

1 presidential elector; to provide for the calling of a recall election; to provide relative
2 to the tabulation and counting of absentee by mail and early voting ballots; to
3 provide for remedies in certain election contests; to provide for recall petitions; to
4 provide for election expenses; to provide for effectiveness; and to provide for related
5 matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. R.S. 18:18(A)(8)(b), 51(C)(1)(a), 110(A), 435(B)(1)(a), 444(D),
8 463(A)(2)(a)(iii), 501(C), 511(B), 532(D), 551(C)(1)(c)(iii), 565(B), 567.1(5), 571(A)(4)(a),
9 (8), and (9), 573(E) (1), 574(B)(introductory paragraph), 1254(A), 1300.7(A), 1313(C)(1)
10 and (F)(4), and 1375 are hereby amended and reenacted and R.S. 18:444(F)(2)(c) and (d),
11 564(D)(1)(a)(v), 572(A)(1)(b)(viii), 1400.3(E)(7), and 1432(A)(3) are hereby enacted to read
12 as follows:

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 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 years when the president of the United States proclaims a
24 National Voter Registration Day, the official state voter registration week shall be
25 the full week in which the National Voter Registration Day occurs, unless the
26 National Voter Registration Day occurs after the close of the registration records for
27 the regular fall primary election. In years when the president of the United States
28 does not proclaim a National Voter Registration Day or the National Voter
29 Registration Day occurs after the close of the registration records for the regular fall

1 are sufficiently alike to identify the applicant as the registered voter, the change shall
 2 be made and the date of the change of residence and the new ward and precinct shall
 3 be recorded in the registrant's information on the state voter registration computer
 4 system and, if the original application is available in hard copy in the registrar's
 5 office, on the original application form. If the application is signed by a mark
 6 witnessed by the signatures of two witnesses, the registrar shall make the change on
 7 the basis of the application.

8 ~~(4)~~ (3) The registrar shall send the notice referred to in R.S. 18:109 to a voter
 9 whose registration is changed.

10 * * *

11 §435. Watchers; appointment and commission

12 * * *

13 B.(1)(a) A list of watchers shall be filed with the clerk of court by hand
 14 delivery, facsimile, mail, or commercial courier before 4:30 p.m. on the tenth day
 15 before the primary or general election; however, if the tenth day before the primary
 16 or general election falls on a Saturday, Sunday, or other legal holiday, the list shall
 17 be filed on the next day which is not a Saturday, Sunday, or other legal holiday. For
 18 purposes of this Paragraph, "commercial courier" shall have the same meaning as
 19 provided in R.S. 13:3204(D). If the office that the candidate seeks is voted on in
 20 more than one parish, a list of watchers shall be filed with the clerk of court in each
 21 parish where the candidate will have watchers.

22 * * *

23 §444. Parish executive committees

24 * * *

25 F. Vacancies.

26 * * *

27 (2)

28 * * *

1 (2)(a) The notice of candidacy also shall include a certificate, signed by the
2 candidate, certifying all of the following:

3 * * *

4 (iii) ~~That~~ Except for a candidate for United States senator or representative
5 in congress, that he is not currently under an order of imprisonment for conviction
6 of a felony and that he is not prohibited from qualifying as a candidate for conviction
7 of a felony pursuant to Article I, Section 10.1 of the Constitution of Louisiana.

8 * * *

9 §501. Procedure for withdrawal

10 * * *

11 C. Notwithstanding the provisions of Subsections A and B of this Section,
12 if ~~there are only two~~ the number of candidates remaining in a primary or general
13 election for a public office is one more than the number of persons to be elected to
14 the office, the secretary of state shall accept a notice of withdrawal that is filed prior
15 to 4:30 p.m. on the second day prior to the election. The candidate or candidates
16 remaining after the withdrawal ~~is~~ shall be declared elected by the people.

17 * * *

18 §511. Election of candidates in a primary election

19 * * *

20 B. Election of unopposed candidates for public office. If, after the close of
21 the qualifying period for candidates in a primary election, the number of candidates
22 for a public office does not exceed the number of persons to be elected to the office,
23 the candidates for that office, or those remaining after the death or withdrawal of one
24 or more candidates, are declared elected by the people, and their names shall not
25 appear on the ballot in either the primary or the general election.

26 * * *

27 §532. Establishment of precincts

28 * * *

1 D. The parish governing authority shall also furnish; geospatial shape files
2 if available and a map clearly indicating the boundaries of each parish governing
3 authority district, school board district, special election district, representative
4 district, and senate district.

5 * * *

6 §551. Ballots

7 * * *

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

10 (1)

11 * * *

12 (c)

13 * * *

14 (iii) If two or more candidates have the same surname, the names of the
15 candidates having the same surname shall be arranged alphabetically by first name,
16 regardless of whether a candidate's first name appears on the ballot. The word
17 "Incumbent" and the residence address shall be listed after the name of each
18 candidate having the same surname who is an incumbent, and the residence address
19 shall be listed after the name of each candidate having the same surname who is not
20 an incumbent.

21 * * *

22 §564. Assistance in voting on election day

23 * * *

24 D.(1)(a) Prior to receiving assistance pursuant to this Section due to a
25 disability, including visual impairment, the voter shall file with the registrar in
26 person or by mail a statement setting forth the necessity and reasons for this
27 assistance and shall furnish the registrar one of the following:

28 * * *

1 §572. Transmission of election returns; voting machine keys; machine certificates

2 A.(1) After the results are printed from the voting machines and all election
3 paperwork is complete, the commissioner-in-charge shall immediately:

4 * * *

5 (b) Deliver to the clerk of court in a clear plastic zipper bag the following:

6 * * *

7 (viii) A duplicate record of each challenge.

8 * * *

9 §573. Evidence of election results

10 * * *

11 E. Transmission and disposition of ~~duplicate~~ original challenges, duplicate
12 voters' affidavits, and address confirmation cards. (1) At the opening of the voting
13 machines, the sealed precinct registers shall be immediately returned to the registrar
14 of voters. Upon receipt of the sealed precinct registers, the registrar shall remove
15 any attached ~~duplicate~~ original record of challenges of voters made during the
16 election, any precinct register correction affidavits, any voter identification affidavits
17 made pursuant to R.S. 18:562, any address confirmation cards, any physical
18 disability affidavits, any physicians certificates, any copies of disability
19 documentation, and any completed voter registration applications.

20 * * *

21 §574. Compilation and promulgation of returns

22 * * *

23 B. By a majority vote of the members, the parish board of election
24 supervisors may complete ~~in triplicate~~ and attach to the compiled statements a
25 notation of irregularities form prepared by the secretary of state to document
26 irregularities observed by the board with respect to:

27 * * *

28 §1254. Slates of ~~independent~~ candidates not affiliated with a recognized political
29 party; nominating petitions and qualifying by payment of qualifying fees

1 A. A slate of ~~independent~~ candidates for presidential elector who are not
2 affiliated with a recognized political party may be nominated by nominating petition
3 or may qualify by the payment of a qualifying fee of five hundred dollars. Such
4 qualifying fee shall be paid in accordance with the provisions of R.S. 18:464(A).
5 The period for filing such qualifying fee shall begin on the third Tuesday in July and
6 shall end at 4:30 p.m. on the first Friday following the third Tuesday in August of
7 each year in which a presidential election is to be held. Each qualifying fee shall be
8 accompanied by the notice of candidacy and notarized affidavit of each candidate for
9 elector signifying his acceptance of the nomination. ~~An independent~~ A candidate for
10 presidential elector who is not affiliated with a recognized political party may be
11 registered to vote with or without a declaration of party affiliation.

* * *

13 §1300.7. Governor to order election; proclamation; publication

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

1 primary election date, ~~then~~ the proclamation shall be issued on or before the fifty-
2 fourth day prior to the election.

3 * * *

4 §1313. Tabulation and counting of absentee by mail and early voting ballots

5 * * *

6 C.(1) If the counting and tabulation of absentee by mail and early voting
7 ballots begins prior to the closing of the polls, such counting and tabulation shall be
8 conducted in a location and manner to prevent disclosure of the results prior to the
9 closing of the polls. Each person except a person providing security to the parish
10 board of election supervisors; a representative of the attorney general, with written
11 approval of the secretary of state; the clerk of court; the registrar of voters; or a
12 person providing technical assistance pursuant to Paragraph (2) of this Subsection
13 who enters the location in which the absentee by mail and early voting ballots are
14 being counted and tabulated shall remain in that location and shall not be allowed to
15 leave except temporarily, and then only when accompanied by a law enforcement
16 officer, and shall not communicate with any person outside until the polls are closed.
17 The parish board of election supervisors may take any action necessary to ensure that
18 no information with respect to the counting and tabulation of absentee by mail and
19 early voting ballots is transmitted from the location where the absentee by mail and
20 early voting ballots are being counted and tabulated prior to the close of the polls on
21 election day.

22 * * *

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

24 * * *

25 (4) If the board determines that an absentee by mail ballot is valid, a member
26 of the board shall ~~write the words "voted by mail" and his initials~~ make a check mark
27 on the absentee by mail voter report beside the name of the voter as it appears on the
28 report and write his initials on each page of the report. If applicable, a member of

1 the board shall tear the flap from the envelope containing the absentee by mail ballot
2 and leave the envelope sealed.

3 * * *

4 §1375. Duplicate keys

5 Any duplicate or extra keys to the machines shall be sealed in an envelope
6 by the parish custodian and the secretary of state and placed in a safe place. The seal
7 shall not be broken or the keys used in any manner except with the consent of ~~both~~
8 the parish custodian ~~and~~ or the secretary of state.

9 * * *

10 §1400.3. Election expenses incurred by clerks of court and registrars of voters;
11 payment by secretary of state; payment by governing authorities

12 * * *

13 E. For the purposes of this Section, "election expenses incurred by clerks of
14 court" is defined and limited to the following:

15 * * *

16 (7) Expenses incurred by a clerk of court to pay for law enforcement officers
17 to control traffic on election day to the extent permitted by R.S. 18:428.

18 * * *

19 §1432. Remedies

20 A.

21 * * *

22 (3) If the trial judge in an action contesting an election on a proposition
23 determines that it is impossible to determine the result of election, or the number of
24 qualified voters who were denied the right to vote by the election officials was
25 sufficient to change the result in the election if they had been allowed to vote, or the
26 number of unqualified voters who were allowed to vote by the election officials was
27 sufficient to change the result of the election if they had not been allowed to vote, or
28 a combination of these factors would have been sufficient to change the result had
29 they not occurred, the judge may render a final judgment declaring the election void

1 and ordering a new proposition election, or if the judge determines that the
2 appropriate remedy is the calling of a restricted election, the judge may render a final
3 judgment ordering a restricted election, specifying the date of the election, and
4 indicating which voters will be eligible to vote.

5 * * *

6 Section 2. R.S. 18:104(C)(2), 463(A)(2)(a)(viii), 1300.1, and 1310(C)(1) are hereby
7 amended and reenacted and R.S. 18:104(C)(3) and 463(A)(2)(a)(ix) are hereby enacted to
8 read as follows:

9 §104. Application for registration; form

10 * * *

11 C.

12 * * *

13 (2) If the applicant is unable to write, the applicant shall affix his mark to the
14 application in the presence of two witnesses who shall also sign their names as
15 witnesses to the mark.

16 (3) When the registration application is completed at the office of motor
17 vehicles of the Department of Public Safety and Corrections or electronically on the
18 secretary of state's website, an electronically captured signature of the applicant shall
19 suffice as a handwritten signature of the applicant.

20 * * *

21 §463. Notice of candidacy; campaign finance disclosure; political advertising;
22 penalties

23 A.

24 * * *

25 (2)(a) The notice of candidacy also shall include a certificate, signed by the
26 candidate, certifying all of the following:

27 * * *

28 (viii) Except for a candidate for United States senator or representative in
29 congress or a candidate who resides in a nursing home as defined in R.S. 40:2009.2

1 or in a veterans' home operated by the state or federal government, that if he claims
2 a homestead exemption on a residence pursuant to Article VII, Section 20 of the
3 Constitution of Louisiana, he is registered and votes in the precinct in which that
4 residence is located.

5 (ix) That all of the statements contained in it are true and correct.

6 * * *

7 §1300.1. Recall authorized

8 Any public officer, excepting judges of the courts of record, may be recalled
9 in accordance with the provisions of this Chapter. However, no recall petition may
10 be submitted for certification to or accepted for certification by the registrar of voters
11 or any other official if less than six months remain in the term of office. The
12 secretary of state shall not accept a recall petition for filing if less than six months
13 remain in the term of office. The secretary of state shall endorse the date and time
14 of receipt of such a recall petition, mark "invalid" on the petition, and return the
15 petition forthwith, either personally or by registered or certified mail, to the chairman
16 designated in the recall petition.

17 * * *

18 §1310. Execution of certificate; marking of ballot; casting vote; assistance

19 * * *

20 C.(1) Any person who assists a voter in voting absentee by mail shall
21 execute the acknowledgment on the ballot envelope flap prepared by the secretary
22 of state, verifying that the person providing the assistance has marked the ballot in
23 the manner dictated by the voter, and the signature on the acknowledgment by the
24 person providing assistance may serve as the signature of the witness required by
25 R.S. 18:1306(E)(2)(a).

26 * * *

27 Section 3. R.S. 18:469, 573(D), and 1400.6(B) are hereby repealed in their entirety.

28 Section 4.(A) This Section and Sections 1 and 3 of this Act shall become effective
29 upon signature of this Act by the governor or, if not signed by the governor, upon expiration

1 of the time for bills to become law without signature by the governor, as provided by Article
 2 III, Section 18 of the Constitution of Louisiana. If this Act is vetoed by the governor and
 3 subsequently approved by the legislature, this Section and Sections 1 and 3 of this Act shall
 4 become effective on the day following such approval.

5 (B) Section 2 of this Act shall become effective on January 1, 2020.

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 563 Original

2019 Regular Session

Gregory Miller

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

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 to be generally responsible for implementation of such week. Provides that in years when the U.S. 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.

Proposed law retains present law.

Present law provides that in years when the U.S. president proclaims a National Voter Registration Day, the official state voter registration week is the full week in which the National Voter Registration Day occurs.

Proposed law provides that in such years if the National Voter Registration Day occurs after the close of the registration records for the regular fall primary election, the official state voter registration week is instead two weeks prior to the close of registration records for the regular fall primary election. Otherwise retains present law.

Present constitution (Art. XI, §5) provides that the governing authority of each parish must appoint a registrar of voters in the manner provided by law. Present law (R.S. 18:51 and 51.1) provides procedures and requirements for the appointment of registrars. Provides relative to the performance of the registrar's duties during a vacancy. Provides a deadline for the appointment of a registrar when a vacancy occurs.

Proposed law retains present law.

Present law (R.S. 18:51) requires the parish governing authority to fill a vacancy in the office of registrar within 30 days after the date on which the vacancy occurs.

Proposed law requires the vacancy to be filled within 90 days after the date on which the vacancy occurs, instead of 30 days. Additionally provides that an appointment to fill a vacancy that is made prior to the time the office actually vacated is premature and without effect.

Present law (R.S. 18:104) provides for the content of the form in registering qualified citizens to vote.

Proposed law retains present law. Provides that if the applicant is unable to write, the applicant shall affix his mark to the application in the presence of two witnesses who shall also sign their names as witnesses to the mark.

Present law (R.S. 18:110) provides that prior to the closing of registration for an election, a registrant who changes his address within the parish may change his registration without reregistering by making application by mail to the registrar or by appearing in person.

Proposed law retains present law and additionally provides that the person may change his registration by making application electronically.

Present law provides that if the registrant is unable to sign his name to the application, he shall sign it with his mark, witnessed by the signatures of two witnesses, and the application must state that he is unable to sign his name. Requires the application to contain the name in full; address appearing on the registration records; present residence, including apartment or room number, if any; date of change of residence; date of application, and signature of voter.

Proposed law deletes present law.

Present law (R.S. 18:435) authorizes each candidate, on election day, to have one watcher at every precinct where the office he seeks is voted on. Requires the candidate or his authorized representative to file a list of watchers with the clerk of court. Provides deadlines and requirements.

Proposed law retains present law. Requires a list of watchers to be filed with the clerk of court in each parish where the candidate will have watchers if the office that the candidate seeks is voted on in more than one parish.

Present law (R.S. 18:444) provides relative to parish executive committees, including qualifications of members, elections, meetings, officers, and powers. Provides that a vacancy in the membership of the committee is filled by appointment of the committee. Provides that the committee may appoint a qualified resident of the parish for a vacancy in an at-large position. Provides that the committee may appoint a qualified resident of the district for a vacancy in a district position or, if no such person will accept, a qualified resident of the parish.

Proposed law retains present law. Additionally provides that if there are not enough members of the parish executive committee to fill a vacancy in the membership left by an at-large representative, the chairman of the state central committee of that political party may appoint a qualified resident of the parish to fill the vacancy. Provides that if there are not enough members of the parish executive committee to fill a vacancy in the membership left by a representative of a district, the chairman of the state central committee of that political party may appoint a qualified resident of the district to fill the vacancy. Provides that if no qualified resident of the district will accept the membership, the chairman of the state central committee of that political party may appoint any qualified resident of the parish to fill the vacancy.

Present law provides for the terms of members of certain parish executive committees in Orleans Parish elected in 1992. Proposed law deletes present law.

Present law (R.S. 18:463) provides for the content of the notice of candidacy that must be filed by a candidate when the candidate qualifies for the election. Includes a certification that the candidate is not currently under an order of imprisonment for conviction of a felony.

Proposed law specifies that the certification in present law does not apply to a candidate for U.S. senator or representative in congress. Additionally requires a candidate for an office other than U.S. senator or representative in congress to certify the following:

1. That he is not prohibited from qualifying as a candidate for conviction of a felony pursuant to present constitution (Art. I, §10.1).
2. Except for a candidate who resides in a nursing home as defined in present law (R.S. 40:2009.2) or in a veterans' home operated by the state or federal government, that if he claims a homestead exemption on a residence pursuant to present constitution (Art. VII, §20) that he is registered and votes in the precinct in which that residence is located.

Present law (R.S. 18:469) provides for the reopening of qualifying when a person who qualified as a candidate and has opposition in a primary election for a public office dies after the close of the qualifying period and before the time for closing the polls on the day of the primary election.

Proposed law repeals present law.

Present law (R.S. 18:501) provides for withdrawal of candidates. Provides that a candidate in a primary election may withdraw from the election by filing notice of his withdrawal with the secretary of state prior to 4:30 p.m. on the seventh day after the close of the qualifying period. Provides a candidate in a general election may withdraw from the election by filing notice of his withdrawal with the secretary of state prior to 4:30 p.m. on the ninth day after the date of the primary election. Provides that after these deadlines, the secretary of state generally shall not accept a notice of withdrawal.

Proposed law retains present law.

Present law provides an exception if there are only two candidates remaining in a primary or general election for public office. Provides that in such case, the secretary of state will accept a notice of withdrawal that is filed prior to 4:30 p.m. on the second day prior to the election. Provides that the remaining candidate is declared the winner.

Proposed law provides that the secretary of state will accept a withdrawal when the number of candidates remaining in a primary or general election for public office is one more than the number of persons to be elected to the office, instead of two. Provides that the remaining candidate or candidates is declared the winner. Otherwise retains present law.

Present law (R.S. 18:511) provides for the election of candidates in a primary election. Provides that if, after the close of the qualifying period for candidates in a primary election, the number of candidates for a public office does not exceed the number of persons to be elected to the office, the candidates for that office, or those remaining after the withdrawal of one or more candidates, are declared elected by the people, and their names shall not appear on the ballot in either the primary or the general election.

Proposed law retains present law. Additionally provides that if the number of candidates for a public office does not exceed the number of persons to be elected to office, the candidates for that office, or those remaining after the death of one or more candidates, are declared elected by the people.

Present law (R.S. 18:532) provides for the establishment of precincts by the parish governing authority. Provides procedures and requirements, including requiring the parish governing authority to furnish a map clearly indicating the boundaries of each parish governing authority district, school board district, special election district, representative district, and senate district.

Proposed law retains present law. Additionally requires the parish governing authority to furnish geospatial shape files if available for the specified districts.

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

Proposed law retains present law. Additionally requires the residence address to be listed after the name of an incumbent.

Present law (R.S. 18:564) provides for assistance in voting on election day. Requires a person who seeks assistance in voting to file certain required documentation with the registrar prior to voting or to present certain documentation to election officials at the polls.

Proposed law retains present law. Provides that a person who seeks assistance may provide the registrar a completed and signed voter assistance form provided by the secretary of state wherein the voter attests that he has a physical disability and requires assistance in voting.

Present law (R.S. 18:565) provides relative to challenges of voters. Provides for grounds and disposition of challenges.

Proposed law retains present law.

Present law provides that the original record of the challenge, signed by the challenger, shall be placed in the envelope marked "Put in Voting Machine" and shall be preserved as part of the election returns. Requires the duplicate record of the challenge and address confirmation card to be placed in the envelope marked "Registrar of Voters" and the envelope to be attached to the precinct register.

Proposed law deletes present law. Provides instead that the original record of the challenge and the address confirmation card shall be placed in the envelope marked "Registrar of Voters". Provides that a duplicate record of the challenge shall be placed in the clear plastic zipper bag and returned to the clerk of court on election night. Requires a duplicate record of the challenge to be given to the voter being challenged.

Present law (R.S. 18:571) provides procedures for commissioners to follow after the termination of voting, including announcing that voting is terminated, securing the voting machines against further voting, and exposing the count on the voting machines, leaving the counter in full view of the watchers.

Proposed law retains present law.

Present law requires the commissioners to complete Certificate No. 2 of the composite certificate designated "Machine Certificates". Provides for the content of the certificate.

Proposed law retains present law. Requires the certificate to be completed in triplicate.

Present law requires the commissioners to place certain documents in the envelope marked "Registrar of Voters" and attach the envelope to the precinct register.

Proposed law retains present law. Additionally provides that one copy of the machine certificates be included in the envelope.

Present law requires the commissioners to place all duplicate records of challenges in the envelope marked "Registrar of Voters".

Proposed law deletes present law. Provides instead that all original executed challenges of voters be placed in the envelope.

Present law requires the commissioners to place original challenges of voters in the envelope marked "Secretary of State's Envelope".

Proposed law deletes present law.

Present law (R.S. 18:573) provides for evidence of election results. Provides procedures for the opening of the voting machines and verification of election results.

Proposed law retains present law.

Present law provides that at the opening of the voting machines, the clerk of court shall immediately remove the envelope marked "Put in Voting Machine" and shall preserve the envelope and its contents inviolate and, except upon order of a court of competent jurisdiction, shall not allow them to be inspected by anyone until the delay for filing an action contesting any election to office has lapsed. Provides that if an action contesting any election to office is commenced timely, the clerk shall continue to preserve these records inviolate, subject to the orders of the court, until the final judgment in the action has become definitive.

Proposed law repeals present law.

Present law provides for receipt by the registrar of duplicate record of challenges of voters made during the election.

Proposed law provides instead that the registrar receives the original record of challenges of voters made during the election.

Present law (R.S. 18:574) provides procedures for the compilation and promulgation of election returns. Provides that the parish board of election supervisors may complete a notation of irregularities form to document certain specified irregularities observed by the board.

Proposed law retains present law.

Present law requires the notation of irregularities to be executed in triplicate.

Proposed law deletes present law.

Present law (R.S. 18:1254) provides for the nomination of slates of candidates for presidential elector. Provides procedures and requirements. Refers to slates of independent candidates.

Proposed law refers to candidates not affiliated with a recognized political party, instead of independent candidates. Otherwise retains present law.

Present law R.S. 18:1300.1) provides relative to recall elections. Provides that any public officer, excepting judges of the courts of record, may be recalled. However, provides that no recall petition may be submitted for certification to or accepted for certification by the registrar of voters or any other official if less than six months remain in the term of office.

Proposed law retains present law. Additionally prohibits the secretary of state from accepting a recall petition for filing if less than six months remain in the term of office. Requires the secretary of state to endorse the date and time of receipt of such recall petition, mark "invalid" on the petition, and return the petition forthwith, either personally or by registered or certified mail, to the chairman designated in the recall petition.

Present law (R.S. 18:1300.7) requires the governor to issue a proclamation ordering a recall election to be held if the required number of qualified electors sign the petition for recall. Provides deadlines and requirements for issuing the proclamation and selecting the election date.

Proposed law retains present law.

Present law provides that if the recall election is to be held on a primary election date, the proclamation must be issued on or before the last day for candidates to qualify in the election.

Proposed law provides instead that if the recall election is to be held on a primary election date, the proclamation must be issued at least four weeks prior to the opening of the qualifying period for the primary election.

Present law (R.S. 18:1306) provides procedures and requirements for the preparation and distribution of absentee by mail and early voting ballots and envelopes. Provides for the form and content of the ballots and envelopes. Requires an absentee by mail ballot envelope to include a certificate that includes certain specified statements and information. Requires the voter to sign the certificate in the presence of one witness.

Proposed law retains present law.

Present law (R.S. 18:1310) provides further requirements for voting absentee by mail. Provides that a person may receive assistance in voting absentee by mail. Requires a person who assists a voter in voting absentee by mail to execute the acknowledgment on the ballot envelope flap prepared by the secretary of state, verifying that the person providing the assistance has marked the ballot in the manner dictated by the voter.

Proposed law retains present law. Additionally provides that the signature on the acknowledgment by the person providing assistance may serve as the signature of the witness required by present law (R.S. 18:1306).

Present law (R.S. 18:1313) provides for the tabulation and counting of absentee by mail and early voting ballots by the parish board of election supervisors. Provides that if the counting and tabulation of absentee by mail and early voting ballots begins prior to the closing of the polls, such counting and tabulation shall be conducted in a location and manner to prevent disclosure of the results prior to the closing of the polls. Provides that each person except a person providing security to the parish board of election supervisors or a person authorized by the secretary of state to provide technical assistance who enters the location in which the absentee by mail and early voting ballots are being counted and tabulated shall remain in that location and shall not be allowed to leave except temporarily, and then only when accompanied by a law enforcement officer, and shall not communicate with any person outside until the polls are closed.

Proposed law retains present law. Additionally provides that the following may enter the location in which the absentee by mail and early voting ballots are being counted and tabulated and are allowed to leave without being accompanied by a law enforcement officer and may communicate with a person outside: a representative of the attorney general, with written approval of the secretary of state; the clerk of court; and the registrar of voters.

Present law provides procedures for counting absentee by mail ballots. Provides that if the board determines that an absentee by mail ballot is valid, a member of the board must write the words "voted by mail" and his initials on the absentee by mail voter report beside the name of the voter as it appears on the report.

Proposed law provides instead that if the board determines that an absentee by mail ballot is valid, a member of the board must make a check mark on the absentee by mail voter report

beside the name of the voter as it appears on the report and write his initials on each page of the report.

Present law (R.S. 18:1375) provides that any duplicate or extra keys to the voting machines shall be sealed in an envelope by the parish custodian and the secretary of state and placed in a safe place. Prohibits the seal from being broken or the keys used in any manner except with the consent of both the parish custodian and secretary of state.

Proposed law prohibits the seal from being broken or the keys used in any manner except with the consent of the parish custodian or secretary of state, instead of both the parish custodian and the secretary of state. Otherwise retains present law.

Present law (R.S. 18:1400.3) provides for election expenses incurred by clerks of court. Specifies permissible election expenses.

Proposed law retains present law. Adds to the list of specified expenses those incurred by a clerk of court to pay for law enforcement officers to control traffic on election day to the extent permitted by present law (R.S. 18:428), which generally provides, with certain exceptions, that law enforcement officers may not be stationed at polling places on election day.

Present law (R.S. 18:1400.6) provides for costs and expenses of primary and general elections. Requires any local governing authority or school board that receives a request for reimbursement of election costs must pay such reimbursement promptly. Provides that if payment for any such reimbursement is not received by the secretary of state on the 120th day following the first billing by the secretary of state, the account shall be forwarded to the attorney general for collection. Authorizes the attorney general to collect the actual expenses his office incurs in the collection of such account.

Proposed law retains present law.

Present law additionally provides that interest on any unpaid balance shall be added to the amount of any such reimbursement for which payment has not been received by the 60th day after the date of billing by the secretary of state and that such interest shall be at an annual percentage rate of 15% and shall be received by the secretary of state to be remitted to the state treasurer.

Proposed law repeals present law.

Present law (R.S. 18:1432) provides remedies for a trial court in an action contesting an election for public office and a recall election.

Proposed law retains present law. Additionally provides remedies for an action contesting an election on a proposition.

Proposed law makes technical corrections, including correction of citations.

Provisions of proposed law become effective upon signature of the governor or January 1, 2020.

(Amends R.S. 18:18(A)(8)(b), 51(C)(1)(a), 104(C)(2), 110(A), 435(B)(1)(a), 444(I), 463(A)(2)(a)(iii) and (viii), 501(C), 511(B), 532(D), 551(C)(1)(c)(iii), 565(B), 567.1(5), 571(A)(4)(a), (8), and (9), 573(E) (1), 574(B)(intro. para.), 1254(A), 1300.1, 1300.7(A), 1310(C)(1), 1313(C)(1) and (F)(4), and 1375; Adds R.S. 18:104(C)(3), 444(F)(2)(c) and (d), 463(A)(2)(a)(ix), 564(D)(1)(a)(v), 572(A)(1)(b)(viii), 1400.3(E)(7), and 1432(A)(3); Repeals R.S. 18:469, 573(D), and 1400.6(B))