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DIGEST

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SB 221 Reengrossed

2021 Regular Session

Hewitt

Present law defines both voting machines and electronic voting machines.

Proposed law consolidates this definition to "voting machine" only and removes references to "electronic voting machines" in present law.

Present law provides that the secretary of state may prescribe rules and regulations regarding the preparation and use of voting systems that shall be approved by the attorney general.

Proposed law requires the secretary of state to promulgate these rules in accordance with the Administrative Procedure Act and subject to legislative oversight and removes the requirement for approval by the attorney general.

Present law provides that the secretary of state is responsible for all matters involving the procurement, sales, transfers of voting systems and any affiliated bids or requests for proposals to purchase new voting systems.

Proposed law retains present law and additionally requires the secretary of state to perform these duties in coordination with the office of state procurement and develop certification standards for voting systems in accordance with the Administrative Procedure Act and subject to legislative oversight.

Present law provides that the secretary of state may examine any voting system or system component upon the request of a representative of the system's maker or supplier, and certify the system for use in the state if it meets criteria established in present law.

Proposed law provides that the secretary is required to examine and certify any voting system or system component upon request and must develop and adopt appropriate certification standards prior to soliciting bids for any new voting system.

Present law provides that the secretary of state may employ experts to assist with the examination of voting systems or system components.

Proposed law requires the secretary of state to employ such experts and specifies the minimum number of experts required and maximum number of experts allowed.

Present law provides that the expenses of the services of the experts assisting the secretary of state with the examination of voting systems cannot exceed five hundred dollars.

Proposed law provides these expenses cannot exceed five thousand dollars.

Present law provides all voting systems or system components shall be procured by the secretary of state on the basis of a competitive request for proposal or solicitation of public bids in accordance with specifications in present law that may require tests and examinations of operations of the voting system or system components.

Proposed law requires the secretary of state to procure all voting systems or system components in accordance with specifications developed by a commission established in proposed law that mandate testing and examination of the voting system or system components.

Proposed law creates the Voting System Commission to analyze available voting systems and issue a report to the secretary of state recommending the type of voting system to solicit bids or requests for proposals.

Proposed law creates the Voting System Proposal Evaluation Committee to investigate and test the voting systems that meet the qualifications established by the Voting System Commission and determine which voting system to suggest the secretary of state purchase in coordination with the office of state procurement.

Present law provides that the secretary of state shall determine the sufficiency of voting machines and absentee by mail and early voting counting equipment necessary to conduct an election at his discretion.

Proposed law requires the secretary of state to evaluate the sufficiency of this equipment annually in consultation with the Voting System Commission.

Present law provides that the secretary of state may utilize any procedure necessary to accommodate the use of paging direct record electronic voting machines for voting where possible.

Proposed law repeals present law.

Effective upon signature of the governor or lapse of time for gubernatorial action.

(Amends R.S. 18:18(A)(7), 1351(13), 1353(B), (C)(intro para) and (C)(2), and (D), 1361, 1362(A), and 1364(A); Adds R.S. 18:1362.1 and 1362.2 and 36:744(O) and (P); Repeals R.S. 18:553.1, 1351(5), and 1365)

Summary of Amendments Adopted by Senate

Committee Amendments Proposed by Senate Committee on Senate and Governmental Affairs to the original bill

1. Specifies the minimum and maximum number of experts appointed by the secretary of state to assist him with examination of voting systems and provides for their expenses.
2. Revises membership of the Voting System Technology Commission.
3. Provides that the secretary of state shall convene the initial meeting of the Voting System Technology Commission.
4. Provides that the Department of State and office of state procurement shall provide staff and resources to the Voting System Technology Commission.
5. Removes the Joint Legislative Committee on the Budget and office of technology services from the list of recipients of the Voting Systems Technology Commission's report.
6. Renames the Voting System Technology Proposal Review Committee as the Voting System Technology Proposal Evaluation Committee.
7. Revises membership of the Voting System Technology Proposal Evaluation Committee.
8. Removes requirement that no more than two members of the Voting System Technology Proposal Evaluation Committee shall be registered members of the same political party.
9. Changes the effective date of the bill from August 1, 2021, to upon signature of the governor.

Senate Floor Amendments to engrossed bill

1. Changes names of Voting System Technology Commission and Voting System Technology Proposal Evaluation Committee to Voting System Commission and Voting System Proposal Evaluation Committee.
2. Increases the limit on expenses for the services of experts assisting the secretary of state with vendor certification.
3. Allows the secretary of state to obtain replacement parts for voting systems currently under contract from the contractor.
4. Revises membership of the Voting System Commission and Voting System Proposal Evaluation Committee.
5. Specifies that a challenge to the determination of the Voting System Commission will not be sustained under Title VI of the Procurement Code.
6. Removes requirement that the secretary of state must accept the proposal submitted by the Voting System Proposal Evaluation Committee.

Summary of Amendments Adopted by House

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

1. Provide that the Voting System Commission make a recommendation to the secretary of state regarding which voting system to procure rather than selecting a system and directing the secretary of state.
2. Relative to the legislative appointments to the Voting System Commission, require the presiding officers of each chamber to select a member affiliated with the Republican Party and a member affiliated with the Democratic Party.