

Regular Session, 2014

HOUSE BILL NO. 383

BY REPRESENTATIVE TIM BURNS

ELECTION CODE: Makes revisions to the La. Election Code

1 AN ACT

2 To amend and reenact R.S. 18:58(B), 104(A)(15), 154(C)(1)(introductory paragraph),  
3 (D)(3), and (G)(introductory paragraph), 425(A)(1)(b), 433(B)(8), 435(B),  
4 465(E)(1)(a), 531.1(B), 571(A)(6) and (7), 573(B), 1284(F)(1), 1299.1(A),  
5 1300.3(A) and (B)(1), 1300.7(A), 1300.32(A) and (B)(1), 1308(A)(1)(b), (h)(i), and  
6 (i), 1309(M)(1)(a), 1353(B) and (C)(2), 1361(A) and (B), and 1362, to enact R.S.  
7 18:154(D)(4) and (F)(3), and to repeal R.S. 18:174 and Part I-A of Chapter 5 of Title  
8 18 of the Louisiana Revised Statutes of 1950, comprised of R.S. 18:411 through 417,  
9 relative to the Louisiana Election Code; to revise the system of laws comprising the  
10 Louisiana Election Code; to provide relative to the duties of registrars of voters; to  
11 require registrars to assign voters according to voting districts; to provide deadlines;  
12 to provide relative to requirements and procedures for application for voter  
13 registration; to provide relative to disclosure of certain voter information; to repeal  
14 provisions requiring certain reports regarding changes of name and remarriage; to  
15 repeal provisions applicable to certain elections held in 1992; to provide relative to  
16 the selection of commissioners and commissioners-in-charge; to provide relative to  
17 the deadline for filing a list of watchers; to provide relative to the deadline for  
18 submitting a nominating petition; to provide relative to notification that a polling  
19 place will not be opened; to provide relative to the counting and tabulation of votes;  
20 to provide relative to the verification of election results; to provide relative to  
21 requirements for a proposition submitted to the voters at an election; to provide

relative to the deadline for certifying a recall petition; to provide relative to the deadline for removing or adding a signature to a recall petition; to provide relative to the deadline for the governor to issue a proclamation ordering a recall election; to provide relative to certain deadlines for petitions relative to neighborhood and crime prevention districts; to provide relative to early voting at additional locations; to provide relative to procedures and requirements for absentee voting by mail; to provide relative to voting machines and absentee by mail and early voting counting equipment; to provide relative to the authority of the secretary of state relative to voting machines and absentee by mail and early voting counting equipment; to provide relative to the ownership of voting machines; to provide for effectiveness; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 18:58(B), 104(A)(15), 154(C)(1)(introductory paragraph), (D)(3), and (G)(introductory paragraph), 425(A)(1)(b), 433(B)(8), 435(B), 465(E)(1)(a), 531.1(B), 571(A)(6) and (7), 573(B), 1284(F)(1), 1299.1(A), 1300.3(A) and (B)(1), 1300.7(A), 1300.32(A) and (B)(1), 1308(A)(1)(b), (h)(i), and (i), 1309(M)(1)(a), 1353(B) and (C)(2), 1361(A) and (B), and 1362 are hereby amended and reenacted and R.S. 18:154(D)(4) and (F)(3) are hereby enacted to read as follows:

§58. Powers and duties of registrars

\* \* \*

B.(1) The registrar shall be responsible for conducting absentee by mail and early voting in the parish he serves, as provided by Chapter 7 of this Code.

(2) The registrar shall assign voters in the state voter registration computer system according to each voting district in the parish from which an election is to be conducted. For a primary election, the assignment of voters shall be completed on or before the fifth business day prior to the opening of qualifying for the primary election. For a general election, the assignment of voters shall be completed on or before the fifty-first day prior to the general election.

\* \* \*

§104. Application for registration; form

A. The secretary of state, subject to approval by the attorney general as to content, shall prescribe the form that shall be used uniformly by each registrar in the state and any person authorized to accept voter registration applications in registering qualified citizens to vote. The form shall contain spaces for at least the following information with respect to the applicant:

\* \* \*

(15) The application form also shall inform the applicant of the penalty for violation of applicable laws relating to registration of voters and shall contain an affidavit to be subscribed, through a handwritten signature, ~~before the registrar, deputy, or any person authorized to accept voter registration applications~~ attesting that the applicant is a United States citizen and that the facts given by him on this application are true to the best of his knowledge and belief. 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 may suffice as a handwritten signature of the applicant.

\* \* \*

§154. Records open to inspection; copying; exceptions

\* \* \*

C.(1) Notwithstanding any provision of this Section to the contrary, ~~neither the registrar, the clerk of court, nor the Department of State, and the office of motor vehicles of the Department of Public Safety and Corrections and any entity that contracts with the office shall circulate~~ be prohibited from circulating on a commercial list or otherwise ~~disclose~~ disclosing the following:

\* \* \*

D.

\* \* \*

(3) Notwithstanding any provision of this Section to the contrary, the clerk of court shall not disclose the name and address of a law enforcement officer if the state voter registration computer system indicates that certification has been received from the law enforcement agency employing the officer that the officer is engaging in hazardous activities to the extent that it is necessary for his name and address to be kept confidential.

(4) Any agency employing a law enforcement officer availing himself of Paragraph (1) or (2) of this Subsection shall also issue decertification notices to the registrar of voters and the secretary of state when the officer is no longer engaging in hazardous activities to the extent that it is necessary for his name and address to be kept confidential.

\* \* \*

F.

\* \* \*

(3) Notwithstanding any provision of this Section to the contrary, the clerk of court shall not disclose the name and physical address of a program participant in the Department of State Address Confidentiality Program, as provided in R.S. 44:51 et seq.

G. Notwithstanding any provision of this Section to the contrary, ~~neither the registrar, the clerk of court, nor and~~ the Department of State shall ~~disclose be prohibited from disclosing~~ the following:

\* \* \*

§425. Commissioners

A. Number. (1) In addition to the commissioner-in-charge, at the following elections there shall be the following number of additional commissioners at each precinct:

\* \* \*

(b) For all elections not specifically provided for in Subparagraph (a) of this Paragraph or in Part III of Chapter 6 of this Code:

(i) Three commissioners for precincts with more than three hundred active registered voters eligible to vote in the election.

(ii) Two commissioners for precincts with three hundred or fewer active registered voters ~~or less~~ eligible to vote in the election.

\* \* \*

§433. Commissioners-in-charge; course of instruction; selection; commission; disqualification; replacement

\* \* \*

B. Selection.

\* \* \*

(8) After the commissioners-in-charge are selected, the parish board of election supervisors shall compile a list containing the name, social security number, party affiliation, and mailing address of each and ~~shall mail the list to the secretary of state~~ the clerk of court shall enter the list in the state voter registration computer system.

\* \* \*

§435. Watchers; appointment and commission

\* \* \*

B. Lists of watchers. A list of watchers shall be filed with the clerk of court before ~~5:00~~ 4:30 p.m. on the tenth day before the primary or general election; however, if the tenth day before the primary or general election falls on a Saturday, Sunday, or other legal holiday, the list shall be filed on the next day which is not a Saturday, Sunday, or other legal holiday. Except for a candidate or recognized political party filing for a slate of candidates for presidential elector, any person filing a list of watchers must attach a certified statement that the report required by R.S. 18:1486 has been filed with the supervisory committee in compliance with the Campaign Finance Disclosure Act. If any candidate submits a list for the primary election and does not submit a list for the general election, the list submitted in the primary election shall be treated as his list submitted for the general election. A list

of watchers shall contain only one watcher and one alternate watcher for each precinct where the candidate or person submitting the list is entitled to have a watcher. The list shall be typed or legibly written, and it shall contain the name and mailing address of each watcher and a designation of the precinct where he is to serve.

\* \* \*

§465. Nominating petitions

\* \* \*

E. Certification. (1)(a) A nominating petition shall be submitted to the registrars of voters in the parishes where the signers reside. A nominating petition shall be submitted to the registrars in such parishes not less than thirty days before the qualifying period ends for candidates in the primary election or, in the case of presidential electors, in the presidential election, except that in a special election called pursuant to R.S. 18:402(E), 601(A)(2), or 1279, a nominating petition shall be submitted by the candidate to the registrars of voters in such parishes not less than fourteen days before the qualifying period ends for candidates in the special election. If the final day for submitting a nominating petition to the registrars of voters falls on a Saturday, Sunday, or legal holiday, then the next day which is not a Saturday, Sunday, or legal holiday shall be deemed to be the final day for submitting the nominating petition.

\* \* \*

§531.1. Exception to opening polls; alternative voting locations

\* \* \*

B. The registrar of voters shall notify the secretary of state and the other members of the parish board of election supervisors of all such determinations.

\* \* \*

1           §571. Counting and tabulating the votes

2           A. At the termination of voting in a primary or general election, the  
3           commissioners shall announce that voting is terminated. The commissioners in the  
4           presence of the watchers shall immediately:

5                               \*           \*           \*

6           (6) Complete ~~in duplicate~~ an affidavit. The affidavit shall be prepared by the  
7           secretary of state and shall contain the name, address, and last four digits of the  
8           social security number of each commissioner and an acknowledgment that the law  
9           prohibits disclosure of confidential voter information listed in the precinct register.  
10          The affidavit shall be signed by each commissioner, and ~~the original affidavit shall~~  
11          be placed in the bag that is delivered to the clerk of court.

12          (7) Place ~~the duplicate affidavit~~, all duplicate records of challenges, all  
13          duplicate precinct register corrections, all voter identification affidavits, any  
14          physicians' certificates, and any address confirmation cards in the envelope marked  
15          "Registrar of Voters", seal it and attach it to the precinct register, and seal the  
16          precinct register.

17                               \*           \*           \*

18          §573. Evidence of election results

19                               \*           \*           \*

20          B. Verification of election results. After the machines are opened, the clerk  
21          of court, in the presence of the parish board of election supervisors or the members  
22          of the board selected by the board as its representatives and the candidates or their  
23          representatives, shall immediately verify the total votes cast for each candidate and  
24          the total votes cast for and against each proposition as shown on the voting machines  
25          or voting machine election result sheets and the total number of absentee by mail and  
26          early voting votes cast for each candidate and the total number of absentee by mail  
27          and early voting votes cast for and against each proposition as shown by the  
28          tabulation blanks of absentee by mail and early voting votes final absentee by mail  
29          and early voting report filed with the clerk by the parish board of election

1 supervisors. The machine votes cast shall be shown separately by each precinct, and  
2 the absentee by mail and early voting votes cast shall be shown as the total number  
3 of votes cast for each candidate and the total number of votes cast for and against  
4 each proposition.

5 \* \* \*

6 §1284. Resolution calling election; proposition

7 \* \* \*

8 F.(1) The preparation of the proposition to be submitted to the voters at an  
9 election shall be the responsibility of the governing authority of the political  
10 subdivision ordering the election. The proposition shall include the information  
11 required by this Section in simple, unbiased, concise, and easily understood language  
12 and be in the form of a question. The proposition shall not exceed two hundred  
13 words in length and shall not include words that are struck through, underscored, or  
14 in boldface type.

15 \* \* \*

16 §1299.1. Question or proposition to be voted on; length

17 A. The preparation of a question or proposition to be submitted to the voters  
18 at an election shall be the responsibility of the governing authority or other entity  
19 calling the election or submitting the question or proposition. The proposition shall  
20 be comprised of simple, unbiased, concise, and easily understood language and be  
21 in the form of a question. The proposition shall not exceed two hundred words in  
22 length and shall not include words that are struck through, underscored, or in  
23 boldface type.

24 \* \* \*

25 §1300.3. Certification of registrar of voters; addition or withdrawal of signatures;  
26 form of names

27 A. The registrar of voters of each parish in the voting area wherein a recall  
28 election is sought shall certify on the recall petition, within fifteen working days after  
29 it is presented to him for that purpose, the number of names appearing thereon, the

1 number of qualified electors of the voting area within the parish whose handwritten  
2 signatures appear on the petition, and also the total number of electors of the voting  
3 area within the parish as of the date of the filing of the petition with the secretary of  
4 state. If the final day for the registrar to certify the recall petition falls on a Saturday,  
5 Sunday, or legal holiday, then the next day which is not a Saturday, Sunday, or legal  
6 holiday shall be deemed to be the final day for certifying the recall petition.

7 However, if any parish wholly or partially within the voting area has more than fifty  
8 thousand registered voters, the registrar of voters for each parish within the voting  
9 area shall complete such certification on the recall petition within twenty working  
10 days after it is presented to him for that purpose. Each registrar also shall indicate  
11 on the petition the names appearing thereon who are not electors of the voting area.  
12 Each person who participates in the review of the names on the petition for  
13 certification by the registrar as required in this Section shall initial each of those  
14 portions of the petition which he reviews for certification by the registrar.

15 B.(1) The registrar of voters shall honor the written request of any voter who  
16 either desires to have his handwritten signature stricken from the petition or desires  
17 to have his handwritten signature added to the petition at any time after receipt of the  
18 signed petition as provided in R.S. 18:1300.2(C) but prior to certification of the  
19 petition or within five days after receipt of such signed petition, whichever is earlier.  
20 If the deadline for removing or adding a signature to the petition falls on a Saturday,  
21 Sunday, or legal holiday, then the next day which is not a Saturday, Sunday, or legal  
22 holiday shall be deemed to be the deadline for removing or adding a signature to the  
23 petition. The written request of the voter shall include the name and address of the  
24 voter, the signature of the voter, the date of birth of the voter, and the date.

25 \* \* \*

26 §1300.7. Governor to order election; proclamation; publication

27 A. If the required number of qualified electors of the voting area sign the  
28 petition for recall, the governor shall issue a proclamation ordering an election to be  
29 held for the purpose of voting on the question of the recall of the officer. The total

1 number of registered voters in the voting area and the total number of registered  
2 voters in the voting area signing the petition shall be calculated from the totals on the  
3 certificates of all of the registrars of voters received by the governor. The governor  
4 shall issue such proclamation within fifteen days after he receives the certified  
5 petitions from all of the registrars of voters in the voting area who have received  
6 petitions for certification. If the final day for the governor to issue the proclamation  
7 falls on a Saturday, Sunday, or legal holiday, then the next day which is not a  
8 Saturday, Sunday, or legal holiday shall be deemed to be the final day for issuing the  
9 proclamation. The proclamation shall order the election to be held on the next  
10 available date specified in R.S. 18:402(F). If the election is to be held on a primary  
11 election date, the proclamation shall be issued on or before the last day for  
12 candidates to qualify in the election. If the election is not to be held on a primary  
13 election date, then the proclamation shall be issued on or before the forty-sixth day  
14 prior to the election.

15 \* \* \*

16 §1300.32. Certification of registrar of voters; addition or withdrawal of signatures;  
17 form of names

18 A. The registrar of the parish shall certify on the petition within fifteen  
19 working days after it is presented to him for that purpose, the number of names  
20 appearing thereon, the number of qualified electors of the voting area within the  
21 parish whose handwritten signatures appear on the petition, and also the total number  
22 of electors of the voting area within the parish as of the date of the filing of the  
23 petition with the appropriate local governing authority. If the final day for the  
24 registrar to certify the petition falls on a Saturday, Sunday, or legal holiday, then the  
25 next day which is not a Saturday, Sunday, or legal holiday shall be deemed to be the  
26 final day for certifying the petition. The registrar also shall indicate on the petition  
27 the names appearing thereon who are not electors of the voting area. Each person  
28 who participates in the review of the names on the petition for certification by the

1 registrar as required in this Section shall initial each of those portions of the petition  
2 which he reviews for certification by the registrar.

3 B.(1) The registrar of voters shall honor the written request of any voter who  
4 either desires to have his handwritten signature stricken from the petition or desires  
5 to have his handwritten signature added to the petition at any time after receipt of the  
6 signed petition as provided in R.S. 18:1300.31(D) but prior to certification of the  
7 petition or within five days after receipt of such signed petition, whichever is earlier.

8 If the deadline for removing or adding a signature to the petition falls on a Saturday,  
9 Sunday, or legal holiday, then the next day which is not a Saturday, Sunday, or legal  
10 holiday shall be deemed to be the deadline for removing or adding a signature to the  
11 petition. The written request of the voter shall include the name and address of the  
12 voter, the signature of the voter, the date of birth of the voter, and the date.

13 \* \* \*

14 §1308. Absentee voting by mail

15 A.(1)

16 \* \* \*

17 (b) If the voter feels he will not have time to vote timely by mail, the voter  
18 may request that the registrar transmit to him by facsimile a ballot, ~~including the~~  
19 ~~affidavit,~~ or a second ballot, as the case may be, along with a certificate and waiver  
20 of the right to a secret ballot, and the registrar shall do so if he has a facsimile  
21 machine in his office. However, the registrar shall not be required to send a second  
22 ballot by facsimile if the voter received a ballot by mail. The waiver of the right to  
23 a secret ballot shall contain the following statement: "My ballot was transmitted by  
24 facsimile to me, and I am voluntarily waiving my right to a secret ballot." The  
25 waiver shall also contain spaces for the voter's handwritten signature, the date, and  
26 the last four digits of the voter's social security number. The voter may then mail his  
27 voted ballot, ~~including the affidavit, and completed certificate and waiver~~ back to the  
28 registrar or transmit it the documents by facsimile ~~if the registrar has a facsimile~~  
29 ~~machine in his office. If the voter transmits his voted ballot to the registrar by~~

1       ~~facsimile, the documents to be transmitted shall contain the following statement: "I~~  
2       ~~understand that by faxing my voted ballot I am voluntarily waiving my right to a~~  
3       ~~secret ballot." This statement shall be followed by the voter's handwritten signature,~~  
4       ~~date, and social security number~~ at the facsimile machine number designated by the  
5       registrar. Upon receipt ~~of the transmittal~~, the registrar shall place the voted ballot  
6       along with the ~~signed statement and affidavit~~ completed certificate and waiver in an  
7       appropriately marked envelope and seal it. The registrar and his staff shall take the  
8       steps necessary to keep the voted ballots ~~received by facsimile~~ as confidential as  
9       practicable.

10                               \*       \*       \*

11               (h)(i) For electronically transmitted ballots, the registrar shall transmit the  
12       ballot or ballots, certificate, and waiver of the right to a secret ballot to the voter for  
13       each ballot mailing. The waiver of the right to a secret ballot shall contain the  
14       following statement: "My ballot was transmitted electronically to me, and I am  
15       voluntarily waiving my right to a secret ballot." The ~~statement~~ waiver shall also  
16       contain ~~a space~~ spaces for the voter's handwritten signature, the date, and the last  
17       four digits of the voter's social security number. The voter shall return by ~~mail~~  
18       facsimile or any means authorized by Subsection B of this Section his voted ballot  
19       or ballots; and ~~completed certificate; and signed waiver of the right to a secret ballot~~  
20       for each ballot mailing. The registrar and his staff shall take the steps necessary to  
21       keep each voted ballot that was transmitted electronically as confidential as  
22       practicable.

23                               \*       \*       \*

24               (i) Notwithstanding the provisions of Subparagraphs (a) through (f) of this  
25       Paragraph, a voter who is a member of the United States Service or who resides  
26       outside the United States and who feels he will not have time to vote timely by mail,  
27       may request that the registrar transmit to him by facsimile a ballot, ~~including the~~  
28       ~~certificate~~, or a second ballot, as the case may be, along with a certificate and waiver  
29       of the right to a secret ballot, and the registrar shall do so. The waiver of the right

to a secret ballot shall contain the following statement: "My ballot was transmitted by facsimile to me, and I am voluntarily waiving my right to a secret ballot." The waiver shall also contain spaces for the voter's handwritten signature, the date, and the last four digits of the voter's social security number. The voter may then either mail or transmit by facsimile his voted ballot and completed certificate and waiver back to the registrar or transmit the documents by facsimile at the facsimile machine number designated by the registrar. ~~If the voter chooses to transmit his voted ballot to the registrar by facsimile, the documents to be transmitted shall contain the following statement: "I understand that by faxing my voted ballot I am voluntarily waiving my right to a secret ballot." This statement shall be followed by the voter's handwritten signature, date, and social security number. Upon receipt of the transmittal, the registrar shall place the voted ballot along with the signed statement and completed certificate and waiver in an appropriately marked envelope and seal it. The registrar and his staff shall take the steps necessary to keep the voted ballots received by facsimile as confidential as practicable.~~

\* \* \*

### §1309. Early voting; verification

\* \* \*

M.(1)(a) In a parish where early voting is conducted at an additional location pursuant to R.S. 18:1309.2, the registrar may fix the hours and days during which early voting shall be conducted at the additional location during the early voting period if such hours and days of voting are approved by the secretary of state no later than ~~seven~~ twenty-five days after the close of qualifying for prior to the election.

\* \* \*

§1353. Secretary of state; powers and duties; voting machines; voter registration

\* \* \*

B. The secretary of state shall prescribe uniform rules and regulations with respect to matters pertaining to the ~~purchase~~ procurement, preparation, and use of voting machines and absentee by mail and early voting counting equipment in the

1       conduct of elections and the duties of each category of persons charged with  
2       responsibility for any matter relating to voting machines or absentee by mail and  
3       early voting counting equipment. The rules and regulations shall be approved by the  
4       attorney general and thereafter shall be distributed by the secretary of state to the  
5       election officials having responsibilities relating to elections. The rules and  
6       regulations shall be applied uniformly throughout the state.

7               C. In addition to any other duties and functions now or hereafter provided  
8       by law, the secretary of state shall:

9                               \*       \*       \*

10              (2) Be responsible for all ~~purchases~~ procurement, sales, and transfers of  
11       voting machines and absentee by mail and early voting counting equipment and for  
12       all matters in connection with issuing competitive bids or requests for proposals or  
13       the advertising for and opening of bids for or in connection therewith.

14                               \*       \*       \*

15       §1361. Approval of machines and equipment; certificate; expenses of examination

16              A. The secretary of state may examine any type or make of voting machine  
17       upon the request of a representative of the maker or supplier thereof, and if he  
18       determines that the machine complies with the requirements of this Chapter and that  
19       it meets standards acceptable to him as to durability, accuracy, efficiency, and  
20       capacity, he shall approve that type or make of machine for use in this state and shall  
21       issue his certificate of approval thereof. In addition, any electronic voting machine  
22       ~~acquired~~ procured or used in the state must have been certified by NASED  
23       Independent Testing Authorities according to the voting systems standards adopted  
24       by the Federal Election Commission. This certificate, together with any relevant  
25       reports, drawings, and photographs, shall be a public record.

26              B. Any absentee by mail and early voting counting equipment to be ~~acquired~~  
27       procured for use in this state shall be certified by the secretary of state as meeting  
28       standards acceptable to him as to durability, accuracy, efficiency, and capacity.

29                               \*       \*       \*

§1362. Method of ~~acquiring~~ procuring voting machines; parts and supplies; and of contracting for the maintenance of voting machines

A.(1) All voting machines used in this state shall be ~~purchased~~ procured by the secretary of state, out of state funds appropriated for that purpose, on the basis of a competitive request for proposals process or public bids submitted to the secretary of state in accordance with specifications prepared by him. The specifications may require tests and examinations of the operation of the machines, and the secretary of state, for that purpose, may employ experts to report thereon and charge the expense thereof to the responders or bidders. Advertisement and letting of contracts for the ~~purchase~~ procurement of voting machines shall be in accordance with the Louisiana Procurement Code contained in Chapter 17 of Title 39 of the Louisiana Revised Statutes of 1950.

(2) Notwithstanding any provision of law to the contrary, particularly the provisions of Chapter 17 of Title 39 of the Louisiana Revised Statutes of 1950, the secretary of state is authorized to ~~purchase~~ procure directly from the supplier, through the Department of State, voting machine parts, supplies, and other election paraphernalia and to contract with the manufacturer through the Department of State for the maintenance of the voting machines.

B. Title to all voting machines purchased by the secretary of state shall vest in the state.

Section 2. R.S. 18:174 and Part I-A of Chapter 5 of Title 18 of the Louisiana Revised Statutes of 1950, comprised of R.S. 18:411 through 417, are hereby repealed in their entirety.

Section 3. This Act shall become effective upon signature by the governor or, if not signed by the governor, upon expiration of the time for bills to become law without signature by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If vetoed by the governor and subsequently approved by the legislature, this Act shall become effective on the day following such approval.

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DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

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Tim Burns

HB No. 383

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

Present law (R.S. 18:58) provides for the powers and duties of registrars of voters. Proposed law retains present law and additionally requires a registrar to assign voters in the state voter registration computer system according to each voting district in the parish from which an election is to be conducted. Provides that for a primary election, the assignment of voters shall be completed on or before the fifth business day prior to the opening of qualifying for the primary election and that for a general election, the assignment of voters shall be completed on or before the 51st day prior to the general election.

Present law (R.S. 18:104) provides relative to application for voter registration. Provides for a voter registration application form and for the contents of the form. Requires the form to contain an affidavit to be subscribed, through a handwritten signature, attesting that the applicant is a U.S. citizen and that the facts given by him on the application are true to the best of his knowledge and belief. Proposed law retains present law.

Present law requires the affidavit to be subscribed before the registrar, deputy, or any person authorized to accept voter registration applications. Proposed law repeals present law.

Present law (R.S. 18:154) prohibits the registrar and the Dept. of State from disclosing certain voter information, including the voter's mother's maiden name and the driver's license number, social security number, day and month of the date of birth, e-mail address, and short message service number of a voter. Proposed law retains present law and additionally prohibits the clerk of court and the office of motor vehicles of the Dept. of Public Safety and Corrections and any contractor with the office from disclosing such information.

Present law prohibits the registrar and the Dept. of State from disclosing the following:

- (1) The name and address of a law enforcement officer under certain circumstances.
- (2) The name and physical address of a program participant in the Dept. of State Address Confidentiality Program as provided in present law (R.S. 44:51 et seq.).
- (3) Information of a type exempted from disclosure pursuant to present law received from another state pursuant to a cooperative agreement authorized by present law (R.S. 18:18(D)).
- (4) Geographical coding of addresses of registered voters.
- (5) An application to vote absentee by mail, or information contained therein, until the applicant has returned his voted ballot to the registrar.

Proposed law retains present law and additionally prohibits the clerk of court from disclosing such information.

Present law (R.S. 18:174) provides relative to changes of name. Requires the clerk of court to record certain information relative to changes of name and to transmit that information to the registrar of voters. Requires the secretary of the Dept. of Health and Hospitals to send to the registrar in each parish certain information concerning women who are remarried.

Proposed law repeals present law.

Present law (R.S. 18:411 through 417) provides relative to certain elections that occurred in 1992. Proposed law repeals present law.

Present law (R.S. 18:425(A)(1)(b)) provides for the number of additional commissioners at each precinct for elections other than gubernatorial and congressional elections and certain elections for municipal officers in a municipality with a population of 475,000 or more. Provides that the number of additional commissioners is determined for such elections based on the number of active registered voters associated with the precinct.

Proposed law provides that the number of additional commissioners is determined based on the number of active registered voters who are eligible to vote in the election. Otherwise retains present law.

Present law (R.S. 18:433) provides procedures and requirements for selecting commissioners-in-charge. Requires the parish board of election supervisors after selecting the commissioners-in-charge to compile a list of certain specified information concerning the commissioners-in-charge. Proposed law retains present law.

Present law requires the parish board of election supervisors to mail the list to the secretary of state. Proposed law repeals present law and provides instead that the clerk of court shall enter the list in the state voter registration computer system.

Present law (R.S. 18:427 and 435) provides for poll watchers. Provides for qualifications, powers, duties, appointment, and commission of watchers. Provides that a watcher shall be admitted within all parts of the polling place during the election and the counting and tabulation of votes and that he shall call any infraction of the law to the attention of the commissioners. Provides that each candidate is entitled to have one watcher at every precinct where the office he seeks is voted on in a primary or general election. Requires a list of watchers to be filed with the clerk of court on the 10th day prior to the election. Proposed law retains present law.

Present law requires the list of watchers to be filed before 5:00 p.m. on the 10th day before the primary or general election. Proposed law instead requires the list to be filed before 4:30 p.m.

Present law (R.S. 18:1300.3 and 1300.32) requires a registrar to honor the request of a person to have the person's signature added to or removed from a recall petition or petition for creation of a neighborhood crime prevention and security district and approval of a parcel fee. Requires the request to be made in writing and to include the name and address of the person, the signature of the person, and the date. Proposed law retains present law.

Proposed law additionally requires the request to include the date of birth of the person making the request.

Present law provides deadlines for the following:

- (1) For a candidate to submit a nominating petition (R.S. 18:465).
- (2) For the registrars to certify a recall petition and for a registrar to remove a signature from or add a signature to a recall petition (R.S. 18:1300.3).
- (3) For the governor to issue a proclamation calling a recall election (R.S. 18:1300.7).
- (4) For the registrar to certify a petition for creation of a neighborhood crime prevention and security district and approval of a parcel fee and to remove a signature from or add a signature to such a petition (R.S. 18:1300.32).

Proposed law retains present law, but in each case provides that if the deadline falls on a Saturday, Sunday, or legal holiday, then the next day which is not a Saturday, Sunday, or legal holiday shall be deemed to be the deadline.

Present law (R.S. 18:531.1) provides that the polling place for a particular precinct shall not be required to be opened when it is determined by the registrar of voters that there are no voters eligible to vote in the voting district in the precinct for any office or proposition on the ballot or when it is determined by the registrar of voters after the close of early voting, that all voters eligible to vote in the precinct have voted absentee by mail or during early voting. Requires the registrar to notify the secretary of state of all such determinations.

Proposed law retains present law and additionally requires the registrar to notify the other members of the parish board of election supervisors.

Present law (R.S. 18:571) provides procedures for counting and tabulating votes on election day. Provides that when voting is finished, the commissioners in the presence of the watchers shall complete an affidavit. Provides for the content of the affidavit. Proposed law retains present law.

Present law requires that the affidavit be completed in duplicate. Requires the duplicate affidavit to be placed in the registrar's envelope with other specified records.

Proposed law repeals present law.

Present law (R.S. 18:573) provides relative to verification of election results. Requires the clerk of court to verify the total number of absentee by mail and early voting votes cast for and against each proposition. Proposed law retains present law.

Present law requires the clerk to use the tabulation blanks of absentee by mail and early voting votes to verify the absentee by mail and early voting votes. Proposed law provides instead that the clerk use the final absentee by mail and early voting report to verify such votes.

Present law (R.S. 18:1284 and 1299.1) provides relative to bond, debt, and tax elections and other elections where a proposition or question is put to the voters. Provides requirements for the proposition to be submitted to the voters. Provides for the content of the proposition. Requires the proposition to be written in simple, unbiased, concise, and easily understood language and be in the form of a question. Provides that the proposition shall not exceed 200 words in length. Proposed law retains present law and provides that the proposition shall not include words that are struck through, underscored, or in boldface type.

Present law (R.S. 18:1308) provides procedures and requirements for voting absentee by mail. Provides that if a voter feels he will not have time to vote timely by mail, the voter may request that the registrar transmit to him by facsimile voting materials. Provides that such materials include a ballot or second ballot. Provides that the voter may mail his voted ballot and other required materials back to the registrar or transmit the documents by facsimile. Requires the voter to waive his right to a secret ballot if his voting documents are transmitted by facsimile. Requires the waiver to include the date and the voter's signature. Proposed law retains present law.

Present law requires the ballot that is sent to the voter to include an affidavit. Proposed law repeals present law and requires that a certificate be sent to the voter with the ballot. Requires the voter to complete the certificate and send it back to the registrar along with the ballot. Additionally requires the voter to complete the waiver and send it back to the registrar if the voting documents are sent by mail.

Present law requires the waiver to include the voter's social security number. Proposed law repeals present law and requires instead that the waiver include the last four digits of the voter's social security number.

Present law provides that the registrar may transmit voting materials to certain voters electronically. Requires the voter to complete a waiver of the right to a secret ballot and send it back to the registrar along with the ballot. Requires the waiver to contain the date and the voter's signature. Proposed law retains present law.

Present law requires the waiver to include the voter's social security number. Proposed law requires instead that the waiver include the last four digits of the voter's social security number.

Present law requires the voter to send the electronically transmitted ballot and other materials back to the registrar by mail. Proposed law retains present law and additionally provides that the voter may return the voting documents to the registrar by the U.S. Postal Service, a commercial courier, or hand delivery.

Present law (R.S. 18:1309.2) authorizes the secretary of state to develop and implement a program for the conduct of early voting at locations other than the office or branch office of a registrar. Requires approval of legislative committees. Requires annual reporting.

Present law (R.S. 18:1309) provides that in a parish where early voting is conducted at an additional location pursuant to present law (R.S. 18:1309.2), the registrar may fix the hours and days during which early voting shall be conducted at the additional location during the early voting period. Proposed law retains present law.

Present law provides that the registrar may fix the hours and days of early voting at the additional location only if the hours and days are approved by the secretary of state no later than seven days after the close of qualifying for the election. Proposed law provides instead that the registrar may fix the hours and days of early voting at the additional location if the hours and days are approved no later than 25 days prior to the election.

Present law (R.S. 18:1353, 1361, and 1362) authorizes the secretary of state to purchase voting machines and absentee by mail and early voting counting equipment. Proposed law provides instead that the secretary of state may "procure" voting machines and absentee by mail and early voting counting equipment. Provides for procurement by a competitive request for proposals process or public bid.

Present law provides that title to all voting machines vests in the state. Proposed law specifies that title to only those voting machines purchased by the secretary of state vests in the state.

Proposed law makes various technical changes.

Effective upon signature of governor or lapse of time for gubernatorial action.

(Amends R.S. 18:58(B), 104(A)(15), 154(C)(1)(intro. para.), (D)(3), and (G)(intro. para.), 425(A)(1)(b), 433(B)(8), 435(B), 465(E)(1)(a), 531.1(B), 571(A)(6) and (7), 573(B), 1284(F)(1), 1299.1(A), 1300.3(A) and (B)(1), 1300.7(A), 1300.32(A) and (B)(1), 1308(A)(1)(b), (h)(i), and (i), 1309(M)(1)(a), 1353(B) and (C)(2), 1361(A) and (B), and 1362; Adds R.S. 18:154(D)(4) and (F)(3); Repeals R.S. 18:174 and 411-417)