknowledges that he is subject to the provisions of present law (R.S. 18:1481 et seq.—Campaign Finance Disclosure Act) if he is a candidate for any office other than U.S. senator, representative in congress, or member of a committee of a political party and that he does not owe any outstanding fines, fees, or penalties pursuant to present law (Campaign Finance Disclosure Act).

Present law defines "outstanding fines, fees, or penalties" for purposes of present law as a fine, fee, or penalty equal to an amount of \$250 or more assessed by order of the Supervisory Committee on Campaign Finance Disclosure or by final decision of an adjudicatory panel of the Ethics Adjudicatory Board pursuant to present law (Campaign Finance Disclosure Act) for which all appeals have been exhausted or a judgment of a district court assessing civil penalties pursuant to present law (Campaign Finance Disclosure Act).

Proposed law retains present law.

Present law requires that an order of the supervisory committee or adjudicatory board have been converted into a court order. Requires a judgment of the court to have become executory pursuant to present law (R.S. 18:1511.4.1 or 1511.5).

Proposed law repeals present law. Additionally includes a fine, fee, or penalty assessed by the staff of the supervisory committee that meets the other requirements of present law and proposed law.

Present law also requires the candidate to certify that he does not owe any outstanding fines, fees, or penalties pursuant to present law (R.S. 42:1101 et seq.—Code of Governmental Ethics). Defines "outstanding fines, fees, or penalties" for purposes of present law as a fine, fee, or penalty equal to an amount of \$250 or more imposed by the Board of Ethics for which all appeals have been exhausted.

Proposed law retains present law. Additionally includes a fine, fee, or penalty imposed by a final decision of an adjudicatory panel of the Ethics Adjudicatory Board pursuant to present law (Code of Governmental Ethics) that meets the other requirements of present law.

Present law (R.S. 18:467) provides for the opening of the qualifying period for various elections, including gubernatorial primary elections; congressional primary elections; primary elections 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; primary elections for parochial and municipal officers in a parish containing a municipality with a population of 300,000 or more; primary elections held on the third Sat. in Oct. of 1981 and every fourth year thereafter; and special elections held at the same time as the foregoing elections.

Proposed law retains present law.

Present law provides for the opening of the qualifying period for candidates in any other special primary election, except for the office of judge, state legislator, or representative in congress. Provides that the qualifying period in such an election opens on the first Wed. which is at least five days after publication of the proclamation ordering the special election.

Proposed law repeals present law.

Present law (R.S. 18:492) provides specific grounds for bringing an action objecting to the candidacy of a person, including that the person is prohibited by law from becoming a candidate for one or more of the offices for which he qualified. Present law (R.S. 18:491) authorizes certain people and entities to bring actions objecting to candidacy.

Present law (R.S. 42:1113(A)(1)(b)(i)—Code of Governmental Ethics) allows a municipal or parish governing authority to appoint one of its members to fill a vacancy, but prohibits such an appointee from qualifying in the next election for that office.

Proposed law retains present law. Requires the Board of Ethics to bring an action pursuant to present law (R.S. 18:492) objecting to the candidacy of a person who qualified as a candidate in violation of present law (R.S. 42:1113(A)(1)(b)(i)).

Present law (R.S. 18:533) provides that the governing authority of each parish establishes polling places. Provides requirements and prohibitions. Present law (R.S. 18:534) provides that once a polling place is established, it may only be changed by a vote of the parish governing authority. Prohibits changes during certain periods close to an election unless a polling place becomes unavailable due to an emergency caused by an act of God or when privately owned property becomes unavailable through no fault of the governing authority.

Proposed law retains present law and additionally provides that in the case of an emergency, when the parish governing authority has not voted at a meeting to change the location of a polling place, the parish president can temporarily change the polling place up until the fifth day prior to the election. Provides that the change does not become permanent unless the parish governing authority subsequently votes to approve it.

Present law (R.S. 18:536) provides that when the governing authority changes a polling place in a defined period close to an election, the governing authority must give notice of the change in certain specified ways. Also provides that an employee of the parish governing authority shall be stationed at the former polling place for the purpose of directing potential voters to the new location of the polling place. Requires the employee to take a constitutional oath or affirmation administered by the clerk of court.

Present law (R.S. 18:1354) provides for the appointment of a deputy parish custodian of voting machines to assist the parish custodian of voting machines in the performance of his duties. Provides that the parish custodian may not appoint as a deputy any person who has been convicted of a felony for which he has not been pardoned.

Proposed law retains present law and additionally applies the notice requirements to a change of polling place made pursuant to proposed law and applies the qualifications of a deputy parish custodian of voting machines to a person stationed at the former polling place when a polling place has been changed pursuant to present law or proposed law.

Present law (R.S. 18:551) provides for the content of the ballot, including the listing of the names of candidates. Provides that the names of the candidates for each office shall be arranged alphabetically by surname and numbered from first to last. Provides that if two or more candidates have the same surname, the word "Incumbent" shall be listed after the name of each candidate having the same surname who is an incumbent and the residence address shall be listed after the name of each candidate having the same surname who is not an incumbent.

Proposed law retains present law. Additionally provides that if two or more candidates have the same surname, the names shall be arranged alphabetically by first name, regardless of whether a candidate's first name appears on the ballot.

Present law (R.S. 18:1280.22) provides procedures for qualifying for the presidential preference primary. Provides that the qualifying period opens on the first Wednesday in Dec. and closes on the following Friday.

Proposed law retains present law.

Present law provides that the qualifying period closes at 5:00 p.m.

Proposed law provides instead that the qualifying period closes at 4:30 p.m.

Present law (R.S. 18:1306) provides for the content of absentee by mail and early voting materials. Requires the absentee by mail ballot envelope to have a perforated flap below the sealing line, which shall bear a certificate prescribed by the secretary of state and approved by the attorney general. Provides that the voter may sign the certificate in the presence of one witness and in such a case, the voter shall not be required to obtain the signature of a notary public, but his certificate shall be made under penalty of perjury for providing false or fraudulent information.

Proposed law repeals the option of obtaining the signature of a notary in lieu of signing the certification in the presence of a witness. Otherwise retains present law.

Present law provides required information for the certificate on the ballot envelope flap, including the full name and place of residence of the voter in La., including state, parish,

ward, precinct, city, and street; the statement of the voter certifying that he applied for the ballot, marked the enclosed ballot or ballot himself or that they were marked for him according to his instructions and in his presence; the statement of the voter that he is entitled to vote at the precinct he names; authorization to the parish board of election supervisors to open the envelope and count his ballot; his mother's maiden name; and an affidavit followed by a line for the handwritten signature or mark of the voter, certifying that the statements made by him are true and correct and that the voter is aware of the penalties for knowingly making a false statement therein, which penalties shall be stated on the certificate.

Proposed law retains present law.

Present law additionally requires the certificate to contain spaces for the state and parish or county where it is executed, if executed outside the voter's parish of registration.

Proposed law repeals present law.

Present law requires the ballot envelope flap to also contain a line for the handwritten signature of one witness.

Proposed law retains present law and additionally requires the ballot envelope flap to contain a line for the printed name of the witness.

Present law (R.S. 18:1303) allows a person who is otherwise qualified to vote, who expects to be hospitalized on election day, and who did not have knowledge of his proposed hospitalization until after the time for early voting had expired, to vote absentee by mail.

Proposed law retains present law. Additionally allows a person who is eligible to vote pursuant to present law and who feels he will not have time to vote timely by mail to request that the registrar transmit voting materials to him electronically or allow an immediate family member to pick up his voting materials at the registrar's office. Provides procedures for voting and returning the materials to the registrar.

Proposed law makes various technical changes.

Effective upon signature of governor or lapse of time for gubernatorial action, except that provisions authorizing a person who is 16 years of age to register to vote at the office of the registrar and allowing the Dept. of State to disclose the last four digits of the social security number with the Supervisory Committee on Campaign Finance Disclosure become effective on Jan. 15, 2016.

(Amends R.S. 18:101(A)(3), 154(A) and (C)(2)(b), 178, 402(C)(2) and (E)(2)(c), 435(A)(Subsection heading) and (1) and (B), 463(A)(2)(c)(i) and (ii), 467(3), 534(B), 536(A)(intro. para.) and (3), 551(C)(1), 1280.22(B)(1), and 1306(E)(2); Adds R.S. 18:154(H) and (I), 491(C)(3), and 1308(A)(1)(c); Repeals R.S. 18:173(A), 402(F)(7), 467(5), and 1306(E)(1)(g))

Summary of Amendments Adopted by House

The Committee Amendments Proposed by House Committee on House and Governmental Affairs to the original bill:

1. Remove proposed provisions relative to the qualifications of commissioners and proposed provisions allowing certain persons to serve as commissioners.
2. Add provisions repealing present law (R.S. 18:467(5)) providing for the opening of the qualifying period in certain special primary elections.

3. Remove proposed provisions requiring a list of watchers to contain the voter registration number of each watcher and alternate watcher.
4. Add provisions changing the close of the qualifying period for the presidential preference primary from 5:00 p.m. on the Friday following the first Wednesday in Dec. to 4:30 p.m. on that day.
5. Add provisions requiring the absentee by mail ballot envelope to contain a line for the printed name of the witness.
6. Make technical changes.