

Regular Session, 1997

HOUSE BILL NO. 1597

BY REPRESENTATIVES BRUNEAU, LANCASTER, COPELIN,
MURRAY, ROUSSELLE, SCALISE, WELCH, AND WINSTON

ELECTIONS: Makes technical corrections to the election code

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AN ACT

To amend and reenact R. S. 18:3(A)(3), 59(I)(2), 110(B)(1), 171, 171.1(A)(1),
176, 193(A), (B), (C), (E), and (F), 196(B)(3), 198(A), 402(F)(5),
431(A)(1)(a), 433(A)(1), (2), and (3) and (D), 434(B)(6), 467(2),
469(A), 532(B)(1) and (E), 532.1(B), (C)(1), (2)(a) and (3)(a), and (D),
551(B)(2) and (E), 553(B), 573(A)(3), 574(E)(1), 575(B), 591, 601,
602(A) and (E)(2)(a) and (d), 604(B)(2)(a) and (c), 621(B), 652(A),
654, 1278(B), 1279, 1280.22, 1285(B)(1), 1300(C)(2)(a), 1300.7(B),
1306(B), 1309(A)(2) and (D), 1313(B) and (I), 1314(C) and (D),
1402(C), 1495(B)(19) and (C), 1505.2(C)(1), 1903, and 1904, to enact
R.S. 18:177, 401.1 and 1463(D) and (E), and to repeal R.S.
18:532.1(H) and 1399(A), relative to the election code; to make
technical changes to the elections code; to require the date of birth to
be included on petitions submitted to the registrar; to allow the use of
temporary personnel to conduct absentee voting; to allow a change of
registration or address between the primary and general elections for
certain persons; to provide that a person moving within the parish will

1 not be placed on the inactive list; to provide for procedures for
2 notification of registrars of persons under an order of imprisonment;
3 to provide a procedure for suspension of registration; to provide for a
4 procedure for reinstatement of the registration of a person whose
5 registration has been suspended; to provide with respect to the conduct
6 of elections in the event of a state of emergency; to change the period
7 of time that the clerk of court can conduct the annual course of
8 instruction for commissioners; to require that during his term of office
9 a commissioner-in-charge must remain a certified commissioner; to
10 provide that a commissioner affiliated with each recognized political
11 party will be assigned to each precinct in the parish provided there are
12 such commissioners available; to provide with respect to the reopening
13 of qualifying due to the death of a candidate; to provide for two
14 separate ballots when the special election to fill a vacancy and the
15 regularly scheduled election cover different geographic areas; to
16 provide procedures for inspection and preparation of voting machines
17 at the polling places; to allow for reinspection of voting machines and
18 inspection of absentee ballot flaps upon a candidate's written request;
19 to provide for procedures for promulgation of election returns for
20 candidates; to require inclusion of the qualifying dates in the
21 proclamation calling an election to fill a vacancy; to eliminate the
22 requirement to send certain notices by certified or registered mail; to
23 clarify certain issues and procedures with respect to the presidential
24 preference primary; to provide the deadline for submission of the notice
25 and changes thereto for proposition elections; to provide with respect
26 to certain procedures regarding absentee voting; to provide for the
27 counting of absentee ballots; to provide that for informational purposes

1 the registrar may assist the clerk of court in conducting the course of
2 instruction for commissioners; to allow extension of absentee voting
3 hours under certain circumstances; to allow the secretary of state and
4 the commissioner of elections to present evidence in a contested
5 election; to make technical changes relating to the candidate's reports
6 under the Campaign Finance Disclosure Act; to remove references to
7 repealed provisions; to provide for precinct freezes and other areas with
8 respect to reapportionment; to provide the procedure for notice of
9 challenge and cancellation of registration; to change the qualifying
10 dates for congressional elections; to provide with respect to printing of
11 ballots in uniform type; to provide penalties for distributing false
12 political material; to provide with respect to filling of vacancies; to
13 provide when resignations become effective; and to provide for related
14 matters.

15 Be it enacted by the Legislature of Louisiana:

16 Section 1. R. S. 18:3(A)(3), 59(I)(2), 110(B)(1), 171, 171.1(A)(1), 176,
17 193(A), (B), (C), (E), and (F), 196(B)(3), 198(A), 402(F)(5), 431(A)(1)(a),
18 433(A)(1), (2), and (3) and (D), 434(B)(6), 467(2), 469(A), 551(B)(2) and (E),
19 553(B), 573(A)(3), 574(E)(1), 575(B), 591, 601, 602(A) and (E)(2)(a) and (d),
20 604(B)(2)(a) and (c), 621(B), 652(A), 654, 1278(B), 1279, 1280.22,
21 1285(B)(1), 1300(C)(2)(a), 1300.7(B), 1306(B), 1309(A)(2) and (D), 1313(B)
22 and (I), 1314(C) and (D), 1402(C), 1495(B)(19) and (C), 1505.2(C)(1) are
23 hereby amended and reenacted and R.S. 18:177, 401.1 and 1463(D) and (E)
24 are hereby enacted to read as follows:

1 §3. Petitions submitted to registrars of voters

2 A. Notwithstanding any other provision of law to the contrary,
3 every petition submitted to a registrar of voters for certification shall
4 contain the following information:

5 * * *

6 (3) The signer's ward/district/precinct and date of birth.

7 * * *

8 §59. Deputies, confidential assistants, and other permanent office
9 employees; temporary employees; appointment and
10 compensation

11 * * *

12 I.

13 * * *

14 (2) Temporary personnel, whether or not compensated, may
15 with the authorization of the registrar be utilized for the purpose of
16 registering voters and conducting absentee voting.

17 * * *

18 §110. Removal from precinct; removal from parish

19 * * *

20 B.(1) A change of registration based upon a change of residence
21 from one precinct to another within a parish received after the closing
22 of registration for a primary election shall become effective the day
23 after the general election or special general election when a special
24 primary election is held in conjunction with a general election except

1 In addition, each person whose registration is suspended under this
2 Subsection shall immediately be notified of the suspension and the
3 reason therefor.

4 (4) A list of names and addresses of the notices sent under this
5 Subsection and whether or not each registrant responded to such notice
6 shall be maintained for a period of two years and shall be open to
7 inspection and copying as provided in R.S. 18:154.

8 B. Upon receipt of the report required by Section 172 of this
9 Chapter, the registrar shall suspend the registration of the interdict for
10 the period of interdiction. The registrar shall suspend the registration
11 of each person listed therein by deleting the name from the statewide
12 computer registration system and, if necessary by drawing in red ink a
13 line through the name of such person on the precinct register and the
14 duplicate precinct register. Such line shall be initialed by the registrar
15 or employee of the registrar. The registrar shall note on the registration
16 record and on the original application for registration that the registrar
17 has been notified of an order of a judgment of interdiction, and he shall
18 note also the date of the suspension and the date of the report. The
19 registrar shall remove the original application from his file of eligible
20 voters and shall place it in his suspension file. In addition, each person
21 whose registration is suspended under this Subsection shall
22 immediately be notified of the suspension and the reason therefor.

23 ~~A. C.~~ Immediately upon receipt of a report required by Section
24 ~~171, 171.1, or~~ 173 of this Chapter, the registrar shall cancel the
25 registration of each person listed therein by deleting the name from the
26 statewide computer registration system and, if necessary by drawing in
27 red ink a line through the name of such person on the precinct register

1 and the duplicate precinct register. Such line ~~through on the precinct~~
2 ~~registers~~ shall be initialed by the registrar or employee of the registrar.
3 The registrar shall note on the registration record and on the original
4 application for registration that the registrar has ~~been notified of an~~
5 ~~order of imprisonment for conviction of a felony, a judgment of~~
6 ~~interdiction for mental incompetence, or~~ received a report of death, and
7 he shall note also the date of the cancellation and the date of the report.
8 The registrar shall remove the original application from his file of
9 eligible voters and shall place ~~them~~ it in his cancellation file. ~~In~~
10 ~~addition, each person whose registration is cancelled, except by reason~~
11 ~~of death, shall immediately be notified of the cancellation and the~~
12 ~~reason therefor.~~

13 B. D. Immediately upon receipt of a report required by Section
14 174 of this Chapter, the registrar shall determine which voters, if any,
15 are unlawfully registered by reason of violation of the provisions of
16 R.S. 18:111, relative to a change of name. The registrar shall promptly
17 challenge the registration of each such voter in the manner provided by
18 R.S. 18:193 and shall take such other action, including cancellation of
19 the registration, as is applicable under this Title.

20 ~~C. Immediately upon receipt of the report required by Section~~
21 ~~172 of this Chapter, the registrar shall suspend the registration of the~~
22 ~~interdict for the period of interdiction.~~

23 E. If the registrar determines that a voter's registration has been
24 suspended or cancelled through error of the registrar, the registrar shall
25 reinstate the voter's registration as though the suspension or
26 cancellation had never occurred and shall notify the registrant of the
27 reinstatement.

1 §177. Reinstatement of registration after suspension

2 A. The registration of a person whose registration has been
3 suspended by the registrar of voters pursuant to R.S. 18:176 for
4 conviction of a felony shall be reinstated upon receipt by the registrar
5 of documentation from the appropriate correction official showing that
6 such person is no longer under an order of imprisonment.

7 B. The registration of a person who has been interdicted and
8 judicially declared mentally incompetent and whose registration has
9 been suspended by the registrar pursuant to R.S. 18:176 shall be
10 reinstated upon receipt by the registrar of a certified copy of a
11 definitive judgment revoking such interdiction.

12 * * *

13 §193. Challenge and cancellation of registration; notice; procedures

14 A. When the registrar has reason to believe that the name of a
15 person has been illegally or fraudulently placed upon the registration
16 records, that a registrant no longer is qualified to be registered, or that
17 a registrant has changed his residence, he shall immediately notify the
18 person by sending the address confirmation card to the registrant and
19 place the voter on the inactive list of voters. However, a person shall
20 not be placed on the inactive list of voters if there is address
21 information available to the registrar from the United States Postal
22 Service or its licensee which indicates the voter has moved to another
23 address within the parish.

24 B. For the purposes of this Section, "address confirmation card"
25 shall mean a postage prepaid and pre-addressed return card, sent by
26 forwardable mail, which shall include but not be limited to the
27 following:

1 (1) The question "Have you permanently changed the address
2 where you live to a new location within the same parish?" and the
3 following statements:

4 (a) "If so, please detach, complete, and return the postcard at
5 the bottom not later than the date specified even if this notice was
6 mailed to your correct current address. This change will be recorded
7 in the voter registration list and you will be informed by mail of your
8 correct polling place."

9 (b) "If this card is not returned, affirmation or confirmation of
10 your current address ~~will~~ may be required at the polls on election day."

11 (c) "If this card is not returned and you do not vote by the date
12 of the second federal general election, then your name ~~will~~ may be
13 removed from the voter registration list."

14 (2) The question "Have you permanently moved to an address
15 outside the parish where you are currently registered?" and following
16 statements:

17 (a) "If so, please detach, complete, and return the postcard at
18 the bottom even if this notice was mailed to your correct current
19 address."

20 (b) "Please note that in order to vote, you will have to register
21 to vote in your new location. Consult your telephone directory for the
22 phone number and address of the office of the registrar of voters for
23 that location."

24 (3) The statement "I have not permanently moved to a new
25 address within the same parish or outside the parish." and the following
26 statements:

1 (a) "Please detach, complete, and return the postcard at the
2 bottom no later than the date specified."

3 (b) "If this card is not returned, affirmation or confirmation of
4 your current address ~~will~~ may be required at the polls on election day."

5 (c) "If this card is not returned and you do not vote by the date
6 of the second federal general election, then your name ~~will~~ may be
7 removed from the voter registration list."

8 (4) The name and telephone number of the registrar sending the
9 address confirmation card.

10 (5) The statement "Warning: Any false statements made on the
11 address confirmation card will constitute an election offense and will
12 be punishable as provided by law."

13 C. If the registrant responds to the address confirmation card
14 and has not moved or has moved within the parish, the registrar shall
15 remove the person's name from the inactive list of voters if it is on the
16 inactive list and correct the voter's address if necessary.

17 * * *

18 E. ~~If the voter~~ A voter on the inactive list of voters who fails to
19 respond to the address confirmation card, ~~the voter~~ shall remain on the
20 inactive list of voters until his address is confirmed in accordance with
21 the procedures set forth in R.S. 18:196 or not later than a period of two
22 federal general elections, at which time the registrar shall cancel the
23 voter's registration.

24 F. A list of names and addresses to whom address confirmation
25 notices are sent and whether or not each person responded to the
26 confirmation notice shall be maintained for a period of two years and
27 shall be open to inspection and copying as provided in R.S. 18:154.

1 Ninety days prior to a federal primary election the names and addresses
 2 of those persons on the inactive list shall be published for one day in
 3 the official journal of the parish governing authority or in a newspaper
 4 calculated to provide maximum notice in the parish.

5 * * *

6 §196. Inactive list of voters; procedure for voting

7 * * *

8 B. A registrant whose name is on the inactive list of voters may
 9 vote:

10 * * *

11 (3) If the registrant has moved to an address within the parish
 12 in a different precinct, at the polling place of such registrant's last
 13 address on file at the office of the registrar of voters for that election
 14 only, ~~primary and general if held~~, upon affirming in writing that such
 15 registrant still resides in the parish by completing an address
 16 confirmation card affirming the new address within the parish.

17 * * *

18 §198. Change of residence or change in address; inquiry by registrar;
 19 change of records

20 A. Whenever a registrar has reason to believe that a registrant
 21 has changed his residence within the parish or that a change has
 22 occurred in the registrant's mailing address within the parish, the
 23 registrar ~~may~~ shall mail the address confirmation card as provided in
 24 R.S. 18:193(B) to the registrant, but shall not place the voter on the
 25 inactive list of voters.

26 * * *

1 §401.1. Election emergency; purpose; elections emergency
2 contingency plan

3 A. Due to the possibility of an emergency or common disaster
4 occurring before or during a regularly scheduled or special election,
5 and in order to ensure maximum citizen participation in the electoral
6 process and provide a safe and orderly procedure for persons seeking
7 to qualify or exercise their right to vote, to minimize to whatever
8 degree possible a person's exposure to danger during declared states of
9 emergency, and to protect the integrity of the electoral process, it is
10 hereby found and declared to be necessary to designate a procedure for
11 the emergency suspension or delay and rescheduling of qualifying,
12 absentee voting in person, and elections.

13 B. The governor may, upon issuance of an executive order
14 declaring a state of emergency or impending emergency, suspend or
15 delay any qualifying of candidates, absentee voting in person, or
16 elections. The governor shall take such action only upon the
17 certification of the secretary of state in conjunction with the
18 commissioner of elections that a state of emergency exists. A clerk of
19 court, as the chief election officer of the parish, may bring to the
20 attention of the secretary of state and commissioner of elections any
21 difficulties occurring in his parish due to natural disasters.

22 C. If any delays or suspensions are authorized by the governor,
23 the delayed qualifying, absentee voting in person or election day voting
24 shall resume or be rescheduled as soon thereafter as is practicable.
25 Notice of the delay or suspension and rescheduling shall be published
26 at least once in a newspaper of general circulation in the affected area
27 if time permits and, where practicable, broadcast as a public service

1 §402. Dates of primary and general elections

2 * * *

3 F. Bond, tax, or other elections. Every bond, tax, or other
4 election at which a proposition or question is to be submitted to the
5 voters shall be held only on one of the following dates:

6 * * *

7 (5) The third Saturday in January of any year, the third Saturday
8 in July of any year, which dates, in addition to the other dates provided
9 for in this Subsection, shall be exclusively for elections on bonds,
10 taxes, and other propositions or questions and for no other kind of
11 election, except for a special election called to fill a vacancy in the
12 office of state legislator; however, commencing in 1994 and every
13 fourth year thereafter, the third Saturday in January shall not be
14 applicable in a parish containing a municipality with a population of
15 four hundred seventy-five thousand or more.

16 * * *

17 §431. Commissioners; courses of instruction; certificates; reports; list
18 of certified persons furnished by parish board of election
19 supervisors

20 A.(1)(a) At least semiannually the clerk of court shall conduct
21 a general course of instruction for commissioners. These courses of
22 instruction shall be open to the public, and the clerk shall publicize the
23 courses in a manner reasonably calculated to encourage maximum
24 attendance and participation. For informational purposes, the registrar
25 may assist the clerk of court in conducting the course.

26 * * *

1 §433. Commissioners-in-charge; course of instruction, selection;
2 commission; disqualification; replacement

3 A. Course of instruction. (1) The clerk of court shall conduct
4 a course of instruction for commissioners-in-charge during the ~~month~~
5 period beginning August 1 through the end of November of each year.
6 The course shall be open to any certified commissioner who meets the
7 qualifications set forth in R.S. 18:424(B).

8 (2) ~~During the second week of October in each year, At least~~
9 two weeks prior to the date scheduled for the course of instruction, the
10 clerk of court shall give notice in the official journal of the parish that
11 he will conduct a course of instruction for commissioners-in-charge.
12 The public notice shall contain the following:

13 (a) The qualifications for applicants required by Paragraph (1)
14 of this Subsection.

15 (b) An invitation to all such qualified persons to apply to the
16 clerk to attend the course.

17 (c) Notice of the date, time, and location of the meeting of the
18 parish board of election supervisors to select the commissioners-in-
19 charge for each precinct as required by Subsection B of this Section.
20 He also shall publicize the course of instruction by such other means
21 as he deems reasonably calculated to encourage maximum attendance.

22 (3) ~~During the last week of October of each year~~ prior to the
23 date scheduled for the course of instruction, the clerk shall notify each
24 applicant of the date, time, and place where he will conduct the course
25 of instruction. The course of instruction shall include, but shall not
26 necessarily be restricted to, instruction in the operating of voting
27 machines, relevant laws and regulations concerning the conduct of

1 elections, and matters pertaining to the powers and duties of
2 commissioners-in-charge.

3 * * *

4 D. Term of office. ~~Commissioners-in-charge~~ A commissioner-
5 in-charge shall serve a term of office of one year, commencing on the
6 first day of January of the year following selection, provided that the
7 commissioner-in-charge remains on the list of certified commissioners
8 during his term of office.

9 * * *

10 §434. Commissioners and alternate commissioners; selection;
11 commission; disqualification; replacement

12 * * *

13 B. Method of selection. The number of commissioners required
14 for each precinct for the election and the same number of alternate
15 commissioners shall be selected for each precinct from the certified list
16 furnished by the parish board as required in R.S. 18:431(A)(4) in the
17 following manner:

18 * * *

19 (6) When the appropriate number of commissioners have been
20 selected, as provided in Paragraphs (4) and (5) of this Subsection, the
21 person conducting the drawing shall determine if each recognized
22 political party having one or more local or municipal candidates on the
23 ballot to be voted on in the precinct is represented by at least one
24 commissioner. If none, one ball shall be set aside for each recognized
25 political party thus still to be represented, beginning with the last ball
26 drawn for a person affiliated with a recognized political party that has
27 more than one commissioner at the precinct. The drawing shall

1 continue until one of the persons affiliated with each of such political
2 parties is selected, unless there are no remaining certified
3 commissioners in the parish to represent such political parties.

4 * * *

5 §467. Opening of qualifying period

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

8 * * *

9 (2) For candidates in a congressional primary election and those
10 in any special primary election to be held at the same time, on the
11 ~~fourth~~ third Wednesday in ~~July~~ August of the year of the election.

12 * * *

13 §469. Reopening of qualifying period; effect

14 A. When a person who qualified as a candidate and has
15 opposition in a primary election for a public office dies after the close
16 of the qualifying period and before the time for closing the polls on the
17 day of the primary election, the qualifying period for candidates in the
18 primary election for that office shall reopen for candidates on the day
19 after the death and shall close at 5:00 p.m. on the third day after the
20 death or, if that day is a legal holiday, at 5:00 p.m. on the next day
21 which is not a legal holiday. The name of the deceased candidate shall
22 not be printed on the primary election ballot. If the primary election
23 ballot was printed with the deceased candidate's name on it, any votes
24 received by the deceased candidate shall be void and shall not be
25 counted for any purpose whatsoever.

26 * * *

1 §551. Ballots

2 * * *

3 B. Titles of offices.

4 * * *

5 (2) When a special election to fill a newly-created office or a
6 vacancy in an existing office is held at the same time as a regularly
7 scheduled election, the secretary of state may print the titles of the
8 offices to be voted on in the special election at the end of the ballot.
9 However, when the geographic area of an office in the regularly
10 scheduled election and in the special election are the same and when
11 the candidates in the regularly scheduled election and in the special
12 election for ~~the same~~ such office are the same, the title of the office and
13 the names of the candidates shall appear only once on the ballot as
14 provided in this Section and the ballot shall state that the election is
15 being held to fill both the vacancy and the full term for the office.
16 Each elector shall cast the same vote for both the regular and the
17 special election for the office, and the candidates who qualify for the
18 general election shall qualify for the general election for both the
19 regular and the special election for the office, and the candidate who is
20 elected shall be elected to fill both the vacancy and the full term for the
21 office.

22 * * *

23 E. Uniformity. The names of the candidates shall be printed on
24 the ballot in type of uniform size and style. The spaces between the
25 names of the candidates for each office shall be uniform, and the names
26 of the candidates for one office shall be separated from the names of
27 candidates for another office by sufficient space to avoid confusion.

CODING: Words in ~~struck through~~ type are deletions from existing law; words underscored are additions.

1 All propositions and constitutional amendments shall be printed on the
2 ballot in type of uniform size and style.

3 * * *

4 §553. Inspection and preparation of voting machines at polling places

5 * * *

6 B. Inspection of the voting machines. After the commissioners
7 take their oath and before the time for opening the polls, ~~the~~
8 ~~commissioner in charge shall post the card of instructions to voters and~~
9 ~~commissioners, one copy of the statement explaining the scope and~~
10 ~~nature of any proposed constitutional amendment on the ballot, and one~~
11 ~~copy of the sample ballot in a conspicuous place at the principal~~
12 ~~entrance to the polling place. Except as otherwise provided for printer~~
13 ~~type and electronic voting machines, the commissioners, in the~~
14 presence of the watchers, shall prepare the polling place for voting as
15 follows:

16 (1)(a) Compare the ~~numbers on the seal and protective counter~~
17 ~~of each voting machine~~ serial numbers on either side of the machines
18 with the numbers on the envelope containing the keys to the voting
19 machines received from the deputy custodian. Verify that the numbers
20 on the keys also match the serial numbers of the machines. Compare
21 the protective counter numbers on the key envelope with the protective
22 counter numbers on the machines. Compare numbers on the key
23 envelope with the seal numbers on the machines.

24 (b) If the numbers do not agree, the commissioners shall notify
25 the parish custodian, and the commissioners shall not proceed further
26 in the preparation of the voting machine for voting until a
27 representative of the parish custodian has reexamined the voting

CODING: Words in ~~struck through~~ type are deletions from existing law; words underscored are additions.

1 machine and certified that it is properly arranged. If the numbers agree,
2 the commissioners shall open the envelope, take out the keys, and open
3 the door. ~~concealing the counters.~~ On mechanical voting machines
4 incapable of producing printed results, the commissioner shall open the
5 doors concealing the counters.

6 (2)(a) On mechanical voting machines incapable of producing
7 printed results, carefully ~~Carefully~~ examine each counter and determine
8 that it registers zero. If a counter other than the protective counter does
9 not register zero, the commissioners shall immediately notify the parish
10 custodian, who shall, if practical, cause the counters to be readjusted
11 to zero. If it is impractical to readjust the counters before the polls
12 open, the commissioners shall immediately make a written statement
13 of the letter and number designating each counter and the number
14 registered on the counter. The commissioners shall post this statement
15 at the polling place throughout the election. When the commissioners
16 count and tabulate the votes, they shall subtract the number registered
17 on the counter before the polls opened from the number registered on
18 that counter after the termination of voting. The commissioners shall
19 preserve the written statement as part of the election returns.

20 (b) On printer-type mechanical and electronic voting machines,
21 the commissioners shall cause each machine to produce a zero proof
22 sheet. Determine from the zero proof sheet that each counter on that
23 machine is set at zero. Sign and certify to the correctness of each zero
24 proof sheet. Immediately post each zero proof sheet within the polling
25 place. If any zero proof sheet is illegible or damaged, immediately
26 notify the parish custodian who will take action necessary to make the
27 machine operative. If any zero proof sheet indicates that any candidate

1 or question counter does not register zero, immediately notify the
2 parish custodian, who will, if practical, readjust the counters. If it is
3 impractical to readjust the counters before the polls open, immediately
4 make a written statement of the letter and number designation on each
5 counter and the number registered on the counter. Post this statement
6 at the polling place throughout the election and preserve the statement
7 as part of the election returns.

8 (3) Check the ballot on the face of each voting machine against
9 the sample ballot supplied by the custodian of voting machines to make
10 certain it is correct. If the ballot is not correct, the commissioners shall
11 notify the parish custodian, and the machine shall not be used until the
12 ballot has been corrected under supervision of the parish custodian or
13 his representatives.

14 (4) Post the card of instructions, the statement of proposed
15 constitutional amendments on the ballot and a sample ballot in a
16 conspicuous place at the principal entrance to the polling place.

17 ~~(4)~~ (5) Leave the voting machines locked against voting until the
18 polls are formally opened and thereafter they shall be operated only by
19 the voters in casting their votes.

20 ~~(5)~~ (6) Complete in triplicate Certificate No. 1 of the composite
21 certificate designated "Machine Certificates", which shall be prepared
22 and furnished by the secretary of state. This certificate shall state:

23 (a) The exact time when the keys to the voting machines were
24 delivered.

25 (b) The serial number on each voting machine ~~or the cartridge.~~

26 (c) The number of the seal on each voting machine or cartridge,
27 if applicable.

1 (d) The number shown on the protective counter on each voting
2 machine.

3 (e) That the public counter on each machine numbered zero.

4 * * *

5 §573. Evidence of election results

6 A. Opening the voting machines.

7 * * *

8 (3) Each voting machine shall be relocked and, if required,
9 resealed after the candidates or their representatives have had a
10 reasonable opportunity to inspect the machine. The clerk of court, in
11 the presence of a majority of the parish board of election supervisors,
12 shall reopen any voting machine for reinspection by a candidate or his
13 representative within forty-eight hours after receipt of a written request
14 for reinspection by the candidate. Not less than twenty-four hours
15 before the machines are so reopened, the clerk of court shall
16 prominently post in his office a notice of the time and place where the
17 voting machines will be reopened and the name of the candidate
18 requesting that the machines be reopened. The candidate requesting the
19 reinspection shall be responsible for all reasonable costs associated
20 with such reinspection. If it is necessary to reopen a voting machine
21 which has been relocked and, if required, resealed to conduct a
22 reinspection thereof, the clerk of court shall relock and, if required,
23 reseal the machine after the reinspection is completed.

24 * * *

25 §574. Compilation and promulgation of returns

26 * * *

1 E.(1) On or before the twelfth day after the primary or general
2 election, if no action has been timely filed contesting the election to the
3 office of a state candidate, the secretary of state shall promulgate the
4 returns for state candidates, proposed constitutional amendments, and
5 recall elections by publishing in the official journal of the state the
6 names of the state candidates for each office in the election, the text of
7 the proposed constitutional amendment, and recall elections and the
8 number of votes received by each such candidate, proposed
9 constitutional amendment, and recall elections as shown by the returns
10 transmitted by the clerks of court from the compiled statements by the
11 parish boards of election supervisors. In a parish containing a
12 municipality with a population of four hundred seventy-five thousand
13 or more, the promulgation shall be from the returns transmitted by the
14 parish board of election supervisors. On or before the twelfth day after
15 the primary or general election, if no action has been timely filed
16 contesting the election to office of a candidate other than a state
17 candidate, the secretary of state shall promulgate the returns for the
18 election for candidates other than state candidates by transmitting to the
19 clerk of court for the parish wherein the state capitol is located, a notice
20 containing the results of the elections for candidates other than state
21 candidates. The clerk of court shall post this notice in a prominent
22 place in his office.

* * *

§575. Official results of a primary or general election

* * *

26 B. Contested elections. If an action contesting a primary or
27 general election is commenced timely, the final judgment in the action

1 state shall also publish the proclamation in the official journal of each
 2 parish in which the election is to be held; ~~a proclamation of the vacancy~~
 3 ~~and the dates of the primary and general election and the dates of the~~
 4 ~~qualifying period for the election.~~

5 §602. Vacancies in certain local and municipal offices; exceptions

6 A. When a vacancy occurs in the office of a member of a parish
 7 or municipal governing authority or a combination thereof, a mayor, or
 8 any other local or municipal office, except an office covered by
 9 Subsections B and C hereof and except the office of judge, state
 10 legislator, or marshal of a city or municipal court, and the office is
 11 filled by election wholly within the boundaries of a local governmental
 12 subdivision, the governing authority of the local governmental
 13 subdivision where the vacancy occurs shall, within ~~ten~~ fifteen days,
 14 appoint a person to fill the vacancy who meets the qualifications of the
 15 office. The presiding officer of the governing authority shall not be
 16 required to vote on such an appointment to be made by the governing
 17 authority of a local governmental subdivision unless a tie vote occurs
 18 thereon, in which case he shall vote to break the tie; however, in no
 19 case shall the presiding officer vote more than once on the
 20 appointment.

21 * * *

22 E.

23 * * *

24 (2)(a) If the unexpired term exceeds one year, the governing
 25 authority of the local governmental subdivision in which the vacancy
 26 occurs, or the school board when the vacancy occurs in its membership,
 27 or the governor when a vacancy occurs in the office of district attorney

1 or in an office for which there is not a single governing authority or as
 2 provided in Subsection F, within ten days after the vacancy occurs,
 3 shall issue a proclamation ordering a special election to fill the vacancy
 4 and shall specify in the proclamation, in accordance with R.S. 18:402,
 5 the dates on which the primary and general elections shall be held and,
 6 in accordance with R. S. 18:467, 467.1 and 468, the dates of the
 7 qualifying period for candidates in the special election. In selecting the
 8 dates for such special elections, the governing authority or school board
 9 as the case may be, may choose a gubernatorial or congressional
 10 election date, if such date is available within a year of the occurrence
 11 of the vacancy or may select an election date in accordance with R.S.
 12 18:402. In the cases in which the governor has the authority to select
 13 the date for such special elections, the governor shall first choose a
 14 gubernatorial or congressional election date. If no such date is
 15 available within a year of the occurrence of the vacancy, the governor
 16 shall then select an election date in accordance with R.S. 18:402. If the
 17 governing authority or school board fails to issue the proclamation
 18 within ten days after the vacancy occurs, the governor shall issue the
 19 proclamation.

20 * * *

21 (d) Within twenty-four hours after he receives the copy, the
 22 secretary of state shall notify, ~~by mail and in the same manner,~~ all
 23 election officials having any duty to perform in connection with a
 24 special election to fill such vacancy, including the parish boards of
 25 election supervisors for the parish or parishes in which the vacancy
 26 occurred.

27 * * *

1 §604. Marshal of city or municipal court; temporary absence; vacancy

2 * * *

3 B.

4 * * *

5 (2)(a) When the unexpired term exceeds one year, the
6 appropriate governing authority shall, within ten days after the vacancy
7 occurs, issue a proclamation ordering a special election to fill the
8 vacancy and shall specify in the proclamation, in accordance with R.S.
9 18:402, the dates on which the primary and general elections shall be
10 held and, in accordance with R. S. 18:467, 467.1 and 468, the dates of
11 the qualifying period for candidates in the special election. In selecting
12 the dates for such special elections, the appropriate governing authority
13 shall first choose a gubernatorial or congressional election date; if no
14 such date is available within one year following the occurrence of the
15 vacancy, the appropriate governing authority shall select another
16 election date as provided for in R.S. 18:402. If the appropriate
17 governing authority fails to issue the proclamation within ten days after
18 the vacancy occurs, the governor shall issue the proclamation.

19 * * *

20 (c) A copy of the proclamation also shall be mailed to the
21 secretary of state ~~at the same time and in the same manner. Within~~
22 who shall within twenty-four hours after ~~he receives the copy, the~~
23 ~~secretary of state shall~~ receipt of the information ~~notify, by mail and~~
24 ~~in the same manner,~~ all election officials having any duty to perform in
25 connection with a special election to fill such vacancy, including the
26 parish board of election supervisors. When a special election is

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1 required the appointee shall serve only until the successor is elected
2 and takes office.

3 * * *

4 §621. Vacancy in office of judge

5 * * *

6 B. Immediately after issuance of the proclamation, the governor
7 shall publish the proclamation in the official journal of each parish in
8 which the election is to be held. Within twenty-four hours after its
9 issuance, the governor shall send a copy of the proclamation to the
10 secretary of state. Within twenty-four hours after he receives the copy,
11 the secretary of state shall notify, ~~by certified or registered mail,~~ all
12 election officials having any duty to perform in connection with a
13 special election to fill such vacancy, including the parish boards of
14 election supervisors for the parish or parishes in which the vacancy
15 occurred.

16 * * *

17 §652. Resignations

18 A. Except for members of the legislature and the congress, all
19 resignations of elected officials shall be filed with the secretary of state.
20 ~~Resignations may be filed in person or by certified mail, return receipt~~
21 ~~requested.~~

22 * * *

23 §654. Effect of filing of resignations

24 A resignation shall become irrevocable ~~three days after the day~~
25 ~~on which~~ upon receipt by the secretary of state. ~~has transmitted the~~
26 ~~notice to the appropriate authority.~~

27 * * *

1 §1278. Vacancies; United States senator

2 * * *

3 B. If a vacancy occurs in the office of United States senator and
4 the unexpired term is more than one year, an appointment to fill the
5 vacancy shall be temporary. Any senator so appointed shall serve until
6 his successor is elected at a special election and takes office. Within
7 ten days after receiving official notice of the vacancy, the governor
8 shall issue his proclamation for special election to fill the vacancy for
9 the unexpired term. The date of the special election shall be
10 established by the governor in accordance with the provisions of R.S.
11 18:402(E). The dates of the qualifying period shall be established by
12 the governor in accordance with R.S. 18:467, 467.1, and 468.
13 Immediately after issuance of the proclamation, which shall include the
14 dates of the primary and general elections and the dates of the
15 qualifying period, the governor shall publish the proclamation in the
16 official journal of each parish in which the election is to be held.
17 Within twenty-four hours after its issuance, the governor shall send a
18 copy of the proclamation to the secretary of state. Within twenty-four
19 hours after he receives the copy, the secretary of state shall notify, ~~by~~
20 ~~certified or registered mail~~, all election officials having any duty to
21 perform in connection with a special election to fill such vacancy,
22 including the parish boards of election supervisors for the parish or
23 parishes in which the vacancy occurred. The election shall be
24 conducted and the returns shall be certified as in regular elections for
25 United States senator.

26 * * *

1 §1279. Vacancies; representatives in Congress

2 When a vacancy occurs in the office of representative in
3 Congress, the governor shall determine the dates on which the special
4 elections shall be held and the dates of the qualifying period and shall
5 issue his proclamation ordering a special election and specifying the
6 dates on which the primary and general elections will be held and the
7 dates of the qualifying period for the election. Immediately thereafter
8 he shall publish the proclamation in the official journal of each parish
9 in which the election is to be held. Within twenty-four hours after
10 issuing the proclamation, the governor shall send a copy of the
11 proclamation to the secretary of state. ~~Within twenty-four hours after~~
12 ~~he receives the copy, the secretary of state shall notify, by certified or~~
13 ~~registered mail, who shall within twenty-four hours of receipt of the~~
14 information notify all election officials having any duty to perform in
15 connection with a special election to fill such vacancy, including the
16 parish boards of election supervisors for the parish or parishes in which
17 the vacancy occurred. The election shall be conducted in the same
18 manner and at the same places and the returns shall be certified as in
19 regular congressional elections. If at a primary or general election in
20 a congressional district one representative in Congress is to be elected
21 for a full term and another to fill a vacancy, the ballots containing the
22 names of the candidates shall, as a part of the title of the office,
23 designate the term for which the candidates are respectively nominated.

24 * * *

25 §1280.22. Candidates; procedure for qualifying

26 A. Candidates for presidential nominee shall qualify in
27 accordance with procedures established by the party. Prior to

1 qualification as a candidate of a political party for presidential
2 nominee, a person shall pay a qualifying fee of seven hundred fifty
3 dollars and any additional fee as authorized by R.S. 18:464(C) or shall
4 have obtained a nominating petition, bearing the signatures of no less
5 than one thousand registered voters affiliated with the party from each
6 of the congressional districts into which the state is divided. If the
7 candidate is qualifying by paying a fee, the fee shall be paid in cash, by
8 certified or cashier's check drawn on a state or national bank, by United
9 States postal money order, or by a money order issued by a state or
10 national bank.

11 B.(1) The qualifying period for presidential candidates shall
12 open on the ~~second~~ last Wednesday in January and shall close at 5:00
13 p.m. on the following Friday. During the qualifying period,
14 presidential candidates shall file notices of candidacy with the secretary
15 of state.

16 (a) A notice of candidacy shall be in writing and shall state the
17 candidate's name, the office he seeks, the address of his domicile, and
18 the political party with which he is registered as being affiliated. The
19 political party with which the candidate was affiliated at the time of
20 qualifying is the one which shall appear on the ballot, even if the
21 candidate changes his political party designation after he qualified for
22 the election.

23 (b) The candidate shall designate in the notice the form in which
24 his name shall be printed on the ballot. The candidate may designate
25 his given, first, and middle name, the initials of his given, first, and
26 middle name, a nickname, or any combination thereof as the form in
27 which his name shall be printed on the ballot. However, he shall not

1 designate a title, designation, or deceptive name, nor shall he designate
2 an occupational or professional description or abbreviation. If the
3 candidate designates a nickname in the place of or in combination with
4 his given name or the initials thereof, the nickname shall be set off with
5 quotation marks and shall be placed immediately preceding his
6 surname. A candidate shall include his surname in his designation of
7 the form in which his name shall be printed on the ballot.

8 (c) The notice of candidacy also shall include a certificate signed
9 by the candidate, certifying that he has read the notice of his candidacy
10 and that all of the statements contained therein are true and correct.
11 The certificate shall be executed before a notary public. If the
12 candidate is serving outside the state with the armed forces of the
13 United States, his notice of candidacy shall be witnessed by a
14 commissioned officer in the armed forces of the United States.

15 (2) A notice of candidacy shall be accompanied by the
16 qualifying fee and any additional fee imposed or a nominating petition.

17 (3) Each sheet of a nominating petition shall set forth the name
18 of the presidential candidate, as it shall appear on the election ballot,
19 the address of the candidate, the political party with which he is
20 affiliated, and the date of the presidential primary.

21 (2) (a) Each voter who signs a nominating petition shall include
22 his name and residence address.

23 (3) (b) All persons who obtained signatures shall certify that to
24 the best of their knowledge, information, and belief all of the signatures
25 on the nominating petition are genuine, and all of the statements
26 contained in the petition are true and correct.

1 §1285. Notice of election

2 * * *

3 B.(1)(a) Written notice of the election and the certificate
4 required by Subparagraph (1)(c) of this Subsection shall be transmitted
5 to the secretary of state, the commissioner of elections, and each clerk
6 of court and registrar of voters in the area affected by the election. If
7 the election is to be held on a primary election date, then such notice
8 and certificate shall be received by said officials on or before the last
9 ~~date for candidates to qualify for that primary election~~ working day in
10 July of the year in which the election is to be held. However, if the
11 election is to be held on a primary election date as provided in R.S.
12 18:402(C)(1), then such notice and certificate shall be received by said
13 officials on or before the second Wednesday in January of the year of
14 the election. If the election is not to be held on a primary election date,
15 then the notice and certificate shall be received by said officials on or
16 before the forty-sixth day prior to the election. The secretary of state
17 shall not accept any revisions to propositions, including but not limited
18 to changes in title, text, or numerical designations, after the last day for
19 ~~candidates to qualify in a primary election or after the forty-sixth day~~
20 ~~prior to an election, whichever is applicable.~~ submission of the notice
21 and certificate to the secretary of state.

22 ~~(b) Notwithstanding Subparagraph (1)(a) of this Subsection, if~~
23 ~~a proposition is to be submitted to the voters at the gubernatorial~~
24 ~~primary election, the notice of such election and the certificate required~~
25 ~~by Subparagraph (1)(c) of this Subsection shall be received by the~~
26 ~~secretary of state on or before the last working day in July of the year~~
27 ~~in which the election is to be held, and no revisions to a proposition,~~

1 including but not limited to changes in the title, text, or numerical
2 designations, shall be accepted by the secretary of state after such date.

3 (e) (b) The secretary of state shall not prepare or certify the
4 ballot with respect to any election for bond, debt, or tax propositions,
5 conducted pursuant to this Chapter, or in respect to any other election
6 where the proposition is subject to approval by the Louisiana State
7 Bond Commission, including but not limited to any proposition to
8 adopt, amend, or repeal a home rule charter which is subject to such
9 approval, until he receives certification in writing from the chairman of
10 that commission that the commission has considered and approved the
11 proposition.

12 * * *

13 §1300. Procedures; notice of election; expenses

14 * * *

15 C.

16 * * *

17 (2)(a) The secretary of state shall not accept any revisions to
18 propositions, including but not limited to changes in title, text, or
19 numerical designations, after the last day for candidates to qualify in a
20 primary election or after the forty-sixth day prior to an election,
21 whichever is applicable. submission of the notice to the secretary of
22 state. The secretary of state shall not include any proposition on any
23 ballot of any election if such notice is not timely received by the
24 secretary of state.

25 * * *

26 §1300.7. Governor to order election; proclamation; publication

27 * * *

1 B. Immediately after the issuance of the proclamation, the
 2 governor shall publish the proclamation in the official journal of each
 3 parish in which the election is to be held. Within twenty-four hours
 4 after issuing the proclamation, the governor shall send a copy of the
 5 petition and proclamation, by registered or certified mail, to the clerk
 6 of the district court for each parish in which the election is to be held.
 7 If the election is to be held in Orleans Parish, the city of New Orleans,
 8 the copy of the petition and proclamation shall be mailed to the clerk
 9 of the criminal district court. A copy of the petition and proclamation
 10 also shall be ~~mailed~~ sent to the secretary of state. ~~at the same time and~~
 11 ~~in the same manner.~~ Within twenty-four hours after he receives the
 12 copies, the secretary of state shall notify, ~~by mail and in the same~~
 13 ~~manner,~~ all election officials having any duty to perform in connection
 14 with a recall election, including the parish board of election supervisors
 15 for the parish or parishes in which the election is held.

16 * * *

17 §1306. Preparation and distribution of absentee ballots

18 * * *

19 B. The secretary of state shall prepare absentee ballot
 20 envelopes, absentee voting instructions, certificates, and other absentee
 21 balloting paraphernalia consistent with the provisions of this Chapter,
 22 subject to approval of the attorney general as to content.
 23 Notwithstanding the provisions of R.S. 18:1316 relating to
 24 distinguishing marks on absentee ballots, absentee voting instructions
 25 on absentee ballots to be transmitted by facsimile in accordance with
 26 R.S. 18:1308(A)(1)(b) shall stipulate that the voter may mark his ballot
 27 with a cross (X) mark or a check (√) mark as provided in R.S.

1 absentee voting, which location shall be in the courthouse or in a public
2 building in the immediate vicinity thereof, and in such case, adequate
3 notice shall be posted at the registrar's office informing the public of
4 the location where absentee voting is being conducted.

5 * * *

6 D.~~(1)~~ Before any voter is allowed to vote absentee in person ~~at~~
7 ~~a place as provided in Subsection A of this Section,~~ the registrar or his
8 deputy shall establish the voter's identity by requiring him to submit his
9 current Louisiana driver's license, ~~or his current registration certificate:~~
10 , other identification card, by comparison with the descriptive
11 information on the precinct register, or ~~If the voter does not have either~~
12 ~~document in his possession, the registrar or his deputy shall establish~~
13 ~~his identity~~ in the manner provided in R.S. 18:105(A).

14 ~~(2) Before any voter is allowed to vote at a branch office as~~
15 ~~provided in Subsection B of this Section, the registrar or deputy~~
16 ~~registrar shall establish the voter's identity by requiring him to submit~~
17 ~~his current registration certificate.~~

18 * * *

19 §1313. Tabulation and counting of absentee ballots

20 * * *

21 B. Absentee ballots shall be counted at the office of the registrar
22 of voters or at a place within the parish courthouse at a time fixed by
23 the parish board of election supervisors which time shall be set no
24 earlier than ~~4:00~~ 1:00 p.m. and no later than 8:00 p.m. on election day.
25 In parishes having a civil and criminal courthouse, the parish
26 courthouse shall be the civil courthouse.

27 * * *

1 I.(1) Upon completion of the tabulation and counting of the
2 absentee ballots, the parish board of election supervisors shall return
3 the absentee ballots to the special absentee ballot envelope, shall seal
4 the envelope, and shall deliver the envelope containing the absentee
5 ballots to the registrar of voters. The registrar shall preserve the
6 envelope, and the absentee ballots contained therein, inviolate and,
7 except upon order of a court of competent jurisdiction, shall not allow
8 the absentee ballots to be inspected by anyone until the delay for filing
9 an action contesting the election has lapsed. If an action contesting the
10 election is commenced timely, the registrar shall continue to preserve
11 these ballots inviolate, subject to the orders of the court, until the final
12 judgment in the action has become definitive.

13 (2) Notwithstanding the provisions of Paragraph (1) of this
14 Subsection, if the number of absentee ballots cast for all candidates for
15 an office could make a difference in the outcome of the election for
16 such office, upon the request of a candidate for such office, the board
17 shall recount the absentee ballots for such office, in the presence of all
18 candidates for such office. Upon completion of recount of the absentee
19 ballots, the board shall return the absentee ballots to the special
20 absentee ballot envelope, shall reseal the envelope, and shall deliver the
21 envelope containing the absentee ballots to the registrar of voters who
22 shall preserve the envelope and the absentee ballots contained therein
23 in the manner provided for in Paragraph (1) of this Subsection.

24 (3) The registrar, in the presence of a majority of the parish
25 board of election supervisors, shall allow a candidate or his
26 representative to inspect the flaps removed from the valid absentee
27 ballots within forty-eight hours after receipt of a written request for

1 such inspection by the candidate. Not less than twenty-four hours
 2 before such inspection, the registrar shall prominently post in his office
 3 a notice of the time and place where the flaps will be inspected and the
 4 name of the candidate requesting such inspection. The candidate
 5 requesting the inspection shall be responsible for all reasonable costs
 6 associated with such inspection.

7 * * *

8 §1314. Absentee commissioners

9 * * *

10 C. Selection for primary election. (1) The parish board of
 11 election supervisors shall determine the number of absentee
 12 commissioners necessary to count the absentee ballots in the parish.
 13 The parish board of election supervisors shall select a minimum of
 14 three absentee commissioners.

15 (2) The parish board of election supervisors shall meet at 10:00
 16 a.m. on the fifth day before a primary election and shall select the
 17 absentee commissioners and alternate absentee commissioners for the
 18 parish in the manner provided by law for the selection of
 19 commissioners and alternate commissioners. If there are not enough
 20 certified commissioners to select the appropriate number of absentee
 21 commissioners and alternate absentee commissioners, the board of
 22 election supervisors may select a qualified elector of the parish to
 23 serve; however, no such elector shall serve as an absentee
 24 commissioner if a certified commissioner has been selected as an
 25 alternate absentee commissioner.

26 (3) Absentee commissioners and alternate absentee
 27 commissioners shall be issued commissions, take the oath of office, be

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1 replaced, and be disqualified, all in the manner provided by law for
2 commissioners and alternate commissioners.

3 D. Selection for general election. (1)(a) The parish board of
4 election supervisors shall determine if the number of absentee
5 commissioners necessary to count the absentee ballots in the general
6 election can be reduced or should be increased from the number which
7 counted absentee ballots in the primary election.

8 (b) If it determines that the number cannot be reduced or should
9 be increased, those persons who served as absentee commissioners and
10 alternate absentee commissioners for the parish in the primary election
11 shall serve in the general election, unless replaced or disqualified in the
12 manner provided by law for commissioners and alternate
13 commissioners. The number of absentee commissioners for a general
14 election shall not be less than three.

15 (2)(a) If the parish board determines that the number of
16 absentee commissioners can be reduced, it shall notify each person who
17 served as an absentee commissioner or alternate absentee commissioner
18 in the primary election of its decision to reduce the number of absentee
19 commissioners and of the date and time of the meeting to select the
20 absentee commissioners for the general election. The parish board
21 shall meet at 10:00 a.m. on the fifth day before a general election and
22 shall select the absentee commissioners and alternate absentee
23 commissioners to serve in the general election for the parish.

24 (b)(i) The parish board shall prepare a list containing the names
25 of all persons who served as absentee commissioners in the primary
26 election. The absentee commissioners and alternate absentee
27 commissioners for the general election shall be selected from that list

1 in the manner provided by law for the selection of commissioners and
2 absentee commissioners.

3 (ii) If the list does not contain sufficient names to select the
4 number of absentee commissioners and alternate absentee
5 commissioners determined by the board to be needed for the general
6 election, the board shall fill any remaining alternate commissioner
7 positions from a list of those persons who were selected as alternate
8 absentee commissioners for the primary election, such list to be
9 prepared and the selection made in the same manner provided herein
10 for selection of absentee commissioners for the general election.

11 (3) If the parish board determines that the number of absentee
12 commissioners should be increased, the parish board shall meet at
13 10:00 a.m. on the fifth day before a general election and shall select
14 the additional absentee commissioners and alternate absentee
15 commissioners to serve in the general election for that parish from the
16 list of certified commissioners who have not been chosen to serve in
17 the general election as a commissioner-in-charge, commissioner, or, if
18 applicable, absentee commissioner in the manner provided by law for
19 the selection of commissioners and alternate commissioners. If there
20 are not enough certified commissioners to select the appropriate
21 number of absentee commissioners and alternate absentee
22 commissioners, the board of election supervisors may select a qualified
23 elector of the parish to serve; however, no such elector shall serve as
24 an absentee commissioner if a certified commissioner has been selected
25 as an alternate absentee commissioner.

26 * * *

1 §1402. Proper parties

2 * * *

3 C. The secretary of state and the commissioner of elections
4 shall be indispensable parties defendant to any action contesting an
5 election for public office. ~~for the purpose of giving the trial court~~
6 ~~jurisdiction over those officers insofar as the judgment of the court~~
7 ~~affects the ministerial duties of those officers.~~ When named as
8 defendants, ~~as provided in this Subsection,~~ in an action contesting an
9 election, costs of court shall not be assessed against these officers.

10 * * *

11 §1463. Political material; legislative finding of compelling state
12 interest; identification of source of materials; materials
13 containing false allegations of affiliation

14 * * *

15 D. An affected candidate or voter shall be entitled to an
16 injunction to restrain future violations of Subsections B and C of this
17 Section.

18 E. Whoever violates any provision of this Section may be
19 punished by a fine not to exceed five hundred dollars or be imprisoned
20 for not more than six months, or both.

21 * * *

22 §1495.5. Reports; contents

23 * * *

24 B. Each report required to be in conformity with this Section
25 shall contain the following information:

26 * * *

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1 (19) The amount of cash and cash investments of the ~~committee~~
2 candidate on hand at the end of the reporting period.

3 * * *

4 C. Expenditures made by a public relations firm, an advertising
5 agency, or agent for a candidate shall be considered expenditures of the
6 ~~political committee~~ candidate and must be reported as required by this
7 Section. Each such firm, agency, or agent which makes any
8 expenditure for any candidate shall timely furnish to such candidate
9 such information relative thereto as may be required for compliance
10 with this Part.

11 * * *

12 §1505.2. Contributions; expenditures; certain prohibitions and
13 limitations

14 * * *

15 C.(1) No person shall make a cash contribution to a candidate
16 or a committee and no candidate or committee shall receive cash
17 contributions in excess of one hundred dollars during any calendar
18 year. Any contribution in excess of such one hundred dollar aggregate
19 amount, other than an in-kind contribution, shall be made by an
20 instrument containing the name of the donor and the name of the payee.
21 ~~Any contribution by a candidate to a committee is an expenditure by~~
22 ~~the candidate and therefore is subject to the provisions of Subsection~~
23 ~~D below.~~

24 * * *

25 Section 2. R.S. 18:532(B)(1) and (E), 532.1(B), (C)(1), (2)(a) and
26 (3)(a), and (D), 1903 and 1904 are hereby amended and reenacted to read as
27 follows:

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1 §532. Establishment of precincts

2 * * *

3 B.(1) Each precinct shall be a contiguous, compact area having
 4 clearly defined and clearly observable boundaries coinciding with
 5 visible features readily distinguishable on the ground, such as
 6 designated highways, roads, streets, rivers, or canals, and depicted on
 7 United States Bureau of the Census base maps for the next federal
 8 decennial census, except where the precinct boundary is coterminous
 9 with the boundary of a parish or an incorporated place when the
 10 boundaries of a single precinct contain the entire geographic area of the
 11 incorporated place. On and after July 1, 1997, any precinct boundary
 12 not coinciding with a visible feature shall be changed by the parish
 13 governing authority to coincide with a visible feature in accordance
 14 with R.S. 18:532.1.

15 * * *

16 E.(+) In complying with the provisions of this Section for the
 17 establishment of precincts and the prescription of their boundaries, each
 18 parish governing authority and registrar of voters shall coordinate with
 19 the secretary of the Senate and the clerk of the House of
 20 Representatives, or their designees, pursuant to their authority to submit
 21 a plan for census data for reapportionment under the provisions of
 22 Chapter 13 of Title 18 of the Louisiana Revised Statutes of 1950, and
 23 shall adopt or adjust precinct boundaries as may be necessary to
 24 comply with this Section.

25 ~~(2) Each parish governing authority shall by ordinance adopt a~~
 26 ~~proposal for the establishment or adjustment of precinct boundaries, in~~
 27 ~~compliance with this Section, no later than June 15, 1986, provided that~~

1 ~~any establishment of a precinct or adjustment of a precinct boundary to~~
2 ~~comply with this Section shall be effective for the following purposes~~
3 ~~at the following times:~~

4 ~~(a) Not later than January 1, 1990, for the purpose of~~
5 ~~establishing block boundaries for the 1990 federal decennial census.~~

6 ~~(b) Not later than forty-five days prior to the opening date for~~
7 ~~qualifying as a candidate for any election held at the 1991 gubernatorial~~
8 ~~primary election, for all purposes. Within fifteen days after the~~
9 ~~adoption of the ordinance, the parish governing authority shall send to~~
10 ~~the secretary and the clerk a certified copy of the ordinance and a copy~~
11 ~~of a map showing the new boundaries together with a written~~
12 ~~description of such boundaries.~~

13 ~~(3) If any parish governing authority fails to comply with the~~
14 ~~provisions of this Section by June 15, 1986, the secretary of the Senate~~
15 ~~and the clerk of the House of Representatives, or their designees, shall~~
16 ~~immediately notify the attorney general of such noncompliance. The~~
17 ~~attorney general shall, upon receipt of such notice, in accordance with~~
18 ~~R.S. 18:537 institute an action against said governing authority to~~
19 ~~compel compliance with this Section.~~

20 ~~(4) Notwithstanding the provisions of R.S. 18:532.1(A) and (B)~~
21 ~~or any other law to the contrary, the proposed precinct boundaries~~
22 ~~submitted to the United States Bureau of the Census by a parish~~
23 ~~through the secretary of the Senate and the clerk of the House of~~
24 ~~Representatives or their designees, and approved by the Bureau of the~~
25 ~~Census as block boundaries for the 1990 Census, shall be the precinct~~
26 ~~boundaries of any parish in which the parish governing authority has~~
27 ~~failed to adopt by ordinance on or before December 31, 1988 a~~

1 ~~proposal for the establishment or adjustment of precinct boundaries as~~
2 ~~required by this Section. The precinct boundaries established pursuant~~
3 ~~to the provisions of this Paragraph shall be effective as provided in R.S.~~
4 ~~18:532(E)(2).~~

5 * * *

6 §532.1. Changing precinct boundaries

7 * * *

8 B. (1) A parish governing authority shall change a precinct only
9 by dividing the precinct into two or more precincts except as provided
10 in Paragraph (2) herein.

11 (2)(a) When in order to make it more convenient for voters to
12 vote, or to facilitate the administration of the election process, or to
13 accomplish reapportionment, or to comply with the provisions of R.S.
14 18:532(B)(1) or (4), it becomes necessary to consolidate all or part of
15 a precinct with adjacent precincts, a part or parts may be consolidated
16 but only when the parts that are joined are in the same state, local and
17 municipal office voting district.

18 (b) On and after July 1, 1997, any proposed consolidation of all
19 or part of a precinct with an adjacent precinct, except for consolidations
20 under R.S. 18:532(B)(4), shall be considered a prospective
21 consolidation, which shall be made effective not later than January 1,
22 2000, for the purpose of establishing block boundaries for the 2000
23 federal decennial census; and not later than December 31, 2001, for all
24 purposes. Any proposed prospective consolidation shall be submitted
25 for review under Paragraph C(2) of this Section not later than July 1,
26 1998. Any proposed prospective consolidation shall not be subject to
27 the requirement that parts that are joined shall be in the same state,

1 local, and municipal office voting district and shall not be subject to
2 review under Paragraph C(3) of this Section.

3 (3) Any establishment, division, or consolidation of precincts as
4 provided in Paragraphs (1) and (2) herein shall be considered a change
5 in precinct boundaries and shall be subject to the requirements of this
6 Section.

7 C.(1) The parish governing authority shall comply with the
8 provisions of R.S. 18:532(A), (B), ~~and (C), and (E)~~ when changing any
9 precinct boundary. ~~Prior to January 1, 1993, any precinct boundary~~
10 ~~resulting from an establishment of a precinct or precincts or change in~~
11 ~~precinct boundary shall coincide with a visible feature which is a~~
12 ~~tabulation boundary depicted on United States Bureau of the Census~~
13 ~~maps prepared for the 1990 federal decennial census. After December~~
14 ~~31, 1992, any precinct boundary resulting from an establishment of a~~
15 ~~precinct or precincts or change in precinct boundary shall coincide with~~
16 ~~a visible feature depicted on a base map that will be used by the United~~
17 ~~States Bureau of the Census to determine visible tabulation boundaries~~
18 ~~for the federal decennial census.~~

19 (2)(a) In determining features to be used as precinct boundaries,
20 the parish governing authority shall consult with the secretary of the
21 Senate and the clerk of the House of Representatives or their designees.
22 The parish governing authority shall submit proposed changes in
23 precinct boundaries to the secretary and the clerk or their designees on
24 United States Bureau of the Census maps prepared for the 1990 next
25 federal decennial census and, where practicable, by electronic medium.
26 No change in a precinct boundary may be made by the parish governing
27 authority without prior review and approval by the secretary and the

1 clerk or their designees, except as provided in this ~~Subparagraph~~
 2 Paragraph. Such review shall consist of a determination whether the
 3 proposed precinct change coincides with a visible feature depicted on
 4 a base map that will be used by the United States Bureau of the Census
 5 to determine visible tabulation boundaries for the federal decennial
 6 census.

7 * * *

8 (3)(a) In addition to the requirements of Paragraph (2) of this
 9 Subsection, when the proposed precinct change involves a
 10 consolidation authorized by Paragraph B(2) of this Section, prior to
 11 adoption by ordinance, the parish governing authority shall submit
 12 proposed changes of the consolidation to the commissioner of
 13 elections. No change in a precinct consolidation may be made by the
 14 parish governing authority without prior review and approval by the
 15 commissioner of elections, except as provided in this ~~Subparagraph~~
 16 Paragraph. Such review shall consist of a determination whether the
 17 proposed consolidation of the precincts establishes a precinct or
 18 precincts where all parts of each proposed new precinct are in the same
 19 state, local, and municipal office voting district.

20 * * *

21 D. In accordance with R.S. 18:1903, ~~on and after January 1,~~
 22 ~~1989,~~ notwithstanding any other law to the contrary, no election
 23 precinct shall be created, divided, abolished, or consolidated, or the
 24 boundaries thereof otherwise changed between January first of any year
 25 which last digit is nine and December thirty-first of any year which last
 26 digit is ~~zero~~ two, unless ordered by a court of competent jurisdiction;
 27 except that:

1 jurisdiction or ~~by reason of an annexation or other change in the~~
 2 ~~boundaries of a municipality to comply with R.S. 18:532.1(D).~~

3 B. If a change in the boundaries of a precinct is made as
 4 specified in Subsection A above, during the time specified therein, the
 5 affected governing body shall, within fifteen days after the entry of the
 6 court order or the date of the ordinance changing the municipal precinct
 7 boundaries, send to the secretary of the Senate and the clerk of the
 8 House of Representatives a certified copy of the order or ordinance and
 9 a copy of a map showing the new boundaries together with a corrected
 10 word description of such boundaries. The secretary and the clerk shall
 11 likewise be notified of appeals filed ~~changes in ordinances~~, or other
 12 actions that pertain to any such order or ordinance.

13 §1904. Cooperation of state agencies and officials

14 A. All state agencies and officials shall cooperate with the
 15 secretary of the Senate and the clerk of the House of Representatives
 16 in carrying out the purposes of this Chapter and shall furnish the
 17 secretary and clerk all such statistical information, maps, and other data
 18 as they may request to comply with requirements of the census bureau.

19 ~~B. The office of public works in the Department of~~
 20 ~~Transportation and Development and the assistant secretary of public~~
 21 ~~works, the State Planning Office and its director, and the office of~~
 22 ~~highways and its assistant secretary shall assist the secretary and clerk~~
 23 ~~in submitting the required plan to the census bureau and shall prepare~~
 24 ~~and provide such maps as may be necessary at the request of the~~
 25 ~~secretary and clerk.~~

26 Section 3. R.S. 18:532.1(H) is hereby repealed in its entirety.

27 Section 4. R.S. 18:1399(A) is hereby repealed in its entirety.

1 Section 5. The provisions of Section 1 and Section 4 of this Act shall
 2 become effective on January 1, 1998. The provisions of this Section and of
 3 Section 2 and Section 3 of this Act shall become effective on July 1, 1997.

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument.

Bruneau, et al

HB No. 1597

Makes technical changes to the election code.

Present law requires that on all petitions submitted to a registrar of voters the signer must include his ward, district, and precinct.

Proposed law retains present law and also requires the signer to include his date of birth. (§3)

Present law allows the registrar to employ temporary personnel for the purpose of registering voters.

Proposed law also allows temporary personnel to be used to conduct absentee voting. (§59)

Present law provides that a change in residence address within the parish that is received after the close of registration for the primary is effective after the general election.

Proposed law retains present law, but makes an exception when the person's registration has been cancelled from the rolls or if the registrant's address was updated pursuant to other provisions of the election code. (§110)

Present law requires the clerk of court to send to the registrar by the tenth day of each month, the names, aliases, dates of birth, sex, and addresses of those persons for whom a felony conviction has become definitive.

Proposed law requires the clerk of court to send to the registrar by the tenth day of each month, the names, aliases, dates of birth, sex, and addresses of those persons convicted of a felony for which there is an order of imprisonment. (§171)

Proposed law provides that if a felony conviction is subsequently overturned that the clerk of court give written notice to the commissioner of elections who shall send such notice to the appropriate registrar of voters. (§171(D))

Present law requires the United States attorney to give written notice to the commissioner of elections of any federal felony conviction.

Proposed law requires the United States attorney to give written notice to the commissioner of elections of any federal felony conviction for which there is an order of imprisonment. (§171.1)

Present law provides that upon receipt of the reports of convicted felons, interdicted persons, and deaths in the state, the registrar cancel the registration of each person listed therein by deleting the name from the statewide computer registration system and, if necessary by drawing in red ink a line through the name of such person on the precinct register and the duplicate precinct register. Requires the line on the precinct registers to be initialed by the registrar or employee of the registrar. Provides that the registrar note on the registration record and on the original application for registration that the registrar has been notified of an order of imprisonment for conviction of a felony, a judgment of interdiction for mental incompetence, or received a report of death, and note also the date of the cancellation and the date of the report. Requires the registrar to remove the original application from his file of eligible voters and place it in his cancellation file. Requires notification, including the reason therefor, of each person whose registration is cancelled, except by reason of death.

Proposed law provides the procedures for the suspension of the registration of convicted felons under an order of imprisonment and persons interdicted for mental incompetence. (§176)

Proposed law provides that when a registrar receives notice from the clerk of court, U.S. attorney, or has reason to believe that a person has been convicted of a felony for which there is an order of imprisonment, the registrar shall send a notice to such person which is to be mailed first class, postage prepaid, to the address on file at the registrar's office. Requires the notice to state that the registrar has received a report that the registrant has been convicted of a felony and is under an order of imprisonment and informs the person that he must appear in person at the office of the registrar of voters within twenty-one days after the date on which the notice was mailed to show cause why his registration should not be suspended. (§176(A))

Proposed law provides that if the registrant appears and shows cause within the twenty-one days, the registrar shall not suspend the registration. (§176(A))

Proposed law provides that if the registrant fails to appear within the required twenty-one days, the registrar suspends the registration by deleting the name from the statewide computer registration system and, if necessary by drawing in red ink a line through the name of such person on the precinct register and the duplicate precinct register. Requires the line on the precinct register to be initialed by the registrar or employee of the registrar. Provides that the registrar note on the registration record and on the original application for registration that the registrar has been notified of conviction of a felony for which there is an order of imprisonment, and also note the date of the suspension and the date of the report, when applicable. Requires the registrar to remove the original application from his file of eligible voters and place it in his suspension file. Requires each person whose registration is suspended to be immediately notified of the suspension and the reason therefor. (§176(A))

Proposed law requires the registrar to maintain a list of names and addresses to whom notices are sent under these provisions and whether or not each registrant responded to the notice for a period of two years and provides that this information is open to inspection and copying. (§176(A))

Proposed law provides that when a registrar receives a report that a person is under a definitive judgment of interdiction for mental incompetence he is to suspend the registration of the interdict for the period of interdiction. Provides for suspension of the registration by deleting the name from the statewide computer registration system and, if necessary by drawing in red ink a line through the name of such person on the precinct register and the duplicate precinct register. Requires the line on the precinct register to be initialed by the registrar or employee of the registrar. Requires the registrar to note on the registration record and on the original application for registration that the registrar has been notified of a judgment of interdiction and also note the date of the suspension and the date of the report. Requires the registrar to remove the original application from his file of eligible voters and place it in his suspension file. Also requires the registrar to immediately notify each person whose registration is suspended under these provisions and the reason therefor. (§176(B))

Proposed law provides that if the registrar determines that a voter's registration has been suspended or cancelled through error of the registrar, the registrar shall reinstate the voter's registration as though the suspension or cancellation had never occurred and shall notify the registrant of the reinstatement. (§176(E))

Proposed law provides that the registration of a person whose registration has been suspended by the registrar of voters for conviction of a felony shall be reinstated upon receipt by the registrar of documentation from the appropriate correction official showing that such person is no longer under an order of imprisonment. (§177(A))

Proposed law provides that the registration of a person who has been interdicted and judicially declared mentally incompetent and whose registration has been suspended by the registrar shall be reinstated upon receipt by the registrar of a certified copy of a definitive judgment revoking such interdiction. (§177(B))

Present law provides that when the registrar has reason to believe that the name of a person has been illegally or fraudulently placed upon the registration records, that a registrant no longer is qualified to be registered, or that a registrant has changed his residence, he shall immediately notify the person by sending the address confirmation card to the registrant and place the voter on the inactive list of voters.

Proposed law retains present law but provides that a person is not placed on the inactive list of voters if there is address information available to the registrar from the post office that indicates the voter has moved to another address within the parish. (§§193, 198)

Present law provides if a registrant has moved from one precinct to another within the same parish that the registrant can vote at the polling place of such

registrant's last address on file at the office of the registrar of voters for the primary election and general election, if held, upon completing an address confirmation card affirming the new address within the parish.

Proposed law provides that such registrant may vote in the precinct from which he moved only for the election at which he completes the address confirmation card. (§196)

Proposed law provides for an election emergency plan. Provides that if an emergency or common disaster occurs before or during a regularly scheduled or special election, the governor may, upon issuance of an executive order, suspend or delay the qualifying of candidates, absentee voting in person, or elections. Provides that the governor take such action only upon the certification of the secretary of state in conjunction with the commissioner of elections that a state of emergency exists. A clerk of court, as chief election official of the parish, may bring to the attention of the secretary of state and commissioner of elections any difficulties occurring in his parish due to natural disasters. (§401.1)

Proposed law provides that if any delays or suspensions are authorized by the governor, the delayed qualifying, absentee voting in person or election day voting shall resume or be rescheduled as soon as is practicable. Requires notice of the delay or suspension and rescheduling to be published at least once in a newspaper of general circulation in the affected area if time permits and, where practicable, broadcast as a public service announcement on radio and television stations, or by any other means of communication available at that time. (§401.1)

Proposed law requires the clerk of court to identify the number of polling places that are functional and the number of polling places that have been destroyed. If a polling place is destroyed, efforts should be made to work with federal, state, and local emergency management agencies to permit the orderly establishment of a new polling place. An alternate emergency location is to be designated by the clerk of court in conjunction with the parish governing authority and advertised by any means available. Allows coordination with local police and the National Guard in an effort to provide security for existing polling places. (§401.1)

Proposed law provides that if an election is rescheduled involving a multi-parish or statewide office, every effort should be made to withhold returns for the affected races until the parishes where an election has been suspended or delayed have conducted rescheduled elections and are able to certify returns to the secretary of state. Provides that computation of all time intervals in the electoral process affected by any delay or suspension be redesignated by the secretary of state in conjunction with the commissioner of elections and notice thereof is to be given to parish boards of election supervisors as soon as possible. (§401.1)

Present law provides that the third Saturday in January of any year, the third Saturday in July of any year, are election dates which shall be exclusively for elections on bonds, taxes, and other propositions or questions and for no other kind of election.

Proposed law retains present law but allows a special election to fill a vacancy in the office of state legislator to be held on these dates. (§402(F))

Present law requires the clerk of court to conduct a general course of instruction for commissioners at least twice a year. These courses of instruction are open to the public and are to be publicized in a manner to encourage maximum attendance and participation.

Proposed law retains present law and allows the registrar to assist the clerk of court in conducting the course for informational purposes. (§431)

Present law requires the clerk of court to conduct the course of instruction for commissioners-in-charge during the month of November, to give notice of such course during the second week in October, and give notice to the applicants the last week in October.

Proposed law allows the clerk of court to conduct the course of instruction for commissioners-in-charge during the period August 1 through November 30 and give notice of the course two weeks before it is scheduled to be conducted, and give notice to the applicants one week before the course is to be conducted. (§433(A))

Present law provides that a commissioner-in-charge shall serve a term of office of one year, beginning on the January 1 of the year following selection.

Proposed law retains present law but further provides that the commissioner-in-charge must remain on the list of certified commissioners during his term of office. (§433(D))

Present law provides for the manner of selection of commissioners. Provides that the drawing of commissioners for each precinct shall continue until a person affiliated with each recognized political party is selected as a commissioner.

Proposed law retains present law but provides that such drawing shall continue unless there are no remaining certified commissioners in the parish to represent such recognized political parties. (§434)

Present law provides that the qualifying period for candidates in a congressional primary election and those in any special primary election to be held at the same time, opens on the fourth Wednesday in July of the year of the election.

Proposed law provides that the qualifying period for candidates in a congressional primary election and those in any special primary election to be held at the same time, opens on the third Wednesday in August of the year of the election. (§467)

Present law provides that qualifying in a primary election is reopened when a person who qualified as a candidate dies after the close of the qualifying period and before the time for closing the polls on the day of the primary election.

Proposed law provides that qualifying will reopen if the candidate who dies had opposition. (§469)

Present law provides that a candidate without opposition at the close of qualifying is declared elected. Present law provides that if such person dies prior to taking office the vacancy is filled under those provisions governing anticipated vacancies in office.

Proposed law provides that on and after July 1, 1997, any precinct boundary not coinciding with a visible feature shall be changed by the parish governing authority to coincide with a visible feature.

Proposed law repeals special provisions for the 1990 census and enacts special provisions regarding precinct consolidations in preparation for the 2000 census. Provides that any precinct consolidation on and after July 1, 1997 will become effective not later than January 1, 2000, except for consolidations of precincts containing fewer than 300 original registered voters. (§§532, 532.1)

Present law provides that when a special election to fill a newly-created office or a vacancy in an existing office is held at the same time as a regularly scheduled election, and when the candidates in the regularly scheduled election and in the special election are the same, the names of the candidates shall appear only once on the ballot and the ballot shall state that the election is being held to fill both the vacancy and the full term for the office. Requires each elector to cast the same vote for both the regular and the special election for the office, and the candidates who qualify for the general election also qualify for the general election for both the regular and the special election for the office, and the candidate is elected to fill both the vacancy and the full term for the office.

Proposed law provides that when a special election to fill a newly-created office or a vacancy in an existing office is held at the same time as a regularly scheduled election, if both the geographic area of an office and the candidates in the regularly scheduled election and in the special election for such office are the same for both elections, the title of the office and the names of the candidates shall appear only once on the ballot and the ballot shall state that the election is being held to fill both the vacancy and the full term for the office. Proposed law retains provisions of present law requiring each elector to cast the same vote for both the regular and the special election for the office. Retains present law which provides that the candidates who qualify for the general election shall qualify for the general election for both the regular and the special election for the office, and the candidate is elected to fill both the vacancy and the full term for the office. (§551(B))

Present law provides for the uniformity of ballots. Require that the names of the candidates be printed on the ballot in type of uniform size and style. Provides that the spaces between the names of the candidates for each office be uniform, and the names of the candidates for one office be separated from the names of candidates for another office by sufficient space to avoid confusion.

Proposed law retains present law and further requires that all propositions and constitutional amendments be printed on the ballot in type of uniform size and style. (§551(E))

Present law provides the procedure for inspection and preparation of voting machines at the polling places.

Proposed law restates present law in the order in which the duties are to be performed. (§553)

Present law provides for the opening of the voting machines in the presence of the candidates.

Proposed law retains present law and provides that a candidate can request a reinspection of the voting machines. Proposed law provides that the clerk of court, in the presence of a majority of the parish board of election supervisors, shall reopen any voting machine for reinspection by a candidate or his representative within 48 hours after receipt of a written request for reinspection by the candidate. Requires the clerk, 24 hours prior to reopening the machines, to post a notice in his office of the time and place where the voting machines will be reopened and the name of the candidate requesting that the machines be reopened. Requires the candidate requesting the reinspection to pay all reasonable costs associated with such reinspection. (§573)

Present law provides that the secretary of state shall promulgate the returns for candidates on or before the twelfth day after the primary or general election.

Proposed law provides that the secretary of state shall promulgate the returns for each candidate on or before the twelfth day after the primary or general election if no action contesting the election of such candidate has been timely filed. Further provides that the secretary of state shall promulgate results of a contested election in accordance with the final judgment of the court as soon as practicable after the final judgment becomes definitive. (§§574, 575)

Present law requires that whenever there is a vacancy in office that is to be filled in a special election, the proclamation calling such election must include the date of the election.

Proposed law retains present law and requires that the proclamation also include the qualifying period for the candidates. (§§591, 601, 602(E), 604, 1278)

Present law requires the secretary of state to send notices of a special election to fill a vacancy in office by certified or registered mail to all election officials having any duty to perform in connection with the special election.

Proposed law deletes all references to the requirement that such notice be sent by certified or registered mail. (§§591, 601, 602(E), 604, 621, 1279, 1300.7)

Present law requires that when a vacancy occurs in the office of a member of a parish or municipal governing authority or a combination thereof, a mayor, or certain other local or municipal office, except the office of judge, state

legislator, or marshal of a city or municipal court, and the office is filled by election wholly within the boundaries of a local governmental subdivision, the governing authority of the local governmental subdivision where the vacancy occurs shall, within ten days, appoint a person to fill the vacancy who meets the qualifications of the office.

Proposed law requires the governing authority to appoint a person to fill the vacancy who meets the qualifications of the office within fifteen days after the vacancy occurs. (§602(A))

Present law requires that, except for members of the legislature and the congress, all resignations of elected officials shall be filed with the secretary of state. Provides that resignations may be filed in person or by certified mail, return receipt requested.

Proposed law retains present law but deletes the provisions specifying that resignations may be filed in person or by certified mail, return receipt requested. (§652)

Present law provides that a resignation shall become irrevocable three days after the day on which the secretary of state has transmitted the notice to the appropriate authority.

Proposed law provides that a resignation shall become irrevocable upon receipt by the secretary of state. (§654)

Proposed law makes certain provisions that are applicable to candidates who qualify for other primary elections applicable to presidential candidates. Requires the qualifying fee to be paid in cash, money order, or certified check. Provides that the notice of candidacy must be in writing and contain the candidate's name, address, and political party. Provides the manner in which the candidate's name will appear on the ballot. Requires the candidate to sign the notice of candidacy. Allows such candidates to withdraw by filing a sworn statement with the secretary of state. (§1280.22)

Present law provides that the last date for submission of a notice for a proposition election to be held at a primary election, other than the gubernatorial primary election, is the last day of qualifying for candidates. Provides that the last day that changes to such notice can be accepted is the last day for qualifying for candidates or the 46th day prior to the election, whichever is applicable.

Proposed law provides that the last date for submission of a notice of a proposition election that is to be held at a primary election is the last working day of July and that is also the last day that any changes to the notice can be accepted by the secretary of state. (§§1285, 1300)

Proposed law retains present law that a notice of a proposition election that is to be held on a date other than a primary election must be submitted to the secretary of state on or before the 46th day prior to the election and that is also the last day that changes to the notice will be accepted by the secretary of state. (§1285)

Present law requires the secretary of state to prepare absentee ballot envelopes, absentee voting instructions, certificates, and other absentee balloting paraphernalia consistent with the provisions of the election code, subject to approval of the attorney general as to content.

Proposed law retains present law and further provides that absentee voting instructions on absentee ballots to be transmitted by facsimile shall stipulate that the voter may mark his ballot with a cross (X) mark or a check (√) mark. (§1306)

Present law provides that absentee voting hours are 8:30 a.m. to 4:30 p.m. Monday through Friday, and from 8:30 a.m. to 12 o'clock noon on Saturday. Provides that if a holiday falls during the absentee voting period that the office remain open until 4:30 p.m. on the last day for absentee voting.

Proposed law retains present law, but provides that if a Saturday falls during the absentee voting period that on such Saturday the office of the registrar shall remain open until 4:30 p.m. Requires the registrar to post a notice of the additional hours. (§1309(A))

Present law provides that the registrar establish the identity of a person applying to vote absentee at the registrar's office by requiring the person to submit his current La. driver's license or his current registration certificate. Provides that if the person does not have either document the registrar is to identify the person by his birth certificate or other documentation which reasonably and sufficiently establishes the applicant's identity, age, and residency. If a person is applying to vote absentee at a branch office, the person must submit his current registration certificate.

Proposed law provides that the registrar establish the identity of a person applying to vote absentee at the registrar's office by requiring the person to submit his current La. driver's license, his current registration certificate, other identification card, by comparison with the descriptive information in the precinct register, or by requiring a person's birth certificate or other documentation which reasonably and sufficiently establishes the applicant's identity, age, and residency. (§1309(D))

Proposed law makes this identification procedure applicable to a person applying to vote absentee at a branch office. (§1309(D))

Present law provides that absentee ballots are to be counted at the office of the registrar of voters or at a place within the parish courthouse at a time fixed by the parish board of election supervisors no earlier than 4:00 p.m. and no later than 8:00 p.m. on election day.

Proposed law retains present law but allows the counting of absentee ballots to begin at 1:00 p.m. on election day. (§1313(B))

Proposed law provides that if the number of absentee ballots cast for all candidates for an office could make a difference in the outcome of the election for such office, upon the request of a candidate for such office, the board shall recount the absentee ballots for such office in the presence of all candidates for such office.

Proposed law provides that the registrar, in the presence of a majority of the parish board of election supervisors, shall allow a candidate or his representative to inspect the flaps removed from the valid absentee ballots within forty-eight hours after receipt of a written request for such inspection by the candidate. Provides that not less than twenty-four hours before such inspection, the registrar shall prominently post in his office a notice of the time and place where the flaps will be inspected and the name of the candidate requesting such inspection. Provides that the candidate requesting the inspection shall be responsible for all reasonable costs associated with such inspection. (§1313(I))

Present law provides for the selection of absentee commissioners and alternate absentee commissioners in the same manner as selection of commissioners for an election.

Proposed law retains present law but provides that if there are not enough certified commissioners to select the appropriate number of absentee commissioners and alternate absentee commissioners, the board of election supervisors may select a qualified elector of the parish to serve. Specifically provides that no such elector shall serve as an absentee commissioner if a certified commissioner has been selected as an alternate absentee commissioner. (§1314)

Present law provides that the secretary of state and the commissioner of elections shall be indispensable parties defendant to any action contesting an election for public office for the purpose of giving the trial court jurisdiction over those officers insofar as the judgment of the court affects the ministerial duties of those officers. Provides that when they are named as defendants costs of court shall not be assessed against these officers.

Proposed law deletes the provision that the secretary of state and the commissioner of elections are indispensable parties for the purpose of giving the trial court jurisdiction over those officers insofar as the judgment of the court affects the ministerial duties of those officers. Proposed law states that the secretary of state and the commissioner of elections are indispensable parties to such actions and that cost of court shall not be assessed against these officers. (§1402)

Present law prohibits the distribution or transmission of false political materials.

Proposed law provides that a candidate who is affected by the distribution or transmission of false political material is entitled to an injunction to restrain future violations. Also provides that a person distributing or transmitting such false political material is subject to a fine not to exceed \$500 and/or not more than six months in prison. (§1463)

Proposed law deletes incorrect references to a committee in the provisions regarding the contents of reports for candidates under the Campaign Finance and Disclosure Act. Also deletes reference to previously repealed provision of law providing that a contribution by a candidate to a committee is an expenditure by the candidate. (§§1495.4, 1505.2)

Proposed law repeals provisions requiring DOTD and the assistant secretary of public works, the State Planning Office and its director, and the office of highways and its assistant secretary to assist the secretary and clerk in submitting the required plan to the census bureau and prepare and provide such maps as may be necessary at the request of the secretary and clerk. (§1904)

Effective January 1, 1998, except provisions relating to the precinct freeze and the 2000 census are effective July 1, 1997.

(Amends R. S. 18:3(A)(3), 59(I)(2), 110(B)(1), 171, 171.1(A)(1), 176, 193(A), (B), (C), (E), and (F), 196(B)(3), 198(A), 402(F)(5), 431(A)(1)(a), 433(A)(1), (2) and (3), and (D), 434(B)(6), 467(2), 469(A), 532(B)(1) and (E), 532.1(B), (C)(1), (2)(a) and (3)(a), and (D), 551(B)(2) and (E), 553(B), 573(A)(3), 574(E)(1), 575(B), 591, 601, 602(A) and (E)(2)(a) and (d), 604(B)(2)(a) and (c), 621(B), 652(A), 654, 1278(B), 1279, 1280.22, 1285(B)(1), 1300(C)(2)(a), 1300.7(B), 1306(B), 1309(A)(2) and (D), 1313(B) and (I), 1314(C) and (D), 1402(C), 1495(B)(19) and (C), 1505.2(C)(1), 1903, and 1904; Adds R.S. 18:177, 401.1 and 1463(D) and (E); Repeals R.S. 18:532.1(H) and 1399(A))