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)