Regular Session, 2014

# ACT No. 60

HOUSE BILL NO. 383

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#### BY REPRESENTATIVE TIM BURNS

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), 566.2(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), 1302(2), 1308(A)(1)(b), (h)(i), and (i), 1309(M)(1)(a), 1353(B) and (C)(2), 1361(A) and (B), and 1362, to 6 7 enact R.S. 18:154(D)(4) and (F)(3), and to repeal R.S. 18:174 and Part I-A of 8 Chapter 5 of Title 18 of the Louisiana Revised Statutes of 1950, comprised of R.S. 9 18:411 through 417, relative to the Louisiana Election Code; to revise the system of 10 laws comprising the Louisiana Election Code; to provide relative to the duties of 11 registrars of voters; to require registrars to assign voters according to voting districts; 12 to provide deadlines; to provide relative to requirements and procedures for 13 application for voter registration; to provide relative to disclosure of certain voter 14 information; to repeal provisions requiring certain reports regarding changes of name 15 and remarriage; to repeal provisions applicable to certain elections held in 1992; to 16 provide relative to the selection of commissioners and commissioners-in-charge; to provide relative to the deadline for filing a list of watchers; to provide relative to the 17 18 deadline for submitting a nominating petition; to provide relative to notification that 19 a polling place will not be opened; to provide relative to the counting and tabulation 20 of votes; to provide relative to the verification of election results; to provide relative 21 to requirements for a proposition submitted to the voters at an election; to provide 22 relative to the deadline for certifying a recall petition; to provide relative to the 23 deadline for removing or adding a signature to a recall petition; to provide relative

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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 relative to parish board commissioners; to provide relative to the counting and tabulation of absentee by mail, early voting, and provisional ballots; 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), 566.2(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), 1302(2), 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

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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.

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§104.	Application	for	registra	ation:	form
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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:

\* \* \*

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 shall suffice as a handwritten signature of the applicant.

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§154. Records open to inspection; copying; exceptions

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

28 \* \* \*

29 D.

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CODING: Words in struck through type are deletions from existing law; words <u>underscored</u> are additions.

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1	(3) Notwithstanding any provision of this Section to the contrary, the clerk
2	of court shall not disclose the name and address of a law enforcement officer if the
3	state voter registration computer system indicates that certification has been received
4	from the law enforcement agency employing the officer that the officer is engaging
5	in hazardous activities to the extent that it is necessary for his name and address to
6	be kept confidential.
7	(4) Any agency employing a law enforcement officer availing himself of
8	Paragraph (1) or (2) of this Subsection shall also issue decertification notices to the
9	registrar of voters and the secretary of state when the officer is no longer engaging
10	in hazardous activities to the extent that it is necessary for his name and address to
11	be kept confidential.
12	* * *
13	F.
14	* * *
15	(3) Notwithstanding any provision of this Section to the contrary, the clerk
16	of court shall not disclose the name and physical address of a program participant in
17	the Department of State Address Confidentiality Program, as provided in R.S. 44:51
18	et seq.
19	G. Notwithstanding any provision of this Section to the contrary, neither the
20	registrar, the clerk of court, nor and the Department of State shall disclose be
21	prohibited from disclosing the following:
22	* * *
23	§425. Commissioners
24	A. Number. (1) In addition to the commissioner-in-charge, at the following
25	elections there shall be the following number of additional commissioners at each
26	precinct:
27	* * *
28	(b) For all elections not specifically provided for in Subparagraph (a) of this
29	Paragraph or in Part III of Chapter 6 of this Code:

1	(i) Three commissioners for precincts with more than three hundred active
2	registered voters eligible to vote in the election.
3	(ii) Two commissioners for precincts with three hundred or fewer active
4	registered voters or less eligible to vote in the election.
5	* * *
6	§433. Commissioners-in-charge; course of instruction; selection; commission;
7	disqualification; replacement
8	* * *
9	B. Selection.
10	* * *
11	(8) After the commissioners-in-charge are selected, the parish board of
12	election supervisors shall compile a list containing the name, social security number,
13	party affiliation, and mailing address of each and shall mail the list to the secretary
14	of state the clerk of court shall enter the list in the state voter registration computer
15	system.
16	* * *
17	§435. Watchers; appointment and commission
18	* * *
19	B. Lists of watchers. A list of watchers shall be filed with the clerk of court
20	before 5:00 4:30 p.m. on the tenth day before the primary or general election;
21	however, if the tenth day before the primary or general election falls on a Saturday,
22	Sunday, or other legal holiday, the list shall be filed on the next day which is not a
23	Saturday, Sunday, or other legal holiday. Except for a candidate or recognized
24	political party filing for a slate of candidates for presidential elector, any person
25	filing a list of watchers must attach a certified statement that the report required by
26	R.S. 18:1486 has been filed with the supervisory committee in compliance with the
27	Campaign Finance Disclosure Act. If any candidate submits a list for the primary

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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

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1	precinct where the candidate or person submitting the list is entitled to have a
2	watcher. The list shall be typed or legibly written, and it shall contain the name and
3	mailing address of each watcher and a designation of the precinct where he is to
4	serve.
5	* * *
6	§465. Nominating petitions
7	* * *
8	E. Certification. (1)(a) A nominating petition shall be submitted to the
9	registrars of voters in the parishes where the signers reside. A nominating petition
10	shall be submitted to the registrars in such parishes not less than thirty days before
11	the qualifying period ends for candidates in the primary election or, in the case of
12	presidential electors, in the presidential election, except that in a special election
13	called pursuant to R.S. 18:402(E), 601(A)(2), or 1279, a nominating petition shall
14	be submitted by the candidate to the registrars of voters in such parishes not less than
15	fourteen days before the qualifying period ends for candidates in the special election.
16	If the final day for submitting a nominating petition to the registrars of voters falls
17	on a Saturday, Sunday, or legal holiday, then the next day which is not a Saturday,
18	Sunday, or legal holiday shall be deemed to be the final day for submitting the
19	nominating petition.
20	* * *
21	§531.1. Exception to opening polls; alternative voting locations
22	* * *
23	B. The registrar of voters shall notify the secretary of state and the other
24	members of the parish board of election supervisors of all such determinations.
25	* * *
26	§566.2. Tabulation and counting of provisional ballots for federal office
27	* * *
28	B. The parish board of election supervisors in each parish shall be
29	responsible for the counting and tabulation of all provisional ballots for federal

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office. The board may utilize absentee by mail and early voting parish board

commissioners to count the provisional ballots in the parish. If the board determines that absentee by mail and early voting parish board commissioners are necessary to count and tabulate the provisional ballots, it shall select absentee by mail and early voting parish board commissioners in accordance with the provisions of R.S. 18:1314(D). In a parish where no absentee by mail and early voting parish board commissioners are utilized during the counting and tabulation of absentee by mail and early voting ballots, the board may utilize commissioners to count the provisional ballots. The selection and compensation of such commissioners to count and tabulate provisional ballots shall be in the same manner as absentee by mail and early voting parish board commissioners as provided for in R.S. 18:1314(D) and (E).

\* \* \*

#### §571. Counting and tabulating the votes

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

\* \* \*

- (6) Complete in duplicate an affidavit. The affidavit shall be prepared by the secretary of state and shall contain the name, address, and last four digits of the social security number of each commissioner and an acknowledgment that the law prohibits disclosure of confidential voter information listed in the precinct register. The affidavit shall be signed by each commissioner, and the original affidavit shall be placed in the bag that is delivered to the clerk of court.
- (7) Place the duplicate affidavit, all duplicate records of challenges, all duplicate precinct register corrections, all voter identification affidavits, any physicians' certificates, and any address confirmation cards in the envelope marked "Registrar of Voters", seal it and attach it to the precinct register, and seal the precinct register.

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

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§1284. Resolution calling election; proposition

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

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

A. The preparation of a question or proposition to be submitted to the voters at an election shall be the responsibility of the governing authority or other entity

calling the election or submitting the question or proposition. The proposition shall be comprised of simple, unbiased, concise, and easily understood language and be in the form of a question. The proposition shall not exceed two hundred words in length and shall not include words that are struck through, underscored, or in boldface type.

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

A. The registrar of voters of each parish in the voting area wherein a recall election is sought shall certify on the recall petition, within fifteen working days after it is presented to him for that purpose, the number of names appearing thereon, the number of qualified electors of the voting area within the parish whose handwritten signatures appear on the petition, and also the total number of electors of the voting area within the parish as of the date of the filing of the petition with the secretary of state. However, if any parish wholly or partially within the voting area has more than fifty thousand registered voters, the registrar of voters for each parish within the voting area shall complete such certification on the recall petition within twenty working days after it is presented to him for that purpose. If the final day for the registrar to certify the recall petition 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 certifying the recall petition. Each registrar also shall indicate on the petition the names appearing thereon who are not electors of the voting area. Each person who participates in the review of the names on the petition for certification by the registrar as required in this Section shall initial each of those portions of the petition which he reviews for certification by the registrar.

B.(1) The registrar of voters shall honor the written request of any voter who either desires to have his handwritten signature stricken from the petition or desires to have his handwritten signature added to the petition at any time after receipt of the signed petition as provided in R.S. 18:1300.2(C) but prior to certification of the petition or within five days after receipt of such signed petition, whichever is earlier.

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If the deadline for removing or adding a signature to the petition 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 for removing or adding a signature to the petition. The written request of the voter shall include the name and address of the voter, the signature of the voter, the date of birth of the voter, and the date.

\* \* \*

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

A. If the required number of qualified electors of the voting area sign the petition for recall, the governor shall issue a proclamation ordering an election to be held for the purpose of voting on the question of the recall of the officer. The total number of registered voters in the voting area and the total number of registered voters in the voting area signing the petition shall be calculated from the totals on the certificates of all of the registrars of voters received by the governor. The governor shall issue such proclamation within fifteen days after he receives the certified petitions from all of the registrars of voters in the voting area who have received petitions for certification. <u>If the final day for the governor to issue the proclamation</u> 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 issuing the proclamation. The proclamation shall order the election to be held on the next available date specified in R.S. 18:402(F). If the election is to be held on a primary election date, the proclamation shall be issued on or before the last day for candidates to qualify in the election. If the election is not to be held on a primary election date, then the proclamation shall be issued on or before the forty-sixth day prior to the election.

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

A. The registrar of the parish shall certify on the petition within fifteen working days after it is presented to him for that purpose, the number of names appearing thereon, the number of qualified electors of the voting area within the

parish whose handwritten signatures appear on the petition, and also the total number of electors of the voting area within the parish as of the date of the filing of the petition with the appropriate local governing authority. If the final day for the registrar to certify the petition 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 certifying the petition. The registrar also shall indicate on the petition the names appearing thereon who are not electors of the voting area. Each person who participates in the review of the names on the petition for certification by the registrar as required in this Section shall initial each of those portions of the petition which he reviews for certification by the registrar.

B.(1) The registrar of voters shall honor the written request of any voter who either desires to have his handwritten signature stricken from the petition or desires to have his handwritten signature added to the petition at any time after receipt of the signed petition as provided in R.S. 18:1300.31(D) but prior to certification of the petition or within five days after receipt of such signed petition, whichever is earlier. If the deadline for removing or adding a signature to the petition 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 for removing or adding a signature to the petition. The written request of the voter shall include the name and address of the voter, the signature of the voter, the date of birth of the voter, and the date.

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## §1302. Definitions

As used in this Chapter, unless the context clearly indicates otherwise, the following terms shall have the meanings hereafter ascribed to each:

\* \* \*

(2) "Board" means the parish board of election supervisors of each parish. If absentee by mail and early voting parish board commissioners are utilized by the parish board of election supervisors to count and tabulate absentee votes by mail and early voting ballots, the term "board" for the purposes of R.S. 18:1306, 1311, 1312,

1313, 1315, and 1316 may shall also mean absentee by mail and early voting parish board commissioners.

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4 §1308. Absentee voting by mail

A.(1)

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(b) If the voter feels he will not have time to vote timely by mail, the voter may request that the registrar transmit to him by facsimile a ballot, including the affidavit, or a second ballot, as the case may be, along with a certificate and waiver of the right to a secret ballot, and the registrar shall do so if he has a facsimile machine in his office. However, the registrar shall not be required to send a second ballot by facsimile if the voter received a ballot by mail. 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 mail his voted ballot, including the affidavit, and completed certificate and waiver back to the registrar or transmit it the documents by facsimile if the registrar has a facsimile machine in his office. If the voter transmits 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 at the facsimile machine number designated by the <u>registrar</u>. Upon receipt of the transmittal, the registrar shall place the voted ballot along with the signed statement and affidavit 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.

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

\* \* \*

(i) Notwithstanding the provisions of Subparagraphs (a) through (f) of this Paragraph, a voter who is a member of the United States Service or who resides outside the United States and who feels he will not have time to vote timely by mail, may request that the registrar transmit to him by facsimile a ballot, including the certificate, or a second ballot, as the case may be, along with a certificate and waiver 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

1	transmittal, the registrar shall place the voted ballot along with the signed statement
2	and completed certificate and waiver in an appropriately marked envelope and seal
3	it. The registrar and his staff shall take the steps necessary to keep the voted ballots
4	received by facsimile as confidential as practicable.
5	* * *
6	§1309. Early voting; verification
7	* * *
8	M.(1)(a) In a parish where early voting is conducted at an additional location
9	pursuant to R.S. 18:1309.2, the registrar may fix the hours and days during which
10	early voting shall be conducted at the additional location during the early voting
11	period if such hours and days of voting are approved by the secretary of state no later
12	than seven twenty-five days after the close of qualifying for prior to the election.
13	* * *
14	§1353. Secretary of state; powers and duties; voting machines; voter registration
15	* * *
16	B. The secretary of state shall prescribe uniform rules and regulations with
17	respect to matters pertaining to the purchase procurement, preparation, and use of
18	voting machines and absentee by mail and early voting counting equipment in the
19	conduct of elections and the duties of each category of persons charged with
20	responsibility for any matter relating to voting machines or absentee by mail and
21	early voting counting equipment. The rules and regulations shall be approved by the
22	attorney general and thereafter shall be distributed by the secretary of state to the
23	election officials having responsibilities relating to elections. The rules and
24	regulations shall be applied uniformly throughout the state.
25	C. In addition to any other duties and functions now or hereafter provided
26	by law, the secretary of state shall:
27	* * *
28	(2) Be responsible for all purchases procurement, sales, and transfers of
29	voting machines and absentee by mail and early voting counting equipment and for

all matters in connection with <u>issuing competitive bids or requests for proposals or</u> the advertising for and opening of bids for or in connection therewith.

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

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

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

\* \* \*

§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 <u>purchased procured</u> by the secretary of state, out of state funds appropriated for that purpose, on the basis of <u>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 <u>responders or bidders</u>. Advertisement and letting of contracts for the <u>purchase procurement</u> 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.</u>

HB NO. 383 **ENROLLED** (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 <u>purchased by the secretary of state</u> 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. SPEAKER OF THE HOUSE OF REPRESENTATIVES

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	PRESIDENT OF THE SENATE
	GOVERNOR OF THE STATE OF LOUISIANA
APPROVED:	