
DIGEST

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HB 677 Original

2024 Regular Session

Beaulieu

Abstract: Makes revisions to the system of laws providing for elections.

Voter registration and applications; disclosures

Present law (R.S. 18:110) provides for a registered voter to have his name cancelled from the file of eligible voters by filing a written statement with registrar of voters.

Proposed law retains present law and requires that the written statement be signed by the registrant.

Present law (R.S. 18:154) provides that the records of each registrar are public records and at all times during office hours shall be open to inspection, with exceptions. Proposed law retains present law.

Present law prohibits disclosure by the Dept. of State, registrar of voters, or clerk of court of an application to vote absentee by mail, or information contained therein, until the applicant has returned his voted ballot to the registrar.

Proposed law additionally prohibits disclosure of the status of a voted ballot, and prohibits disclosure of all such information until the registrar accepts the voted ballot.

Present law (R.S. 18:154(G)) prohibits disclosure by the Dept. of State of votes that are void because of the death of a candidate, withdrawal of a candidate, resignation of a public officer subject to a recall election, or disqualification of a candidate.

Proposed law additionally prohibits the registrar of voters and clerk of court from disclosing the same.

Present law (R.S. 18:193) provides that a voter on the inactive list of voters who fails to respond to an address confirmation notice shall remain on the inactive list of voters until his address is confirmed or not later than a period of two regularly scheduled federal general elections, at which time the registrar shall cancel the voter's registration.

Proposed law retains present law except to provide that the Dept. of State, rather than the registrar, shall cancel the voter's registration.

Present law (R.S. 18:173) requires the secretary of the Dept. of Health to send to the Dept. of State

a report including certain identifying information of any person 16 years or older who died in each parish within the preceding calendar month. Further provides for the Dept. of State or registrar of voters to cancel the registration of deceased persons based upon the information received from the Dept. of Health. Proposed law retains present law.

Present law (R.S. 18:173(B)) also requires the parish health officer to send notice to the registrar of voters of the death of each person in the parish during the preceding month. Proposed law repeals present law.

Present law requires the registrar of voters to search obituaries for deceased persons whose registrations were not cancelled. Requires the registrar to use information from an obituary notice to cancel a deceased voter's registration if the notice provides sufficient information to properly identify the voter and requires the registrar to confirm the voter's death with the office of vital records. Proposed law retains present law except to repeal the requirement the registrar confirm the voter's death with the office of vital records.

Election commissioners; qualifications

Present law (R.S. 18:434) provides that an election commissioner may be removed for cause by the parish board of election supervisors at any time after his selection and before the closing of the polls on election day. Proposed law retains present law.

Present law provides that a commissioner removed for cause shall not serve as a commissioner in any election for 12 months after his removal.

Proposed law instead to provides that a commissioner removed for cause shall not serve as a commissioner in any future election.

Candidates

Present law (R.S. 18:491 and 492) requires the Supervisory Committee on Campaign Finance Disclosures and the Board of Ethics to object to a person's candidacy for elected office on certain grounds. Present law (R.S. 18:494) further provides for the disqualification of the candidate when an objection to candidacy is sustained.

Proposed law clarifies that a candidate may be disqualified when an objection is sustained on any of the grounds for which the Supervisory Committee on Campaign Finance Disclosures or the Board of Ethics is required to file an objection.

Elections

Present law (R.S. 18:512) provides that if there is a tie vote in a general election, the election shall be returned to the people on the third Saturday after the date on which the results in the election were promulgated.

Proposed law instead provides that the election following a tie vote shall occur on the fourth Saturday after the general election date at which the tie vote occurred.

On the day of an election, after the results are printed from the voting machines and all election paperwork is complete, present law (R.S. 18:572) requires the commissioner-in-charge at each polling location to immediately mail to the secretary of state the envelope marked "Secretary of State's Envelope" and separately deliver to the clerk of court certain items and documents in a clear plastic zipper bag.

Proposed law instead requires the commissioner-in-charge to include the envelope marked "Secretary of State's Envelope" in the clear plastic zipper bag along with the other items and documents required by present law and deliver it to the clerk of court.

Present law (R.S. 18:574) requires the secretary of state to promulgate the returns for the election for candidates other than state candidates by transmitting the returns to the East Baton Rouge Parish clerk of court, who shall then post the notice in a prominent place in his office.

Proposed law instead requires the secretary of state to promulgate the returns for the election for candidates other than state candidates by publishing them on the secretary of state's website.

For a presidential preference primary election, present law (R.S. 18:1280.21) authorizes the state central committee of a recognized political party to allow in its bylaws for electors who are not affiliated with any political party to cast a vote on the ballot of the political party. Proposed law retains present law.

Present law further requires the state central committee to notify the Dept. of State of such authorization no later than seven days prior to the opening of qualifying for the presidential preference primary. Further provides that such notification shall be valid and effective for subsequent presidential preference primaries unless the state central committee notifies the Dept. of State that its bylaws no longer allow for such voting by non-affiliated electors no later than seven days prior to the opening of qualifying for a presidential preference primary.

Proposed law retains present law except to require the state central committee to provide such notifications the Dept. of State no later than 60 days, rather than seven days, prior to the opening of qualifying.

Campaign Finance

Present law (R.S. 18:1491.1) requires political committees to file disclosure reports of contributions and expenditures with the Board of Ethics on a certain schedule. Also requires political committees to file a statement of organization within 10 days of its organization or its knowledge of the receipt or expenditure of contributions in excess of \$500 and annually between Jan. 1 and Jan. 31. Proposed law retains present law.

Present law (R.S. 18:1505.4) provides that any candidate, the treasurer or chairman of a political

committee, or any other person required to file disclosure reports with the Board of Ethics, who knowingly fails to file or timely file any such reports may be assessed a civil penalty for each day until such report is filed. Imposes a fee of \$200 per day, not to exceed \$3,000, for the treasurer or chairman of any political committee supporting or opposing a candidate. Imposes a fee of \$40 per day, not to exceed \$1,000, for the treasurer or chairman of any political committee not supporting or opposing a candidate, but only supporting or opposing any proposition or question submitted to the voters or any recall of a public officer.

Proposed law extends the penalty for failure to file to political committees who fail to file or timely file the required statement of organization.

Present law (R.S. 18:1551, et seq.) provides for the administration of the campaign account of a deceased candidate when the candidate dies leaving a deficit. Provides that the personal representative of the estate of the deceased candidate shall be responsible for the filing of required reports. Proposed law retains present law and provides for the same for the administration of the campaign account of a deceased candidate when account contains a surplus.

Present law (R.S. 18:1505.2) provides that excess campaign funds may be returned to contributors on a pro rata basis, given as a charitable contribution, given to a charitable organization, or expended in support of or in opposition to a proposition, political party, or candidacy of any person.

Proposed law expressly provides that the excess funds in a campaign account of a deceased candidate shall be expended as provided in present law within two years of the candidate's death.

Local option elections

Present law (R.S. 26:581, et. seq.) provides that upon the petition of not less than 25% of the qualified electors residing in any ward, election district, or any incorporated municipality, the governing authority shall order a referendum election to be held to determine whether or not the business of selling alcoholic beverages shall be conducted and licensed therein. Further sets forth the form and contents of the petition and the language to be included on the ballot.

The language prescribed by present law to be included on the petition and on the ballot are inconsistent. Proposed law makes the language on the petition consistent with the language on the ballot.

(Amends R.S. 18:110(D), 154(F)(3), 173(D), 193(A) and (E), 423(H)(2), 434(F), 494(A), 512(C), 572(A)(1) and (2)(a), 574(E)(1), 1259(B)(2)(b), (4), and (6), 1280.21(C), 1406(C), the heading of Part VIII of Ch.11 of Title 18 of the La. Revised Statutes of 1950, 1551, 1553, 1554, and 1555(B), and R.S. 26:584(B)(4); Adds R.S. 18:154(F)(8) and 1505.4(E); Repeals R.S. 18:154(G) and 173(B))