

## RÉSUMÉ DIGEST

**ACT 281 (HB 890)**

**2016 Regular Session**

**Danahay**

Existing law (R.S. 18:18) provides for the powers and duties of the secretary of state and provides specific responsibilities, including directing registrars of voters, obtaining statistics and data relating to voter registration, coordinating the responsibilities of the state pursuant to the National Voter Registration Act of 1993, and providing for voter education.

New law additionally authorizes the secretary of state to develop and implement a pilot program for new voting technology and equipment. Requires the secretary of state to work with two members from each of the legislative governmental affairs committees in developing the program and to submit a description of the program and any changes to the committees.

Existing law (R.S. 18:23) provides relative to the State Bd. of Election Supervisors. Provides certain procedural requirements and for the membership of the board.

Existing law provides that the following are the members of the board:

- (1) The lieutenant governor.
- (2) The secretary of state.
- (3) The attorney general.
- (4) The commissioner of elections or a designee of the secretary of state, as determined by the secretary of state.
- (5) One member of the Clerks of Court Assoc. elected by the membership thereof to serve a four-year term concurrent with that of the governor.
- (6) One member of the Registrars of Voters Assoc. elected by the membership thereof to serve a four-year term concurrent with that of the governor.
- (7) One member appointed by the governor, for a term concurrent with the governor, from a list of nominees submitted by the presidents of certain private universities in the state, subject to Senate confirmation.

New law adds to the membership of the board one member of the Police Jury Assoc. of La. or its successor elected by the membership thereof to serve a four- year term concurrent with that of the governor.

Prior law provided that four of the seven members constituted a quorum to transact business of the board. New law provides instead that five of the eight members constitute a quorum to transact business of the board.

Existing constitution requires the governing authority of each parish to appoint a registrar of voters, whose compensation, removal from office for cause, bond, powers, and functions shall be provided by law.

Existing law requires the parish governing authority to fill a vacancy in the office of registrar of voters within 30 days after the date on which the vacancy occurs. Provides that until the appointment is made, the chief deputy shall perform the duties of the registrar in a parish having a chief deputy. Provides that if there is no chief deputy, within 48 hours after the office becomes vacant, the parish governing authority shall appoint a person temporarily to perform the duties of the registrar until the parish governing authority fills the vacancy. Provides, however, that if the parish governing authority neither fills the vacancy nor, in a parish having no chief deputy, designates a person temporarily to perform the duties of registrar within 48 hours after the office becomes vacant, the State Bd. of Election Supervisors shall appoint a person to perform the duties until the parish governing authority fills the vacancy.

New law requires a registrar to file a notice of retirement or resignation with the secretary of state. Provides that the notice shall be in writing, shall be dated, may specify a prospective date on which the retirement or resignation is to be effective, and shall be signed by the registrar and duly acknowledged by him before an officer authorized to administer oaths. Provides that upon receiving a notice of retirement or resignation from a registrar, the secretary of state shall immediately transmit a copy of the notice to the governing authority for the parish of the registrar who filed the notice. Provides further that a notice of retirement or resignation of a registrar shall not be effective until the original notice of retirement or resignation is received by the secretary of state and shall become irrevocable upon such receipt by the secretary of state.

Existing law (R.S. 18:105) requires an applicant for voter registration to establish his identity, age, and residency. Provides that the registrar or any person authorized to accept voter registration applications shall require the applicant to submit his current La. driver's license, if he has one, or his birth certificate, or other documentation which reasonably and sufficiently establishes the applicant's identity, age, and residency. Provides that if the registrar or any person authorized to accept voter registration applications has good reason to believe that the applicant is not the person he represents himself to be or is not qualified to register as provided in existing law (R.S. 18:101), he shall require the applicant to produce two witnesses who reside in his precinct to make oath to establish his identity, age, and residency.

Prior law provided that in addition to the proof otherwise required by existing law, an applicant of foreign birth who has been naturalized was required to prove that he was legally naturalized under the laws of the U.S. Provided that if he had never previously registered in the parish or was not at the time of the application registered in any other parish in the state, he was required to present to the registrar either a certificate of naturalization under the seal of the court in which the naturalization took place, attested by the clerk of that court, or his current U.S. passport. Provided that if he claimed to be a naturalized citizen by reason of the naturalization of a parent and he had not been registered previously in the parish or was not at the time of application registered in any other parish in the state, he was required to present to the registrar either the certificate of naturalization of the parent attested by the clerk of the court in which the naturalization took place or his current U.S. passport.

Prior law provided that in addition to the proof otherwise required by existing law, a person who claimed to be a citizen of the U.S. other than by birth or naturalization was required to prove such citizenship. Provided that if he had never previously registered in the parish or was not at the time of application registered in any other parish in the state, he was required to present to the registrar his certificate of citizenship, certificate of repatriation issued under the laws of the U.S., or his current U.S. passport.

New law repeals prior law.

Existing law (R.S. 18:116) requires voter registration services to be provided at certain listed agencies, including public assistance agencies, offices that provide services to persons with disabilities, and armed services recruitment offices. Among the required voter registration services is distribution of mail voter registration application forms.

Prior law required voter registration application forms to be distributed only to applicants who were qualified to register. New law repeals prior law.

New law adds to the list of public assistance agencies where voter registration services must be provided the Kinship Care Subsidy Program (KCSP) and the Child Care Assistance Program (CCAP). Specifies that services at armed services recruitment offices shall be provided according to the procedures established by the Federal Voting Assistance Program.

Existing law requires a form to accompany each mail voter registration application that is distributed. Provides for the content of the form, including a statement informing the person that he may file a complaint with the secretary of state if a person has interfered with his right to register or decline to register to vote or his right to privacy.

New law additionally requires the form to include interference with the person's right to choose his own political party or other political preference as causes for a complaint.

Existing law (R.S. 18:193) provides a challenge procedure to be used by the registrar of voters when he has reason to believe that a registrant no longer is qualified to be registered, or that a registrant has changed his residence. Requires the registrar to send the person an address confirmation card. Provides that if the voter responds to the address confirmation card and has permanently moved outside the state, the registrar shall cancel the voter's registration.

Prior law provided that if the voter responded to the address confirmation card and had moved to a different parish, the registrar cancelled the voter's registration. New law instead requires the registrar to transfer the voter's registration information to the voter's new parish of residence.

Existing law (R.S. 18:425) provides qualifications for a person to serve as a commissioner. Existing law (R.S. 18:424) provides qualifications for a person to serve as a commissioner-in-charge. Qualifications include being a qualified voter, not being a candidate in the election, and subject to certain exceptions, having completed certain training.

Prior law provided that a person who was entitled to assistance in voting could not serve as a commissioner or a commissioner-in-charge.

New law repeals prior law. Provides instead that the person must be able to perform the essential duties of a commissioner or commissioner-in-charge as described in the informational pamphlet developed by the secretary of state pursuant to existing law (R.S. 18:421(C)).

Existing 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 existing 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.

New law additionally provides that a qualified voter of La. or a person who is registered to vote in another state who is able to perform the essential duties of a commissioner as described in the informational pamphlet developed by the secretary of state pursuant to existing law (R.S. 18:421(C)), who is not a candidate in the election, and who is a student at an institution of higher learning located in this state may be selected as a commissioner in any precinct in the parish where the institution of 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.

Existing law (R.S. 18:444) provides that at the first meeting of the parish executive committee of a recognized political party, the newly-elected members of the committee shall elect the officers provided for by the rules and regulations of the state central committee of that political party, which shall be uniform for all parish executive committees.

New law additionally requires the chairman of each parish executive committee to submit the name of each officer to the secretary of state within five business days of election and to submit any change in the officers to the secretary of state within five business days of the change.

Existing 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.

Existing law (R.S. 18:463) provides for the content of the notice of candidacy, including certification that the statements therein are true and correct and acknowledging a number of specific requirements of existing law relative to the qualifications for the office, Code of Governmental Ethics, Campaign Finance Disclosure Act, and filing of his tax returns.

Requires the certificate to be executed before a notary public, be witnessed by two persons, or if the candidate is serving outside of the state in the armed forces of the U.S., be witnessed by a commissioned officer.

Prior law provided that if the execution of the certificate was witnessed by two persons, the two persons must have been registered to vote for the office that the candidate sought.

New law repeals prior law.

New law removes obsolete references to refunds of qualifying fees and a related escrow account in provisions of existing law (R.S. 18:470) relative to the delivery of such fees to the state treasury.

Existing law (R.S. 18:532.1) authorizes parish governing authorities to change the configuration, boundaries, or designation of election precincts by ordinance, subject to certain limitations and requirements. However, provides that no election precinct shall be created, divided, abolished, or merged, or the boundaries thereof otherwise changed between Jan. first of any year of which the last digit is nine and Dec. 31 of any year of which the last digit is three. Provides a limited exception for merger of precincts if certain requirements are met.

Existing law provides an additional limited exception. Provides that if after the release of the federal decennial census data a parish governing authority is unable to comply with applicable law regarding redistricting and reapportionment, including adherence to traditional redistricting principles, in the creation of its redistricting or reapportionment plan using the whole precincts submitted to the U.S. Bureau of the Census, the parish governing authority may divide a precinct into two or more precincts according to a visible feature which is a census tabulation boundary.

New law adds a requirement that the parish governing authority notify the secretary of state in writing of any such precinct division.

Existing law provides a period of time prior to an election during which no precinct may be established or changed in any way, including alphabetical division by voter surname, and during which no annexation may be implemented. Provides that the period of time ends on the date of the general election.

Prior law provided that the period commenced on the fifth business day prior to the date the qualifying period opened. New law provides instead that the period commences on the tenth business day prior to the date the qualifying period opens.

Existing law provides that no change to a precinct or annexation that is made prior to the commencement of this period shall become effective for the election unless certain required information is submitted to and received by the secretary of state.

Prior law specified that the information must have been received by the secretary of state prior to the day the period commenced. New law provides that the information must be received prior to 4:30 p.m. on the day the period commences.

Existing law (R.S. 18:583) provides procedures for the filing of anticipated vacancies for elected offices. Requires the appropriate authority to issue a proclamation ordering a special election to elect a person to fill the full term of an office when it becomes certain, after the election for the term but prior to its commencement, that a vacancy will exist on the day when the term of the office commences. Provides that the proclamation ordering the special election shall state the dates, in accordance with existing law (R.S. 18:402), on which the primary and general elections will be held. Provides that it shall become certain that a vacancy will exist on the day the term of office commences when the person elected to the office dies or makes a declaration to the secretary of state that he will not accept the office.

New law provides that an anticipated vacancy shall additionally become certain when a person elected to office is disqualified by a court of competent jurisdiction.

Existing law (R.S. 18:1285 and 1300) provides relative to bond, debt, and tax elections and elections at which a proposition is to be submitted to the voters. Requires notice of such an

election to be provided to the secretary of state. Provides requirements for such notice, including a deadline for submitting it.

Prior law provided that if the election was to have been held on a primary election date, the notice must have been received by the 46th day prior to the election. New law requires the notice to be received by the 54th day prior to the election instead of the 46th day.

Existing law (Ch. 7 of the La. Election Code—R.S. 18:1301 et seq.) provides for voting absentee by mail. Provides that certain specified classes of persons may vote by mail by making application to the registrar.

Existing law (R.S. 18:1306) provides procedures and requirements for the preparation and distribution of absentee by mail and early voting ballots. Requires such ballots to include instructions printed on the face of the ballots to inform the voter of how to mark the ballot.

New law additionally requires that the instructions inform the voter concerning how to change or correct his vote on the ballot before it is cast and counted, including through the use of a replacement ballot if the voter is otherwise unable to change or correct his vote on the ballot.

Existing law (R.S. 18:563 and 1309) provides procedures for casting a vote in person using a paper ballot. New law additionally provides procedures for using a replacement ballot to cast a vote in person. Provides that if a voter determines that his ballot is spoiled because he wants to change or correct his vote on the ballot before it is cast and counted but is unable to do so, he may obtain a replacement ballot upon returning the spoiled ballot to the appropriate election official. Provides that the voter shall cast his vote as provided in existing law using the replacement ballot. Requires the election official to write the words "spoiled and replaced" on the ballot and retain the spoiled ballot.

Existing law (R.S. 18:1310) provides procedures for casting a vote using an absentee by mail ballot. New law additionally provides procedures for using a replacement ballot to vote absentee by mail. Provides that if a voter determines that his ballot is spoiled because he wants to change or correct his vote on the ballot before it is cast and counted but is unable to do so, he may obtain a replacement ballot from the registrar of voters in his parish. Provides that upon receiving the replacement ballot, the voter shall mark the ballot and return it to the registrar as provided in existing law. Provides that the voter shall not return the spoiled ballot to the registrar, but shall destroy it. Provides that if the voter sends both the spoiled ballot and the replacement ballot to the registrar, each of such ballots shall be void.

Existing law (R.S. 18:1307) provides for the content of absentee by mail applications. Provides for the form of an application. Provides methods for returning applications to the registrar, including mail, commercial delivery service, hand delivery, and facsimile.

New law provides that if an application is sent by facsimile, the person sending the application by facsimile shall sign the application to indicate that he is the sender and shall include the facsimile number from where the facsimile was sent. However, provides that new law does not apply to an application by a person who is entitled to vote pursuant to the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA).

Existing law additionally provides that no person except the immediate family member of a voter may hand deliver more than one voter's application to vote by mail to the registrar. New law applies this limitation to applications sent by facsimile. However, provides that new law does not apply to an application by a person who is entitled to vote pursuant to UOCAVA.

Existing law (R.S. 18:1313) provides procedures and requirements for the tabulation and counting of absentee by mail ballots by the parish board of election supervisors. Provides that upon written request by certain specified persons, a recount must be conducted if the number of absentee by mail and early voting ballots cast could make a difference in the outcome of the election. Provides that all recounts of absentee by mail and early voting ballots shall be held at 10:00 a.m. or following the reinspection of voting machines on the fifth day after the election and at any time ordered by a court of competent jurisdiction. Provides that if the fifth day after the election falls on a holiday or weekend, such recount shall be held on the next working day at 10:00 a.m. or following the reinspection of voting

machines. Requires a written request for recount of absentee by mail and early voting ballots to be filed with the clerk of court.

Prior law required the request for recount to be filed with the clerk of court no later than the last working day prior to the date of the recount. New law requires the request for recount to be filed by 4:30 p.m. on the last working day prior to the date of the recount.

Existing law provides that the parish board of election supervisors is responsible for counting and tabulation of absentee by mail and early voting ballots. Provides procedures and requirements.

New law additionally provides that if a voter sends two or more absentee by mail ballots for the same election in the same envelope the parish board shall reject all such ballots.

Effective upon signature of governor (May 27, 2016); except that provisions relative to changes to challenge and cancellation of registration, the deadline for notice of election, replacement ballots, and instructions on absentee by mail ballots become effective on January 1, 2017.

(Amends R.S. 18:18(A)(7), 23(A)(intro. para.) and (B), 116(A)(1)(intro. para.) and (a), (B)(1)(a) and (d) and (2)(a) and (b), and (C), 193(D), 424(B)(1), 425(B), 444(D), 463(A)(2)(b), 470(B), 532.1(D)(2)(a) and (E), 563(D)(2), 583(A)(2), 1285(B)(1)(a), 1300(C)(1), 1306(A)(3), 1307(B)(1)(a), and 1313(J)(2)(b); Adds R.S. 18:18(A)(10), 23(A)(8), 65, 116(A)(3), 1309(E)(5)(b)(iii), 1310(D), and 1313(F)(11); Repeals R.S. 18:105(B) and (C) and 116(A)(1)(c))