
DIGEST

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HB 242 Reengrossed

2015 Regular Session

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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.