

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), 435(A)(Subsection heading) and (1) and (B), 463(A)(2)(c)(i) and (ii),
4 467(3), 534(B), 536(A)(introductory paragraph) and (3), 551(C)(1), 1280.22(B)(1),
5 and 1306(E)(2), to enact R.S. 18:154(H) and (I), 491(C)(3), and 1308(A)(1)(c), and
6 to repeal R.S. 18:173(A), 402(F)(7), 467(5), and 1306(E)(1)(g), relative to the
7 Louisiana Election Code; to revise the system of laws comprising the Louisiana
8 Election Code; to provide relative to qualifications, requirements, and procedures for
9 voter registration; to provide for the confidentiality of certain information relative
10 to voter registration and voting; to provide for exceptions; to provide for election
11 dates; to repeal certain reporting requirements relative to deaths; to require reports
12 of certain information received through jury questionnaires; to provide relative to
13 watchers; to provide for the content and procedure for submitting lists of watchers;
14 to provide relative to polling places; to provide for a change in the location of a
15 polling place; to authorize certain officials to change the location of a polling place
16 under certain circumstances; to provide for notification of such changes; to provide
17 relative to the appointment of certain persons to direct potential voters to the new
18 location of the polling place; to provide relative to absentee voting by mail; to
19 provide relative to procedures and requirements for voting absentee by mail; to
20 provide relative to the content of absentee by mail voting materials; to provide
21 relative to voting absentee by mail by certain persons who are hospitalized; to

1 provide relative to standing to bring an action objecting to candidacy; to provide
2 relative to listing candidates on the ballot; to provide relative to the qualifying period
3 in certain elections; to provide relative to the notice of candidacy; and to provide for
4 related matters.

5 Be it enacted by the Legislature of Louisiana:

6 Section 1. R.S. 18:154(A), 178, 402(C)(2) and (E)(2)(c), 435(A)(Subsection
7 heading) and (1) and (B), 463(A)(2)(c)(i) and (ii), 467(3), 534(B), 536(A)(introductory
8 paragraph) and (3), 551(C)(1), 1280.22(B)(1), and 1306(E)(2) are hereby amended and
9 reenacted and R.S. 18:154(H) and (I), 491(C)(3), and 1308(A)(1)(c) are hereby enacted to
10 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 notices or questionnaires, by
3 the tenth day of each month, the clerk of court shall notify, in writing, the registrar
4 of voters of any returned jury duty notice or questionnaire indicating the person is
5 unable to serve because he no longer resides in the parish. In ~~parishes~~ a parish where
6 the clerk of court is not responsible for handling the jury duty notices or
7 questionnaires, the responsible entity shall notify, in writing, the registrar of voters
8 of any such returned jury ~~notices~~ duty notices or questionnaires.

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

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

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

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

24 * * *

25 §402. Dates of primary and general elections

26 * * *

27 C. Municipal and ward elections. In all municipalities with a population of
28 less than three hundred thousand, elections for municipal and ward officers who are

1 not elected at the same time as the governor or members of congress shall be held
2 every four years.

3 * * *

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

10 * * *

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

15 * * *

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

17 * * *

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

24 * * *

25 §435. Watchers; appointment and commission

26 A. ~~Right to have watchers.~~ (1)(a) Each candidate is entitled to have one
27 watcher at every precinct on election day where the office he seeks is voted on in a
28 primary or general election. The candidate or his authorized representative shall file
29 one list of watchers on a form provided by the secretary of state or on a form which

1 contains the same information as required by the form provided by the secretary of
2 state. When a candidate's list of watchers is filed by the candidate's authorized
3 representative, a letter of authorization from the candidate shall accompany the list
4 of watchers; however, in the list of watchers shall be signed by the candidate.

5 (b) In the case of a presidential election, each slate of candidates for
6 presidential elector is entitled to have one watcher at every precinct. The state
7 central committee of each recognized political party shall be responsible for filing
8 the list of watchers for its slate of candidates for presidential elector, and the list of
9 watchers shall be signed by the chairman of the state central committee. The list of
10 watchers for an independent or other party slate of candidates for presidential elector
11 shall be signed and filed by any person so authorized by the presidential candidate
12 supported by the slate of electors. A letter of authorization from the presidential
13 candidate, or an authorized agent of his campaign, shall accompany the list of
14 watchers.

15 * * *

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

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

27 (2) Except for a candidate or recognized political party filing for a slate of
28 candidates for presidential elector, any person filing a list of watchers must attach
29 a certified statement that the report required by R.S. 18:1486 has been filed with the

1 supervisory committee in compliance with the Campaign Finance Disclosure Act.
2 ~~If any candidate submits a list for the primary election and does not submit a list for~~
3 ~~the general election, the list submitted in the primary election shall be treated as his~~
4 ~~list submitted for the general election.~~

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

10 * * *

11 §463. Notice of candidacy; campaign finance disclosure; political advertising;
12 penalties

13 A.

14 * * *

15 (2)

16 * * *

17 (c) For the purposes of this Paragraph:

18 (i) "Outstanding fine, fee, or penalty pursuant to the Campaign Finance
19 Disclosure Act" shall mean a fine, fee, or penalty equal to an amount of two hundred
20 fifty dollars or more assessed by order of the Supervisory Committee on Campaign
21 Finance Disclosure or its staff or by final decision of an adjudicatory panel of the
22 Ethics Adjudicatory Board pursuant to the Campaign Finance Disclosure Act ~~that~~
23 ~~has been converted into a court order~~ for which all requests for waiver or appeals
24 have been exhausted or a judgment of a district court assessing civil penalties
25 pursuant to the Campaign Finance Disclosure Act ~~and that has become executory~~
26 ~~pursuant to R.S. 18:1511.4.1 or 1511.5~~ for which all appeals have been exhausted.

27 (ii) "Outstanding fines, fees, or penalties pursuant to the Code of
28 Governmental Ethics" shall mean a fine, fee, or penalty equal to an amount of two
29 hundred fifty dollars or more imposed by the Board of Ethics or by final decision of

1 an adjudicatory panel of the Ethics Adjudicatory Board pursuant to the Code of
2 Governmental Ethics for which all appeals have been exhausted.

3 * * *

4 §467. Opening of qualifying period

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

6 * * *

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

15 * * *

16 §491. Standing to object to candidacy

17 * * *

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

20 * * *

21 (3) The Board of Ethics shall bring or join in an action filed pursuant to R.S.
22 18:492(4) on the grounds that the person qualified in violation of R.S.
23 42:1113(A)(1)(b)(i).

24 * * *

25 §534. Change of polling places

26 * * *

27 B.(1) The location of a polling place shall not be changed during the period
28 commencing on the date the qualifying period opens and ending on the date of the
29 general election or, in the case of an election date exclusively for bond, tax, or other

1 propositions or questions, during the period commencing on the forty-sixth day prior
2 to the election and ending on the day of the election unless the polling place becomes
3 unavailable due to an emergency caused by an act of God or when privately owned
4 property being used as a polling place becomes unavailable through no fault of the
5 governing authority.

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

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

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

18 * * *

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

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

29 * * *

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

4 * * *

5 §1280.22. Candidates; procedure for qualifying

6 * * *

7 B.(1) The qualifying period for presidential candidates shall open on the first
8 Wednesday in December and shall close at ~~5:00~~ 4:30 p.m. on the following Friday.
9 During the qualifying period, presidential candidates shall file notices of candidacy
10 with the secretary of state.

11 * * *

12 §1306. Preparation and distribution of absentee by mail and early voting ballots

13 * * *

14 E.

15 * * *

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

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

28 * * *

29 §1308. Absentee voting by mail

1 §101. Registration to vote; qualifications; more than one residence; presidential
2 elections

3 A.

4 * * *

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

9 * * *

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

11 * * *

12 C.

13 * * *

14 (2)

15 * * *

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

23 * * *

24 Section 3. R.S. 18:173(A), 402(F)(7), 467(5), and 1306(E)(1)(g) are hereby repealed
25 in their entirety.

26 Section 4.(A) This Section and Sections 1 and 3 of this Act shall become effective
27 upon signature of this Act by the governor or, if not signed by the governor, upon expiration
28 of the time for bills to become law without signature by the governor, as provided by Article
29 III, Section 18 of the Constitution of Louisiana. If this Act is vetoed by the governor and

- 1 subsequently approved by the legislature, this Section and Sections 1 and 3 of this Act shall
 2 become effective on the day following such approval.
 3 (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 Reengrossed

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 applies requirements of present law to jury duty questionnaires in addition to duty notices. Requires the clerk of court or entity responsible for jury duty notices or questionnaires to notify the Dept. of State, on a monthly basis, of any returned jury duty notice or 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 Sat. which is not provided for in present law.

Proposed law repeals present law.

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

Proposed law retains present law. Additionally requires a list of watchers to be signed by the candidate.

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. Requires a letter of authorization from the presidential candidate or an authorized agent of his campaign.

Proposed law retains 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 of the state central committee, and requires a list of watchers for a slate of candidates to be signed by a person authorized by the presidential candidate supported by the slate of candidates for presidential elector.

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.

Present law requires all lists of watchers to contain the name and mailing address of each watcher.

Proposed law retains present law and additionally requires each list to contain the name and mailing address of each alternate watcher.

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 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. 18:467) provides for the opening of the qualifying period for various elections, including gubernatorial primary elections; congressional primary elections; primary elections for municipal and ward officers who are not elected at the same time as the governor or members of congress in municipalities with a population of less than 300,000; primary elections for parochial and municipal officers in a parish containing a municipality with a population of 300,000 or more; primary elections held on the third Sat. in Oct. of 1981 and every fourth year thereafter; and special elections held at the same time as the foregoing elections.

Proposed law retains present law.

Present law provides for the opening of the qualifying period for candidates in any other special primary election, except for the office of judge, state legislator, or representative in congress. Provides that the qualifying period in such an election opens on the first Wed. which is at least five days after publication of the proclamation ordering the special election.

Proposed law repeals present 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 (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. 18:1280.22) provides procedures for qualifying for the presidential preference primary. Provides that the qualifying period opens on the first Wednesday in Dec. and closes on the following Friday.

Proposed law retains present law.

Present law provides that the qualifying period closes at 5:00 p.m.

Proposed law provides instead that the qualifying period closes at 4:30 p.m.

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 have a perforated flap below the sealing line, which shall bear a certificate prescribed by the secretary of state and approved by the attorney general. 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 provides required information for the certificate on the ballot envelope flap, including the full name and place of residence of the voter in La., including state, parish, ward, precinct, city, and street; the statement of the voter certifying that he applied for the ballot, marked the enclosed ballot or ballot himself or that they were marked for him according to his instructions and in his presence; the statement of the voter that he is entitled to vote at the precinct he names; authorization to the parish board of election supervisors to open the envelope and count his ballot; his mother's maiden name; and an affidavit followed by a line for the handwritten signature or mark of the voter, certifying that the statements made by him are true and correct and that the voter is aware of the penalties for knowingly making a false statement therein, which penalties shall be stated on the certificate.

Proposed law retains present law.

Present law additionally requires the certificate 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 ballot envelope flap to also contain a line for the handwritten signature of one witness.

Proposed law retains present law and additionally requires the ballot envelope flap to contain a line for the printed name of the witness.

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), 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), 1280.22(B)(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), 467(5), and 1306(E)(1)(g))

Summary of Amendments Adopted by House

The Committee Amendments Proposed by House Committee on House and Governmental Affairs to the original bill:

1. Remove proposed provisions relative to the qualifications of commissioners and proposed provisions allowing certain persons to serve as commissioners.
2. Add provisions repealing present law (R.S. 18:467(5)) providing for the opening of the qualifying period in certain special primary elections.
3. Remove proposed provisions requiring a list of watchers to contain the voter registration number of each watcher and alternate watcher.
4. Add provisions changing the close of the qualifying period for the presidential preference primary from 5:00 p.m. on the Friday following the first Wednesday in Dec. to 4:30 p.m. on that day.
5. Add provisions requiring the absentee by mail ballot envelope to contain a line for the printed name of the witness.
6. Make technical changes.

The House Floor Amendments to the engrossed bill:

1. Remove provisions of proposed law that would have replaced references to "jury notices" with references to "jury questionnaires".
2. Apply provisions of present law and proposed law to jury notices and jury questionnaires instead of only to jury questionnaires.
3. Remove proposed law provisions requiring lists of watchers to be acknowledged before an officer authorized to administer oaths.