

1 compilation and promulgation of election returns; to provide for the nomination of
 2 slates of candidates for presidential elector; to provide for the calling of a recall
 3 election; to provide relative to the tabulation and counting of absentee by mail and
 4 early voting ballots; to provide for remedies in certain election contests; to provide
 5 for recall petitions; to provide for election expenses; to provide for definitions; to
 6 provide relative to rulemaking by the secretary of state; to provide relative to the
 7 examination, testing, evaluation, certification, approval, procurement, and
 8 requirements for voting systems and system components; to provide relative to the
 9 preparation of voting machines for an election; to provide relative to a revote caused
 10 by the malfunction of certain voting equipment; to provide for effectiveness; and to
 11 provide for related matters.

12 Be it enacted by the Legislature of Louisiana:

13 Section 1. R.S. 18:18(A)(8)(b), 51(C)(1)(a), 110(A), 435(B)(1)(a), 444(I),
 14 463(A)(2)(a)(iii), 501(C), 532(D), 551(C)(1)(c)(iii), 565(B), 567.1(5), 571(A)(4)(a), (8), and
 15 (9), 573(E)(1), 574(B)(introductory paragraph), 1254(A), 1300.7(A), 1313(C)(1) and (F)(4),
 16 1351(9), 1353(B) and (C)(1) and (2), 1354(B)(3), 1361, 1362(A), 1373(A)(5), 1375, and
 17 1433(A) and (B) are hereby amended and reenacted and R.S. 18:444(F)(2)(c) and (d),
 18 564(D)(1)(a)(v), 572(A)(1)(b)(viii), 1351(14), 1400.3(E)(7), and 1432(A)(3) are hereby
 19 enacted to read as follows:

20 §18. Secretary of state; powers and duties

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

23 * * *

24 (8)

25 * * *

26 (b) Develop activities, events, informational posters and pamphlets, and
 27 public service announcements for the implementation of an annual voter registration
 28 week and generally be responsible for implementation of such week. It is the policy
 29 of the state of Louisiana to encourage full participation in voting by all citizens of

1 this state. To this end, in years when the president of the United States proclaims a
 2 National Voter Registration Day, the official state voter registration week shall be
 3 the full week in which the National Voter Registration Day occurs, unless the
 4 National Voter Registration Day occurs after the close of the registration records for
 5 the regular fall primary election. In years when the president of the United States
 6 does not proclaim a National Voter Registration Day or the National Voter
 7 Registration Day occurs after the close of the registration records for the regular fall
 8 primary election, the official state voter registration week shall be two weeks prior
 9 to the close of registration records for the regular fall primary election.

10 * * *

11 §51. Registrar for each parish; appointment; commission; bond and oath

12 * * *

13 C.(1)(a) A vacancy for any cause in the office of registrar shall be filled by
 14 the parish governing authority within ~~thirty~~ ninety days after the date on which the
 15 vacancy occurs. An appointment to fill a vacancy that is made prior to the time the
 16 office is actually vacated is premature and without effect. The parish governing
 17 authority shall advertise the vacancy and solicit applications for the office in the
 18 manner provided in R.S. 18:51.1.

19 * * *

20 §110. Removal from precinct; removal from parish

21 A.(1) At any time prior to closing of registration for any election a registrant
 22 who changes his residence within the parish may change his registration without
 23 reregistering by making application by mail or electronically to the registrar or by
 24 appearing in person at the office of the registrar ~~and making application for a change~~
 25 ~~of registration or by any other manner authorized in this Part.~~ ~~If the registrant is~~
 26 ~~unable to sign his name to the application, he shall sign it with his mark, witnessed~~
 27 ~~by the signatures of two witnesses.~~ ~~The application shall state that he is unable to~~
 28 ~~sign his name.~~

1 more than one parish, a list of watchers shall be filed with the clerk of court in each
2 parish where the candidate will have watchers.

3 * * *

4 §444. Parish executive committees

5 * * *

6 F. Vacancies.

7 * * *

8 (2)

9 * * *

10 (c) If there are not enough members of the parish executive committee to fill
11 a vacancy in the membership left by an at-large representative, the chairman of the
12 state central committee of that political party may appoint a qualified resident of the
13 parish to fill the vacancy.

14 (d) If there are not enough members of the parish executive committee to fill
15 a vacancy in the membership left by a representative of a district, the chairman of the
16 state central committee of that political party may appoint a qualified resident of the
17 district to fill the vacancy. If no qualified resident of the district will accept the
18 membership, the chairman of the state central committee of that political party may
19 appoint any qualified resident of the parish to fill the vacancy.

20 * * *

21 I. Party with thirty percent or fewer of registered voters. ~~(1)~~
22 Notwithstanding any provision of law to the contrary, ~~beginning in 1988~~, members
23 of a parish executive committee of a recognized political party with which thirty
24 percent or less of the registered voters of the state are affiliated, ~~except those for~~
25 ~~Orleans Parish~~, shall be elected every four years at the same time as the presidential
26 preference primary election. The term of office shall not extend beyond the time for
27 which the member was elected.

28 ~~(2) Beginning in 1992, members of a parish executive committee of a~~
29 ~~recognized political party with which thirty percent or less of the registered voters~~

1 §571. Procedures for commissioners after termination of voting

2 A. At the termination of voting in a primary or general election, the
3 commissioners shall announce that voting is terminated. The commissioners in the
4 presence of the watchers shall immediately:

5 * * *

6 (4)(a) Complete in triplicate Certificate No. 2 of the composite certificate
7 designated "Machine Certificates", which shall state (i) that the voting machines
8 were secured against further voting, (ii) the exact time the voting machines were
9 secured against further voting, (iii) the serial number on each voting machine, (iv)
10 the number shown on the public counter of each voting machine, which shall be the
11 total number of voters casting votes on that machine in the election, (v) the number
12 shown on the protective counter of each voting machine, which shall be the total
13 number of times the machine has been voted in its lifetime, (vi) the number of the
14 seal placed on the precinct register by the commissioners, and (vii) whether any
15 visible damage occurred to any voting machine during the election.

16 * * *

17 (8) Place one copy of the official election results reports, one copy of the
18 machine certificates, one of the duplicate poll lists, all ~~duplicate records of~~ original
19 executed challenges of voters, all precinct register corrections, all voter identification
20 affidavits, all physical disability affidavits, any physicians' certificates, any copies
21 of disability documentation, a copy of each completed notation of irregularities form,
22 and any address confirmation cards in the envelope marked "Registrar of Voters",
23 seal it and attach it to the precinct register after the termination of voting, and place
24 a new protective seal on the precinct register.

25 (9) Seal ~~any original challenges of voters that have been executed~~, the
26 official election zero proof report, one copy of the official election results reports,
27 one of the duplicate poll lists, a copy of each completed notation of irregularities

1 form, and a copy of the machine certificates in the envelope marked "Secretary of
2 State's Envelope".

3 * * *

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

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

7 * * *

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

9 * * *

10 (viii) A duplicate record of each challenge.

11 * * *

12 §573. Evidence of election results

13 * * *

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

23 * * *

24 §574. Compilation and promulgation of returns

25 * * *

26 B. By a majority vote of the members, the parish board of election
27 supervisors may complete ~~in triplicate~~ and attach to the compiled statements a

1 notation of irregularities form prepared by the secretary of state to document
2 irregularities observed by the board with respect to:

3 * * *

4 §1254. Slates of ~~independent~~ candidates not affiliated with a recognized political
5 party; nominating petitions and qualifying by payment of qualifying fees

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

17 * * *

18 §1300.7. Governor to order election; proclamation; publication

19 A. If the required number of qualified electors of the voting area sign the
20 petition for recall, the governor shall issue a proclamation ordering an election to be
21 held for the purpose of voting on the question of the recall of the officer. The total
22 number of registered voters in the voting area and the total number of registered
23 voters in the voting area signing the petition shall be calculated from the totals on the
24 certificates of all of the registrars of voters received by the governor. The governor
25 shall issue such proclamation within fifteen days after he receives the certified
26 petitions from all of the registrars of voters in the voting area who have received
27 petitions for certification. If the final day for the governor to issue the proclamation
28 falls on a Saturday, Sunday, or legal holiday, then the next day which is not a
29 Saturday, Sunday, or legal holiday shall be deemed to be the final day for issuing the

1 proclamation. The proclamation shall order the election to be held on the next
 2 available date specified in R.S. 18:402(F). If the election is to be held on a primary
 3 election date, the proclamation shall be issued ~~on or before the last day for~~
 4 ~~candidates to qualify in the election~~ at least four weeks prior to the opening of the
 5 qualifying period for the primary election. If the election is not to be held on a
 6 primary election date, ~~then~~ the proclamation shall be issued on or before the fifty-
 7 fourth day prior to the election.

8 * * *

9 §1313. Tabulation and counting of absentee by mail and early voting ballots

10 * * *

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

27 * * *

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

29 * * *

1 ~~machines and absentee by mail and early voting counting equipment~~ systems in the
 2 conduct of elections and the duties of each category of persons charged with
 3 responsibility for any matter relating to the voting ~~machines or absentee by mail and~~
 4 ~~early voting counting equipment~~ systems. The rules and regulations shall be
 5 approved by the attorney general and thereafter shall be distributed by the secretary
 6 of state to the election officials having responsibilities relating to elections. The
 7 rules and regulations shall be applied uniformly throughout the state.

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

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

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

17 * * *

18 §1354. Parish custodian of voting machines; powers and duties; appointment of
 19 deputy custodians

20 * * *

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

23 * * *

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

27 * * *

1 lists and other paraphernalia and shall forthwith seal each machine with a numbered
2 seal. At that time, the parish custodian, in the presence of the candidates or their
3 representatives, parish board members, and any citizens who are present, shall certify
4 to the numbers of the machines; ~~that all of the public, candidate, and question~~
5 counters are set at zero; ~~and as to the number registered on the protective counter~~
6 of the machine.

7 * * *

8 §1375. Duplicate keys

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

13 * * *

14 §1400.3. Election expenses incurred by clerks of court and registrars of voters;
15 payment by secretary of state; payment by governing authorities

16 * * *

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

19 * * *

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

22 * * *

23 §1432. Remedies

24 A.

25 * * *

26 (3) If the trial judge in an action contesting an election on a proposition
27 determines that it is impossible to determine the result of an election, or the number
28 of qualified voters who were denied the right to vote by the election officials was
29 sufficient to change the result in the election if they had been allowed to vote, or the

1 court shall order a revote of electronic early voting ballots in the parish where the
2 voting machine or results tape and results cartridge used for early voting
3 malfunctioned, which shall be limited to those persons who voted during early voting
4 in the election.

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. 18:573(D), 1351(2), (3), and (6), 1355, and 1400.6(B) are hereby repealed
28 in their entirety.

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

7 (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 Engrossed

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. Additionally 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. Additionally 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. 18:501) 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 that 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. 18:532) 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. Additionally 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. Additionally 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. 18:1351) provides definitions relative to voting machines and other voting equipment. Proposed law removes definitions for "candidate counters", "question counters", "diagram", and "model". In the definition of "protective counter", specifies that the counter registers each time the machine is operated during the life of the machine. Provides that "voting system" means the total combination of equipment, including voting machines, used to define ballots, cast and count votes, report or display election results, and maintain and produce any auditable data and the software, firmware, hardware, and documentation required to program, control, and support such equipment. Provides that "voting system"

also includes the vendor's practices and documentation used to identify system components and versions of such components, test the system during its development and maintenance, maintain records of system errors and defects, determine specific system changes made after initial certification, and make available any materials to the voter.

Present law (R.S. 18:1353) requires the secretary of state to prescribe uniform rules and regulations with respect to matters pertaining to procurement, preparation and use of voting machines and absentee by mail and early voting counting equipment in the conduct of elections and the duties of each category of persons charged with responsibility for any matter relating to voting machines or absentee by mail and early voting counting equipment. Provides that the rules and regulations shall be approved by the attorney general and thereafter shall be distributed by the secretary of state to the election officials having responsibilities relating to elections. Requires the rules and regulations to be applied uniformly throughout the state.

Proposed law provides that the secretary of state may prescribe uniform rules, instead of requiring such rules. Provides that such rules apply to voting systems. Otherwise retains present law.

Present law (R.S. 18:1353, 1361, and 1362) provides procedures and requirements for examination, testing, evaluation, certification, approval, and procurement of voting machines and absentee by mail and early voting counting equipment. Proposed law amends present law so that it applies to voting systems and system components instead of voting machines and counting equipment.

Present law (R.S. 18:1355) provides requirements for the construction and equipment of voting machines. Proposed law removes requirements in present law other than those relating to including a sound-creating device that indicates when a voter has left a machine after casting his vote and allowing for the challenge removal of early voting ballots.

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 expenses 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.

Present law (R.S. 18:1433) provides procedures and requirements for conducting a revote when a voting machine malfunctions. Proposed law retains present law and makes present law applicable to a malfunction of the results tape and results cartridge.

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), 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), 1351(9), 1353(B) and (C)(1) and (2), 1354(B)(3), 1361, 1362(A), 1373(A)(5), 1375, and 1433(A) and (B); 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), 1351(14), 1400.3(E)(7), and 1432(A)(3); Repeals R.S. 18:573(D), 1351(2), (3), and (6), 1355, and 1400.6(B))

Summary of Amendments Adopted by House

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

1. Remove provisions of proposed law relative to reopening qualifying and election of candidates in a primary election because of the death of a candidate.
2. Add provisions relative to rulemaking by the secretary of state relative to voting systems.
3. Add provisions relative to the examination, testing, evaluation, certification, approval, procurement, and requirements for voting systems and system components.
4. Add provisions relative to the preparation of voting machines for an election.
5. Add provisions relative to a revote caused by the malfunction of the results tape and results cartridge.
6. Add provisions removing present law provisions that provide requirements for the construction and equipment of voting machines.