#### 2019 Regular Session

#### HOUSE BILL NO. 563

#### BY REPRESENTATIVE GREGORY MILLER

1	AN ACT
2	To amend and reenact R.S. 18:18(A)(8)(b), 51(C)(1)(a), 104(C)(2), 110(A), 435(B)(1)(a),
3	444(I), 463(A)(2)(a)(iii) and (viii), 501(C), 532(D), 551(C)(1)(c)(iii), 565(B),
4	567.1(5), 571(A)(4)(a), (8), and (9), 573(E)(1), 574(B)(introductory paragraph),
5	1254(A), 1300.1, 1300.7(A), 1310(C)(1), 1313(C)(1) and (F)(4), 1351(9), 1353(B)
6	and (C)(1) and (2), 1354(B)(3), 1361, 1362(A), 1373(A)(5), 1375, and 1433(A) and
7	(B), to enact R.S. $18:104(C)(3)$ , $444(F)(2)(c)$ and (d), $463(A)(2)(a)(ix)$ ,
8	564(D)(1)(a)(v), 572(A)(1)(b)(viii), 1280.21.1, 1351(14), 1400.3(E)(7), and
9	1432(A)(3), and to repeal R.S. 18:573(D), 1351(2), (3), and (6), 1355, and
10	1400.6(B), relative to the Louisiana Election Code; to revise the system of laws
11	comprising the Louisiana Election Code; to provide relative to elections procedures
12	and requirements and the powers, duties, and functions of election officials; to
13	provide for the annual voter registration week; to provide relative to vacancies in the
14	office of registrar of voters; to provide relative to voter registration; to provide
15	relative to watchers; to provide relative to parish executive committees; to provide
16	for the content of the notice of candidacy; to provide relative to withdrawal of
17	candidates; to provide relative to the establishment of precincts; to provide for the
18	form and content of the ballot; to provide relative to assistance in voting; to provide
19	relative to challenges of voters; to provide relative to procedures for commissioners
20	following the termination of voting; to provide relative to evidence of election
21	results; to provide relative to the compilation and promulgation of election returns;
22	to provide for the nomination of slates of candidates for presidential elector; to
23	provide for the calling of a recall election; to provide relative to the tabulation and
24	counting of absentee by mail and early voting ballots; to provide for remedies in

### Page 1 of 21

1	certain election contests; to provide for recall petitions; to provide for election
2	expenses; to provide for definitions; to provide relative to rulemaking by the
3	secretary of state; to provide relative to the examination, testing, evaluation,
4	certification, approval, procurement, and requirements for voting systems and system
5	components; to provide relative to the preparation of voting machines for an
6	election; to provide relative to a revote caused by the malfunction of certain voting
7	equipment; to provide relative to the presidential preference primary election and
8	related elections; to provide for effectiveness; and to provide for related matters.
9	Be it enacted by the Legislature of Louisiana:
10	Section 1. R.S. 18:18(A)(8)(b), 51(C)(1)(a), 110(A), 435(B)(1)(a), 444(I),
11	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
12	(9), 573(E)(1), 574(B)(introductory paragraph), 1254(A), 1300.7(A), 1313(C)(1) and (F)(4),
13	1351(9), 1353(B) and (C)(1) and (2), 1354(B)(3), 1361, 1362(A), 1373(A)(5), 1375, and
14	1433(A) and (B) are hereby amended and reenacted and R.S. 18:444(F)(2)(c) and (d),
15	564(D)(1)(a)(v), 572(A)(1)(b)(viii), 1280.21.1, 1351(14), 1400.3(E)(7), and 1432(A)(3) are
16	hereby enacted to read as follows:
17	§18. Secretary of state; powers and duties
18	A. The secretary of state shall administer the laws relating to custody of
19	voting machines and voter registration, and for this purpose he shall:
20	* * *
21	(8)
22	* * *
23	(b) Develop activities, events, informational posters and pamphlets, and
24	public service announcements for the implementation of an annual voter registration
25	week and generally be responsible for implementation of such week. It is the policy
26	of the state of Louisiana to encourage full participation in voting by all citizens of
27	this state. To this end, in years when the president of the United States proclaims a
28	National Voter Registration Day, the official state voter registration week shall be
29	the full week in which the National Voter Desistration Day ecours unless the
	the full week in which the National Voter Registration Day occurs, unless the

# Page 2 of 21

1	the regular fall primary election. In years when the president of the United States
2	does not proclaim a National Voter Registration Day or the National Voter
3	Registration Day occurs after the close of the registration records for the regular fall
4	primary election, the official state voter registration week shall be two weeks prior
5	to the close of registration records for the regular fall primary election.
6	* * *
7	§51. Registrar for each parish; appointment; commission; bond and oath
8	* * *
9	C.(1)(a) A vacancy for any cause in the office of registrar shall be filled by
10	the parish governing authority within thirty ninety days after the date on which the
11	vacancy occurs. An appointment to fill a vacancy that is made prior to the time the
12	office is actually vacated is premature and without effect. The parish governing
13	authority shall advertise the vacancy and solicit applications for the office in the
14	manner provided in R.S. 18:51.1.
15	* * *
16	§110. Removal from precinct; removal from parish
17	A.(1) At any time prior to closing of registration for any election a registrant
18	who changes his residence within the parish may change his registration without
19	reregistering by making application by mail or electronically to the registrar or by
20	appearing in person at the office of the registrar and making application for a change
21	of registration or by any other manner authorized in this Part. If the registrant is
22	unable to sign his name to the application, he shall sign it with his mark, witnessed
23	by the signatures of two witnesses. The application shall state that he is unable to
24	<del>sign his name</del> .
25	(2) The application shall contain the name in full; address appearing on the
26	registration records; present residence, including apartment or room number, if any;
27	date of change of residence; date of application, and signature of voter.
28	(3) Upon receipt of an application for a change of registration, the registrat
20	(5) Opon receipt of an application for a change of registration, the registrat
28 29	shall compare the signature on the application with the signature on the original

### Page 3 of 21

1	signature on any microfilm, microfiche, or scanned or electronically captured
2	computerized images of documents in the records of the registrar. If the signatures
3	are sufficiently alike to identify the applicant as the registered voter, the change shall
4	be made and the date of the change of residence and the new ward and precinct shall
5	be recorded in the registrant's information on the state voter registration computer
6	system and, if the original application is available in hard copy in the registrar's
7	office, on the original application form. If the application is signed by a mark
8	witnessed by the signatures of two witnesses, the registrar shall make the change on
9	the basis of the application.
10	(4) (3) The registrar shall send the notice referred to in R.S. 18:109 to a voter
11	whose registration is changed.
12	* * *
13	§435. Watchers; appointment and commission
14	* * *
15	B.(1)(a) A list of watchers shall be filed with the clerk of court by hand
16	delivery, facsimile, mail, or commercial courier before 4:30 p.m. on the tenth day
17	before the primary or general election; however, if the tenth day before the primary
18	or general election falls on a Saturday, Sunday, or other legal holiday, the list shall
19	be filed on the next day which is not a Saturday, Sunday, or other legal holiday. For
20	purposes of this Paragraph, "commercial courier" shall have the same meaning as
21	provided in R.S. 13:3204(D). If the office that the candidate seeks is voted on in
22	more than one parish, a list of watchers shall be filed with the clerk of court in each
23	parish where the candidate will have watchers.
24	* * *
25	§444. Parish executive committees
26	* * *
27	F. Vacancies.
28	* * *
29	(2)
30	* * *

Page 4 of 21

1	(c) If there are not enough members of the parish executive committee to fill
2	a vacancy in the membership left by an at-large representative, the chairman of the
3	state central committee of that political party may appoint a qualified resident of the
4	parish to fill the vacancy.
5	(d) If there are not enough members of the parish executive committee to fill
6	a vacancy in the membership left by a representative of a district, the chairman of the
7	state central committee of that political party may appoint a qualified resident of the
8	district to fill the vacancy. If no qualified resident of the district will accept the
9	membership, the chairman of the state central committee of that political party may
10	appoint any qualified resident of the parish to fill the vacancy.
11	* * *
12	I. Party with thirty percent or fewer of registered voters. (1)
13	Notwithstanding any provision of law to the contrary, beginning in 1988, members
14	of a parish executive committee of a recognized political party with which thirty
15	percent or less of the registered voters of the state are affiliated, except those for
16	Orleans Parish, shall be elected every four years at the same time as the presidential
17	preference primary election. The term of office shall not extend beyond the time for
18	which the member was elected.
19	(2) Beginning in 1992, members of a parish executive committee of a
20	recognized political party with which thirty percent or less of the registered voters
21	are affiliated in Orleans Parish shall be elected every four years at the same time as
22	the presidential preference primary election. The terms for which members of such
23	parish executive committee were elected in 1986 are extended until the members are
24	elected at the 1992 presidential preference primary election and take office.
25	* * *
26	§463. Notice of candidacy; campaign finance disclosure; political advertising;
27	penalties
28	А.
29	* * *

# Page 5 of 21

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	§532. Establishment of precincts
19	* * *
20	D. The parish governing authority shall also furnish, to the registrar of voters
21	and secretary of state geospacial shape files, if available, and a map clearly
22	indicating the boundaries of each parish governing authority district, school board
23	district, special election district, representative district, and senate district.
24	* * *
25	§551. Ballots
26	* * *
27	C. Names and numbers of candidates. The names of the candidates in a
28	primary or general election shall be listed on the ballot as follows:
29	(1)
30	* * *

# Page 6 of 21

1	(c)
2	* * *
3	(iii) If two or more candidates have the same surname, the names of the
4	candidates having the same surname shall be arranged alphabetically by first name,
5	regardless of whether a candidate's first name appears on the ballot. The word
6	"Incumbent" and the residence address shall be listed after the name of each
7	candidate having the same surname who is an incumbent, and the residence address
8	shall be listed after the name of each candidate having the same surname who is not
9	an incumbent.
10	* * *
11	§564. Assistance in voting on election day
12	* * *
13	D.(1)(a) Prior to receiving assistance pursuant to this Section due to a
14	disability, including visual impairment, the voter shall file with the registrar in
15	person or by mail a statement setting forth the necessity and reasons for this
16	assistance and shall furnish the registrar one of the following:
17	* * *
18	(v) A completed and signed voter assistance form provided by the secretary
19	of state wherein the voter attests that he has a physical disability and requires
20	assistance in voting.
21	* * *
22	§565. Challenge of voters
23	* * *
24	B. Disposition of record of challenge and address confirmation card. The
25	original record of the challenge, signed by the challenger, shall be placed in the
26	envelope marked "Put in Voting Machine" and shall be preserved as part of the
27	election returns. The duplicate record of the challenge and address confirmation card
28	shall be placed in the envelope marked "Registrar of Voters" and the envelope shall
29	be attached to the precinct register. and the address confirmation card shall be placed

### Page 7 of 21

1	shall be placed in the clear plastic zipper bag and returned to the clerk of court on
2	election night. A duplicate record of the challenge shall be given to the voter being
3	challenged.
4	* * *
5	§567.1. Definitions
6	As used in this Subpart, the following words and terms shall have the
7	meanings hereinafter ascribed to each, unless the context clearly indicates another
8	meaning:
9	* * *
10	(5) "Title III" means Title III of the Help America Vote Act of 2002, Public
11	Law 107-252, <del>116 Stat. 1666 (2002), 42 U.S.C. §15481- 15485</del> <u>52 U.S.C. 21081-</u>
12	<u>21085</u> .
13	* * *
14	§571. Procedures for commissioners after termination of voting
15	A. At the termination of voting in a primary or general election, the
16	commissioners shall announce that voting is terminated. The commissioners in the
17	presence of the watchers shall immediately:
18	* * *
19	(4)(a) Complete in triplicate Certificate No. 2 of the composite certificate
20	designated "Machine Certificates", which shall state (i) that the voting machines
21	were secured against further voting, (ii) the exact time the voting machines were
22	secured against further voting, (iii) the serial number on each voting machine, (iv)
23	the number shown on the public counter of each voting machine, which shall be the
24	total number of voters casting votes on that machine in the election, (v) the number
25	shown on the protective counter of each voting machine, which shall be the total
26	number of times the machine has been voted in its lifetime, (vi) the number of the
27	seal placed on the precinct register by the commissioners, and (vii) whether any
28	visible damage occurred to any voting machine during the election.
29	* * *

### Page 8 of 21

1	(8) Place one copy of the official election results reports, <u>one copy of the</u>
2	machine certificates, one of the duplicate poll lists, all duplicate records of original
3	executed challenges of voters, all precinct register corrections, all voter identification
4	affidavits, all physical disability affidavits, any physicians' certificates, any copies
5	of disability documentation, a copy of each completed notation of irregularities form,
6	and any address confirmation cards in the envelope marked "Registrar of Voters",
7	seal it and attach it to the precinct register after the termination of voting, and place
8	a new protective seal on the precinct register.
9	(9) Seal any original challenges of voters that have been executed, the
10	official election zero proof report, one copy of the official election results reports,
11	one of the duplicate poll lists, a copy of each completed notation of irregularities
12	form, and a copy of the machine certificates in the envelope marked "Secretary of
13	State's Envelope".
14	* * *
15	§572. Transmission of election returns; voting machine keys; machine certificates
16	A.(1) After the results are printed from the voting machines and all election
17	paperwork is complete, the commissioner-in-charge shall immediately:
18	* * *
19	(b) Deliver to the clerk of court in a clear plastic zipper bag the following:
20	* * *
21	(viii) A duplicate record of each challenge.
22	* * *
23	§573. Evidence of election results
24	* * *
25	E. Transmission and disposition of duplicate original challenges, duplicate
26	voters' affidavits, and address confirmation cards. (1) At the opening of the voting
27	machines, the sealed precinct registers shall be immediately returned to the registrar
28	of voters. Upon receipt of the sealed precinct registers, the registrar shall remove
29	any attached duplicate original record of challenges of voters made during the
30	election, any precinct register correction affidavits, any voter identification affidavits

# Page 9 of 21

1	made pursuant to R.S. 18:562, any address confirmation cards, any physical
2	disability affidavits, any physicians' certificates, any copies of disability
3	documentation, and any completed voter registration applications.
4	* * *
5	§574. Compilation and promulgation of returns
6	* * *
7	B. By a majority vote of the members, the parish board of election
8	supervisors may complete in triplicate and attach to the compiled statements a
9	notation of irregularities form prepared by the secretary of state to document
10	irregularities observed by the board with respect to:
11	* * *
12	§1254. Slates of independent candidates not affiliated with a recognized political
13	party; nominating petitions and qualifying by payment of qualifying fees
14	A. A slate of independent candidates for presidential elector who are not
15	affiliated with a recognized political party may be nominated by nominating petition
16	or may qualify by the payment of a qualifying fee of five hundred dollars. Such
17	qualifying fee shall be paid in accordance with the provisions of R.S. 18:464(A).
18	The period for filing such qualifying fee shall begin on the third Tuesday in July and
19	shall end at 4:30 p.m. on the first Friday following the third Tuesday in August of
20	each year in which a presidential election is to be held. Each qualifying fee shall be
21	accompanied by the notice of candidacy and notarized affidavit of each candidate for
22	elector signifying his acceptance of the nomination. An independent A candidate for
23	presidential elector who is not affiliated with a recognized political party may be
24	registered to vote with or without a declaration of party affiliation.
25	* * *
26	§1280.21.1. Presidential preference primary election and elections held at the same
27	<u>time in 2020</u>
28	A.(1) Notwithstanding the provisions of R.S. 18:1280.21(A), the statewide
29	presidential preference primary election shall be held on the first Saturday in April
30	<u>in 2020.</u>

### Page 10 of 21

1	(2) Notwithstanding the provisions of R.S. 18:1280.22(B)(1), the qualifying
2	period for presidential candidates in the statewide presidential preference primary
3	election in 2020 shall open on the second Wednesday in January of 2020 and shall
4	close at 4:30 p.m. on the following Friday.
5	<u>B.(1)</u> Notwithstanding the provisions of R.S. $18:402(C)(1)$ , primary elections
6	for municipal and ward officers who are not elected at the same time as the governor
7	or members of congress shall be held on the first Saturday in April in 2020.
8	(2) Notwithstanding the provisions of R.S. 18:402(C)(2), general elections
9	for municipal and ward officers who are not elected at the same time as the governor
10	or members of congress shall be held on the fifth Saturday after the first Saturday in
11	<u>April in 2020.</u>
12	C.(1) Notwithstanding the provisions of R.S. $18:402(E)(1)(c)$ , the first
13	Saturday in March shall not be available for a special primary election in 2020.
14	Instead, the first Saturday in April shall be available for a special primary election
15	pursuant to R.S. 18:402(E)(1) in 2020.
16	(2) Notwithstanding the provisions of R.S. 18:402(E)(2)(c), if a special
17	primary election is held on the first Saturday in April in 2020, the special general
18	election shall be held on the fifth Saturday after the first Saturday in April in 2020.
19	D. Notwithstanding the provisions of R.S. $18:402(F)(3)$ , the first Saturday
20	in March, the fifth Saturday after the first Saturday in March, the last Saturday in
21	March, and the fifth Saturday after the last Saturday in March shall not be available
22	for a bond, tax, or other election at which a proposition or question is submitted to
23	the voters in 2020. Instead the first Saturday in April and the fifth Saturday after the
24	first Saturday in April shall be available for a bond, tax, or other election at which
25	a proposition or question is submitted to the voters in 2020 pursuant to R.S.
26	<u>18:402(F).</u>
27	E. Notwithstanding the provisions of R.S. 18:467(3), the qualifying period
28	for candidates in a primary election for municipal and ward officers who are not
29	elected at the same time as the governor or members of congress in municipalities
30	with a population of less than three hundred thousand and those in any special

### Page 11 of 21

1	primary election to be held at the same time in 2020 shall open on the second
2	Wednesday in January of 2020.
3	* * *
4	§1300.7. Governor to order election; proclamation; publication
5	A. If the required number of qualified electors of the voting area sign the
6	petition for recall, the governor shall issue a proclamation ordering an election to be
7	held for the purpose of voting on the question of the recall of the officer. The total
8	number of registered voters in the voting area and the total number of registered
9	voters in the voting area signing the petition shall be calculated from the totals on the
10	certificates of all of the registrars of voters received by the governor. The governor
11	shall issue such proclamation within fifteen days after he receives the certified
12	petitions from all of the registrars of voters in the voting area who have received
13	petitions for certification. If the final day for the governor to issue the proclamation
14	falls on a Saturday, Sunday, or legal holiday, then the next day which is not a
15	Saturday, Sunday, or legal holiday shall be deemed to be the final day for issuing the
16	proclamation. The proclamation shall order the election to be held on the next
17	available date specified in R.S. 18:402(F). If the election is to be held on a primary
18	election date, the proclamation shall be issued on or before the last day for
19	candidates to qualify in the election at least four weeks prior to the opening of the
20	qualifying period for the primary election. If the election is not to be held on a
21	primary election date, then the proclamation shall be issued on or before the fifty-
22	fourth day prior to the election.
23	* * *
24	§1313. Tabulation and counting of absentee by mail and early voting ballots
25	* * *
26	C.(1) If the counting and tabulation of absentee by mail and early voting
27	ballots begins prior to the closing of the polls, such counting and tabulation shall be
28	conducted in a location and manner to prevent disclosure of the results prior to the
29	closing of the polls. Each person except a person providing security to the parish
30	board of election supervisors; a representative of the attorney general, with written

### Page 12 of 21

1	approval of the secretary of state; the clerk of court; the registrar of voters; or a
2	person providing technical assistance pursuant to Paragraph (2) of this Subsection
3	who enters the location in which the absentee by mail and early voting ballots are
4	being counted and tabulated shall remain in that location and shall not be allowed to
5	leave except temporarily, and then only when accompanied by a law enforcement
6	officer, and shall not communicate with any person outside until the polls are closed.
7	The parish board of election supervisors may take any action necessary to ensure that
8	no information with respect to the counting and tabulation of absentee by mail and
9	early voting ballots is transmitted from the location where the absentee by mail and
10	early voting ballots are being counted and tabulated prior to the close of the polls on
11	election day.
12	* * *
13	F. The procedure for counting absentee by mail ballots shall be as follows:
14	* * *
15	(4) If the board determines that an absentee by mail ballot is valid, a member
16	of the board shall write the words "voted by mail" and his initials make a check mark
17	on the absentee by mail voter report beside the name of the voter as it appears on the
18	report and write his initials on each page of the report. If applicable, a member of
19	the board shall tear the flap from the envelope containing the absentee by mail ballot
20	and leave the envelope sealed.
21	* * *
22	§1351. Definitions
23	As used in this Chapter, unless otherwise specified, the following terms shall
24	have the meanings herein ascribed to each:
25	* * *
26	(9) "Protective counter" means a counter, tabulator, or protective device that
27	will register each time the machine is operated <u>during the life of the machine</u> .
28	* * *
29	(14) "Voting system" means the total combination of equipment, including
30	voting machines, used to define ballots, cast and count votes, report or display

### Page 13 of 21

#### HB NO. 563

#### **ENROLLED**

1	election results, and maintain and produce any auditable data and the software,
2	firmware, hardware, and documentation required to program, control, and support
3	such equipment. "Voting system" also includes the vendor's practices and
4	documentation used to identify system components and versions of such
5	components, test the system during its development and maintenance, maintain
6	records of system errors and defects, determine specific system changes made after
7	initial certification, and make available any materials to the voter.
8	* * *
9	§1353. Secretary of state; powers and duties; voting machines systems and system
10	components; voter registration
11	* * *
12	B. The secretary of state shall may prescribe uniform rules and regulations
13	with respect to matters pertaining to the procurement, preparation, and use of voting
14	machines and absentee by mail and early voting counting equipment systems in the
15	conduct of elections and the duties of each category of persons charged with
16	responsibility for any matter relating to the voting machines or absentee by mail and
17	early voting counting equipment systems. The rules and regulations shall be
18	approved by the attorney general and thereafter shall be distributed by the secretary
19	of state to the election officials having responsibilities relating to elections. The
20	rules and regulations shall be applied uniformly throughout the state.
21	C. In addition to any other duties and functions now or hereafter provided
22	by law, the secretary of state shall:
23	(1) Determine general policy and supervise the administration and execution
24	of the laws relating to voting machines systems.
25	(2) Be responsible for all procurement, sales, and transfers of voting
26	machines and absentee by mail and early voting counting equipment systems and
27	system components and for all matters in connection with issuing competitive bids
28	or requests for proposals or the advertising for and opening of bids for or in
29	connection therewith.
30	* * *

### Page 14 of 21

1	§1354. Parish custodian of voting machines; powers and duties; appointment of
2	deputy custodians
3	* * *
4	B. In addition to any other duties vested in him by law, the parish custodian
5	shall:
6	* * *
7	(3) Certify that the candidate counters, question counters, and public
8	counters are set at zero on the machines, and certify to the number on the protective
9	counter or device of the machines prior to the election, as provided in R.S. 18:1373.
10	* * *
11	§1361. Approval of machines and equipment voting systems or system components;
12	certificate; expenses of examination
13	A. The secretary of state may examine any type or make of voting machine
14	system or system component upon the request of a representative of the maker or
15	supplier thereof;. and if he If the secretary of state determines that the machine
16	voting system or system component complies with the requirements of this Chapter
17	and that it meets standards acceptable to him as to durability, accuracy, efficiency,
18	and capacity, he shall approve that type or make of machine voting system or system
19	<u>component</u> for use in this state and shall issue his certificate of approval thereof.
20	Any voting system procured or used in the state shall include a sound-creating device
21	which will audibly indicate that a voter has left the machine after casting his vote and
22	allow for the challenge removal of early voting ballots and may include a voter
23	verification mechanism. In addition, any electronic voting machine system or
24	system component procured or used in the state must have been certified according
25	to the voluntary voting system guidelines developed and maintained by the United
26	States Election Assistance Commission by a voting system test laboratory accredited
27	by the United States Election Assistance Commission. This certificate, together with
28	any relevant reports, drawings, and photographs, shall be a public record.

Page 15 of 21

1	B. Any absentee by mail and early voting counting equipment to be procured
2	for use in this state shall be certified by the secretary of state as meeting standards
3	acceptable to him as to durability, accuracy, efficiency, and capacity.
4	C. The secretary of state may employ experts to assist him in making the
5	examination provided for in this Section. The expenses of the services of such
6	experts, not to exceed a total of five hundred dollars, shall be paid prior to the
7	examination by the person requesting examination of the machine voting system or
8	system component. Experts employed in the examination shall sign the certificate
9	of approval made by the secretary of state. No machine voting system or system
10	component shall be used at any election which has not been approved by the
11	secretary of state as herein provided in this Section.
12	§1362. Method of procuring voting machines systems or system components; parts
13	and supplies; and of contracting for the maintenance of voting machines
14	A.(1) All voting machines systems or system components used in this state
15	shall be procured by the secretary of state, out of state funds appropriated for that
16	purpose, on the basis of a competitive request for proposals process or public bids
17	submitted to the secretary of state in accordance with specifications prepared by him.
18	The specifications may require tests and examinations of the operation of the
19	machines voting systems or system components, and the secretary of state, for that
20	purpose, may employ experts to report thereon and charge the expense thereof to the
21	responders or bidders. Advertisement and letting of contracts for the procurement
22	of voting machines systems or system components shall be in accordance with the
23	Louisiana Procurement Code contained in Chapter 17 of Title 39 of the Louisiana
24	Revised Statutes of 1950.
25	(2) Notwithstanding any provision of law to the contrary, particularly the
26	provisions of Chapter 17 of Title 39 of the Louisiana Revised Statutes of 1950, the
27	secretary of state is authorized to procure directly from the supplier, through the
28	Department of State, voting machine systems or system components, parts, supplies,
29	and other election paraphernalia and to contract with the manufacturer through the

### Page 16 of 21

1	Department of State for the maintenance of the voting machines systems or system
2	components.
3	* * *
4	§1373. Notice of preparation of machines for election; preparation of machines for
5	election; testing and adjusting; examination by candidate or his
6	representative; securing and sealing machines
7	Α.
8	* * *
9	(5) After the machines have been prepared and tested by the secretary of
10	state and examined by each candidate or representative, citizen, or parish board
11	member who is present, the parish custodian shall enclose the registration books or
12	lists and other paraphernalia and shall forthwith seal each machine with a numbered
13	seal. At that time, the parish custodian, in the presence of the candidates or their
14	representatives, parish board members, and any citizens who are present, shall certify
15	to the numbers of the machines;, that all of the public, candidate, and question
16	counters are set at zero; and as to the number registered on the protective counter
17	of the machine.
18	* * *
19	§1375. Duplicate keys
20	Any duplicate or extra keys to the machines shall be sealed in an envelope
21	by the parish custodian and the secretary of state and placed in a safe place. The seal
22	shall not be broken or the keys used in any manner except with the consent of both
23	the parish custodian and or the secretary of state.
24	* * *
25	§1400.3. Election expenses incurred by clerks of court and registrars of voters;
26	payment by secretary of state; payment by governing authorities
27	* * *
28	E. For the purposes of this Section, "election expenses incurred by clerks of
29	court" is defined and limited to the following:
30	* * *

### Page 17 of 21

1	(7) Expenses incurred by a clerk of court to pay for law enforcement officers
2	to control traffic on election day to the extent permitted by R.S. 18:428.
3	* * *
4	§1432. Remedies
5	А.
6	* * *
7	(3) If the trial judge in an action contesting an election on a proposition
8	determines that it is impossible to determine the result of an election, or the number
9	of qualified voters who were denied the right to vote by the election officials was
10	sufficient to change the result in the election if they had been allowed to vote, or the
11	number of unqualified voters who were allowed to vote by the election officials was
12	sufficient to change the result of the election if they had not been allowed to vote, or
13	a combination of these factors would have been sufficient to change the result had
14	they not occurred, the judge may render a final judgment declaring the election void
15	and ordering a new proposition election, or if the judge determines that the
16	appropriate remedy is the calling of a restricted election, the judge may render a final
17	judgment ordering a restricted election, specifying the date of the election, and
18	indicating which voters will be eligible to vote.
19	* * *
20	§1433. Revote in precincts where voting machine because of malfunctions if result
21	cannot be otherwise ascertained
22	A. Notwithstanding the provisions of R.S. 18:1432, if a discrepancy
23	sufficient to change the result of the election between the total votes cast at an
24	election and the votes counted for the candidates in the election or for or against the
25	recall of a public officer occurs as a result of <del>a</del> the malfunction of a voting machine
26	malfunction or results tape and results cartridge, and an accurate count of the votes
27	cast on the malfunctioning machine or results tape and results cartridge cannot be
28	determined by the offering of circumstantial evidence or any other evidence, the
29	court shall order a revote in the precinct where the voting machine or results tape and
30	results cartridge malfunctioned, which shall be limited to those persons listed on the

### Page 18 of 21

10

11

12

13

14

18

19

20

21

29

1	poll list as having cast their ballots in person at the polls in the election in which the
2	machine or results tape and results cartridge malfunctioned.
3	B. Notwithstanding the provisions of R.S. 18:1432, if a discrepancy
4	sufficient to change the result of the election between the total votes cast at an
5	election and the votes counted for the candidates in the election or for or against the
6	recall of a public officer occurs as a result of the malfunction of a voting machine <u>or</u>
7	results tape and results cartridge used for early voting, and an accurate count of the
8	votes cast on the malfunctioning machine or results tape and results cartridge cannot
9	be determined by the offering of circumstantial evidence or any other evidence, the

be determined by the offering of circumstantial evidence or any other evidence, the court shall order a revote of electronic early voting ballots in the parish where the voting machine <u>or results tape and results cartridge</u> used for early voting malfunctioned, which shall be limited to those persons who voted during early voting in the election.

\*

\*

15 Section 2. R.S. 18:104(C)(2), 463(A)(2)(a)(viii), 1300.1, and 1310(C)(1) are hereby 16 amended and reenacted and R.S. 18:104(C)(3) and 463(A)(2)(a)(ix) are hereby enacted to 17 read as follows:

#### §104. Application for registration; form

\* \* C. \* \*

(2) 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.

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

\* \* \*

#### Page 19 of 21

1	§463. Notice of candidacy; campaign finance disclosure; political advertising;
2	penalties
3	А.
4	* * *
5	(2)(a) The notice of candidacy also shall include a certificate, signed by the
6	candidate, certifying all of the following:
7	* * *
8	(viii) Except for a candidate for United States senator or representative in
9	congress or a candidate who resides in a nursing home as defined in R.S. 40:2009.2
10	or in a veterans' home operated by the state or federal government, that if he claims
11	a homestead exemption on a residence pursuant to Article VII, Section 20 of the
12	Constitution of Louisiana, he is registered and votes in the precinct in which that
13	residence is located.
14	(ix) That all of the statements contained in it are true and correct.
15	* * *
16	§1300.1. Recall authorized
17	Any public officer, excepting judges of the courts of record, may be recalled
18	in accordance with the provisions of this Chapter. However, no recall petition may
19	be submitted for certification to or accepted for certification by the registrar of voters
20	or any other official if less than six months remain in the term of office. The
21	secretary of state shall not accept a recall petition for filing if less than six months
22	remain in the term of office. The secretary of state shall endorse the date and time
23	of receipt of such a recall petition, mark "invalid" on the petition, and return the
24	petition forthwith, either personally or by registered or certified mail, to the chairman
25	designated in the recall petition.
26	* * *
27	§1310. Execution of certificate; marking of ballot; casting vote; assistance
28	* * *
29	C.(1) Any person who assists a voter in voting absentee by mail shall
30	execute the acknowledgment on the ballot envelope flap prepared by the secretary

### Page 20 of 21

	HB NO. 563 ENROLLED
1	of state, verifying that the person providing the assistance has marked the ballot in
2	the manner dictated by the voter, and the signature on the acknowledgment by the
3	person providing assistance may serve as the signature of the witness required by
4	<u>R.S. 18:1306(E)(2)(a)</u> .
5	* * *
6	Section 3. R.S. 18:573(D), 1351(2), (3), and (6), 1355, and 1400.6(B) are hereby
7	repealed in their entirety.
8	Section 4.(A) This Section and Sections 1 and 3 of this Act shall become effective
9	upon signature of this Act by the governor or, if not signed by the governor, upon expiration
10	of the time for bills to become law without signature by the governor, as provided by Article
11	III, Section 18 of the Constitution of Louisiana. If this Act is vetoed by the governor and
12	subsequently approved by the legislature, this Section and Sections 1 and 3 of this Act shall
13	become effective on the day following such approval.
14	(B) Section 2 of this Act shall become effective on January 1, 2020.

#### SPEAKER OF THE HOUSE OF REPRESENTATIVES

#### PRESIDENT OF THE SENATE

#### GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: \_\_\_\_\_