

RÉSUMÉ DIGEST

ACT 91 (HB 496)

2023 Regular Session

Stefanski

Duties of the Department of State and Registrars of Voters

Existing law (R.S. 18:103, 109) requires that notices of registration be mailed to newly registered voters and voters who have changed their registration.

Prior law required each registrar of voters to mail such notices. New law instead requires the Dept. of State (the department) to mail such notices.

Existing law (R.S. 18:104) requires the registrar of voters to furnish an applicant for voter registration with a copy of his application form.

New law requires that the copy be furnished without redaction.

Existing law (R.S. 18:154(B)) requires the registrar of voters to permit the copying of any part of his records upon the written request of 25 or more qualified voters. Existing law provides for exceptions.

New law further provides that a candidate may request any part of the registrar's records related to the candidate's election contest without meeting the requirement that the request be made by 25 or more voters if the request is received within nine days of the date of the election.

Existing law (R.S. 18:154(C)(2)(d) and 175) requires the department to provide the clerk of court with the date of birth of a registered voter for purpose of preparing the general venire selection.

Prior law required the registrar of voters to provide the clerk of court with the same information.

New law repeals prior law, thereby placing the duty on the department alone.

Existing law (R.S. 18:154(D)) prohibits the registrar of voters, the clerk of court, and the department from disclosing the name and address of a law enforcement officer if the employing agency has provided certification to the registrar that the officer is engaging in hazardous activities.

Prior law required that the employing agency also provide the certification to the department. New law removes prior law.

New law requires the registrar to indicate such certification in the state voter registration computer system.

Existing law (R.S. 18:154(J)) prohibits the registrar, the clerk of court, and the department from disclosing the address or telephone number of an early voting commissioner, commissioner-in-charge, or commissioner who is certified to serve in an election.

New law limits the prohibition to disclosure of such information within a list of commissioners only and extends the same protection to alternate commissioners.

Qualifying and Election Dates

Existing law (R.S. 18:1280.21 and 1280.22) provides that qualifying for the presidential primary opens on the third Wednesday in December and the presidential primary is held on the last Saturday in March.

New law (R.S. 18:402) removes references to an alternative election date for other offices in presidential election years.

Filling of Vacancies in Political Party Committees

Existing law (R.S. 18:443, 443.2, 444, and 445) provides for the filling of vacancies in the state central committee and parish executive committees of recognized political parties.

New law (R.S. 18:448) requires the committees to provide notice to the secretary of state once a vacancy is filled and include the name of the appointed member, the address of his domicile, and the effective date of his appointment.

Existing law (R.S. 18:581 and 585) defines "vacancy" for purposes of the filling of vacancies in elective office.

New law applies the same definition for purposes of the filling of vacancies in state central committee and parish executive committees of recognized political parties.

Prior law (R.S. 18:445(A)(3)) provided that for a remaining vacancy in the initial membership of a parish executive committee of a recognized political party with which more than 30% of the registered voters of the state are affiliated created by the failure of any qualified voter registered in the parish and affiliated with the party to qualify as a candidate for a position on the committee after a public meeting, the chairman of the state central committee would appoint a qualified voter registered in the parish.

New law repeals prior law.

Absentee and Paper Ballots

Existing law (R.S. 18:566 and 566.2) provides for the use of provisional paper ballots in provisional voting for federal office. Existing law (R.S. 18:1306, 1308, 1308.1, 1309, 1310, 1313, 1313.1, 1315, and 1333) provides for the use of paper ballots for absentee voting by mail and early voting.

Prior law required that such paper ballots include a certificate in the form of an envelope flap.

New law removes prior law.

Existing law (R.S. 18:574) provides for computation of certain time intervals related to the compilation and promulgation of returns and specifically provides that if one or more of the duties required to be performed on the fifth, sixth, seventh, or fourteenth day after an election are delayed because of a Saturday, Sunday, or other legal holiday, the duties which follow will be delayed a like amount of time.

New law applies the same provisions for computation of time intervals to those related to compiling and promulgating absentee by mail and early voting returns.

Existing law (R.S. 18:1313.1) authorizes all parishes to conduct the preparation and verification process for the tabulation and counting of absentee and early voting ballots for a primary or general election the day before the election.

New law (R.S. 18:1313(A)) creates consistency with existing law throughout the Election Code.

Miscellaneous Technical Changes

Existing law (R.S. 18:192, 193, 195, 196, 198, 562, 565, 571, 573, 1315, and 1333) provides that the registrar of voters utilize an address confirmation card to confirm the address of a registered voter. New law instead provides for use of an address confirmation notice.

Existing law (R.S. 18:1309, 1312, 1313, 1313.1, 1315, and 1333) requires that at certain steps of the ballot counting process, ballots and other voting paraphernalia be placed in a ballot envelope or container. New law removes the envelope option and requires the container to be secure.

New law makes several additional technical changes for structure, accuracy, and clarity.

Effective upon signature of governor (June 6, 2023).

(Amends R.S. 18:103(B)(4) and (C)(4), 104(F), 109, 115.1(C)(1), 154(B)(1) and (2), (C)(2)(d), (D), (F), (G), and (H), 175(D), 192(A)(1)(b) and (2), 193(B) - (E), 195(A) and (B)(1), 196(A)(1), (B), (C)(2)(a) and (3), and (D), 198, 402(C), (E)(1)(c) and (2)(c), and (F)(3), 444(H)(2), 467(3), 562(B)(2), 565(B) and (C), 566(B)(intro. para.) and (1) and (D)(intro. para.) and (1), 566.2(F)(2) and (4) - (6) and (G), 571(A)(8), 573(E)(1), (2), and (4), 574(F), 581(3), 1280.22(B)(1), 1300.3(E), 1306(E)(1)(intro. para.) and (d) and (2)(a), 1308(A)(1)(b) - (d) and (2), 1308.1(A), 1309(E)(5)(b)(ii) and (F)(3), 1310(A)(1) and (C)(1), 1312(B) and (C), 1313(A), (C)(2), (G)(1), (2), (4) - (6), and (9), (H)(1), (4), (6) - (8), (11), and (12)(b), (I), and (K)(1), (2)(a)(i) and (c), and (3), 1313.1(C)(3), (G)(1)(a), (2), and (4) - (7), (H)(1), (3) - (5), and (8), (I)(1) and (4)(b), (J), (L)(1), (2)(a) and (c), and (3), 1315(C)(2) and (3), and 1333(E) and (G)(1), (3), and (7); Adds R.S. 18:154(C)(1)(h), 448, 467(5), and 1308(D); Repeals R.S. 18:110(A)(3), 154(I) and (J), 443(F), 443.2(6), 444(F), 445(A)(3), and 585)