

RÉSUMÉ DIGEST

ACT 584 (HB 692)

2018 Regular Session

Shadoin

Existing 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.

Prior law required a petition to include the signer's date of birth.

New law instead requires the petition to include only the signer's year of birth. Additionally provides that a notice of endorsement of a petition to be submitted to the registrar for certification may be made by hand delivery.

Existing law (R.S. 18:23) provides relative to the State Bd. of Election Supervisors. Provides certain procedural requirements and for the membership of the board, including one member of the Police Jury Association of Louisiana (PJAL) or its successor.

Prior law provided that the member of the PJAL was elected by its membership.

New law instead provides that the member of the PJAL is selected in the manner determined by the association. Additionally authorizes the PJAL to select an alternate member to permanently act for and in place of the member selected pursuant to new law in his absence from meetings of the board. Requires the executive director of the association to notify the board in writing of the alternate member selected.

Existing law (R.S. 18:423) provides relative to parish boards of election supervisors. Creates a parish board in each parish and provides for its powers, duties, and membership. Provides that each parish board includes the registrar of voters, the clerk of court, the chairman of the parish executive committee of each recognized political party or his designee who shall be a member of the parish executive committee of the same recognized political party, and one member appointed by the governor. Provides that in a parish where a parish executive committee of a recognized political party has not been formed, the chairman of the state central committee of that political party may appoint a voter who is registered in the parish as being affiliated with the political party to serve on the parish board.

New law additionally provides that the chairman of the state central committee of a political party may appoint a voter to serve on the parish board if there is a vacancy in the office of chairman of the parish executive committee of the party.

Existing law (R.S. 18:433) requires the clerk of court to conduct a course of instruction for commissioners-in-charge each year. Requires the clerk to issue a certificate to each person who successfully completes the course of instruction. Requires the clerk to file with the parish board of election supervisors a certified list of those persons and requires certain information to be included in the list.

Prior law also required the clerk to send the list to the secretary of state. New law repeals prior law. Instead requires the clerk to enter the list in the state voter registration computer system as soon as possible after filing the list with the parish board.

Existing law (R.S. 18:464) provides the amounts of qualifying fees for candidates. Provides different amounts based on the category of office. For municipal offices, provides different amounts depending on the population of the municipality.

New law specifies that population for purposes of determining the size of municipalities is the population shown by the latest federal decennial census.

Existing law (R.S. 18:467) provides for the opening of the qualifying period for candidates. Provides that qualifying opens on the first Wed. in Dec. of the year prior to the election for candidates in a primary election 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 and those in any special primary election to be held at the same time, *if* the primary election is held on the first Sat. in March.

Prior law provided that if the primary election was not held on the first Sat. in March, qualifying opened on the second Wed. in Jan. of the year of the election.

New law changes the opening of qualifying from the second Wed. in Jan. to the last Wed. in Jan. when the primary election is not held on the first Sat. in March.

Prior law (R.S. 18:514) provided that all elected parochial and municipal officers in a parish containing a municipality with a population of 300,000 or more took office on the first Mon. in May of 1982 and every four years thereafter. New law repeals prior law.

Existing law (R.S. 18:533) requires the governing authority of each parish to establish polling places for precincts in the parish. Provides requirements for polling places. Prohibits the use of certain locations. Provides that polling places are to be located in public buildings, but if no public building is available a precinct may be located on private property. Requires the governing authority to enter into a written lease for private property that will be used as a polling place. Provides requirements for such leases, and requires each lease to be recorded in the office of the clerk of court for the parish where the property is located and filed with the secretary of state.

Existing law provides that payment for the use of private property as a polling place cannot exceed \$150 for each election. New law provides an exception if written approval is received from the secretary of state or his designee.

Prior law also required a copy of each polling place lease to be prominently posted in the office of the registrar of voters. New law repeals prior law.

Existing law (R.S. 18:553) requires the parish custodian of voting machines to seal the keys to the voting machines at each polling place in an envelope on which shall be written the ward and precinct number of the polling place, the location of the polling place, and the numbers of the seal and protective counter of each voting machine at the polling place. Requires the parish custodian to deliver the sealed key envelope to the deputy parish custodian appointed for the polling place; requires the deputy parish custodian to deliver the sealed key envelope to the commissioner-in-charge at the polling place at least 30 minutes before the time for opening the polls on election day.

New law additionally requires the parish custodian of voting machines to write on the key envelope the number of the seal for each precinct register.

Existing law provides procedures for commissioners to prepare the polling place prior to the beginning of voting. Requires the commissioners to compare the voting machine serial numbers on either side of the machines with the numbers on the envelope containing the keys to the voting machines received from the deputy custodian, to verify that the numbers on the keys also match the serial numbers of the machines, to compare the protective counter numbers on the key envelope with the protective counter numbers on the machines, and to compare numbers on the key envelope with the seal numbers on the machines.

Existing law provides that if the numbers do not agree, the commissioners shall notify the parish custodian, and the commissioners shall not proceed further in the preparation of the voting machine for voting until a representative of the parish custodian has reexamined the voting machine and certified that it is properly arranged. Provides that if the numbers agree, the commissioners shall open the envelope, take out the keys, and open the door.

New law additionally provides that when the door of the voting machine is opened, the commissioners shall compare the cartridge seal number on the key envelope with the protective seal number for the results cartridge. Provides that after the voting machines are set up and powered on and the polls are opened, the commissioners shall compare the public and protective counter numbers on the key envelope with the public and protective counter numbers on the machines.

Existing law provides that the commissioners shall cause each machine to produce a zero proof sheet, determine from the zero proof sheet that each counter on that machine is set at

zero, sign and certify to the correctness of each zero proof sheet, and immediately post each zero proof sheet within the polling place. Provides that if any zero proof sheet is illegible or damaged, the commissioners shall immediately notify the parish custodian who shall take action necessary to make the machine operative.

Existing law provides that if any zero proof sheet indicates that any candidate or question counter does not register zero, the commissioners shall immediately notify the parish custodian.

Prior law required the parish custodian to, if practical, readjust the counters. New law repeals prior law. Requires the parish custodian to contact the secretary of state's voting machine technician assigned to the parish to either repair or replace the voting machine.

Prior law required the commissioners to immediately make a written statement of the letter and number designation on each counter and the number registered on the counter, post the statement at the polling place throughout the election, and preserve the statement as part of the election returns.

New law repeals prior law. Instead requires the commissioners to make a written statement of the irregularity by completing in triplicate a notation of irregularities form to preserve the statement as part of the election returns.

Existing law requires the commissioners to check the ballot on the face of each voting machine against the sample ballot supplied by the custodian of voting machines to make certain it is correct. Provides that if the ballot is not correct, the commissioners must notify the parish custodian, and the machine cannot be used until the ballot has been corrected under supervision of the parish custodian or his representatives.

Existing law requires the commissioners to post the instructions, informational posters, if required, the statement of proposed constitutional amendments on the ballot, and a sample ballot in a conspicuous place at the principal entrance to the polling place, where they must remain posted throughout the election day.

Existing law requires the commissioners to leave the voting machines locked against voting until the polls are formally opened, and thereafter they may be operated only by the voters in casting their votes.

Existing law requires the commissioners to complete in triplicate Certificate No. 1 of the composite certificate designated "Machine Certificates", which is prepared and furnished by the secretary of state. Provides for the content of the certificate.

New law additionally requires Certificate No. 1 to include the number of the seal on the precinct register, the number shown on the public counter on each voting machine, and whether any visible damage was seen on any voting machine prior to the start of the election. Also requires the commissioners to set up the audio unit for use of the audio ballot by voters during the election.

Existing law requires the commissioners to place the keys to the voting machines in the envelope marked for that purpose.

Prior law specified that the keys were placed in the envelope when the voting machines at the polling place are unlocked for voting.

New law provides instead that the keys are placed in the envelope after closing and locking the back of the voting machine.

Prior law provided that during the election, the voting machines were only to be operated by the voters casting their votes.

New law provides instead that the voting machines shall only be operated by the commissioners to allow the voters to cast their votes.

Existing law requires the parish custodian of voting machines to deliver a supplemental list of absentee voters who voted absentee by mail.

Prior law provided that the list consisted of voters whose ballots were received after the last day for early voting and before election day, if necessary.

New law provides that the list shall include a list of absentee voters whose ballots were received after the precinct register was completed for election day voting by the registrar of voters and placed in the voting machine.

Prior law required the commissioners to mark "Absentee" in the precinct register for each name appearing on the list. New law provides instead that the commissioners write "voted by mail".

Existing law (R.S. 18:562) provides prerequisites for voting. Requires each voter to give his name and address to a commissioner, who shall announce the applicant's name and address to the persons at the polling place. The voter must identify himself and present the commissioners with certain forms of identification or execute an affidavit.

Existing law requires the commissioners to look for the voter's name in the precinct register on the official list of voters and determine whether the voter has voted absentee by mail or during early voting.

New law additionally requires the registrar to determine whether the voter's name is on the supplemental list of voters.

Existing law provides that if the name of a qualified voter was omitted from the precinct register, the commissioner must contact the registrar of voters to ascertain whether the person is registered to vote in that precinct. Provides that in the absence of a challenge, the voter may sign an affidavit attesting that he is a qualified voter and describing the omission.

New law additionally provides that the commissioner may contact the secretary of state to determine whether the person is registered to vote in that precinct. Requires confirmation from the registrar or secretary of state that the person is registered to vote in the precinct. Specifies that the affidavit is a precinct register correction affidavit. Requires the commissioners to print the voter's name in the precinct register correction affidavit tab.

Prior law applied these same procedures if the name of the voter was incorrectly printed on the precinct register.

New law repeals prior law. Provides that in such a case, the commissioner shall allow the applicant to complete a voter registration application to update his voter registration record and preserve the voter registration application as part of the election records by placing it in the envelope marked "Registrar of Voters" and attach the envelope to the precinct register after the termination of voting.

Existing law (R.S. 18:563) provides that a voter may not remain in a voting machine longer than three minutes, unless the voter receives assistance pursuant to existing law (R.S. 18:564) or uses the audio ballot. In such case, the voter may remain in the voting machine for 20 minutes.

Prior law provided that if a voter failed to leave a voting machine promptly after being notified that the required time had elapsed, the commissioners shall have the voter removed from the voting machine.

New law provides instead that if a voter fails to leave a voting machine promptly after being notified that the required time has elapsed, the commissioners shall order the voter to complete voting and leave the voting machine.

Existing law provides that in order to cast a vote on a voting machine, a voter shall make at least one selection in a candidate or proposition election. Provides that voting is completed by activating the cast vote mechanism. Provides that if the voter has made any selection in a candidate or proposition election but has failed to activate the cast vote mechanism, a commissioner observed by at least one other commissioner shall activate the cast vote mechanism for the fled voter without altering any selections made by the voter.

New law additionally provides that if a voter has failed to make any selection before leaving the voting machine and, therefore, a commissioner cannot activate the cast vote mechanism for the fled voter, a commissioner shall complete in triplicate the notation of irregularities form provided by the secretary of state and reset the voting machine.

Existing law (R.S. 18:571) provides procedures for commissioners to follow after the termination of voting. Requires the commissioners to announce that voting is terminated, secure the voting machines against further voting, and expose the count on the voting machines, leaving the counter in full view of the watchers.

New law additionally specifies that the commissioners must close the polls.

Existing law requires the commissioners to complete Certificate No. 2.

Prior law required the commissioners to complete the certificate in triplicate. New law repeals prior law.

Existing law requires the commissioners to state on the certificate the number on each voting machine.

New law specifies that the number is the serial number. Additionally requires the certificate to include the number of the seal placed on the precinct register by the commissioners and whether any visible damage occurred to any voting machine during the election.

Existing law requires the commissioners to place all duplicate records of challenges, all duplicate precinct register corrections, all voter identification affidavits, any physicians' certificates, and any address confirmation cards in the envelope marked "Registrar of Voters", seal it and attach it to the precinct register, and seal the precinct register.

New law additionally requires the commissioners to include in the envelope one copy of the official election results reports, one of the duplicate poll lists, all physical disability affidavits, any copies of disability documentation, and a copy of each completed notation of irregularities form.

Existing law requires the commissioners to seal any original challenges of voters that have been executed, the official election zero proof report, one copy of the official election results reports, one of the duplicate poll lists, and a copy of the machine certificates in an envelope.

Prior law also required the commissioners to include precinct register corrections. New law repeals prior law.

Prior law required the envelope to be marked "Put in Voting Machine" and placed in or attached to a voting machine with the sealed precinct register.

New law repeals prior law and instead requires the envelope to be marked "Secretary of State's Envelope". Additionally requires the commissioners to include a copy of each completed notation of irregularities form.

Existing law (R.S. 18:572) provides procedures to be followed by the commissioner-in-charge following the termination of voting. Requires the commissioner-in-charge to mail certain documentation to the secretary of state and to deliver certain items to the clerk of court. Provides a deadline for completing the required procedures.

Prior law specified documents to be mailed to the secretary of state. New law instead requires the commissioner-in-charge to mail to the secretary of state the envelope marked "Secretary of State's Envelope".

Existing law requires the commissioner-in-charge to deliver to the clerk of court the original machine certificates and all election result cartridges.

New law makes the following changes relative to other items required to be delivered:

- (1) Instead of the keys to the voting machines, new law requires the completed and signed key envelope for the voting machines to be delivered.

- (2) Instead of the original of the signed list of commissioners, new law requires the affidavit of payroll and nondisclosure for the commissioners to be delivered.
- (3) Instead of a copy of the final result tally sheets, new law requires the official election results report from the voting machines to be delivered.

New law additionally provides that the following shall be delivered by the commissioner-in-charge to the clerk of court:

- (1) A copy of each completed notation of irregularities form.
- (2) For a federal election, the return provisional ballot envelope containing all voted provisional ballots and unused provisional ballots and envelopes.

New law specifies that the items shall be delivered to the clerk of court in a clear plastic zipper bag.

Existing law provides that upon receipt of the items, the clerk of court shall affix the time of receipt upon the election documents which contain election results. Requires the clerk of court to make a copy of the election results available to the press and public.

New law additionally provides that for a federal election, the clerk of court shall deliver to the registrar of voters the return provisional ballot envelope containing all voted provisional ballots not later than 8:30 a.m. on the first business day following the election.

Existing law (R.S. 18:573) provides procedures for opening and relocking voting machines and verifying election results after the election. New law specifies that existing law applies to election day voting machines.

Existing law requires the clerk of court to verify the total votes cast for each candidate and the total votes cast for and against each proposition as shown on the voting machines or voting machine election result sheets and the total number of absentee by mail and early voting votes cast for each candidate and the total number of absentee by mail and early voting votes cast for and against each proposition as shown by the final absentee by mail and early voting report filed with the clerk by the parish board of election supervisors.

Existing law provides that the machine votes cast shall be shown separately by each precinct and that the absentee by mail and early voting votes cast shall be shown as the total number of votes cast for each candidate and the total number of votes cast for and against each proposition.

New law specifies that the absentee by mail and early voting votes cast for each candidate and the total number of absentee by mail and early voting votes cast for and against each proposition as shown by the final absentee by mail and early voting report filed with the clerk of court by the parish board of election supervisors on election night shall be shown separately from the precinct totals as the final absentee vote report.

Existing law provides that at the opening of the voting machines, the sealed precinct registers shall be immediately returned to the registrar of voters. Upon receipt of the sealed precinct registers, requires the registrar to remove any attached duplicate record of challenges of voters made during the election and any address confirmation cards.

New law additionally requires the registrar to remove any precinct register correction affidavits, any physical disability affidavits, any physicians certificates, any copies of disability documentation, and any completed voter registration applications.

Prior law also required the registrar to remove any duplicate voters' affidavits. New law repeals prior law.

Existing law requires the registrar to proceed to determine if each voter submitting an affidavit attesting that he is a qualified registered voter is in fact a registered voter qualified to vote in the election.

New law provides that the registrar make his determination by comparing the information provided by the voter with the information on file in the registrar's office and by reasonably comparing the signature on the affidavit with any signature on file for the voter in the registrar's office.

Prior law provided that if the registrar determined that a person who voted in the election by virtue of his submission of such an affidavit was not a registered voter qualified to vote in the election, the registrar was required to inform the district attorney and transmit to him the affidavit of that person.

New law instead requires the registrar to inform the elections compliance unit and send the affidavit to it, instead of the district attorney, if the registrar makes such a determination.

New law additionally requires the registrar to scan the address confirmation card, voter identification affidavit, disability documentation, or voter registration application and add it to the voter's record in the state voter registration computer system after processing.

Existing law (R.S. 18:574) provides procedures for the compilation and promulgation of election returns. Requires the parish board of election supervisors or selected members of the board to meet and observe the verification of the votes by the clerk of court. Requires the board to prepare two compiled statements of the election returns showing the machine votes for each candidate and for and against each proposition in each precinct, the total absentee by mail and early voting votes for each candidate and for and against each proposition in the parish, the total provisional votes for each candidate for federal office, and the total of all votes for each candidate and for and against each proposition in the parish.

Existing law provides that the parish board may attach to the compiled statements a notation of any irregularities observed with respect to certain specified issues.

New law provides that if this notation is done, it must be done by executing in triplicate a notation of irregularities form prepared by the secretary of state.

Existing law provides that the parish board shall complete the compilation of the election returns and file one copy of the compiled statement with the clerk of court. Provides that one copy of the compiled statement shall be mailed to the secretary of state. Requires the clerk of court to transmit the election returns as shown by the compiled statement from the parish board of election supervisors to the secretary of state. Provides that in a parish containing a municipality with a population of 300,000 or more, the parish board of election supervisors shall transmit the election returns as shown by their compiled statement to the secretary of state.

Prior law provided a specific time limit following the election for each action to be completed. New law adds one day to each of the time limits.

Existing law provides that failure to comply with these time limits shall not void the election.

Existing law requires the secretary of state to compile the results of the election for all candidates, proposed constitutional amendments, and recall elections based upon the compilation of the votes transmitted to him by the clerks of court from the compiled statements by the parish boards of election supervisors. Provides that in a parish containing a municipality with a population of 300,000 or more, the secretary of state shall compile the results of the election for all candidates, proposed constitutional amendments, and recall elections based upon the compilation of the votes transmitted to him by the parish board of election supervisors.

Prior law required the compilation to be completed and the results to be announced not later than 12:00 noon on the sixth day after the election.

New law changes the deadline for compiling and announcing the results from the sixth day after the election to the seventh day after the election. Specifies that announcement of the results is on the secretary of state's website. Additionally requires the secretary of state to verify the results no later than 12:00 noon on the seventh day after the election.

Existing law requires the secretary of state to promulgate the returns for state candidates, proposed constitutional amendments, and recall elections by publishing in the official journal of the state the names of the state candidates for each office in the election, the text of the proposed constitutional amendment, and recall elections and the number of votes received by each such candidate, proposed constitutional amendment, and recall elections as shown by the returns transmitted by the clerks of court from the compiled statements by the parish boards of election supervisors. Provides that in a parish containing a municipality with a population of 300,000 or more, the promulgation shall be from the returns transmitted by the parish board of election supervisors.

Existing law requires the secretary of state to promulgate the returns for the election for candidates other than state candidates by transmitting to the clerk of court for the parish wherein the state capital is located a notice containing the results of the elections for candidates other than state candidates. Requires the clerk of court to post this notice in a prominent place in his office.

Prior law required promulgation to be made on or before the 12th day after the election if no action had been timely filed contesting the election. New law changes the deadline from the 12th day after the election to the 14th day after the election.

Existing law (R.S. 18:1303) authorizes and provides for voting absentee by mail. Specifies those persons who may vote absentee by mail, including a member of the U.S. service; a student, instructor, or professor at an institution of higher learning outside of the parish of registration; a member of the clergy assigned to a religious post outside of the parish in which he is registered to vote; a person who expects to be temporarily outside of the parish in which he is registered to vote during the early voting period and on election day; sequestered jury members; certain hospitalized persons; certain persons with disabilities; incarcerated persons; and persons over the age of sixty-five.

New law adds the following to the list of persons entitled to vote absentee by mail:

- (1) The secretary of state or an employee of the secretary of state who is a qualified voter and who submits to the registrar of voters of the parish where he is registered to vote a copy of a state employee identification card.
- (2) An employee of the registrar of voters who is a qualified voter registered to vote in a parish other than his parish of employment and who submits to the registrar of voters of the parish where he is registered to vote a copy of an identification card showing employment with the registrar of voters.

Existing law (R.S. 18:1333) provides relative to the nursing home early voting program. Provides procedures and requirements for the registrar to go to each nursing home in the parish wherein reside voters who are eligible to vote pursuant to existing law. Requires the registrar to have in his possession voting materials and supplies.

Prior law specified that the registrar must use a portable metal box with a slot to hold absentee by mail ballots. Required the registrar to lock the box before he removed it from his office and to retain the keys to the box in his office.

New law requires the registrar to have a portable container, instead of specifying that it be a metal box, and requires the container to include a lock. Requires the registrar to lock the container before he removes it from his office.

Existing law requires the registrar upon returning to his office to follow procedures for posting the name of the voter and other procedures required by existing law (R.S. 18:1311).

Prior law additionally required the registrar to post the ward and precinct of the voter. New law repeals prior law.

Existing law (R.S. 18:1355) requires voting machines to be constructed and equipped to allow and to prevent certain voting actions and to contain certain security features.

New law additionally provides that a voting machine may be constructed and equipped to have a voter verification mechanism.

New law removes references to provisions of the constitution held to be invalid (Art. I, §10(B)) and relative to challenges to candidacy. Changes those references to the existing law (R.S. 18:451) provisions relative to qualifications of candidates.

New law makes various other technical changes.

Effective upon signature of the governor (May 28, 2018), August 1, 2018, or January 1, 2019.

(Amends R.S. 18:3, 23(A)(8), 423(C)(2), 433(A)(5), 463(A)(2)(a)(iii), 464(B)(3), 467(3), 495(A) and (E), 533(D) and (E), 553, 562(B), 563(C) and (D)(1), 566(A) and (C), 571(A)(3)-(10), 572(A), 573(A)(2) and (3), (B), (C), and (E)(1) and (3), 574(A)(3) and (B), (D)(1), (E), and (F), 1333(F)(2) and (G)(6)(b), 1354(B)(5), 1355, and 1361(A); Adds R.S. 18:23(E)(3), 571(A)(11), 573(E)(4), and 1303(K) and (L); Repeals R.S. 18:514)