

2017 Regular Session

HOUSE BILL NO. 544

BY REPRESENTATIVE DANAHAAY

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. 18:3(A)(3), 18(A)(8)(b), 25(B), 59.4(E)(2)(c), 104, 107(B),
3 114(F)(2), 196(C)(1) and (2), 402(G)(2), 424(C)(1), 425(C)(1), 425.1(A), 427(B),
4 431(A)(4) and (B)(2), 434(A)(1), 469(D)(2), 564(B)(5)(b), 566.2(C) and (F)(3)
5 through (9), 571(A)(5), 572(A)(1)(introductory paragraph) and (a)(i), 574(F),
6 1286.1(A), 1300.7(A), 1307(C) and (G), 1310(D)(2), 1313(F)(9) and (G)(11),
7 1363(B), (D), (G), and (H), 1373(A)(1), and 1402(C), to enact R.S. 18:107(F),
8 425(B)(3)(c), 566.2(F)(10), and 1354(B)(8), and to repeal R.S. 18:176(D), 200,
9 431(A)(5), and 1313(F)(11), relative to the Louisiana Election Code; to revise the
10 system of laws comprising the Louisiana Election Code; to provide relative to
11 petitions submitted to registrars of voters for certification; to provide relative to the
12 annual voter registration week; to provide for reporting by the State Board of
13 Election Supervisors; to provide relative to compensation, education, and training
14 of registrars of voters, chief deputy registrars, and confidential assistants; to provide
15 relative to political party affiliation; to provide for transfer and cancellation of
16 registration; to provide relative to the inactive list of voters; to provide for voting by
17 a person on the list; to provide for advanced election dates; to provide for the date
18 of elections when the votes cast in a primary are void because of the death of a
19 candidate; to provide for the duties of commissioners; to provide for qualifications
20 of commissioners; to prohibit certain persons from serving as commissioners in
21 certain elections; to provide for the powers and duties of watchers; to provide for

1 courses of instruction for commissioners; to provide for the duties of clerks of court
2 relative to such instruction; to provide for the selection of commissioners and
3 alternate commissioners; to provide relative to assistance of voters at polling places;
4 to provide relative to the duties of commissioners relative to such assistance; to
5 provide relative to procedures and requirements for counting provisional ballots; to
6 provide for the determination of whether a provisional ballot is to be counted; to
7 provide for when provisional ballots are counted; to provide relative to the duties of
8 the parish board of election supervisors relative to provisional ballots; to provide for
9 procedures for and duties of commissioners after the termination of voting; to
10 provide for the printing of results from voting machines; to provide for the
11 compilation and promulgation of election returns; to provide for when promulgation
12 occurs; to provide relative to recall elections; to provide for the issuance of a
13 proclamation by the governor to order a recall election to be held; to provide for the
14 deadline for issuing a proclamation; to provide for voting absentee by mail; to
15 provide relative to application to vote absentee by mail; to provide for the ongoing
16 validity of applications by certain applicants; to provide relative to the counting of
17 absentee by mail ballots; to provide for the counting of damaged ballots; to provide
18 for the duties of the parish custodian of voting machines; to provide for the duties of
19 qualifying officials; to provide for information given to candidates at the time of
20 qualifying; to provide for the content of the application for voter registration; to
21 provide procedures and requirements for voter registration at driver's license
22 facilities; to provide relative to spoiled and replacement ballots; to provide for the
23 counting of such ballots; to provide relative to consolidation of polling places; to
24 provide for the determination of the number of voting machines allocated to polling
25 places and used in elections; to provide for the proper parties in an action objecting
26 to candidacy and an action contesting an election; and to provide for related matters.

27 Be it enacted by the Legislature of Louisiana:

28 Section 1. R.S. 18:3(A)(3), 18(A)(8)(b), 25(B), 59.4(E)(2)(c), 107(B), 196(C)(1) and
29 (2), 402(G)(2), 424(C)(1), 425(C)(1), 425.1(A), 427(B), 431(A)(4) and (B)(2), 434(A)(1),

1 469(D)(2), 564(B)(5)(b), 566.2(C) and (F)(3) through (9), 571(A)(5), 572(A)(1)(introductory
2 paragraph) and (a)(i), 574(F), 1286.1(A), 1300.7(A), 1307(C) and (G), 1313(F)(9) and
3 (G)(11), 1363(B), (D), (G), and (H), 1373(A)(1), and 1402(C) are hereby amended and
4 reenacted and R.S. 18:107(F), 425(B)(3)(c), 566.2(F)(10), and 1354(B)(8) are hereby
5 enacted to read as follows:

6 §3. Petitions submitted to registrars of voters

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

10 * * *

11 (3) The signer's ~~ward/district/precinct~~ ward, precinct, and date of birth.

12 * * *

13 §18. Secretary of state; powers and duties

14 A. The secretary of state shall administer the laws relating to custody of
15 voting machines and voter registration, and for ~~the~~ this purpose he shall:

16 * * *

17 (8)

18 * * *

19 (b) Develop activities, events, informational posters and pamphlets, and
20 public service announcements for the implementation of an annual voter registration
21 week and generally be responsible for implementation of such week. It is the policy
22 of the state of Louisiana to encourage full participation in voting by all citizens of
23 this state. To this end, in ~~odd-numbered~~ years when the president of the United
24 States proclaims a National Voter Registration Day, the official state voter
25 registration week shall be the ~~last~~ full week in which the National Voter Registration
26 Day occurs. In years when the president of the United States does not proclaim a
27 National Voter Registration Day, the official state voter registration week shall be
28 two weeks prior to the close of registration records for the regular fall primary

1 election. ~~In even-numbered years, the official state voter registration week shall be~~
2 ~~the second full week in May.~~

3 * * *

4 §25. Annual reports

5 * * *

6 B. The board shall annually report to the House and Governmental Affairs
7 Committee of the House of Representatives and the Senate and Governmental
8 Affairs Committee of the Senate its findings, observations, and recommendations
9 concerning all aspects of elections in this state. The report shall be submitted no
10 later than January ~~fifteenth~~ thirty-first each year and shall include but shall not be
11 limited to the following subjects: election laws in general, registration procedures,
12 election procedures, election officials, voting machines, tabulation and transmission
13 of election returns, procedures used for casting and counting absentee by mail and
14 early voting ballots, and any other aspect of elections the board deems appropriate.

15 * * *

16 §59.4. The Louisiana Voter Registration Administrators' Certification Program;
17 requirements; compensation

18 * * *

19 E.

20 * * *

21 (2)

22 * * *

23 (c) A registrar of voters, chief deputy registrar, or confidential assistant to
24 a registrar of voters shall complete the requirements of Subsections D and E of this
25 Section in order to receive the seven percent compensation enhancement. If a
26 registrar of voters, chief deputy registrar, or confidential assistant to a registrar of
27 voters does not complete the certification program as provided in Subsections D and
28 E of this Section, his salary shall remain as provided in R.S. 18:55 or 59. If, after
29 certification, a registrar of voters, chief deputy registrar, or confidential assistant to

1 a registrar of voters does not receive certification renewal within each ~~five-year~~
2 three-year period, his salary shall revert back to the salary scale provided for in R.S.
3 18:55 or 59. Notwithstanding the provisions of R.S. 18:57, the failure to maintain
4 certification shall result in the loss of the compensation enhancement provided for
5 in this Section.

6 * * *

7 §107. Party affiliation not required for registration; change in party affiliation

8 * * *

9 B. ~~An elector~~ A registrant may change his party affiliation by making
10 application therefor in writing to the registrar. When he receives the request, the
11 registrar shall note the political party designated by the registrant and the date of the
12 change in the registrant's information on the state voter registration computer system
13 and, if the original application is available in hard copy in the registrar's office, on
14 the original application form.

15 * * *

16 F. Notwithstanding the provisions of Subsections B and C of this Section,
17 a registrant shall not be designated as being affiliated with more than one party at the
18 same time.

19 * * *

20 §196. Inactive list of voters; procedure for voting

21 * * *

22 C.(1)(a) If a registrant whose name ~~appears~~ is on the inactive list of voters
23 ~~has appeared~~ appears at the polls and ~~voted~~ votes as provided under Paragraph ~~B(1)~~
24 (B)(1), (2), or (3) of this Section, the registrar shall transfer the registrant's name to
25 the official list of voters and make any necessary corrections in the registrant's
26 registration records.

27 (b) If the registrant ~~appeared~~ appears at the polls and ~~confirmed~~ confirms
28 that he has permanently moved outside of the to a different parish, the registrar shall

1 ~~cancel~~ transfer the registrant's registration ~~of such registrant~~ information to the
2 registrar of the new parish of residence.

3 (c) If the registrant appears at the polls and confirms that he has permanently
4 moved outside the state, the registrar shall cancel the registrant's registration.

5 (2)(a) If a registrant whose name ~~appears~~ is on the inactive list of voters ~~has~~
6 ~~voted~~ votes absentee by mail or during early voting, the registrar shall transfer the
7 registrant's name to the official list of voters and make any necessary corrections in
8 the registrant's registration records if the information on the address confirmation
9 card, as required by R.S. 18:1309, or the residence address provided in an application
10 to vote by mail so indicates.

11 (b) However, if ~~If~~ the registrant ~~has confirmed~~ confirms that he has
12 permanently moved outside of the ~~to a different~~ parish, the registrar shall ~~cancel~~
13 transfer the registrant's registration of such registrant information to the registrar of
14 the new parish of residence.

15 (c) If the registrant confirms that he has permanently moved outside the
16 state, the registrar shall cancel the registrant's registration.

17 * * *

18 §402. Dates of primary and general elections

19 * * *

20 G.

21 * * *

22 (2)(a) If the date for the primary election is advanced in accordance with the
23 provisions of Paragraph (1) of this Subsection, the general election shall be advanced
24 the same number of weeks as the primary election.

25 (b) If the date for the general election is advanced in accordance with the
26 provisions of Paragraph (1) of this Subsection, the primary election shall be
27 advanced the same number of weeks as the general election.

28 * * *

1 §424. Commissioners-in-charge

2 * * *

3 C. Powers and duties. (1) The commissioner-in-charge shall receive the
4 sealed key envelope from the deputy parish custodian of voting machines at least
5 thirty minutes before the polls open on election day. The commissioner-in-charge
6 shall administer the oath to the commissioners and preside over the election, ~~and the~~
7 ~~counting and tabulation of votes~~ the printing of the results from the voting machines,
8 and the closing of the polling place. He also shall deliver the keys to the voting
9 machines, if applicable, the original of the machine certificates, the original of the
10 signed list of commissioners, and one of the original tabulation blank and compiled
11 statement forms to the clerk of court.

12 * * *

13 §425. Commissioners

14 * * *

15 B. Qualifications and classifications.

16 * * *

17 (3)

18 * * *

19 (c) If a proposition or question is on the ballot in a precinct, no member of
20 the governing authority that called the election on the proposition or question and no
21 member of the governing authority of a political subdivision that will receive
22 revenue from a tax or fee that is the subject of the proposition or question shall be
23 selected as a commissioner in that precinct.

24 * * *

25 C. Powers and duties. (1) The commissioners shall conduct primary and
26 general elections at each polling place, shall enforce the election laws, and shall
27 maintain order at the polling place during the election and the ~~counting and~~
28 ~~tabulation of votes~~ printing of results from the voting machines.

29 * * *

1 §425.1. Consolidation of polling places; reduction of voting machines and election
2 officials

3 A. Notwithstanding the provisions of R.S. 18:424 and 425 or any other
4 provision of law to the contrary, in an election, including the election of any public
5 official, where more than one polling place is within the same location, the parish
6 board of election supervisors may consolidate polling places in that location for that
7 election and may reduce the number of voting machines to be used in the election
8 below the number fixed by R.S. 18:1363 and, in such case, shall notify, in
9 accordance with the time line provided in R.S. 18:1363(H), the parish custodian of
10 voting machines and the secretary of state of the number of machines to be prepared
11 and delivered for the polling places so consolidated.

12 * * *

13 §427. Watchers

14 * * *

15 B. Powers and duties. A watcher shall be admitted within all parts of the
16 polling place during the election day and the counting and tabulation of votes, and
17 shall call any infraction of the law to the attention of the commissioners. A watcher
18 may keep notes on the conduct of the election, but he shall not take part in the
19 ~~counting and tabulation of votes~~ printing of results from the voting machines. A
20 watcher shall not electioneer, engage in political discussions, or unnecessarily delay
21 a voter at the polling place. A watcher shall be subject to the authority of the
22 commissioners and shall not interfere with the commissioners in the performance of
23 their duties.

24 * * *

25 §431. Commissioners; courses of instruction; certificates; reports; list of certified
26 persons furnished by parish board of election supervisors

27 A.

28 * * *

1 D.

2 * * *

3 (2) If all the votes cast in a primary election for a public office are void
4 because of the death of a candidate, the primary election for the office shall be held
5 on the date of the general election, and the general election for the office shall be
6 held on the ~~fourth~~ fifth Saturday after the primary election. ~~However, if the primary~~
7 ~~election is held on the date scheduled for a congressional general election, the~~
8 ~~general election for the office shall be held on the fifth Saturday after the primary~~
9 ~~election.~~

10 * * *

11 §564. Assistance in voting on election day

12 * * *

13 B. Persons prohibited from assisting voters.

14 * * *

15 (5)

16 * * *

17 (b) The commissioners shall write the voter's name in the precinct register
18 and write the name of the person, including a commissioner, assisting the voter
19 behind the tab for Assistance to Voters. If the voter is not marked for assistance in
20 voting in the precinct register the voter or the person, including a commissioner,
21 assisting the voter shall check the box behind the tab for Assistance to Voters
22 indicating that the voter has a physical disability or is unable to read. The person,
23 including a commissioner, assisting the voter shall sign his name behind the tab for
24 Assistance to Voters.

25 * * *

26 §566.2. Tabulation and counting of provisional ballots for federal office

27 * * *

28 C. Provisional ballots shall be counted ~~on the third day following the election~~
29 ~~and~~ prior to the compilation of returns pursuant to R.S. 18:574 at the office of the

1 registrar of voters or at a public facility within the parish designated by the parish
2 board of election supervisors. ~~For a presidential or regularly scheduled~~
3 ~~congressional general election, the provisional ballots may be counted on the third~~
4 ~~or fourth day, or both, following the election.~~

5 * * *

6 F. The procedure for counting provisional ballots shall be as follows:

7 * * *

8 (3) The board shall confirm each of the following with the registrar:

9 (a) The provisional voter is a registered voter in the parish.

10 (b) The provisional voter voted on the federal office or offices for which the
11 provisional voter was eligible to vote.

12 (c) The provisional voter did not vote early, absentee by mail, or at his
13 precinct on election day.

14 (4) If the board has determined that a provisional ballot shall be counted, a
15 member of the board shall write the provisional ballot number and the word
16 "counted" adjacent to the provisional voter's name on the list of provisional voters.
17 A member of the board shall tear the flap from the envelope containing the
18 provisional ballot, attach the provisional voter's registration documentation to the
19 envelope flap, and leave the envelope sealed.

20 ~~(4)~~ (5) If the board has determined that a provisional ballot shall not be
21 counted, the members of the board shall leave the flap on the envelope containing
22 the provisional ballot, leave the envelope sealed, and shall write the word "rejected",
23 together with the reason for rejecting the provisional ballot across the envelope
24 containing the ballot. A member of the board shall write the provisional ballot
25 number and the word "rejected" adjacent to the provisional voter's name, together
26 with the reason for rejecting the provisional ballot, on the list of provisional voters.
27 The rejected provisional ballots shall be placed in the special provisional ballot
28 envelope. No rejected provisional ballot shall be counted.

1 used in the election below the number fixed by R.S. 18:1363 and, in such case, shall
2 notify, in accordance with the time line provided in R.S. 18:1363(H), the parish
3 custodian of voting machines and the secretary of state of the number of machines
4 to be prepared and delivered for the polling places so consolidated.

5 * * *

6 §1300.7. Governor to order election; proclamation; publication

7 A. If the required number of qualified electors of the voting area sign the
8 petition for recall, the governor shall issue a proclamation ordering an election to be
9 held for the purpose of voting on the question of the recall of the officer. The total
10 number of registered voters in the voting area and the total number of registered
11 voters in the voting area signing the petition shall be calculated from the totals on the
12 certificates of all of the registrars of voters received by the governor. The governor
13 shall issue such proclamation within fifteen days after he receives the certified
14 petitions from all of the registrars of voters in the voting area who have received
15 petitions for certification. If the final day for the governor to issue the proclamation
16 falls on a Saturday, Sunday, or legal holiday, then the next day which is not a
17 Saturday, Sunday, or legal holiday shall be deemed to be the final day for issuing the
18 proclamation. The proclamation shall order the election to be held on the next
19 available date specified in R.S. 18:402(F). If the election is to be held on a primary
20 election date, the proclamation shall be issued on or before the last day for
21 candidates to qualify in the election. If the election is not to be held on a primary
22 election date, then the proclamation shall be issued on or before the ~~forty-sixth~~ fifty-
23 fourth day prior to the election.

24 * * *

25 §1307. Application by mail

26 * * *

27 C. If the applicant is a member of the United States Service or resides
28 outside the United States, he may use the federal postcard application or an
29 application electronically transmitted by the registrar or secretary of state, and the

1 application shall be received by the registrar no later than 4:30 p.m. on the day
 2 before the election. Such application shall be valid for a period extending at least
 3 one year from the date the application is received in the office of the registrar of
 4 voters ~~through two subsequent~~; such period shall include at least one regularly
 5 scheduled federal general ~~elections~~ election. If the registrar rejects the application
 6 of an applicant who is a member of the United States Service or resides outside the
 7 United States, the registrar shall provide the applicant with written reasons for the
 8 rejection.

9 * * *

10 G. If the applicant is eligible to vote absentee by mail pursuant to R.S.
 11 18:1303(F), (I), or (J), his application, if such application meets the requirements of
 12 this Section, ~~shall~~ may remain valid indefinitely upon request of the applicant, unless
 13 an absentee by mail ballot that has been sent to the applicant is returned to the
 14 registrar as undeliverable. If the applicant's absentee by mail ballot is returned to the
 15 registrar as undeliverable, the registrar shall send notice by forwardable mail to such
 16 applicant that his application will no longer be valid, and the applicant shall be
 17 required to submit a new application to the registrar that meets the requirements of
 18 this Section and provide a current address before the applicant will be eligible to vote
 19 absentee by mail again pursuant to this Section.

20 * * *

21 §1313. Tabulation and counting of absentee by mail and early voting ballots

22 * * *

23 F. The procedure for counting absentee by mail ballots shall be as follows:

24 * * *

25 (9) If a ballot is physically damaged or cannot properly be counted by the
 26 counting equipment and the vote cast by the voter is clearly discernible from a
 27 physical inspection of the defective ballot, the ballot may be counted by hand or a
 28 true duplicate may be made of the defective ballot in the presence of witnesses and
 29 substituted for the ballot. ~~The~~ Any duplicate ballot shall be clearly labeled

1 "duplicate", bear a ballot number which shall be recorded on the defective ballot, and
2 be counted in lieu of the defective ballot. After a ballot has been duplicated, the
3 defective ballot shall be placed in the special absentee by mail and early voting ballot
4 envelope or container, and the duplicate ballot shall be counted with the other valid
5 ballots.

6 * * *

7 G. The procedure for counting early voting machine ballots and paper ballots
8 voted during early voting shall be as follows:

9 * * *

10 (11) If a ballot is physically damaged or cannot properly be counted by the
11 counting equipment and the vote cast by the voter is clearly discernible from a
12 physical inspection of the defective ballot, the ballot may be counted by hand or a
13 true duplicate may be made of the defective ballot in the presence of witnesses and
14 substituted for the ballot. ~~The~~ Any duplicate ballot shall be clearly labeled
15 "duplicate", bear a ballot number which shall be recorded on the defective ballot, and
16 be counted in lieu of the defective ballot. After a ballot has been duplicated, the
17 defective ballot shall be placed in the special absentee by mail and early voting ballot
18 envelope or container, and the duplicate ballot shall be counted with the other valid
19 ballots.

20 * * *

21 §1354. Parish custodian of voting machines; powers and duties; appointment of
22 deputy custodians

23 * * *

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

26 * * *

27 (8) Transmit the election results to the secretary of state in the manner
28 directed by the secretary of state.

29 * * *

1 §1363. Number of machines; allocation to precincts; exception; reserve machines

2 * * *

3 B. The parish board of election supervisors may reduce the number of voting
4 machines to be allocated and used in elections called under the provisions of Chapter
5 6-A or Chapter 6-B of this Code when the election is not held at the same time as the
6 election of any public official. In such case, the parish board of election supervisors
7 shall notify the parish custodian of voting machines and the secretary of state at least
8 ~~three~~ four weeks prior to such election; of the number of machines to be prepared
9 and delivered for the polling places.

10 * * *

11 D. The parish board of election supervisors may reduce the number of voting
12 machines to be allocated and used in an election called under the provisions of
13 Chapter 6, Part III of this Title; where the only other election on the ballot is for the
14 election of political party committee members. Not less than ~~twenty-one~~ twenty-
15 nine days prior to such an election, the parish board of election supervisors shall
16 notify the parish custodian of voting machines and the secretary of state of the
17 number of voting machines to be prepared and delivered to each polling place.

18 * * *

19 G. The parish board of election supervisors may submit a written request to
20 the secretary of state, ~~on or before the twenty-third day prior to an election,~~ for
21 additional voting machines for overcrowded precincts. The written request shall be
22 submitted on or before the twenty-ninth day prior to the election and shall include
23 the number of additional voting machines requested and an explanation of the need
24 for additional voting machines. If the secretary of state determines that there is a
25 need for additional voting machines and that the provision of additional voting
26 machines is feasible, he may allocate additional voting machines.

27 H. The parish board of election supervisors may submit a written request to
28 the secretary of state, ~~on or before the twenty-third day prior to an election,~~ to reduce
29 the number of voting machines to be allocated and used in an election other than an

1 election provided for in Subsection B or D of this Section. The written request shall
2 be submitted on or before the twenty-ninth day prior to a primary election and at
3 least four weeks prior to a general election and shall include the proposed reduced
4 number of voting machines and an explanation of the need for the reduction in the
5 number of voting machines. If the secretary of state determines that the reduction
6 in the number of voting machines is feasible, he may reduce the number of voting
7 machines.

8 * * *

9 §1373. Notice of preparation of machines for election; preparation of machines for
10 election; testing and adjusting; examination by candidate or his
11 representative; securing and sealing machines

12 A.(1) The secretary of state shall notify each parish custodian of the time and
13 place at which he will begin preparing and testing the voting machines for an
14 election. ~~The parish custodian then shall mail a notice to~~ qualifying official shall at
15 the time of qualifying provide each candidate in the election, ~~stating with a~~
16 chronological table of procedures for the election that instructs the candidate to
17 contact the parish custodian for the time and place at which the preparation and
18 testing of the machines will be conducted, ~~the time and place~~ and when the machines
19 will be sealed; and ~~stating~~ states that the candidate or his representative may be
20 present to observe the preparation, testing, and sealing of the machines by the parish
21 custodian.

22 * * *

23 §1402. Proper parties

24 * * *

25 C. The secretary of state, in his official capacity, shall be made a party
26 defendant to any action contesting an election for public office, an election
27 submitting a proposition to the voters, or an election for the recall of a public officer.
28 The secretary of state, in his official capacity, shall be made defendant to any action
29 objecting to the calling of a special election. The secretary of state, in his official

1 capacity, shall be made a party defendant to any action contesting the certification
2 of a recall petition. The secretary of state shall have standing to intervene in an
3 action objecting to candidacy in which the secretary of state was not the qualifying
4 official.

5 * * *

6 Section 2. R.S. 18:104 is hereby amended and reenacted to read as follows:

7 §104. Application for registration; form

8 A. The secretary of state, subject to approval by the attorney general as to
9 content, shall prescribe the form that shall be used uniformly by each registrar in the
10 state and any person authorized to accept voter registration applications in registering
11 qualified citizens to vote. The form shall contain spaces for at least the following
12 required information with respect to be provided by the applicant for the registrar of
13 voters to assess eligibility:

- 14 (1) Date of application.
- 15 (2) Name.
- 16 (3) ~~Sex and date~~ Date of birth.
- 17 (4) ~~Municipality, parish or county, state or province, and country of birth.~~
- 18 (5) ~~Whether the applicant is currently under an order of imprisonment for~~
19 ~~conviction of a felony.~~
- 20 (6) ~~Whether the applicant is currently under a judgment of full interdiction~~
21 ~~for mental incompetence, or a limited interdiction in which the right to register and~~
22 ~~vote has specifically been suspended.~~
- 23 (7) Place of residence, including street or apartment number or both,
24 municipality (if any), and if a rural address, sufficient information, in addition to
25 route and post box number, to identify the precinct of residence, and mailing address.
- 26 (8) ~~Name of state, parish, ward and precinct number, and the registration~~
27 ~~number.~~
- 28 (9) ~~Place of last residence.~~
- 29 (10) ~~The state and parish or county of last registration.~~

1 ~~(11) Political party affiliation or, if none, an entry to that effect.~~

2 ~~(12) Information sufficient for clear and precise identification of the~~
3 ~~applicant as the person he claims to be and subsequently for his identification at the~~
4 ~~polls. This information may include mother's maiden name, father's middle name,~~
5 ~~name of spouse, occupation, and employer.~~

6 ~~(13) Whether or not the applicant requires assistance when he votes, and if~~
7 ~~so, the reason therefor. If the person is unable to read or write English, the form~~
8 ~~shall show in which language he is entitled to printed materials and ballots and~~
9 ~~assistance if his language is one of a minority language group under a determination~~
10 ~~made under the federal Voting Rights Act.~~

11 ~~(14) Space for changes of address within the parish, changes of name,~~
12 ~~changes of party affiliation, dates of any of these, and remarks.~~

13 ~~(15) The application form also shall inform the applicant of the penalty for~~
14 ~~violation of applicable laws relating to registration of voters and shall contain an~~
15 ~~affidavit to be subscribed, through a handwritten signature, attesting that the~~
16 ~~applicant is a United States citizen and that the facts given by him on this application~~
17 ~~are true to the best of his knowledge and belief. When the registration application~~
18 ~~is completed at the office of motor vehicles of the Department of Public Safety and~~
19 ~~Corrections or electronically on the secretary of state's website, an electronically~~
20 ~~captured signature of the applicant shall suffice as a handwritten signature of the~~
21 ~~applicant.~~

22 ~~(16)~~ (5) Louisiana driver's license number or Louisiana special identification
23 card number, if issued, or if no Louisiana driver's license or Louisiana special
24 identification card has been issued, the last four digits of the social security number,
25 if issued. The full social security number of the applicant may be provided on a
26 voluntary basis by the applicant. If the applicant has neither a Louisiana driver's
27 license, a Louisiana special identification card, or a social security number, the
28 applicant shall attach one of the following items to his application:

29 (a) A copy of a current and valid photo identification.

1 (b) A copy of a current utility bill, bank statement, government check,
2 paycheck, or other government document that shows the name and address of the
3 applicant.

4 ~~(17) Ethnic origin, which shall at least include Hispanic, American Indian,~~
5 ~~Asian, and other as choices.~~

6 B. The form shall also contain spaces for the following additional
7 information to be provided by the applicant with the initial application or in response
8 to a request for additional information by the registrar of voters for clear and
9 sufficient identification of the applicant as the person he claims to be and
10 subsequently for his identification at the polls:

11 (1) Sex.

12 (2) Race or ethnic origin, which shall at least include Hispanic, American
13 Indian, Asian, and other as choices.

14 (3) A single political party affiliation or, if none, an entry to that effect.

15 (4) Place of birth.

16 (5) Mother's maiden name.

17 (6) Electronic mail address.

18 (7) Telephone number.

19 (8) Whether the applicant requires assistance when he votes, and if so, the
20 reason therefor. If the person is unable to read or write English, the form shall show
21 in which language he is entitled to printed materials and ballots and assistance if his
22 language is one of a minority language group as determined pursuant to the federal
23 Voting Rights Act.

24 (9) Last residence address.

25 (10) Place of last registration.

26 (11) Former registered name, if applicable.

27 C. The form shall inform the applicant of the penalty for violation of
28 applicable laws relating to registration of voters and shall contain an affidavit to be
29 subscribed, through a handwritten signature, attesting that the applicant is a United

1 States citizen, is not currently under an order of imprisonment for conviction of a
2 felony, is not currently under a judgment of full interdiction for mental
3 incompetence, or a limited interdiction in which the right to register to vote has
4 specifically been suspended and that the facts given by him on the application are
5 true to the best of his knowledge and belief. When the registration application is
6 completed at the office of motor vehicles of the Department of Public Safety and
7 Corrections or electronically on the secretary of state's website, an electronically
8 captured signature of the applicant shall suffice as a handwritten signature of the
9 applicant.

10 D. The form shall include the questions "Are you a citizen of the United
11 States of America?" and "Will you be 18 years of age on or before election day?" and
12 the statement "If you checked 'no' in response to either of these questions, do not
13 complete the form."

14 E. In no event shall information with respect to race or ethnic origin be
15 required for registration. However, such information may be given voluntarily by
16 the applicant for registration and a registrar may keep statistics with respect to race
17 and ethnic origin.

18 ~~C.~~ F. Upon request, the registrar shall furnish each applicant a copy of his
19 application form, and the applicant shall be informed that he may obtain such copy.

20 ~~D.~~ G. The secretary of state may require such reasonable additional
21 information as he deems necessary for the effective registration of voters.

22 ~~E.~~ H. No voter registration application form except that prescribed by the
23 secretary of state shall be used by any registrar.

24 ~~F.~~ I. The secretary of state may remove any spaces for information on the
25 form required by this Section if such requirement does not receive preclearance
26 pursuant to the Voting Rights Act of 1965.

27 ~~G.~~ J. No voter registration application shall be complete unless the applicant
28 provides one of the forms of identification provided for in Paragraph ~~(16)~~ of
29 ~~Subsection A~~ (A)(5) of this Section.

1 Section 3. R.S. 18:114(F)(2) is hereby amended and reenacted to read as follows:

2 §114. Registration at driver's license facilities

3 * * *

4 F. Procedures for voter registration pursuant to this Section shall be as
5 follows:

6 * * *

7 (2) Any employee authorized to accept an application to obtain, renew, or
8 change the name or address on a driver's license or identification card shall offer
9 voter registration to any person making such an application, shall obtain written and
10 signed confirmation of any declination of the offer of voter registration, and, upon
11 request, shall provide assistance to any person who desires to register to vote. Such
12 assistance may consist of answering any question that person might have about
13 completing the registration form. However, if the person requesting assistance has
14 a physical disability or is unable to read or write English, the authorized employee
15 shall provide such assistance as is allowed to be provided by registrars of voters
16 under the provisions of R.S. 18:106.

17 * * *

18 Section 4. R.S. 18:1310(D)(2) is hereby amended and reenacted to read as follows:

19 §1310. Execution of certificate; marking of ballot; casting vote; assistance

20 * * *

21 D.

22 * * *

23 (2) Upon receiving the replacement ballot, the voter shall mark the ballot and
24 return it to the registrar as provided in this Section. The voter shall not return the
25 spoiled ballot to the registrar, but shall destroy it. If the voter sends both the spoiled
26 ballot and the replacement ballot to the registrar; and the board can determine which
27 is the spoiled ballot and which is the replacement ballot, the board shall count the
28 replacement ballot. If the board cannot determine which is the spoiled ballot and
29 which is the replacement ballot, each of such ballots shall be void.

1 Section 5. R.S. 18:176(D), 200, 431(A)(5), and 1313(F)(11) are hereby repealed in
2 their entirety.

3 Section 6. The Louisiana State Law Institute is hereby directed to redesignate R.S.
4 18:221 as R.S. 18:66 and place it in its entirety within Chapter 3 of Title 18.

5 Section 7.(A) This Section and Sections 1, 5, and 6 of this Act shall become
6 effective upon signature of this Act by the governor or, if not signed by the governor, upon
7 expiration of the time for bills to become law without signature by the governor, as provided
8 by Article III, Section 18 of the Constitution of Louisiana. If this Act is vetoed by the
9 governor and subsequently approved by the legislature, this Section and Sections 1, 5, and
10 6 of this Act shall become effective on the day following such approval.

11 (B) Section 2 of this Act shall become effective January 1, 2018.

12 (C) Sections 3 and 4 of this Act shall become effective August 1, 2017.

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 544 Engrossed

2017 Regular Session

Danahay

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

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

Proposed law retains present law.

Present law requires a petition to include the signer's district.

Proposed law repeals present law.

Present law (R.S. 18:18) provides for the powers and duties of the secretary of state. Requires the secretary of state to develop activities, events, informational posters and pamphlets, and public service announcements for the implementation of an annual voter registration week and generally be responsible for implementation of such week. Provides for an official state voter registration week.

Proposed law retains present law.

Present law provides that in odd-numbered years, the official state voter registration week is the last full week which occurs two weeks prior to the close of registration records for the

regular fall primary election. Provides that in even-numbered years, the official state voter registration week shall be the second full week in May.

Proposed law provides instead that in years when the president of the United States proclaims a National Voter Registration Day, the official state voter registration week is the full week in which the National Voter Registration Day occurs. Provides that in years when the president does not proclaim a National Voter Registration Day, the official state voter registration week is two weeks prior to the close of registration records for the regular fall primary election.

Present law (R.S. 18:25) requires the State Board of Election Supervisors to regularly review all election laws and all procedures used in conducting elections. Requires the board to annually report to the House and Governmental Affairs Committee of the House of Representatives and the Senate and Governmental Affairs Committee of the Senate its findings, observations, and recommendations concerning all aspects of elections. Provides that the report shall include but shall not be limited to the following subjects: election laws in general, registration procedures, election procedures, election officials, voting machines, tabulation and transmission of election returns, procedures used for casting and counting absentee by mail and early voting ballots, and any other aspect of elections the board deems appropriate.

Proposed law retains present law.

Present law requires the annual report to be submitted no later than January 15th.

Proposed law changes the reporting deadline from January 15th to January 31st.

Present law (R.S. 18:59.4) establishes the La. Voter Registration Administrators' Certification program to formalize and recognize the professional standards of registrars of voters, chief deputy registrars, and confidential assistants to registrars of voters in the state. Provides for education and training through courses administered by Auburn University and the Election Center. Provides for course requirements, certification, and maintenance of certification. Provides for an increase in salary for certification and maintenance of certification. Provides that the salary increase for certification is lost if not renewed within a certain number of years.

Proposed law retains present law.

Present law provides that the salary increase is lost if certification is not renewed within each five-year period.

Proposed law provides instead that the salary increase is lost if certification is not renewed within each three-year period.

Present law (R.S. 18:104) requires the secretary of state, subject to approval by the attorney general as to content, to prescribe the form that shall be used uniformly by each registrar in the state and any person authorized to accept voter registration applications in registering qualified citizens to vote. Specifies certain information that must be included on the form.

Proposed law retains present law. Specifies that certain information on the form will be used to assess eligibility and that the remaining information is to be used to identify the applicant at the polls. Adds the following information to the form: race (on a voluntary basis), electronic mail address, telephone number, and former registered name, if applicable. Requires the form to include the questions "Are you a citizen of the United States of America?" and "Will you be 18 years of age on or before election day?" and the statement "If you checked 'no' in response to either of these questions, do not complete the form." Specifies that only a single party affiliation may be provided.

Present law requires the form to include space for changes of address within the parish, changes of name, changes of party affiliation, dates of any of these, and remarks. Provides that the form may include father's middle name, name of spouse, occupation, and employer as information to be used for identification of the applicant at the polls.

Proposed law repeals present law.

Present law (R.S. 18:107) provides relative to political party affiliation. Provides procedures for designating political party affiliation or lack thereof during voter registration. Provides procedures for changing a registrant's declaration of political party affiliation.

Proposed law retains present law. Additionally provides that a registrant may not be designated as being affiliated with more than one party at the same time.

Present law (R.S. 18:114) requires voter registration services to be available at all driver's license facilities in the state. Provides generally that an application for a driver's license or identification card issued by the Dept. of Public Safety and Corrections also serves as an application for voter registration unless the applicant declines to register to vote through specific declination or by failing to sign the voter registration application. Requires employees at driver's license facilities to offer voter registration to each person making an application for a driver's license or identification card and, upon request, to provide assistance to a person who wants to register to vote.

Proposed law retains present law. Additionally requires employees at driver's license facilities to obtain written and signed confirmation of any declination of the offer of voter registration.

Present law (R.S. 18:176(D)) requires the registrar to take action based on a report that is no longer required to be produced involving changes of name. Proposed law repeals present law.

Present law (R.S. 18:193) provides a challenge procedure to be used by the registrar of voters when he has reason to believe that a registrant no longer is qualified to be registered, or that a registrant has changed his residence. Requires the registrar to send the registrant an address confirmation card and to place the registrant on the inactive list of voters, unless there is address information available to the registrar from the U.S. Postal Service or its licensee which indicates the registrant has moved to another address within the parish. A voter on the inactive list of voters who fails to respond to the address confirmation card shall remain on the inactive list of voters until his address is confirmed in accordance with the procedures set forth in present law (R.S. 18:196) or not later than a period of two regularly scheduled federal general elections, at which time the registrar shall cancel the voter's registration.

Present law (R.S. 18:196) provides procedures for voting by a registrant who is on the inactive list of voters. Requires the registrant to affirm that he resides at the address on file, at a new address in the precinct or in the parish, or at a new address outside of the parish, in which case he will only be allowed to vote if he affirms that he moved within the last three months.

Present law provides that if a registrant whose name appears on the inactive list of voters has appeared at the polls and voted and affirmed that he resides at the address on file or at a new address in the precinct or in the parish, the registrar shall transfer the registrant's name to the official list of voters and make any necessary corrections in the registrant's registration records.

Proposed law retains present law.

Present law provides that if the registrant appeared at the polls and confirmed that he has moved outside of the parish, the registrar shall cancel the registration of such registrant.

Proposed law provides instead that if the registrant appears and confirms that he has permanently moved to a different parish, the registrar shall transfer the registrant's registration to the registrar of the new parish of residence. Provides that if the registrant confirms that he has permanently moved outside the state, the registrar shall cancel the registrant's registration.

Present law provides that if a registrant whose name appears on the inactive list of voters has voted absentee by mail or during early voting, the registrar shall transfer the registrant's name to the official list of voters and make any necessary corrections in the registrant's registration records if the information on the address confirmation card, as required by present law (R.S. 18:1309), or the residence address provided in an application to vote by mail so indicates.

Proposed law retains present law.

Present law provides that if the registrant has confirmed that he has moved outside of the parish, the registrar shall cancel the registration of such registrant.

Proposed law provides instead that if the registrant confirms that he has permanently moved to a different parish, the registrar shall transfer the registrant's registration to the registrar of the new parish of residence. Provides that if the registrant confirms that he has permanently moved outside the state, the registrar shall cancel the registrant's registration.

Present law (R.S. 18:200) provides an unused definition for Part V of Chapter 4 of Title 18. Proposed law repeals present law.

Present law (R.S. 18:402) provides dates for primary and general elections. Provides that no election shall be held on certain specified days. Provides that if the date of any election falls on any such specified day, the election shall be held on the same weekday of the preceding week. Provides that if the date for the general election is advanced in accordance with the provisions of present law, the primary election shall be advanced the same number of weeks as the general election.

Proposed law retains present law. Additionally provides that if the date for the primary election is advanced in accordance with the provisions of present law, the general election shall be advanced the same number of weeks as the primary election.

Present law (R.S. 18:424) provides the powers and duties for commissioners-in-charge. Provides that the commissioner-in-charge shall receive the sealed key envelope from the deputy parish custodian of voting machines at least 30 minutes before the polls open on election day. Provides that the commissioner-in-charge shall administer the oath to the commissioners and preside over the election. Requires the commissioner-in-charge to deliver the keys to the voting machines, if applicable, the original of the machine certificates, the original of the signed list of commissioners, and one of the original tabulation blank and compiled statement forms to the clerk of court.

Proposed law retains present law.

Present law provides that the commissioner-in-charge shall preside over the counting and tabulation of votes. Proposed law repeals present law. Additionally provides that the commissioner-in-charge shall preside over the printing of the results from the voting machines and the closing of the polling place.

Present law (R.S. 18:425) provides for the qualifications of commissioners, including being a qualified voter who is able to perform the essential duties of a commissioner, not being a

candidate or the immediate family member of a candidate in the election, and subject to certain exceptions, having completed certain training.

Proposed law retains present law and additionally provides that if a proposition or question is on the ballot in a precinct, no member of the governing authority that called the election on the proposition or question and no member of the governing authority of a political subdivision that will receive revenue from a tax or fee that is the subject of the proposition or question shall be selected as a commissioner in that precinct.

Present law provides the powers and duties of commissioners. Provides that commissioners shall conduct primary and general elections at each polling place, shall enforce the election laws, and shall maintain order at the polling place during the election.

Proposed law retains present law.

Present law additionally provides that commissioners shall maintain order at the polling place during the counting and tabulation of votes. Proposed law repeals present law. Provides instead that the commissioners shall maintain order at the polling place during the printing of results from the voting machines.

Present law (R.S. 18:427 and 435) provides for poll watchers. Provides for qualifications, powers, duties, appointment, and commission of watchers. Provides that each candidate is entitled to have one watcher at every precinct where the office he seeks is voted on in a primary or general election. Provides that a watcher shall be admitted within all parts of the polling place during the election and the counting and tabulation of votes, and he shall call any infraction of the law to the attention of the commissioners.

Proposed law retains present law.

Present law provides that a watcher may not take part in the counting and tabulation of votes. Proposed law repeals present law. Provides instead that a watcher may not take part in the printing of results from the voting machines.

Present law (R.S. 18:431) requires the clerk of court at least annually to conduct a general course of instruction for commissioners that is open to the public. Requires the clerk to furnish to the persons who attend the course of instruction a copy of the informational pamphlet provided by the secretary of state and instruct them in the use of voting machines and the duties of commissioners in conducting primary and general elections. Requires the clerk to issue a certificate to each person who attends the course of instruction and achieves a satisfactory score on the test issued by the secretary of state for that course.

Proposed law retains present law.

Present law requires the clerk of court to schedule a general course of instruction for commissioners on some date following the last date for qualifying for office, but at least five days prior to the date for selection of commissioners. Requires the parish board of election supervisors to furnish to each commissioner-in-charge a list of the names, addresses, and party affiliations of all persons registered to vote in the ward to whom certificates of instruction have been issued during the term of office of the clerk who issued the certificates of instruction, and who have not been selected as commissioners-in-charge, commissioners, or alternate commissioners for the election.

Proposed law repeals present law.

Present law requires the clerk of court to conduct a course of instruction for commissioners-in-charge, commissioners, and alternate commissioners who are selected to serve in each election. Provides that the course shall be held after the selection of these

officials but not less than four days prior to each election and that the course shall primarily cover the procedures to be used in the election for which the officials were selected.

Proposed law retains present law.

Present law requires the clerk of court to issue a certificate of instruction to each person who attends and satisfactorily completes the course of instruction for commissioners-in-charge, commissioners, and alternate commissioners who are selected to serve in each election.

Proposed law provides that the clerk shall either issue a certificate of instruction to each person who attends and completes the course of instruction or keep a list of such persons in the state voter registration computer system. Otherwise retains present law.

Present law (R.S. 18:135) provides (subject to specific exceptions for online registration and certain emergencies) that registrars shall close the registration records 30 days prior to an election. Provides that if the deadline falls on a legal holiday, the registrars shall close the registration records on the first day after such holiday which is not a Sat., Sun., or other legal holiday. Present law (R.S. 18:434) provides for the time, place, and method for selecting commissioners and alternate commissioners. Requires the parish board of election supervisors to meet at 10:00 a.m. on the 29th day before a primary election to select the commissioners and alternate commissioners for each precinct.

Proposed law retains present law. Additionally provides that if the deadline for the close of the registration records provided in present law is moved due to a legal holiday, the meeting to select commissioners and alternate commissioners for each precinct shall be moved to the day after the close of the registration records.

Present law (R.S. 18:469) provides that qualifying in a primary election is reopened when a person who qualified and had opposition dies after the close of qualifying and before the time for the closing of the polls on the day of the primary election. Provides that the name of the deceased candidate shall not be printed on the primary election ballot, but if the primary election ballot has already been printed with the deceased candidate's name on it, any votes received by the deceased candidate shall be void and shall not be counted for any purpose whatsoever.

Present law provides that if the qualifying period for candidates reopens within 30 days before a primary election, all the votes cast in the primary election for that public office are void, unless the qualifying period for the office reopened and closed without additional candidates qualifying for the office. Provides for notice to the electorate if the election is voided because of the qualification of additional candidates.

Proposed law retains present law.

Present law provides that if all the votes cast in a primary election for a public office are void because of the death of a candidate, the primary election for the office shall be held on the date of the general election, and the general election for the office shall be held on the fourth Sat. after the primary election. Provides, however, if the primary election is held on the date scheduled for a congressional general election, the general election for the office shall be held on the 5th Sat. after the primary election.

Proposed law provides that the general election shall be held on the fifth Sat. after the primary election in all cases, not only when the primary is held on a congressional general election date. Otherwise retains present law.

Present law (R.S. 18:564) provides relative to assistance in voting. Requires a person who needs assistance in voting to provide to the registrar or to the commissioners on election day certain information as proof of disability. Specifies the types of information required. Restricts persons who can provide assistance to the voter at the polls on election day and

during early voting. Requires the commissioners to write the voter's name in the precinct register and write the name of the person, including a commissioner, assisting the voter behind the tab for "Assistance to Voters". Requires the person, including a commissioner, assisting the voter to sign his name behind the tab for "Assistance to Voters".

Proposed law retains present law. Additionally provides that if the voter is not marked for assistance in voting in the precinct register the voter or the person, including a commissioner, assisting the voter shall check the box behind the tab for Assistance to Voters indicating that the voter has a physical disability or is unable to read.

Present law (R.S. 18:566) provides that in an election for federal office, when an applicant's name does not appear on the precinct register and the registrar of voters has not authorized the applicant to vote by affidavit, or the commissioners assert that the applicant is not eligible to vote, and the applicant declares himself to be a registered voter and eligible to vote in the election for federal office, the applicant may cast a provisional ballot for candidates for federal office. Present law (R.S. 18:566.2) provides that the parish board of election supervisors in each parish is responsible for the counting and tabulation of all provisional ballots for federal office. Provides that provisional ballots must be counted prior to the compilation of returns pursuant to present law (R.S. 18:574) at the office of the registrar of voters or at a public facility within the parish designated by the parish board of election supervisors.

Proposed law retains present law.

Present law provides that provisional ballots be counted on the third day following the election, except that for a presidential or regularly scheduled congressional general election, the provisional ballots may be counted on the third or fourth day, or both, following the election.

Proposed law repeals present law.

Present law provides procedures for counting provisional ballots. Requires the parish board of election supervisors to announce the name of each provisional voter and to compare the name on the ballot envelope to the names on the list of provisional voters. Provides for procedures if the board determines that a provisional ballot is to be counted and for procedures if the board determines that a provisional ballot will not be counted. Provides for the document retention.

Proposed law retains present law. Additionally requires the board to confirm each of the following with the registrar:

- (1) The provisional voter is a registered voter in the parish.
- (2) The provisional voter voted on the federal office or offices for which the provisional voter was eligible to vote.
- (3) The provisional voter did not vote early, absentee by mail, or at his precinct on election day.

Present law (R.S. 18:571) provides procedures for commissioners after the termination of voting, including securing the voting machines, certifying the official election results reports, completing voting machine certificates, certifying the duplicate poll lists, completing an affidavit containing certain commissioner information, gathering voting documents, locking the voting machines, and securing the keys to the voting machines.

Proposed law retains present law and instead requires the commissioners to post the voting machine printouts at a conspicuous place at the polling place for public viewing.

Present law additionally requires the commissioners to announce the results of the election in the order the offices, candidates, and propositions are listed on the ballot, announce that the results of the election will be posted at the polling place for public review, and post the results of the election at a conspicuous place at the polling place for public viewing.

Proposed law repeals present law.

Present law (R.S. 18:572) provides for transmission of election returns. Requires the commissioner-in-charge to send to the secretary of state one of the duplicate poll lists and one copy of the machine certificates. Requires the commissioner-in-charge to send to the clerk of court the keys to the voting machines, the original of the machine certificates, the original of the signed list of commissioners, one copy of the final result tally sheets, and all election result cartridges.

Proposed law retains present law.

Present law requires the commissioner-in-charge to send the required documents and other items to the secretary of state and clerk of court upon completion of the counting and tabulating of votes. Proposed law provides instead that the documents and other items are sent after the results are printed from the voting machines.

Present law requires the commissioner-in-charge to send the secretary of state a copy of the final result tally sheets. Proposed law provides instead that the commissioner-in-charge send to the secretary of state a copy of the printouts from the voting machines.

Present law (R.S. 18:574) provides for the compilation and promulgation of election returns. Provides that the parish board of election supervisors or its representatives shall meet at the time and place designated by the clerk of court for the voting machines to be opened and to observe the verification of the votes by the clerk of court. Following verification and counting of any provisional ballots, requires the board to publicly prepare two compiled statements of the election returns showing the votes for each candidate and for and against each proposition. Requires the compilation of returns to be completed and a copy filed with the clerk of court by 4 p.m. on the fourth day after the election. Requires the board to mail a copy of the compiled statement to the secretary of state and requires the election returns to be transmitted from the board to the secretary of state by noon on the fifth day after the election. Requires the secretary of state to compile the results of the election and announce the results no later Noon on the 6th day after the election.

Present law provides that the computation of all time intervals for deadlines includes Saturdays, Sundays, and other legal holidays. Provides, however, if the final day in a time interval falls on a Sat., Sun., or other legal holiday, then the next day which is not a Sat., Sun., or legal holiday shall be deemed to be the final day of the time interval. If one or more of the duties provided pursuant to present law are delayed because of a Sat., Sun., or other legal holiday, the duties which follow will be delayed a like amount of time.

Present law requires the secretary of state to promulgate the returns by publication in the official journal of the state on or before the 12th day after the election if no action has been timely filed contesting the election. Provides that if the 12th day after the election falls on a Sat., Sun., or other legal holiday, and the secretary of state does not promulgate the returns prior to the 12th day after the primary or general election, he shall promulgate the returns on the next day which is not a Sat., Sun., or other legal holiday.

Proposed law retains present law. Additionally provides that if one or more of the duties provided pursuant to present law are delayed because of a Sat., Sun., or other legal holiday, the duty to promulgate the returns will be delayed a like amount of time.

Proposed law (R.S. 18:1300.1 et seq.) provides for recall elections. Provides that if a certain percentage of qualified electors in a voting area sign a petition directed to the governor

within a certain amount of time, the governor must issue a proclamation ordering an election to be held for the purpose of voting on the question of the recall of the officer. Provides that the proclamation shall order the election to be held on the next available date specified in present law (R.S. 18:402(F)). Provides that if the election is to be held on a primary election date, the proclamation shall be issued on or before the last day for candidates to qualify in the election.

Proposed law retains present law.

Present law provides that if the election is not to be held on a primary election date, then the governor's proclamation must be issued on or before the 46th day prior to the election. Proposed law provides that the proclamation must be issued on or before the 54th day prior to the election, instead of the 46th day, if the election is not held on a primary election date.

Present law (R.S. 18:1303) provides that certain specified persons may vote absentee by mail, including a member of the U.S. Service, a person residing outside of the U.S., certain voters with disabilities, and a person who is at least 65 years old. Present law (R.S. 18:1307) provides procedures and requirements. Requires a person to make application to the registrar by letter, over his signature or mark, setting forth certain required information.

Present law provides that if the applicant is a member of the U.S. Service or resides outside the U.S. an application made in a certain form shall remain valid for a certain period of time.

Proposed law retains present law.

Present law provides that the period of time that the application shall remain valid extends from the date the application is received in the office of the registrar of voters through two subsequent regularly scheduled federal general elections.

Proposed law provides instead that the application shall remain valid for a period of at least one year from the date the application is received in the office of the registrar and shall include at least one regularly scheduled federal general election.

Present law provides that if the applicant to vote absentee by mail has a disability or is at least 65 years old the application, if it meets the requirements of present law, remains valid indefinitely unless an absentee by mail ballot that has been sent to the applicant is returned to the registrar as undeliverable.

Proposed law provides that the application remains valid indefinitely only upon request of the voter. Otherwise retains present law.

Present law (R.S. 18:1310) provides procedures for casting a vote using an absentee by mail ballot. Provides procedures for using a replacement ballot to vote absentee by mail. Provides that if a voter determines that his ballot is spoiled because he wants to change or correct his vote on the ballot before it is cast and counted but is unable to do so, he may obtain a replacement ballot from the registrar of voters in his parish. Provides that upon receiving the replacement ballot, the voter shall mark the ballot and return it to the registrar as provided in existing law. Provides that the voter shall not return the spoiled ballot to the registrar, but shall destroy it.

Proposed law retains present law.

Present law provides that if the voter sends both the spoiled ballot and the replacement ballot to the registrar, each of such ballots shall be void.

Proposed law provides instead that if the voter sends both the spoiled ballot and the replacement ballot to the registrar and the board can determine which is the spoiled ballot and which is the replacement ballot, the board shall count the replacement ballot. Provides

that if the board cannot determine which is the spoiled ballot and which is the replacement ballot, each of such ballots shall be void.

Present law (R.S. 18:1313) provides for the tabulation and counting of absentee by mail and early voting ballots. Provides that the parish board of election supervisors is responsible for the counting and tabulation of all absentee by mail and early voting ballots in the parish and provides procedures therefor. Provides that if a ballot is physically damaged or cannot properly be counted by the counting equipment and the vote cast by the voter is clearly discernible from a physical inspection of the defective ballot, a true duplicate may be made of the defective ballot in the presence of witnesses and substituted for the ballot. Requires the duplicate ballot to be clearly labeled "duplicate", bear a ballot number which shall be recorded on the defective ballot, and be counted in lieu of the defective ballot.

Proposed law retains present law. Additionally provides that if a ballot is physically damaged or cannot properly be counted by the counting equipment and the vote cast by the voter is clearly discernible from a physical inspection of the defective ballot, the ballot may be counted by hand. Otherwise retains present law.

Present law provides that if two or more ballots for the same election have been included in the same envelope, the board shall reject all such ballots.

Proposed law repeals present law.

Present law (R.S. 18:1354) provides that the clerk of court is ex officio parish custodian of voting machines in each parish. Provides for the duties of the parish custodian, including providing for the instruction of election commissioners and issuance of certificates of instruction, notifying the candidates of the date and time when they may examine voting machines before the election and when the machines will be opened after the election, supervising and having custody of the voting machines, certifying that the counters on the machines are set to zero prior to the election, and receiving the precinct register and voter lists.

Proposed law retains present law. Additionally requires the parish custodian to transmit the election results to the secretary of state in the manner directed by the secretary of state.

Present law (R.S. 18:1363) provides for the determination of the number of voting machines that must be allocated to each precinct for an election. Provides for a certain minimum number of voting machines based on the number of voters registered to vote at the precinct.

Present law authorizes the parish board of election supervisors to reduce the number of voting machines allocated to precincts in the parish in an election at which a proposition or question is to be presented to voters and in a presidential preference primary election. Requires the parish board to notify the parish custodian of voting machines and the secretary of state of the number of machines to be prepared and delivered.

Proposed law retains present law.

Present law requires the notifications to be made at least three weeks prior to an election at which a proposition or question is to be presented to voters. Proposed law provides that the notification must be made at least four weeks prior to the election instead of three weeks.

Present law requires the notifications to be made not less than 21 days prior to a presidential preference primary election. Proposed law provides that the notification must be made not less than 29 days prior to the election instead of 21 days.

Present law authorizes the parish board to submit a written request to the secretary of state to reduce the number of voting machines to be allocated and used in an election other than an election at which a proposition or question is to be presented to voters or a presidential

preference primary election. Provides that the request must include certain information. Provides that if the secretary of state determines that the reduction in the number of voting machines is feasible, he may reduce the number of voting machines.

Proposed law retains present law.

Present law requires the written request to be submitted on or before the 23rd day prior to the election. Proposed law provides instead that the written request must be submitted on or before the 29th day prior to a primary election and at least four weeks prior to a general election.

Present law authorizes the parish board to submit a written request to the secretary of state for additional voting machines for overcrowded precincts. Provides that the request must include certain information. Provides that if the secretary of state determines that there is a need for additional voting machines and that the provision of additional voting machines is feasible, he may allocate additional voting machines.

Proposed law retains present law.

Present law requires the written request to be submitted on or before the 23rd day prior to the election. Proposed law provides instead that the written request must be submitted on or before the 29th day prior to the election.

Present law (R.S. 18:425.1 and 1286.1) authorizes the parish board of election supervisors to consolidate polling places if more than one polling place is within the same location and to reduce the number of voting machines to be used at the consolidated polling place below the minimum number provided in present law (R.S. 18:1363). Requires the parish board to notify the parish custodian of voting machines and the secretary of state of the number of machines to be prepared and delivered for the consolidated polling place.

Proposed law retains present law. Additionally requires the notifications to be made on or before the 29th day prior to a primary election or at least four weeks prior to a general election.

Present law (R.S. 18:1373) requires the parish custodian to mail a notice to each candidate in the election, stating the time and place at which the preparation and testing of the machines will be conducted, the time and place when the machines will be sealed, and stating that the candidate or his representative may be present to observe the preparation, testing, and sealing of the machines by the parish custodian.

Proposed law provides instead that the qualifying official shall at the time of qualifying provide each candidate with a chronological table of procedures for the election that instructs the candidate to contact the parish custodian for information relative to the preparation, testing, and sealing of the machines and states that the candidate or his representative may be present to observe the preparation, testing, and sealing of the machines by the parish custodian.

Present law (R.S. 18:1402) provides for the proper parties in an action objecting to candidacy or an action contesting an election. Provides that the secretary of state, in his official capacity, shall be made a party defendant to an action contesting an election for public office, contesting an election for the recall of a public officer, objecting to the calling of a special election, or contesting the certification of a recall petition.

Proposed law retains present law. Additionally requires the secretary of state to be made a party to an action contesting an election submitting a proposition to the voters. Provides that the secretary of state shall have standing to intervene in an action objecting to candidacy in which the secretary of state was not the qualifying official.

Effective upon signature of governor or lapse of time for gubernatorial action, except that provisions relative to voter registration at driver's license facilities and replacement ballots become effective August 1, 2017, and provisions relative to the voter registration application form become effective on January 1, 2018.

(Amends R.S. 18:3(A)(3), 18(A)(8)(b), 25(B), 59.4(E)(2)(c), 104, 107(B), 114(F)(2), 196(C)(1) and (2), 402(G)(2), 424(C)(1), 425(C)(1), 425.1(A), 427(B), 431(A)(4) and (B)(2), 434(A)(1), 469(D)(2), 564(B)(5)(b), 566.2(C) and (F)(3)–(9), 571(A)(5), 572(A)(1)(intro. para.) and (a)(i), 574(F), 1286.1(A), 1300.7(A), 1307(C) and (G), 1310(D)(2), 1313(F)(9) and (G)(11), 1363(B), (D), (G), and (H), 1373(A)(1), and 1402(C); Adds R.S. 18:107(F), 425(B)(3)(c), 566.2(F)(10), and 1354(B)(8); Repeals R.S. 18:176(D), 200, 431(A)(5), and 1313(F)(11))

Summary of Amendments Adopted by House

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

1. Add provisions providing deadlines for the parish board of election supervisors to notify the parish custodian of voting machines and secretary of state of a reduction in the number of voting machines to be used at a consolidated polling place or at an election at which a proposition or question is to be presented to voters and in a presidential preference primary election.
2. Add provisions providing deadlines for the parish board of election supervisors to submit a written request to the secretary of state to reduce the number of voting machines to be used in an election other than an election at which a proposition or question is to be presented to voters or a presidential preference primary election and to authorize additional voting machines for overcrowded precincts.
3. Relative to courses of instruction conducted by the clerk of court for commissioners-in-charge, commissioners, and alternate commissioners who are selected to serve in an election, require rather than authorize the clerk to either issue a certificate of instruction to each person who attends and satisfactorily completes the course of instruction or maintain a list of such persons in the state voter registration computer system.
4. Add provisions requiring the secretary of state to be made a party to an action contesting an election submitting a proposition to the voters.
5. Add provisions authorizing the secretary of state to intervene in an action objecting to candidacy in which the secretary of state was not the qualifying official.