
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 704 Reengrossed

2021 Regular Session

Hodges

Abstract: Provides relative to elections.

Present law provides that the secretary of state shall administer the laws relating to custody of voting machines and voter registration and shall prescribe uniform rules, regulations, forms, and instructions as to the use of electronic voting machines in the conduct of early voting.

Proposed law removes the reference to "electronic" relative to voting machines.

Present law provides that a candidate may designate watchers to serve at every precinct on election day where the office he seeks is voted on in an election. Further provides for the procedure of designating such watchers. Authorizes a candidate to appoint a super watcher who shall be admitted to every precinct in the parish where the candidate is on the ballot.

Proposed law provides that a state central committee of a political party recognized having at least 25% of the registered voters in the state may designate one watcher at every precinct on election day where a candidate affiliated with the political party is on the ballot.

Proposed law provides that each recognized political party having at least 25% of the registered voters in the state may designate super watchers in each parish in which a candidate affiliated with the party is on the ballot. Further provides for the number of super watchers that may be designated by a recognized political party based on the number of registered voters in the parish.

Proposed law retains present law and adds a provision allowing the state central committee of a political party having at least 25% of the registered voters in the state to have an early voting watcher at each early voting location, as space permits, at which a candidate affiliated with such political party is on the ballot. Further provides for the qualifications, powers, and duties of such watcher. Also provides for the procedure for nominating such watcher.

Present law provides definitions relative to voting, voting machines, and vote counting equipment; to provide requirements for voting systems.

Proposed law removes the definition of "electronic voting machine"; defines "vote-capture device" and "secure paper ballot"; modifies the definitions of "voting machine", "voting system", and "official ballot".

Proposed law provides for requirements for voting systems as follows:

- (1) Voting machines shall not be capable of establishing a wireless connection or connecting to the internet.
- (2) Access to physical ports shall be restricted and sealed until the termination of voting unless being used to repair the voting machine or conduct tabulation and counting of ballots.
- (3) Software or firmware updates shall be loaded using a non-network connection by employees of the secretary of state.
- (4) Tabulation of fractional votes shall be prohibited. If any voting equipment is capable of calculating fractional votes, such feature shall be disabled no later than 30 days prior to the commencement of early voting and remain disabled until all votes have been tabulated and properly certified.
- (5) The voting system shall produce an auditable voter-verifiable paper record of the voter's ballot selections, presented in a human-readable format. Such record shall be used for risk-limiting audits.
- (6) The secretary of state shall deploy procedures for the secretary of state to verify that the software and firmware was not altered after it was installed.
- (7) The voting system shall maintain an internal record of the number of ballots tabulated.
- (8) The voting system servers shall be located within the state.
- (9) Hand marked paper ballots shall have counterfeit protection and shall not be printed at any polling location.
- (10) The voting system vendor shall provide documentation to the secretary of state regarding financial disclosures, equity holdings, and ownership structure. Voting systems of a vendor owned in whole or in part by foreign persons or entities shall be prohibited.
- (11) The contract for the voting system shall include the following:
 - (a) The voting system shall have the ability for the secretary of state to control its own voting system computer hardware, software, or firmware.
 - (b) The secretary of state shall have sole possession of any administrative passwords, encryptions keys, source codes, parity keys, or any other administrative tools necessary to audit the voting system.
- (12) The voting system shall meet all relevant requirements of the La. Election Code, Help America Vote Act, and any other relevant state and federal laws.

Proposed law prohibits vendors of any voting system or equipment and contractors providing

election related services from any of the following:

- (1) Urging any elector to vote for or against any candidate or proposition on an election ballot.
- (2) Expending resources in support for or against any candidate or proposition before Louisiana voters.
- (3) Lobbying for or against any proposition or matter having the effect of law being considered by the La. legislature or any local governing authority.

Effective January 1, 2022.

(Amends R.S. 18:18(A)(7), 435(A)(4) and (B)(2), and 1351; Adds 18:435(A)(1)(c) and (5) and (B)(1)(c), 1309(N), 1366, and 1366.1)

Summary of Amendments Adopted by House

The House Floor Amendments to the engrossed bill:

1. Add a provision allowing certain political parties to have one watcher at every precinct on election day where a candidate affiliated with the political party is on the ballot.
2. Add a provision allowing use of hand marked secure paper ballots for day of voting.
3. Expand definition of "vote-capture device" to include optical scanners or tabulators.
4. Expand definition of "voting machine" to include tabulators.
5. Add definition of secure paper ballot.
6. Modify proposed law requiring that access to physical ports be restricted and sealed during an election; requires ports to be sealed until the termination of voting unless being used to repair the voting machine or conduct tabulation and counting of ballots.
7. Add requirement that software or firmware updates of voting systems be installed by an employee of the secretary of state.
8. Add requirement that any voting equipment capable of calculating fractional votes to be disabled.
9. Add requirement that hand marked paper ballots have counterfeit protection and prohibit such ballots from being printed at any polling location.
10. Prohibit use of voting systems of a vendor owned in whole or in part by foreign persons

or entities.

11. Prohibit certain actions by vendors of any voting system or equipment and contractors providing election related services.