

RÉSUMÉ DIGEST

ACT 386 (HB 592)

2025 Regular Session

Beaulieu

Voter Registration

Existing law (R.S. 18:108) provides that any voter whose registration has been canceled because the voter has registered in another parish or in another state, if such voter makes application to register in the parish in which he was previously registered to vote, may have his previous registration reinstated.

Prior law required that the application to register be filed within three years after the cancellation of his registration in order to have the prior registration reinstated.

New law repeals prior law.

Existing law (R.S. 18:111) requires a registered voter to submit certain documentation if the voter changes his name. New law authorizes the voter to present his La. driver's license number, La. special identification card number, or social security number.

Prior law prescribed the names that a married woman could use for registration, including her maiden name, her present husband's name, or a hyphenated combination thereof. New law instead provides that a married person may be registered using the surname of either or both spouses as a surname, or in a hyphenated combination thereof and allows the use of the person's La. driver's license number, La. special identification card number, or social security number to make the change.

Polling Places

Existing law (R.S. 18:401.2) provides for the relocation of polling places during a state of emergency. New law further provides for the consolidation of polling places or providing for multiple polling places in a precinct during a state of emergency.

Existing law (R.S. 18:425.1 and 1286.1) provides for the consolidation of polling places. New law specifies that the consolidation applies so that when a single location serves as a polling place of more than one precinct, the consolidation may provide for the single polling place to serve every precinct assigned to that location.

Existing law (R.S. 18:1363) provides for the allocation of voting machines for each voting precinct. Prior law provided that three machines shall be allocated to each precinct where more than 1,000 voters but not more than 1,400 voters were registered to vote and four machines shall be allocated where more than 1,400 voters are registered. New law instead provides that three machines shall be allocated to precincts where more than 1,000 and less than 1,800 voters are registered to vote and four machines shall be allocated where more than 1,800 voters are registered.

Commissioners and Watchers

Existing law (R.S. 18:425 and 426) provides for qualifications, powers, and duties of commissioners and alternate commissioners.

Prior law (R.S. 18:426(B)) provided that an alternate commissioner who does not replace a commissioner shall have the same powers and duties as a watcher. New law repeals prior law.

New law (R.S. 18:1286(C)) provides that when the number of commissioners for each precinct in an election called on a general election date is less than the number of commissioners chosen for the primary election date, the appropriate number of commissioners shall be chosen from the list of commissioners who worked at the precinct for the primary election.

Existing law provides that no person who is required to register as a sex offender or child predator may serve as a commissioner or commissioner-in-charge. New law (R.S. 18:1309(N)(2)) further provides the same for early voting watchers.

Prior law (R.S. 18:434) provided that the parish board of election supervisors shall meet at 10:00 a.m. on the 29th day before a primary election. New law instead provides that the parish board shall meet on the second day after the close of registration.

Existing law (R.S. 18:435) authorizes political parties to designate super watchers. New law further authorizes political parties to designate alternate super watchers and provides that both a political party super watcher and an alternate political party super watcher may serve on election day, except that the political party super watcher and alternate political party super watcher may not serve at the same time and no more political party super watchers and alternate political party super watchers may serve at one time than the number of political party super watchers otherwise allowed to serve.

Existing law (R.S. 18:1462) prohibits certain activities within 600 feet of a polling place on election day and authorizes a registrar, deputy registrar, commissioner-in-charge, or commissioner to summon law enforcement for the purposes of enforcing existing law and seize, remove, or destroy prohibited materials. New law additionally authorizes the clerk of court to take such actions.

Ballots

Existing law (R.S. 18:1259) provides for the arrangement of the ballot. New law changes the arrangement of the ballot to account for closed party primary candidates and provides that candidates nominated by nominating petition are listed alphabetically by the first word of the political principle designated in the notice of candidacy.

Existing law (R.S. 18:1300.11) provides for the arrangement of ballots for recall elections and provides specific words that must appear on the ballot. Prior law required ballots be provided and supplied in the same manner as ballots for general elections and include the name and number of the election district, the location of the polling place, the dates of the election, and instructions for voting. New law repeals prior law.

New law (R.S. 18:1310(E)) provides that if a voter is notified by the registrar of voters in his parish of a deficiency on his absentee by mail ballot certificate that must be cured, he may obtain a replacement ballot from the registrar and the registrar may make the ballot available via hand delivery to the voter or an immediate family member of the voter.

For the presidential preference primary election, prior law (R.S. 18:1280.21) authorized the state central committee of a recognized political party to allow in its bylaws for electors who were not affiliated with any political party to cast a vote on the ballot of such recognized political party. New law repeals prior law.

Prior law (R.S. 18:1313 and 1313.1) required the parish board of election supervisors to *announce* certain results after counting absentee by mail and early voting ballots. New law instead provides that the board shall *post*, rather than announce, the results.

Existing law requires the governing authority or entity submitting a question or proposition to the voters (R.S. 18:1299.1) or for a bond, debt, or tax election (R.S. 18:1284) to prepare the question or proposition for the ballot and requires the proposition to be comprised of simple, unbiased, concise, and easily understood language in the form of a question. Further prohibits the question from exceeding 200 words and including words that are struck through, underscored, or in boldface type.

Prior law provided that the secretary of state was responsible for ensuring that the proposition complies with existing law.

New law instead provides that the governing authority, rather than the secretary of state, is responsible for ensuring the proposition is comprised of simple, unbiased, concise, and easily understood language. For bond, debt, and tax elections, requires the governing authority to

ensure that the proposition is in the form of a question. New law requires the secretary of state to ensure that the proposition does not exceed 200 words and does not include words that are struck through, underscored, or in boldface type. For proposition elections, requires the secretary of state to ensure that it is in the form of the question.

Election Dates

Existing law (R.S. 18:402, 434, 1285, 1300, and 1300.7) provides for the calculation of dates related to the administration of elections. New law provides that if a deadline falls on a Saturday, Sunday, or legal holiday, then the deadline shall be the following day which is not a Saturday, Sunday, or legal holiday.

Existing law (R.S. 18:402) provides for prohibited election days. New law provides that the three days following Thanksgiving Day are prohibited election days.

Prior law (R.S. 18:1280.21.1) provided for the presidential preference primary election in 2020. New law repeals prior law.

Closed Party Primaries

New law (R.S. 18:401.1(H)) provides that a vacancy in a party primary office that may not be filled by appointment, designation, or in accordance with the timeframes required by law shall constitute an emergency. If the vacancy may not be filled in a timely manner in accordance with the election dates provided by existing law, the governor may proclaim a state of emergency for purposes of calling a special election to fill the vacancy. Following the issuance of the emergency proclamation, the authority required by law to call a special election to fill the vacancy in office shall, in consultation with and with the certification of the secretary, issue a proclamation ordering a special election. The proclamation ordering the special election shall include the dates for qualifying, early voting, the primary election, the general election, and at least one party primary election and make all provisions necessary to conduct an election in a timely manner notwithstanding the dates, timing, and delays otherwise provided by existing law.

New law (R.S. 18:402) designates dates to be used for the first and second party primary election for a special election called to fill a vacancy in a party primary office.

Existing law (R.S. 18:410.1) provides that only certain political parties may participate in closed party primaries. Prior law designated such parties as "recognized political parties" for purposes of closed party primaries. New law instead designates such parties as "major political parties".

Existing law (R.S. 18:410.3) provides that voters not affiliated with a political party may vote in a party primary. New law provides that if an unaffiliated voter chooses to vote in the first party primary of one political party, the unaffiliated voter shall not vote in the second party primary of another political party.

New law provides that if an unaffiliated voter receives an absentee ballot for the first party primary for a certain recognized political party in an election for a party primary office and would like to choose the ballot for the first party primary of a different recognized political party before his ballot has been cast and returned to the registrar, he may obtain a replacement ballot from the registrar.

Existing law (R.S. 18:501) provides that a candidate in a primary election may withdraw from the election by filing notice of his withdrawal with the secretary prior to 4:30 p.m. on the seventh day after the close of the qualifying period. New law further provides that a candidate in a first party primary election may withdraw from the election by filing notice of his withdrawal with the secretary prior to 4:30 p.m. on the seventh day after the close of the qualifying period.

Existing law provides that a candidate in a general election may withdraw from the election by filing notice of his withdrawal with the secretary prior to 4:30 p.m. on the ninth day after the date of the primary election. New law further provides that a candidate in a general

election for a party primary office may withdraw from the election by filing notice of his withdrawal with the secretary prior to 4:30 p.m. on the ninth day after the second party primary election date, regardless of whether a second party primary election is held.

Existing law (R.S. 18:1307) authorizes a person entitled to vote absentee by mail to request in his application for an absentee ballot for a primary election that an absentee ballot for the succeeding general election be sent to him when such ballots become available for distribution. New law provides that a party primary election and the succeeding general election for a party primary office are two separate elections and that separate requests shall be made to vote absentee by mail for the party primary election and for the succeeding general election. Further provides that the registrar shall not send an absentee ballot for a closed party primary election for which the voter is not eligible.

Prior law (Act No. 640 of the 2024 R.S.) provided that provisions related to closed party primaries adopted in the 2024 First Extraordinary Session of the Legislature and the 2024 Regular Session of the Legislature would be effective for purposes of qualifying for elections in 2026 and for other activities and requirements related to the conduct of elections in 2026 on August 1, 2025, and would become effective for all other purposes on January 1, 2026.

New law instead provides that provisions of existing law related to closed party primaries become effective for purposes of qualifying for elections in 2026 and for other activities and requirements related to the conduct of elections in 2026 on June 12, 2025 and for all other purposes on January 1, 2026.

Duties of the Secretary of State

Prior law (R.S. 18:18(D) and 154) authorized the secretary of state (secretary) to enter into cooperative agreements with the Electronic Registration Information Center. New law repeals prior law and instead authorizes the secretary to enter into written agreements with other state and federal governmental agencies and private vendors that provide voter registration eligibility or address data.

Existing law (R.S. 18:1409) provides for actions objecting to candidacy. New law provides that neither the secretary nor any employee engaged in the administration of or charged with the custody of any records or files of the Dept. of State shall be subject to subpoena or otherwise required to appear in court for an objection to candidacy. Further provides that in lieu of live testimony for any action filed, a properly executed affidavit issued by the secretary of state or his designee shall serve as sufficient confirmation as to the accuracy of the records and files of the Dept. of State for such purposes.

Existing law (R.S. 18:1371) provides procedures for bids for the contract for the delivery of voting machines and authorizes the governing authority of the parish or municipality in which the voting machines are to be used to submit bids and be awarded such contracts.

Prior law required the secretary of state to notify the parish governing authority of the contract and that the parish governing authority is allowed to bid on such contract. New law repeals prior law.

Existing law (R.S. 18:1309.1) provides that a candidate or his representative may be present to observe the preparation and testing of machines. New law specifies that the secretary of state's technicians, and not the registrar of voters, conducts the testing.

Miscellaneous

Existing law (R.S. 18:25) requires the State Board of Election Supervisors (state board) to annually report to the House and Governmental Affairs Committee and the Senate and Governmental Affairs Committee its findings, observations, and recommendations concerning all aspects of elections.

Prior law required the report be submitted no later than January 31st of each year. New law instead requires the report be submitted no later than 45 days prior to the start of each regular session of the legislature.

Existing law (R.S. 18:1333) provides that participants in the nursing home early voting program shall remain enrolled in the program indefinitely except if certain actions are taken. New law provides that if a notification letter sent by the registrar of voters to the participant is returned as undeliverable, the registrar shall mail an address confirmation notice to the voter.

Existing law (R.S. 18:1401(C)) authorizes a qualified elector to bring an action objecting to any election in which any proposition is submitted to the voters if he alleges that except for irregularities or fraud in the conduct of an election the result would have been different.

Existing law (R.S. 18:1405(C)) provides that the action contesting an election on a proposed constitutional amendment shall be instituted not later than 4:30 p.m. of the 10th day after the official promulgation of the results of the election. New law further provides that the action shall be instituted no earlier than the day after the election.

Existing law (R.S. 18:1501.3) authorizes the governor to receive contributions for gubernatorial transition and inauguration and requires the governor to report within 60 days following the inauguration and annually thereafter to report certain information regarding such contributions. New law provides that each report shall be complete through January 31st.

Existing law (R.S. 18:2(4)) defines "immediate family" to include children and spouses of children, siblings and spouses of siblings, parents, spouse, and parents of spouse. New law additionally includes grandparents and grandchildren as "immediate family".

New law (R.S. 18:2(20)) defines "affidavit" as an oath or affirmation signed by the affiant before a notary public, or before a commissioner-in-charge, commissioner, registrar of voters, deputy registrar of voters, early voting commissioner, or secretary of state election staff, as specifically required in existing law.

New law (R.S. 18:2(21)) defines "attestation" as an oath or affirmation signed by the person making the oath or affirmation.

New law changes references to "affidavit" that do not meet the new law definition of "affidavit" to instead refer to an "attestation". Changes references to "attestation" that do not meet the new law definition of "attestation" to instead refer to a "statement".

Existing law (R.S. 14:123) provides for the crime of perjury subject to the criminal penalty of by a fine of not more than \$10,000 or imprisonment at hard labor for not more than five years, or both. New law (R.S. 18:1461.7) further provides that any person who intentionally makes a false statement in an attestation shall be guilty of the crime of perjury, subject to the penalties provided in existing law.

Effectiveness

Provisions of new law related to closed party primaries become effective for purposes of qualifying for elections in 2026 and for other activities and requirements related to the conduct of elections in 2026 on June 12, 2025, and for all other purposes on January 1, 2026.

Provisions of new law not related to closed party primaries become effective August 1, 2025.

(Amends R.S. 18:2(4), 18(D), 25(B), 104(C)(1)(intro. para.), 108(A) and (C), 111, 154(C)(2)(e), 192(A)(1) and (2), 401.2(A) and (B)(intro. para.), (1), (2), and (3), 402(A)(1), (D), (E)(1)(intro. para.), and (G)(1), 410.1-410.3, 410.4(B), 410.5(A), 410.6(B)(1) and (2), 410.7, 410.8, 410.9(A), 425.1, 426(A) and (B), 434(A)(intro. para.) and (1), 435(A)(4)(b) and (c) and (B)(1), 501(A)(1), (B)(1), and (C), 531(B), 533(A)(2) and (B)(1), 534(A) and (B)(1) and (2)(a), 551(B), (C)(1)(c)(i) and (2), and (D), 553(E)(2), 571(A)(8), 573(E)(1) and (4), 1259(B)(6) and (C), 1279, 1280.21(B), 1284(F)(1), 1285(B)(1)(a), 1286.1, 1299.1, 1300(C)(1), 1300.2(C)(2)(b), 1300.7(A), 1300.11, 1306(E)(1)(f), 1307(E), 1309(D)(1)(c) and (d) and (2), (E)(1), (H), and (N)(2), (5), and (7), 1309.1(A), 1313(F), (H)(3), and (K)(1), 1313.1(F), (I)(2), and (L)(1), 1315(D)(1), 1333(D)(2) and (E), 1362.1(L), 1363(A)(3) and (4), 1405(C), 1462(F), 1501.3(C)(intro. para.), §2 of Act No. 1 of the 2024 1st E.S., and §5 of

Act No. 640 of the 2024 R.S.; Adds R.S. 18:2(20) and (21), 401.1(H), 1280.31, 1284.1, 1286(C), 1307(L), 1310(E) and (F), 1333(D)(3), 1409(K), and 1461.7(E); Repeals R.S. 18:1280.21(C) and (D), 1280.21.1, 1371(A)(2)(c), and §2 of Act No. 640 of the 2024 R.S.)