
DIGEST

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HB 751 Reengrossed

2020 Regular Session

Dwight

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

Present law (R.S. 18:31) requires the secretary of state to create a state voter registration computer system.

Proposed law retains present law. Provides that the secretary of state must create an annual cybersecurity training for persons with access to the system.

Present law (R.S. 18:106) requires a voter to provide proof of physical disability when registering to vote, if he needs assistance in voting. Further provides that proof of disability can be a certificate of a medical doctor or optometrist certifying to the irremediable nature of the physical disability.

Proposed law retains present law. Allows a physician assistant or nurse practitioner to provide a certificate of physical disability.

Present law (R.S. 18:132) requires the registrar's principal office to be in the parish's courthouse or in close proximity thereto.

Proposed law removes requirement for registrar's office to be in close proximity to the parish courthouse. Further provides that the office can be in any public facility within the parish.

Present law (R.S. 18:154) provides that the electronic mail address of a registered vote shall not be circulated on a commercial list by any voter registration agency or any agency that contracts with the office.

Proposed law allows the electronic mail address of a registered voter who has qualified as a candidate for public office to be shared on such a list.

Present law (R.S. 18:421) provides that the secretary of state must provide cards of instruction, which have been approved by the attorney general, to voters and commissioners.

Proposed law retains present law. Changes "cards of instructions" to "voters' bill of rights posters".

Present law (R.S. 18:463) provides that an agent filing a notice of candidacy on behalf of a candidate must file an affidavit that the agent has the authorization and consent of the candidate to file the notice.

Proposed law requires the affidavit to be signed by the candidate.

Present law (R.S. 18:467) provides that the qualifying period, for candidates in a congressional primary election and those in any special primary election to be held at the same time, shall open on the third Wednesday in July of the year of the election.

Proposed law (R.S. 18:467.2) changes the opening of the qualifying period for candidates in a 2020 congressional primary election and those in any special primary election to be held at the same time. Further provides that the qualifying period of such elections shall open on the fourth Wednesday in July.

Present law (R.S. 18:532) provides that a parish governing authority shall maintain a suitable map showing the current geographical boundaries with designation of precincts and a word description of the precinct geographical boundaries.

Proposed law further requires a parish governing authority to maintain a geospatial shape file, if available, of the precinct boundaries.

Present law (R.S. 18:532.1) allows a parish governing authority to change and adopt the boundaries of an election precinct. Provides that the parish governing authority shall submit proposed changes in precinct boundaries to the secretary and the clerk or their designees on United States Bureau of the Census maps prepared for the next federal decennial census. No change in a precinct boundary may be made by the parish governing authority without prior review and approval by the secretary and the clerk or their designees.

Proposed law prohibits changes to a precinct's boundaries from becoming effective for an election unless the information required by present law is received by the secretary of state prior to 4:30 p.m. at least four weeks prior to the date the qualifying period opens for the election.

Present law (R.S. 18:564) provides that prior to receiving assistance, a voter must file a statement with the registrar providing the reason for voting assistance and providing proof of physical disability. Additionally, provides that a voter may receive voting assistance without the prior statement if he presents proof of physical disability to the commissioner-in-charge on election day. Further provides that proof of disability can be a certificate of a medical doctor or optometrist certifying to the irremediable nature of the physical disability.

Proposed law retains present law. Allows a physician assistant or nurse practitioner to provide a certificate of physical disability.

Present law (R.S. 18:1303) provides that a voter with disabilities who submits to the registrar of voters current proof of disability from a physician may vote absentee by mail.

Proposed law allows a voter with disabilities to also submit proof of disability from an optometrist, physician assistant, or nurse practitioner.

Present law (R.S. 18:1307.1) provides that an application to vote absentee by mail from sequestered jury member must be received by the registrar on the day of the election for which it is requested, and the date received shall be noted thereon by the registrar.

Proposed law changes deadline for receipt of the application by the registrar. Provides that the application shall be received by noon on the day of the election for which it is requested.

Present law (R.S. 18:1309) provides that the registrar may designate an additional early voting location and the hours for early voting at such a location.

Proposed law allows the registrar, with the approval of the secretary of state at least 30 days prior to a primary election and 21 days prior to a general election, to designate the days that the additional early voting location shall be open. Requires the registrar to give notice of the days for early voting at an additional location.

Present law (R.S. 18:1309.1) provides that a candidate, his representative, or any citizen of the state may be present to observe the preparation, testing, and sealing of early voting machines by the registrar of voters.

Proposed law provides that in addition to the registrar of voters, the secretary of state's technicians shall participate in the process of preparing and testing early voting machines. Further provides that the parish board shall participate in the sealing of voting machines.

Present law (R.S. 18:1309.3) provides that prior to receiving assistance during early voting, a voter shall file a statement with the registrar providing the reason for voting assistance and providing proof of physical disability from a medical doctor or optometrist.

Proposed law allows a voter with disabilities to submit proof of disability from a physician assistant or nurse practitioner.

Present law (R.S. 18:1373) provides that the secretary of state shall notify each parish custodian of the time and place at which he will begin preparing and testing the voting machines for an election. The qualifying official shall instruct the candidate to contact the parish custodian for the time and place at which he may observe the preparation, testing, and sealing of the machines by the parish custodian.

Proposed law provides that the candidate shall have an opportunity to observe the preparation and testing of the machines by the secretary of state's technicians.

Present law provides that each candidate or his representative shall have a reasonable opportunity to inspect and review the test vote. The opportunity shall not be less than 30 minutes beginning at the time designated by the parish custodian to seal the machines.

Proposed law changes "test vote" to "report of the test vote". Further provides that the secretary of state will work with the parish custodian in designating the time for the inspection process.

Present law provides that any citizen of the state may be present to observe the preparation, testing, and sealing of the machines by the parish custodian.

Proposed law removes parish custodian and authorizes the secretary of state's technicians to conduct the process of preparing and testing machines.

Present law provides that after the machines have been prepared and tested by the secretary of state and examined by each party who is present, the parish custodian shall enclose the registration books and seal each machine.

Proposed law provides that the secretary of state's technicians shall conduct the inspection and testing instead of the secretary of state. Further provides that the parish board, not the parish custodian, shall confirm the enclosure of the registration books and seal each machine.

Present law (R.S. 18:1400.3) provides that "election expenses incurred by registrars of voters" means expenses of an extraordinary nature that are incurred by a registrar of voters for an election and that have received prior approval of the secretary of state.

Proposed law allows the secretary of state's designee to give prior approval of such expenses.

Present law provides that "election expenses incurred by clerks of court" means expenses of an extraordinary nature that are incurred by a clerk of court for an election and that have received prior approval of the secretary of state.

Proposed law allows the secretary of state's designee to give prior approval of such expenses.

Present law (R.S. 18:1406) provides that the clerk of court shall immediately notify the secretary of state by telephone and by written notice sent by certified mail when an action objecting to the calling of a special election, objecting to candidacy, contesting the certification of a recall petition, or contesting an election has been filed.

Proposed law provides that electronic mail and facsimile are the written methods for providing such notice.

Present law (R.S. 18:1461.7) provides that a physician shall not certify to the disability of a voter or certify that a person will be hospitalized on election day, knowing such information to be false.

Proposed law adds that an optometrist, physician assistant, and nurse practitioner shall not certify to the disability of a voter or certify that a person will be hospitalized on election day, knowing such information to be false.

Present law (R.S. 18:1945) provides that a local governing body must submit an electronic shapefile which reflects its redistricting plan or an ASCII, comma delimited block equivalency import file which indicates the census block assignments in accordance with its redistricting plan to the secretary of state.

Proposed law provides that no redistricting plan shall be implemented unless the information required in present law is received by the secretary of state prior to 4:30 p.m. four weeks prior to the date the qualifying period opens.

Effective upon signature of the governor.

Present law (R.S. 18:115) requires a person, who registered to vote by mail but has not previously voted in the parish in which he is registered, to vote during early voting in the registrar of voters' office or in person at the precinct in which he is registered to vote.

Proposed law provides that present law does not apply to a person who was registered to vote in another parish and previously voted in the other parish.

Present law (R.S. 18:463) requires notice of candidacy to be in writing, state the candidate's name, the office he seeks, the address of his domicile, and the parish, ward, and precinct where he is registered to vote.

Proposed law additionally requires the notice of candidacy to include the candidate's telephone number and his electronic mail address, if available.

Effective Feb. 1, 2021.

Present law (R.S. 18:1309) provides that only a certified commissioner may be selected to serve as an early voting commissioner.

Proposed law removes present law. Requires a person to receive a certificate of instruction, attend a course of instruction for early voting commissioners, and receive a certificate of instruction from the registrar of voters to serve as an early voting commissioner.

Effective Jan. 1, 2022.

(Amends R.S. 18:31(A), 106(C)(2)(a), 132(A), 154(C)(1)(f), 421(B), 435(A)(1)(b), 463(A)(1)(a) and (c), 532(C) and (D), 532.1(A), (D)(1)(b)(i), and (F), 553(B)(5), 564(D)(1)(a)(i) and (2)(a)(i) and (b), 573(E)(1), 1303(I)(1)(c), 1307.1(B), 1309(B), (E)(1), and (K)(1), 1309.1, 1309.3(D)(1)(a)(i), 1373(A), 1400.3(D)(4) and (E)(4), 1402(A), 1406(D), 1461.7(A)(4) and 1945; Adds R.S. 18:113.1, 115(F)(2)(e), 467.2, and 532.1(C)(4); Repeals R.S. 18:467.2)

Summary of Amendments Adopted by House

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

1. Add provisions to move qualifying period of 2020 congressional primary election and provide for the subsequent repeal of such provisions.

2. Remove proposed reduction of number of witnesses required on certain election documents for persons who can only affix their mark.

The House Floor Amendments to the engrossed bill:

1. Make technical changes only.