

2015 Regular Session

HOUSE BILL NO. 242

BY REPRESENTATIVE TIM BURNS

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

ELECTION CODE: Makes revisions to the La. Election Code

1 AN ACT

2 To amend and reenact R.S. 18:101(A)(3), 154(A) and (C)(2)(b), 178, 402(C)(2) and

3 (E)(2)(c), 425(B), 435(A)(Subsection heading) and (1) and (B), 463(A)(2)(c)(i) and

4 (ii), 467(3), 534(B), 536(A)(introductory paragraph) and (3), 551(C)(1), and

5 1306(E)(2), to enact R.S. 18:154(H) and (I), 491(C)(3), and 1308(A)(1)(c), and to

6 repeal R.S. 18:173(A), 402(F)(7), and 1306(E)(1)(g), relative to the Louisiana

7 Election Code; to revise the system of laws comprising the Louisiana Election Code;

8 to provide relative to qualifications, requirements, and procedures for voter

9 registration; to provide for the confidentiality of certain information relative to voter

10 registration and voting; to provide for exceptions; to provide for election dates; to

11 repeal certain reporting requirements relative to deaths; to require reports of certain

12 information received through jury questionnaires; to provide relative to the

13 qualifications of commissioners; to allow certain persons to serve as commissioners;

14 to provide relative to watchers; to provide for the content and procedure for

15 submitting lists of watchers; to provide relative to polling places; to provide for a

16 change in the location of a polling place; to authorize certain officials to change the

17 location of a polling place under certain circumstances; to provide for notification

18 of such changes; to provide relative to the appointment of certain persons to direct

19 potential voters to the new location of the polling place; to provide relative to

20 absentee voting by mail; to provide relative to procedures and requirements for

1 voting absentee by mail; to provide relative to the content of absentee by mail voting
2 materials; to provide relative to voting absentee by mail by certain persons who are
3 hospitalized; to provide relative to standing to bring an action objecting to
4 candidacy; to provide relative to listing candidates on the ballot; to provide relative
5 to the notice of candidacy; and to provide for related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. R.S. 18:154(A), 178, 402(C)(2) and (E)(2)(c), 425(B), 435(A)(Subsection
8 heading) and (1) and (B), 463(A)(2)(c)(i) and (ii), 467(3), 534(B), 536(A)(introductory
9 paragraph) and (3), 551(C)(1), and 1306(E)(2) are hereby amended and reenacted and R.S.
10 18:154(H) and (I), 491(C)(3), and 1308(A)(1)(c) are hereby enacted to read as follows:

11 §154. Records open to inspection; copying; exceptions

12 A. The records of each registrar are public records and at all times during
13 office hours shall be open to inspection, except the early voting ~~applications~~
14 confirmation sheets of voters.

15 * * *

16 H. Notwithstanding any provision of this Section to the contrary, the
17 Department of State shall not disclose votes that are void because of the death of a
18 candidate pursuant to R.S. 18:469, withdrawal of a candidate pursuant to R.S.
19 18:502, resignation of a public officer subject to a recall election pursuant to R.S.
20 18:1300.7, or disqualification of a candidate pursuant to R.S. 18:1410.

21 I. Notwithstanding any provision of this Section to the contrary, the registrar,
22 the clerk of court, the Department of State, the office of motor vehicles of the
23 Department of Public Safety and Corrections and any entity that contracts with the
24 office, each voter registration agency and any entity that contracts with a voter
25 registration agency, and any person who handles the voter registration application
26 form of another person is prohibited from disclosing the voter registration
27 application and any information contained on the voter registration application of
28 any person who is sixteen or seventeen years of age.

29 * * *

1 §178. Notification on jury venire

2 A. ~~By~~ In each parish that sends out jury duty questionnaires, by the tenth day
3 of each month, the clerk of court shall notify, in writing, the registrar of voters of any
4 returned jury duty ~~notice~~ questionnaire indicating the person is unable to serve
5 because he no longer resides in the parish. In ~~parishes~~ a parish where the clerk of
6 court is not responsible for handling the jury duty notices questionnaires, the
7 responsible entity shall notify, in writing, the registrar of voters of any such returned
8 jury ~~notices~~ duty questionnaires.

9 B.(1) In each parish that sends out jury duty questionnaires, by the tenth day
10 of each month, the clerk of court shall notify, in writing, the Department of State of
11 any returned jury duty questionnaire indicating the person is unable to serve because
12 he is not a United States citizen. In a parish where the clerk of court is not
13 responsible for handling jury duty questionnaires, the responsible entity shall notify,
14 in writing, the Department of State of any such returned jury duty questionnaires.

15 (2) The Department of State shall send information received pursuant to
16 Paragraph (1) of this Subsection to the registrar of voters of each parish.

17 C.(1) Upon the expiration of each jury selection panel, each federal district
18 court in the state shall notify the Department of State of any person identified as out
19 of the jurisdiction within the time limit of a particular panel for jury selection or as
20 not being a United States citizen.

21 (2) The Department of State shall send such information received from the
22 federal district courts to the registrar of voters of each parish.

23 * * *

24 §402. Dates of primary and general elections

25 * * *

1 C. Municipal and ward elections. In all municipalities with a population of
2 less than three hundred thousand, elections for municipal and ward officers who are
3 not elected at the same time as the governor or members of congress shall be held
4 every four years.

5 * * *

6 (2) General elections for municipal and ward officers who are not elected at
7 the same time as the governor or members of congress shall be held on the fourth
8 Saturday after the first Saturday in April of an election year unless the primary
9 election for such officers is held on the first Saturday in March; in such case, the
10 general election shall be held on the fourth Saturday after the first Saturday ~~after the~~
11 ~~first Tuesday~~ in March of an election year.

12 * * *

13 E. Special elections to fill newly created office or vacancy in office. An
14 election to fill a newly created office or vacancy in an existing office, except the
15 office of representative in congress, shall be held on the dates fixed by the
16 appropriate authority in the proclamation ordering a special election as follows:

17 * * *

18 (2) A special general election shall be held on one of the following days:

19 * * *

20 (c) The fourth Saturday after the first Saturday in April of any year unless
21 the primary election is held on the first Saturday in March; in such case, the general
22 election shall be held on the fourth Saturday after the first Saturday ~~after the first~~
23 ~~Tuesday~~ in March; however, commencing in 1986 and every fourth year thereafter,
24 this date shall not be applicable in a parish containing a municipality with a
25 population of three hundred thousand or more.

26 * * *

27 §425. Commissioners

28 * * *

1 B. Qualifications and classifications. (1) The legislature finds that the state
2 has a compelling interest in providing an efficient and effective electoral process on
3 election day and having commissioners who can perform all of the duties required
4 of commissioners serve at polling places. The legislature further finds that it is
5 essential to the electoral process that commissioners not be entitled to assistance in
6 voting and not require the use of the audio ballot.

7 (2) A qualified voter who is not marked for assistance in voting in the
8 precinct register, who does not require the use of the audio ballot in voting, and who
9 is not a candidate in the election may be selected as a commissioner in any precinct
10 of the ward where he is registered to vote, except pursuant to R.S. 18:434(B) and (D)
11 in which case he may be selected as a commissioner in any precinct of the parish
12 where he is registered to vote or as otherwise provided in Paragraph ~~(4)~~ of
13 Subsection A (A)(4) of this Section.

14 ~~(2)(a)~~ (3)(a) No person shall be selected as a commissioner in a precinct in
15 which a member of his immediate family is a candidate for election to public office.

16 (b) No person who has been convicted of an election offense enumerated in
17 Chapter 10 of this Title shall serve as a commissioner.

18 ~~(3)~~ (4) A person shall not serve as a commissioner, except pursuant to R.S.
19 18:434(D), unless he has attended a course of instruction for commissioners, has
20 received a certificate of instruction during the term of office of the clerk who
21 conducted the school, and has provided his correct party affiliation to the clerk. A
22 commissioner who has received this certificate shall be classified as a certified
23 commissioner. A commissioner selected pursuant to R.S. 18:434(D), who has not
24 been issued such a certificate, shall be classified as an uncertified commissioner.

25 ~~(4)~~ (5) A person who is at least seventeen years of age, under the age of
26 eighteen, and is not a qualified voter but is otherwise qualified to serve as a
27 commissioner pursuant to this Subsection may be selected to serve as a
28 commissioner in any precinct of the ward where he may register to vote pursuant to
29 R.S. 18:101(A), provided that the person is enrolled in the twelfth grade of any

1 Louisiana public high school or state-approved nonpublic high school, is
2 participating at the twelfth grade level in a home study program approved by the
3 State Board of Elementary and Secondary Education, has received a diploma from
4 any Louisiana public high school or state-approved nonpublic high school, has
5 received a diploma for completion of a home study program approved by the State
6 Board of Elementary and Secondary Education, or has been issued a high school
7 equivalency diploma after successfully completing the test of General Educational
8 Development.

9 (6) Notwithstanding the provisions of Paragraph (2) of this Subsection, a
10 qualified voter of this state or a person who is registered to vote in another state who
11 is not marked for assistance in voting, who does not require the use of the audio
12 ballot in voting, who is not a candidate in the election, and who is a student at an
13 institution of higher learning located in this state may be selected as a commissioner
14 in any precinct in the parish where the institution of higher learning is located if the
15 student submits to the clerk a copy of his student identification or fee bill showing
16 current enrollment and a copy of his proof of voter registration.

17 * * *

18 §435. Watchers; appointment and commission

19 A. ~~Right to have watchers.~~ (1)(a) Each candidate is entitled to have one
20 watcher at every precinct on election day where the office he seeks is voted on in a
21 primary or general election. The candidate or his authorized representative shall file
22 one list of watchers on a form provided by the secretary of state or on a form which
23 contains the same information as required by the form provided by the secretary of
24 state. ~~When a candidate's list of watchers is filed by the candidate's authorized~~
25 ~~representative, a letter of authorization from the candidate shall accompany the list~~
26 ~~of watchers; however, in~~ The list of watchers shall be signed by the candidate and
27 duly acknowledged by him before an officer authorized to administer oaths.

28 (b) In the case of a presidential election, each slate of candidates for
29 presidential elector is entitled to have one watcher at every precinct. The state

1 central committee of each recognized political party shall be responsible for filing
2 the list of watchers for its slate of candidates for presidential elector, and the list of
3 watchers shall be signed by the chairman of the state central committee and duly
4 acknowledged by him before an officer authorized to administer oaths. The list of
5 watchers for an independent or other party slate of candidates for presidential elector
6 shall be filed by any person so authorized by the presidential candidate supported by
7 the slate of electors. ~~A letter of authorization from the presidential candidate, or an~~
8 ~~authorized agent of his campaign, shall accompany the list of watchers.~~ and signed
9 and duly acknowledged by him before an officer authorized to administer oaths.

10 * * *

11 B.(1)(a) Lists of watchers. A list of watchers shall be filed with the clerk of
12 court by hand delivery, facsimile, mail, or commercial courier before 4:30 p.m. on
13 the tenth day before the primary or general election; however, if the tenth day before
14 the primary or general election falls on a Saturday, Sunday, or other legal holiday,
15 the list shall be filed on the next day which is not a Saturday, Sunday, or other legal
16 holiday. For purposes of this Paragraph, "commercial courier" shall have the same
17 meaning as provided in R.S. 13:3204(D).

18 (b) A list of watchers submitted by a candidate for the primary election may
19 be used for the general election only if the candidate notifies the clerk of court in
20 writing by 4:30 p.m. on the tenth day before the general election that he wants to use
21 the same list of watchers.

22 (2) Except for a candidate or recognized political party filing for a slate of
23 candidates for presidential elector, any person filing a list of watchers must attach
24 a certified statement that the report required by R.S. 18:1486 has been filed with the
25 supervisory committee in compliance with the Campaign Finance Disclosure Act.
26 ~~If any candidate submits a list for the primary election and does not submit a list for~~
27 ~~the general election, the list submitted in the primary election shall be treated as his~~
28 ~~list submitted for the general election.~~

1 §467. Opening of qualifying period

2 The qualifying period for candidates in a primary election shall open:

3 * * *

4 (3) For candidates in a primary election for municipal and ward officers who
5 are not elected at the same time as the governor or members of congress in
6 municipalities with a population of less than three hundred thousand and those in any
7 special primary election to be held at the same time, on the second Wednesday in
8 February of the year of the election, unless the primary election is held on the ~~third~~
9 first Saturday after the first Tuesday in March; in such case the qualifying period for
10 candidates in such primary election shall open on the first Wednesday in December
11 of the year prior to the election.

12 * * *

13 §491. Standing to object to candidacy

14 * * *

15 C. In addition to the persons with standing to bring an action objecting to
16 candidacy as provided in Subsections A and B of this Section:

17 * * *

18 (3) The Board of Ethics shall bring or join in an action filed pursuant to R.S.
19 18:492(4) on the grounds that the person qualified in violation of R.S.
20 42:1113(A)(1)(b)(i) objecting to the candidacy of a person who qualified as a
21 candidate in a primary election for an office.

22 * * *

23 §534. Change of polling places

24 * * *

25 B.(1) The location of a polling place shall not be changed during the period
26 commencing on the date the qualifying period opens and ending on the date of the
27 general election or, in the case of an election date exclusively for bond, tax, or other
28 propositions or questions, during the period commencing on the forty-sixth day prior
29 to the election and ending on the day of the election unless the polling place becomes

1 unavailable due to an emergency caused by an act of God or when privately owned
2 property being used as a polling place becomes unavailable through no fault of the
3 governing authority.

4 (2)(a) Notwithstanding the provisions of Subsection A of this Section, if a
5 polling place becomes unavailable during the period defined in and due to the
6 reasons provided in Paragraph (1) of this Subsection and there is no regularly
7 scheduled meeting of the parish governing authority scheduled to take place prior to
8 the election, the parish president may change the location of the polling place. The
9 parish president shall submit written notice of the change as soon as practicable to
10 the secretary of state.

11 (b) A change in the location of a polling place made by a parish president
12 pursuant to Subparagraph (a) of this Paragraph shall not be permanent unless the
13 governing authority of the parish votes to approve the change.

14 (c) For purposes of this Paragraph, "parish president" means the president
15 of any parish, mayor-president, mayor of New Orleans, or police jury president.

16 * * *

17 §536. Notice of change of location of polling place

18 A. When a parish governing authority or parish president, in accordance with
19 the provisions of R.S. 18:534, changes the location of a polling place during the
20 period commencing on the date the qualifying period opens and ending on the date
21 of the general election or during the period commencing on the forty-sixth day prior
22 to an election and ending on the day of the election for an election date exclusively
23 for bond, tax, or other propositions or questions, the governing authority shall give
24 adequate notice of the change of the location to each voter registered to vote at that
25 polling place and to each candidate to be voted on at that polling place, if applicable,
26 in the following manner:

27 * * *

28 (3) An employee of the parish governing authority shall be stationed at the
29 former polling place for the purpose of directing potential voters to the new location

1 of the polling place. The eligibility requirements provided in R.S. 18:1354(C) for
2 appointment as a deputy parish custodian of voting machines are applicable to the
3 employee. Such employee shall be required to take the constitutional oath or
4 affirmation. The clerk of court shall administer the oath.

5 * * *

6 §551. Ballots

7 * * *

8 C. Names and numbers of candidates. The names of the candidates in a
9 primary or general election shall be listed on the ballot as follows:

10 (1)(a) In a primary election only the names of candidates who qualified for
11 election and were not subsequently disqualified by a judgment rendered in an action
12 objecting to candidacy shall be listed on the ballot.

13 (b) The name of each local candidate shall be listed on the ballot as certified
14 to the secretary of state by the clerk of court, and the name of each state candidate
15 shall be listed on the ballot in the form designated by the candidate in his notice of
16 candidacy on file with the secretary of state.

17 (c)(i) The names of the candidates for each office shall be arranged
18 alphabetically by surname and shall be listed below the title of the office, in smaller
19 capital letters. The names of the candidates shall be numbered from first to last.
20 Once the secretary of state has assigned numbers to the candidates on the primary
21 election ballot, the numbers shall not be changed.

22 (ii) If the qualifying period reopens because of the death of a candidate,
23 additional candidates who qualify for the primary election shall be given the numbers
24 following the number assigned to the last candidate on the ballot.

25 (iii) If two or more candidates have the same surname, the names of the
26 candidates having the same surname shall be arranged alphabetically by first name,
27 regardless of whether a candidate's first name appears on the ballot. The word
28 "Incumbent" shall be listed after the name of each candidate having the same

1 surname who is an incumbent, and the residence address shall be listed after the
2 name of each candidate having the same surname who is not an incumbent.

3 * * *

4 §1306. Preparation and distribution of absentee by mail and early voting ballots

5 * * *

6 E.

7 * * *

8 (2)(a) An absentee by mail ballot envelope flap shall also contain a line for
9 the handwritten signature of one witness. The voter ~~may~~ shall sign the certificate in
10 the presence of one witness and ~~in such a case, the voter shall not be required to~~
11 ~~obtain the signature of a notary public,~~ but his certificate shall be made under penalty
12 of perjury for providing false or fraudulent information. Above the perforation and
13 along the seal line, the words "DO NOT DETACH FLAP" shall be printed.

14 (b) Notwithstanding the provisions of Subparagraph (a) of this Paragraph,
15 a member of the United States Service or person residing outside of the United States
16 who is registered to vote shall not be required to sign the certificate in the presence
17 of one witness ~~or to obtain the signature of a notary public,~~ but his certificate shall
18 be made under penalty of perjury for providing false or fraudulent information.

19 * * *

20 §1308. Absentee voting by mail

21 A.(1)

22 * * *

23 (c)(i) A voter who is eligible to vote absentee by mail pursuant to R.S.
24 18:1303(D)(1) and who feels he will not have time to vote timely by mail may
25 request that the registrar transmit electronically to him a ballot along with a
26 certificate and waiver of the right to a secret ballot, and the registrar shall do so.
27 Alternatively, an immediate family member of the voter may pick up the necessary
28 instructions, certificate, ballot, and envelope at the registrar's office.

1 (ii) The waiver of the right to a secret ballot shall contain the following
2 statement: "My ballot was transmitted electronically to me, and I am voluntarily
3 waiving my right to a secret ballot." The waiver shall also contain spaces for the
4 voter's handwritten signature, the date, and the last four digits of the voter's social
5 security number.

6 (iii) If the materials are transmitted electronically to the voter, the voter shall
7 mark the ballot as provided in R.S. 18:1310 and complete the certificate and waiver
8 and return his voted ballot and completed certificate and waiver to the registrar by
9 facsimile or any means authorized by Subsection B of this Section. The registrar and
10 his staff shall take the steps necessary to keep the voted ballot as confidential as
11 practicable.

12 (iv) If an immediate family member of the voter picks up the voter's
13 materials, the voter shall mark the ballot as provided in R.S. 18:1310 and return his
14 voted ballot and completed certificate to the registrar by facsimile or any means
15 authorized by Subsection B of this Section. If the voter returns the voted ballot and
16 completed certificate by facsimile, he shall also include his completed waiver, and
17 the registrar and his staff shall take the steps necessary to keep the voted ballot as
18 confidential as practicable.

19 * * *

20 Section 2. R.S. 18:101(A)(3) and 154(C)(2)(b) are hereby amended and reenacted
21 to read as follows:

22 §101. Registration to vote; qualifications; more than one residence; presidential
23 elections

24 A.

25 * * *

CODING: Words in ~~struck through~~ type are deletions from existing law; words underscored are additions.

1 (3) A person who is sixteen years of age may register to vote in the manner
2 provided in R.S. 18:114(B)(1) or by making application in person at the office of the
3 registrar of voters. However, no one under the age of eighteen years shall be
4 permitted to vote in any election.

5 * * *

6 §154. Records open to inspection; copying; exceptions

7 * * *

8 C.

9 * * *

10 (2)

11 * * *

12 (b) Notwithstanding the provisions of Paragraph (1) of this Subsection, the
13 Department of State or registrar of voters may transmit the full date of birth and last
14 four digits of the social security number, if available, of a registered voter to the
15 Supervisory Committee on Campaign Finance Disclosure to verify the identity of a
16 candidate for purposes of campaign finance reporting. The supervisory committee
17 shall not disclose ~~the full date of birth of a registered voter~~ information transmitted
18 to it pursuant to this Subparagraph.

19 * * *

20 Section 3. R.S. 18:173(A), 402(F)(7), and 1306(E)(1)(g) are hereby repealed in their
21 entirety.

22 Section 4.(A) This Section and Sections 1 and 3 of this Act shall become effective
23 upon signature of this Act by the governor or, if not signed by the governor, upon expiration
24 of the time for bills to become law without signature by the governor, as provided by Article
25 III, Section 18 of the Constitution of Louisiana. If this Act is vetoed by the governor and
26 subsequently approved by the legislature, this Section and Sections 1 and 3 of this Act shall
27 become effective on the day following such approval.

28 (B) Section 2 of this Act shall become effective January 15, 2016.

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)]

HB 242 Original

2015 Regular Session

Tim Burns

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

Present law (R.S. 18:101) allows a person who is 16 years of age to register to vote, but only when the person applies to obtain a driver's license. Provides that no one under the age of 18 is allowed to vote.

Proposed law retains present law and additionally allows a person who is 16 to register to vote in person at the office of the registrar of voters.

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

Proposed law provides an additional exception to require the confidentiality of voter registration information of a person who is 16 or 17 years of age.

Present law provides that early voting applications are not open to public inspection. Proposed law provides that it is early voting confirmation sheets, instead of early voting applications, that are not subject to public inspection.

Present law authorizes the Dept. of State or registrar of voters to transmit the full date of birth of a registered voter to the Supervisory Committee on Campaign Finance Disclosure to verify the identity of a candidate for purposes of campaign finance reporting. Prohibits the supervisory committee from disclosing the full date of birth of a registered voter transmitted pursuant to present law.

Proposed law retains present law and additionally authorizes the Dept. of State or registrar of voters to transmit the last four digits of the social security number of a registered voter to the Supervisory Committee on Campaign Finance Disclosure to verify the identity of a candidate for purposes of campaign finance reporting. Prohibits the supervisory committee from disclosing this information.

Present law (R.S. 18:496, 502, 1300.7, and 1410) provides that if a candidate dies, withdraws, is disqualified, or resigns (in the case of a recall election) but the timing is such that the candidate's name cannot be removed from the ballot, that votes received by the candidate are void and are not counted for any purpose.

Proposed law retains present law and additionally prohibits the Dept. of State from disclosing these votes.

Present law (R.S. 18:173) provides for reporting by the Dept. of Health and Hospitals regarding deaths. Requires the department to send a report to the Dept. of State regarding persons of voter registration age in each parish in the state who died in the preceding month.

Proposed law retains present law.

Present law also requires the department to send a report each month to the registrar of voters in each parish regarding persons of voter registration age in the parish who died in the preceding month.

Proposed law repeals present law.

Present law requires the clerk of court or entity responsible for jury duty notices to notify the registrar of voters, on a monthly basis, of any returned jury duty notice indicating the person is unable to serve because he no longer resides in the parish. Also requires each federal district court in the state, upon expiration of each jury selection panel, to notify the Dept. of State of any person identified as out of the jurisdiction within the time limit of a particular panel for jury selection. Requires the Dept. of State to send the information received from the federal district courts to the registrar of voters of each parish.

Proposed law changes references from "jury duty notice" to "jury duty questionnaire". Requires the clerk of court or entity responsible for jury duty questionnaires to notify the Dept. of State, on a monthly basis, of any returned jury duty questionnaire indicating that the person is unable to serve because he is not a U.S. citizen. Requires the Dept. of State to send this information to the registrar of voters of each parish. Otherwise retains present law.

Present law (R.S. 18:402(F)) provides exclusive dates for the holding of bond, tax, or other elections at which a proposition or question is to be submitted to the voters.

Proposed law retains present law.

Present law provides that in the case of an emergency, upon application to and approval by the State Bond Commission by two-thirds vote of its total membership, and with approval of the governor, the governing authority of a parish, of a municipality, or of a parish or city school board may conduct a bond or tax election on a Saturday which is not provided for in present law.

Proposed law repeals present law.

Present law (R.S. 18:425) provides qualifications for election commissioners. Generally, provides that a commissioner must be a qualified voter who (1) is not marked for assistance in voting in the precinct register, (2) does not require the use of the audio ballot in voting, (3) is not a candidate in the election, (4) has not been convicted of an election offense, and (5) subject to certain limited exceptions, has attended a course of instruction for commissioners and been certified.

Present law provides generally that a person who meets the qualifications can be selected as a commissioner in any precinct of the ward where he is registered to vote. Provides limited circumstances where a person can be selected to serve outside of the ward where he is registered to vote.

Present law provides that a person who is 17 years of age and is not a qualified voter but is otherwise qualified to serve as a commissioner pursuant to present law may be selected to serve as a commissioner in any precinct of the ward where he may register to vote, provided that the person is enrolled in the 12th grade of any La. public high school or state-approved nonpublic high school, is participating at the 12th grade level in a home study program approved by the State Board of Elementary and Secondary Education (BESE), has received a diploma from any La. public high school or state-approved nonpublic high school, has received a diploma for completion of a home study program approved by BESE, or has been issued a high school equivalency diploma after successfully completing the test of General Educational Development.

Proposed law retains present law and additionally provides that a qualified voter of this state or a registered voter in another state who is not marked for assistance in voting, who does not require the use of the audio ballot in voting, who is not a candidate in the election, and who is a student at an institution for higher learning located in this state may be selected as a commissioner in any precinct in the parish where the institution for higher learning is

located if the student submits to the clerk a copy of his student identification or fee bill showing current enrollment and a copy of his proof of voter registration.

Present law (R.S. 18:435) provides that each candidate is entitled to have one watcher at every precinct on election day where the office he seeks is voted on in a primary or general election. Requires the candidate or his authorized representative to file one list of watchers on a form provided by the secretary of state or on a form which contains the same information.

Proposed law retains present law.

Present law requires an authorized representative who files a list of watchers to also provide a letter of authorization from the candidate.

Proposed law repeals present law.

Present law requires the state central committee of each recognized political party to file the list of watchers for its slate of candidates for presidential elector. Provides that the list of watchers for an independent or other party slate of candidates for presidential elector shall be filed by any person so authorized by the presidential candidate supported by the slate of electors.

Proposed law retains present law.

Present law requires a letter of authorization from the presidential candidate or an authorized agent of his campaign.

Proposed law repeals present law. Additionally requires a list of watchers submitted by the state central committee of a recognized political party to be signed by the chairman and duly acknowledged before an officer authorized to administer oaths. Requires a candidate supported by an independent or other party slate of electors to sign the list of watchers and duly acknowledge the list before an officer authorized to administer oaths.

Present law requires a list of watchers to be filed with the clerk of court before 4:30 p.m. on the 10th day before the election.

Proposed law retains present law and specifies that the list may be filed by hand delivery, facsimile, mail, or commercial courier. Additionally, requires all lists of watchers to contain the voter registration numbers of the watchers.

Present law provides that if a candidate submits a list of watchers for the primary election and does not submit a list for the general election, the list submitted in the primary election is treated as his list submitted for the general election.

Proposed law repeals present law and provides instead that the list submitted by a candidate for the primary election may be used for the general election only if the candidate notifies the clerk of court in writing no later than 4:30 p.m. on the 10th day before the general election.

Present law (R.S. 18:461) provides that, subject to certain limited exceptions, a person who desires to become a candidate in a primary election qualifies as a candidate by timely filing notice of his candidacy, accompanied either by a nominating petition or by the qualifying fee and any additional fee imposed.

Present law (R.S. 18:463) provides for the content of the notice of candidacy, including certification that the candidate acknowledges that he is subject to the provisions of present law (R.S. 18:1481 et seq.—Campaign Finance Disclosure Act) if he is a candidate for any office other than U.S. senator, representative in congress, or member of a committee of a

political party and that he does not owe any outstanding fines, fees, or penalties pursuant to present law (Campaign Finance Disclosure Act).

Present law defines "outstanding fines, fees, or penalties" for purposes of present law as a fine, fee, or penalty equal to an amount of \$250 or more assessed by order of the Supervisory Committee on Campaign Finance Disclosure or by final decision of an adjudicatory panel of the Ethics Adjudicatory Board pursuant to present law (Campaign Finance Disclosure Act) for which all appeals have been exhausted or a judgment of a district court assessing civil penalties pursuant to present law (Campaign Finance Disclosure Act).

Proposed law retains present law.

Present law requires that an order of the supervisory committee or adjudicatory board have been converted into a court order. Requires a judgment of the court to have become executory pursuant to present law (R.S. 18:1511.4.1 or 1511.5).

Proposed law repeals present law. Additionally includes a fine, fee, or penalty assessed by the staff of the supervisory committee that meets the other requirements of present law and proposed law.

Present law (R.S. 18:492) provides specific grounds for bringing an action objecting to the candidacy of a person, including that the person is prohibited by law from becoming a candidate for one or more of the offices for which he qualified. Present law (R.S. 18:491) authorizes certain people and entities to bring actions objecting to candidacy.

Present law (R.S. 42:1113(A)(1)(b)(i)—Code of Governmental Ethics) allows a municipal or parish governing authority to appoint one of its members to fill a vacancy, but prohibits such an appointee from qualifying in the next election for that office.

Proposed law retains present law. Requires the Board of Ethics to bring an action pursuant to present law (R.S. 18:492) objecting to the candidacy of a person who qualified as a candidate in violation of present law (R.S. 42:1113(A)(1)(b)(i)).

Present law also requires the candidate to certify that he does not owe any outstanding fines, fees, or penalties pursuant to present law (R.S. 42:1101 et seq.—Code of Governmental Ethics). Defines "outstanding fines, fees, or penalties" for purposes of present law as a fine, fee, or penalty equal to an amount of \$250 or more imposed by the Board of Ethics for which all appeals have been exhausted.

Proposed law retains present law. Additionally includes a fine, fee, or penalty imposed by a final decision of an adjudicatory panel of the Ethics Adjudicatory Board pursuant to present law (Code of Governmental Ethics) that meets the other requirements of present law.

Present law (R.S. 18:533) provides that the governing authority of each parish establishes polling places. Provides requirements and prohibitions. Present law (R.S. 18:534) provides that once a polling place is established, it may only be changed by a vote of the parish governing authority. Prohibits changes during certain periods close to an election unless a polling place becomes unavailable due to an emergency caused by an act of God or when privately owned property becomes unavailable through no fault of the governing authority.

Proposed law retains present law and additionally provides that in the case of an emergency, when the parish governing authority has not voted at a meeting to change the location of a polling place, the parish president can temporarily change the polling place up until the fifth day prior to the election. Provides that the change does not become permanent unless the parish governing authority subsequently votes to approve it.

Present law (R.S. 18:536) provides that when the governing authority changes a polling place in a defined period close to an election, the governing authority must give notice of the

change in certain specified ways. Also provides that an employee of the parish governing authority shall be stationed at the former polling place for the purpose of directing potential voters to the new location of the polling place. Requires the employee to take a constitutional oath or affirmation administered by the clerk of court.

Present law (R.S. 18:1354) provides for the appointment of a deputy parish custodian of voting machines to assist the parish custodian of voting machines in the performance of his duties. Provides that the parish custodian may not appoint as a deputy any person who has been convicted of a felony for which he has not been pardoned.

Proposed law retains present law and additionally applies the notice requirements to a change of polling place made pursuant to proposed law and applies the qualifications of a deputy parish custodian of voting machines to a person stationed at the former polling place when a polling place has been changed pursuant to present law or proposed law.

Present law (R.S. 18:551) provides for the content of the ballot, including the listing of the names of candidates. Provides that the names of the candidates for each office shall be arranged alphabetically by surname and numbered from first to last. Provides that if two or more candidates have the same surname, the word "Incumbent" shall be listed after the name of each candidate having the same surname who is an incumbent and the residence address shall be listed after the name of each candidate having the same surname who is not an incumbent.

Proposed law retains present law. Additionally provides that if two or more candidates have the same surname, the names shall be arranged alphabetically by first name, regardless of whether a candidate's first name appears on the ballot.

Present law (R.S. 18:1306) provides for the content of absentee by mail and early voting materials. Requires the absentee by mail ballot envelope to contain certain information.

Present law requires the absentee by mail ballot envelope to contain spaces for the state and parish or county where it is executed, if executed outside the voter's parish of registration.

Proposed law repeals present law.

Present law requires the absentee by mail ballot envelope to bear a certificate prescribed by the secretary of state and approved by the attorney general. Provides required information for the certificate. Provides that the voter may sign the certificate in the presence of one witness and in such a case, the voter shall not be required to obtain the signature of a notary public, but his certificate shall be made under penalty of perjury for providing false or fraudulent information.

Proposed law repeals the option of obtaining the signature of a notary in lieu of signing the certification in the presence of a witness. Otherwise retains present law.

Present law (R.S. 18:1303) allows a person who is otherwise qualified to vote, who expects to be hospitalized on election day, and who did not have knowledge of his proposed hospitalization until after the time for early voting had expired, to vote absentee by mail.

Proposed law retains present law. Additionally allows a person who is eligible to vote pursuant to present law and who feels he will not have time to vote timely by mail to request that the registrar transmit voting materials to him electronically or allow an immediate family member to pick up his voting materials at the registrar's office. Provides procedures for voting and returning the materials to the registrar.

Proposed law makes various technical changes.

Effective upon signature of governor or lapse of time for gubernatorial action, except that provisions authorizing a person who is 16 years of age to register to vote at the office of the registrar and allowing the Dept. of State to disclose the last four digits of the social security number with the Supervisory Committee on Campaign Finance Disclosure become effective on Jan. 15, 2016.

(Amends R.S. 18:101(A)(3), 154(A) and (C)(2)(b), 178, 402(C)(2) and (E)(2)(c), 425(B), 435(A)(Subsection heading) and (1) and (B), 463(A)(2)(c)(i) and (ii), 467(3), 534(B), 536(A)(intro. para.) and (3), 551(C)(1), and 1306(E)(2); Adds R.S. 18:154(H) and (I), 491(C)(3), and 1308(A)(1)(c); Repeals R.S. 18:173(A), 402(F)(7), and 1306(E)(1)(g))