

## RÉSUMÉ DIGEST

ACT 374 (HB 563)

2019 Regular Session

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Existing 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.

Existing 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.

New law additionally 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.

Existing constitution (Art. XI, §5) provides that the governing authority of each parish must appoint a registrar of voters in the manner provided by law. Existing 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.

Prior law (R.S. 18:51) required the parish governing authority to fill a vacancy in the office of registrar within 30 days.

New law requires a vacancy to be filled within 90 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.

Existing law (R.S. 18:104) provides for the content of the form used to register qualified citizens to vote.

New 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.

Existing 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 mail or in person.

New law additionally provides that a person may change his registration electronically.

Prior law provided that if the registrant was unable to sign his name to the application, the registrant had to sign with his mark, witnessed by the signatures of two witnesses, and the registrant was required to state that he was unable to sign his name. Required 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 the voter.

New law deletes prior law.

Existing 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.

New 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.

Existing 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.

New law additionally provides that if there are not enough members of the parish executive committee to fill a vacancy, the chairman of the state central committee of that political party may appoint a qualified resident of the district or parish, as applicable, to fill the vacancy.

Prior law provided for the terms of members of certain parish executive committees in Orleans Parish elected in 1992. New law deletes prior law.

Existing 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 an election. Includes a certification that the candidate is not currently under an order of imprisonment for conviction of a felony.

New law specifies that the certification in existing 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 existing constitution (Art. I, §10.1).
2. Except for a candidate who resides in a nursing home as defined in existing 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 pursuant to existing constitution (Art. VII, §20) that he is registered in the precinct in which that residence is located.

Existing 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 a notice 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 a notice 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.

Existing law provides an exception if there are only two candidates in a primary or general election. 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.

New law provides that the secretary of state will accept a withdrawal up to the second day prior to the election when the number of candidates is one more than the number of persons to be elected to the office. Provides that the remaining candidate or candidates are declared the winner.

Existing 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.

New law additionally requires the parish governing authority to furnish to the registrar and secretary of state geospatial shape files, if available, for the specified districts.

Existing law (R.S. 18:551) provides for the content of a ballot, including the listing of the names of candidates. Provides that the names of the candidates for each office are arranged alphabetically by surname and numbered from first to last. Provides that if two or more candidates have the same surname, the word "Incumbent" is listed after the name of each candidate having the same surname who is an incumbent and the residence address is 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 are arranged alphabetically by first name, regardless of whether a candidate's first name appears on the ballot.

New law additionally requires the residence address of an incumbent to be provided.

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

New law additionally provides that such a person may provide the registrar a completed and signed voter assistance form provided by the secretary of state.

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

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

New law deletes prior law. Provides instead that the original record of the challenge and the address confirmation card are placed in the envelope marked "Registrar of Voters". Provides that a duplicate record of the challenge is 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.

Existing 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.

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

New law additionally requires the certificate to be completed in triplicate.

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

New law additionally provides that one copy of the machine certificates be included in the envelope.

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

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

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

New law deletes prior law.

Existing 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.

Prior law provided that at the opening of the voting machines, the clerk of court immediately removed the envelope marked "Put in Voting Machine" and preserved the envelope and its contents inviolate and, except upon order of a court of competent jurisdiction, could not allow them to be inspected by anyone until the delay for filing an action contesting any election to office had lapsed. Provided that if an action contesting any election to office was

commenced timely, the clerk continued to preserve the records inviolate, subject to the orders of the court, until the final judgment in the action became definitive.

New law repeals prior law.

Existing 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.

Prior law required the notation of irregularities to be executed in triplicate.

New law deletes prior law.

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

Prior law referred to slates of independent candidates.

New law refers to candidates not affiliated with a recognized political party, instead of independent candidates.

Existing law (R.S. 18:1280.21) provides for a statewide presidential preference primary to be held on the first Saturday in March every four years, beginning in 2016.

New law provides that the presidential preference primary in 2020 is to be held on the first Saturday in April instead of the first Saturday in March.

Existing law provides that the qualifying period for presidential candidates opens on the first Wednesday in Dec. and closes at 4:30 p.m. on the following Friday.

New law provides that in 2020, the qualifying period opens on the second Wednesday in Jan. (instead of the first Wednesday in Dec.) and closes at 4:30 p.m. on the following Friday.

Existing law (R.S. 18:402(C)(1)) provides that in all municipalities with a population of less than 300,000, primary elections for municipal and ward officers who are not elected at the same time as the governor or members of congress held in a presidential election year, are held on the first Saturday in March.

New law provides that in 2020, such primary elections for municipal and ward officers are to be held on the first Saturday in April instead of the first Saturday in March.

Existing law (R.S. 18:467(3)) provides that in a presidential election year, the qualifying period for candidates in such primary elections for municipal and ward officers opens on the first Wednesday in Dec. of the year prior to the election.

New law provides that in 2020, the qualifying period opens on the second Wednesday in Jan. instead of the first Wednesday in Dec. of the prior year.

Existing law (R.S. 18:402(E)) provides available dates for special elections to fill a newly created office or vacancy in office. Existing law (R.S. 18:402(E)(1)) provides that in a presidential election year, a special primary election may be held on the first Saturday in March.

New law provides that in 2020, the first Saturday in April is available for a special primary election instead of the first Saturday in March. Provides that if a special primary election is held on the first Saturday in April in 2020, the special general election is held on the fifth Saturday after the first Saturday.

Existing law (R.S. 18:402(F)) provides available dates for bond, tax, or other elections at which a proposition or question is to be submitted to the voters. Existing law (R.S. 18:402(F)(3)) provides that such an election may be held on the last Saturday in March or the fifth Saturday after the last Saturday in March of any year or on the first Saturday in

March or the fifth Saturday after the first Saturday in March during the presidential election year.

New law provides that the first Saturday in March, the fifth Saturday after the first Saturday in March, the last Saturday in March, and the fifth Saturday after the last Saturday in March shall not be available for a bond, tax, or other election at which a proposition or question is submitted to the voters in 2020. Provides instead that the first Saturday in April and the fifth Saturday after the first Saturday in April shall be available for a such an election in 2020.

Existing 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.

New law additionally prohibits the secretary of state from accepting a recall petition 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 the petition, mark it "invalid", and return it to the chairman designated in the recall petition.

Existing 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.

Prior law provided that if the recall election was to be held on a primary election date, the proclamation must have been issued on or before the last day for candidates to qualify in the election.

New law instead requires the proclamation to be issued at least four weeks prior to the opening of the qualifying period for the primary election.

Existing 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.

Existing 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.

New law additionally provides that the signature on the acknowledgment by the person providing assistance may serve as the signature of the witness required by existing law (R.S. 18:1306).

Existing 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 such counting and tabulation 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 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.

New 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.

Existing law provides procedures for counting absentee by mail ballots. Provides procedures for the parish board to determine the validity of absentee by mail ballots.

Prior law provided that if the board determined that an absentee by mail ballot was valid, a member of the board wrote the words "voted by mail" and his initials on the absentee by mail voter report beside the name of the voter.

New 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 and write his initials on each page of the report.

Existing law (R.S. 18:1351) provides definitions relative to voting machines and other voting equipment. New 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.

Existing law (R.S. 18:1353) provides for 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 and the duties of persons charged with responsibility for any matter relating to such machines and 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.

Prior law required the secretary of state to prescribe such rules.

New law provides that the secretary of state may prescribe uniform rules, instead of requiring such rules. Additionally provides that such rules apply to voting systems.

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

Prior law (R.S. 18:1355) provided requirements for the construction and equipment of voting machines. New law removes requirements in prior law except 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.

Existing 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.

Prior law prohibited 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. New 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.

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

New 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 existing law (R.S. 18:428), which provides, with certain exceptions, that law enforcement officers may not be stationed at polling places on election day.

Existing 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 to 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, 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.

Prior law additionally provided that interest on any unpaid balance was added to the amount of any such reimbursement for which payment had not been received by the 60th day after the date of billing at an annual percentage rate of 15%.

New law repeals prior law.

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

New law additionally provides remedies for an action contesting an election on a proposition.

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

New law makes technical corrections, including correction of citations.

Provisions of new law become effective upon signature of governor (June 19, 2019) 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), 1280.21.1, 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))