

Regular Session, 1997

HOUSE BILL NO. 1597

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

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(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, 1307(E), 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

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words underscored are additions.

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

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

17 Be it enacted by the Legislature of Louisiana:

18 Section 1. R. S. 18:3(A)(3), 59(I)(2), 110(B)(1), 171, 171.1(A)(1), 176,  
19 193(A), (B), (C), (E), and (F), 196(B)(3), 198(A), 402(F)(5), 431(A)(1)(a),  
20 433(A)(1), (2), and (3) and (D), 434(B)(6), 467(2), 469(A), 551(B)(2) and (E),  
21 553(B), 573(A)(3), 574(E)(1), 575(B), 591, 601, 602(E)(2)(a) and (d),  
22 604(B)(2)(a) and (c), 621(B), 652(A), 654, 1278(B), 1279, 1280.22,  
23 1285(B)(1), 1300(C)(2)(a), 1300.7(B), 1306(B), 1309(A)(2) and (D), 1313(B)  
24 and (I), 1314(C) and (D), 1402(C), 1495(B)(19) and (C), 1505.2(C)(1) are  
25 hereby amended and reenacted and R.S. 18:177, 401.1, 1307(E), and 1463(D)  
26 and (E) 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

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1           (2) Beginning February 1992, the secretary of the Department  
2 of Public Safety and Corrections shall send to the Department of  
3 Elections and Registration a supplemental report, certified as correct  
4 over his signature or the signature of his authorized representative,  
5 containing the name, date of birth, sex, and address as such information  
6 exists in the data base of any person who has a ~~definitive~~ felony  
7 conviction, who is currently under the custody or supervision of the  
8 Department of Public Safety and Corrections, and whose name was not  
9 on the report sent by January 1, 1992, or any subsequent supplemental  
10 report. Such supplemental report shall be sent to the Department of  
11 Elections and Registration on a quarterly basis.

12           (3) The Department of Elections and Registration shall send to  
13 the registrar of voters of each parish such information received from the  
14 clerk of court of each parish and the Department of Public Safety and  
15 Corrections regarding persons with a ~~definitive~~ felony conviction on a  
16 quarterly basis.

17           D. If a conviction of which notice was given pursuant to this  
18 Section is overturned, the clerk of court shall give written notice of the  
19 vacation of the judgment to the commissioner of elections. The  
20 commissioner of elections shall send such notice of the vacation of the  
21 judgment to the appropriate registrar of voters.

22 §171.1. Conviction of felony in federal court; notification

23           A.(1) Each United States attorney shall give written notice of  
24 any felony conviction of a person for which there is an order of



1 conviction of a felony for which there is an order of imprisonment, and  
2 he shall note also the date of the suspension and the date of the report,  
3 when applicable. The registrar shall remove the original application  
4 from his file of eligible voters and shall place it in his suspension file.  
5 In addition, each person whose registration is suspended under this  
6 Subsection shall immediately be notified of the suspension and the  
7 reason therefor.

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

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



1           A: C. Immediately upon receipt of a report required by Section  
2           ~~171, 171.1, or~~ 173 of this Chapter, the registrar shall cancel the  
3           registration of each person listed therein by deleting the name from the  
4           statewide computer registration system and, if necessary by drawing in  
5           red ink a line through the name of such person on the precinct register  
6           and the duplicate precinct register. Such line ~~through on the precinct~~  
7           ~~registers~~ shall be initialed by the registrar or employee of the registrar.  
8           The registrar shall note on the registration record and on the original  
9           application for registration that the registrar has ~~been notified of an~~  
10          ~~order of imprisonment for conviction of a felony, a judgment of~~  
11          ~~interdiction for mental incompetence, or~~ received a report of death, and  
12          he shall note also the date of the cancellation and the date of the report.  
13          The registrar shall remove the original application from his file of  
14          eligible voters and shall place ~~them~~ it in his cancellation file. ~~In~~  
15          ~~addition, each person whose registration is cancelled, except by reason~~  
16          ~~of death, shall immediately be notified of the cancellation and the~~  
17          ~~reason therefor.~~

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

1           ~~C. Immediately upon receipt of the report required by Section~~  
2           ~~172 of this Chapter, the registrar shall suspend the registration of the~~  
3           ~~interdict for the period of interdiction.~~

4           E. If the registrar determines that a voter's registration has been  
5           suspended or cancelled through error of the registrar, the registrar shall  
6           reinstate the voter's registration as though the suspension or  
7           cancellation had never occurred and shall notify the registrant of the  
8           reinstatement.

9           §177. Reinstatement of registration after suspension

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

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

20                                   \*           \*           \*

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

22           A. When the registrar has reason to believe that the name of a  
23           person has been illegally or fraudulently placed upon the registration  
24           records, that a registrant no longer is qualified to be registered, or that  
25           a registrant has changed his residence, he shall immediately notify the  
26           person by sending the address confirmation card to the registrant and

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1 place the voter on the inactive list of voters. However, a person shall  
2 not be placed on the inactive list of voters if there is address  
3 information available to the registrar from the United States Postal  
4 Service or its licensee which indicates the voter has moved to another  
5 address within the parish.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

23 C. If the registrant responds to the address confirmation card  
24 and has not moved or has moved within the parish, the registrar shall

1 remove the person's name from the inactive list of voters if it is on the  
2 inactive list and correct the voter's address if necessary.

3 \* \* \*

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

10 F. A list of names and addresses to whom address confirmation  
11 notices are sent and whether or not each person responded to the  
12 confirmation notice shall be maintained for a period of two years and  
13 shall be open to inspection and copying as provided in R.S. 18:154.  
14 Ninety days prior to a federal primary election the names and addresses  
15 of those persons on the inactive list shall be published for one day in  
16 the official journal of the parish governing authority or in a newspaper  
17 calculated to provide maximum notice in the parish.

18 \* \* \*

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

20 \* \* \*

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

23 \* \* \*

24 (3) If the registrant has moved to an address within the parish  
25 in a different precinct, at the polling place of such registrant's last  
26 address on file at the office of the registrar of voters for that election

1           only, ~~primary and general if held~~, upon affirming in writing that such  
2           registrant still resides in the parish by completing an address  
3           confirmation card affirming the new address within the parish.

4   \*           \*           \*

5           §198. Change of residence or change in address; inquiry by registrar;  
6   change of records

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

13   \*           \*           \*

14          ~~§401.1. Election emergency; purpose; elections emergency~~  
15   contingency plan

16                           A. Due to the possibility of an emergency or common disaster  
17          occurring before or during a regularly scheduled or special election,  
18          and in order to ensure maximum citizen participation in the electoral  
19          process and provide a safe and orderly procedure for persons seeking  
20          to qualify or exercise their right to vote, to minimize to whatever  
21          degree possible a person's exposure to danger during declared states of  
22          emergency, and to protect the integrity of the electoral process, it is  
23          hereby found and declared to be necessary to designate a procedure for  
24          the emergency suspension or delay and rescheduling of qualifying,  
25          absentee voting in person, and elections.

1           B. The governor may, upon issuance of an executive order  
2           declaring a state of emergency or impending emergency, suspend or  
3           delay any qualifying of candidates, absentee voting in person, or  
4           elections. The governor shall take such action only upon the  
5           certification of the secretary of state in conjunction with the  
6           commissioner of elections that a state of emergency exists. A clerk of  
7           court, as the chief election officer of the parish, may bring to the  
8           attention of the secretary of state and commissioner of elections any  
9           difficulties occurring in his parish due to natural disasters.

10           C. If any delays or suspensions are authorized by the governor,  
11           the delayed qualifying, absentee voting in person or election day voting  
12           shall resume or be rescheduled as soon thereafter as is practicable.  
13           Notice of the delay or suspension and rescheduling shall be published  
14           at least once in a newspaper of general circulation in the affected area  
15           if time permits and, where practicable, broadcast as a public service  
16           announcement on radio and television stations, or by any other means  
17           of communication available at that time.

18           D.(1) As soon as possible following an emergency, the clerk of  
19           court shall identify the number of polling places that are functional and  
20           the number of polling places that have been destroyed. If a polling  
21           place is destroyed, efforts should be made to work with federal, state,  
22           and local emergency management agencies to permit the orderly  
23           establishment of a new polling place. An alternate emergency location  
24           shall be designated by the parish clerk of court in conjunction with the  
25           local parish governing authority and advertised by any means available.

1                   (2) The clerk of court in conjunction with the commissioner of  
2                   elections shall coordinate with local police and the National Guard in  
3                   an effort to provide security for existing polling places, including  
4                   securing salvageable voting equipment from destroyed or damaged  
5                   polling places to prevent further damage and looting.

6                   E. If an election is rescheduled involving a multi-parish or  
7                   statewide office, every effort should be made to withhold returns for  
8                   the affected races until the affected parishes have conducted  
9                   rescheduled elections and are able to certify returns to the secretary of  
10                  state.

11                  F. Computation of all time intervals in the electoral process  
12                  affected by any delay or suspension shall be redesignated by the  
13                  secretary of state in conjunction with the commissioner of elections.  
14                  Notice thereof shall be disseminated to parish boards of election  
15                  supervisors as expediently as possible by any means available.

16                                   \*       \*       \*

17                   §402. Dates of primary and general elections

18                                   \*       \*       \*

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

22                                   \*       \*       \*

23                  (5) The third Saturday in January of any year, the third Saturday  
24                  in July of any year, which dates, in addition to the other dates provided  
25                  for in this Subsection, shall be exclusively for elections on bonds,  
26                  taxes, and other propositions or questions and for no other kind of



1 election, except for a special election called to fill a vacancy in the  
2 office of state legislator; however, commencing in 1994 and every  
3 fourth year thereafter, the third Saturday in January shall not be  
4 applicable in a parish containing a municipality with a population of  
5 four hundred seventy-five thousand or more.

6 \* \* \*

7 §431. Commissioners; courses of instruction; certificates; reports; list  
8 of certified persons furnished by parish board of election  
9 supervisors

10 A.(1)(a) At least semiannually the clerk of court shall conduct  
11 a general course of instruction for commissioners. These courses of  
12 instruction shall be open to the public, and the clerk shall publicize the  
13 courses in a manner reasonably calculated to encourage maximum  
14 attendance and participation. For informational purposes, the registrar  
15 may assist the clerk of court in conducting the course.

16 \* \* \*

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

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

24 (2) ~~During the second week of October in each year, At least~~  
25 two weeks prior to the date scheduled for the course of instruction, the  
26 clerk of court shall give notice in the official journal of the parish that

1 he will conduct a course of instruction for commissioners-in-charge.

2 The public notice shall contain the following:

3 (a) The qualifications for applicants required by Paragraph (1)  
4 of this Subsection.

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

7 (c) Notice of the date, time, and location of the meeting of the  
8 parish board of election supervisors to select the commissioners-in-  
9 charge for each precinct as required by Subsection B of this Section.

10 He also shall publicize the course of instruction by such other means  
11 as he deems reasonably calculated to encourage maximum attendance.

12 (3) During the last week of ~~October of each year~~ prior to the  
13 date scheduled for the course of instruction, the clerk shall notify each  
14 applicant of the date, time, and place where he will conduct the course  
15 of instruction. The course of instruction shall include, but shall not  
16 necessarily be restricted to, instruction in the operating of voting  
17 machines, relevant laws and regulations concerning the conduct of  
18 elections, and matters pertaining to the powers and duties of  
19 commissioners-in-charge.

20 \* \* \*

21 D. Term of office. ~~Commissioners-in-charge~~ A commissioner-  
22 in-charge shall serve a term of office of one year, commencing on the  
23 first day of January of the year following selection, provided that the  
24 commissioner-in-charge remains on the list of certified commissioners  
25 during his term of office.

26 \* \* \*

1 §434. Commissioners and alternate commissioners; selection;  
2 commission; disqualification; replacement

3 \* \* \*

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

9 \* \* \*

10 (6) When the appropriate number of commissioners have been  
11 selected, as provided in Paragraphs (4) and (5) of this Subsection, the  
12 person conducting the drawing shall determine if each recognized  
13 political party having one or more local or municipal candidates on the  
14 ballot to be voted on in the precinct is represented by at least one  
15 commissioner. If none, one ball shall be set aside for each recognized  
16 political party thus still to be represented, beginning with the last ball  
17 drawn for a person affiliated with a recognized political party that has  
18 more than one commissioner at the precinct. The drawing shall  
19 continue until one of the persons affiliated with each of such political  
20 parties is selected, unless there are no remaining certified  
21 commissioners in the parish to represent such political parties.

22 \* \* \*

23 §467. Opening of qualifying period

24 The qualifying period for candidates in a primary election shall  
25 open:

26 \* \* \*

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

4 \* \* \*

5 §469. Reopening of qualifying period; effect

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

18 \* \* \*

19 §551. Ballots

20 \* \* \*

21 B. Titles of offices.

22 \* \* \*

23 (2) When a special election to fill a newly-created office or a  
24 vacancy in an existing office is held at the same time as a regularly  
25 scheduled election, the secretary of state may print the titles of the  
26 offices to be voted on in the special election at the end of the ballot.

1           However, when the geographic area of an office in the regularly  
2           scheduled election and in the special election are the same and when  
3           the candidates in the regularly scheduled election and in the special  
4           election for ~~the same~~ such office are the same, the title of the office and  
5           the names of the candidates shall appear only once on the ballot as  
6           provided in this Section and the ballot shall state that the election is  
7           being held to fill both the vacancy and the full term for the office.  
8           Each elector shall cast the same vote for both the regular and the  
9           special election for the office, and the candidates who qualify for the  
10          general election shall qualify for the general election for both the  
11          regular and the special election for the office, and the candidate who is  
12          elected shall be elected to fill both the vacancy and the full term for the  
13          office.

14                                   \*           \*           \*

15           E. Uniformity. The names of the candidates shall be printed on  
16           the ballot in type of uniform size and style. The spaces between the  
17           names of the candidates for each office shall be uniform, and the names  
18           of the candidates for one office shall be separated from the names of  
19           candidates for another office by sufficient space to avoid confusion.  
20           All propositions and constitutional amendments shall be printed on the  
21           ballot in type of uniform size and style.

22                                   \*           \*           \*

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

24                                   \*           \*           \*

25           B. Inspection of the voting machines. After the commissioners  
26           take their oath and before the time for opening the polls, ~~the~~

1           ~~commissioner-in-charge shall post the card of instructions to voters and~~  
2           ~~commissioners, one copy of the statement explaining the scope and~~  
3           ~~nature of any proposed constitutional amendment on the ballot, and one~~  
4           ~~copy of the sample ballot in a conspicuous place at the principal~~  
5           ~~entrance to the polling place. Except as otherwise provided for printer~~  
6           ~~type and electronic voting machines, the commissioners, in the~~  
7           ~~presence of the watchers, shall prepare the polling place for voting as~~  
8           ~~follows:~~

9                     (1)(a) Compare the ~~numbers on the seal and protective counter~~  
10           ~~of each voting machine serial numbers on either side of the machines~~  
11           ~~with the numbers on the envelope containing the keys to the voting~~  
12           ~~machines received from the deputy custodian. Verify that the numbers~~  
13           ~~on the keys also match the serial numbers of the machines. Compare~~  
14           ~~the protective counter numbers on the key envelope with the protective~~  
15           ~~counter numbers on the machines. Compare numbers on the key~~  
16           ~~envelope with the seal numbers on the machines.~~

17                     (b) If the numbers do not agree, the commissioners shall notify  
18           ~~the parish custodian, and the commissioners shall not proceed further~~  
19           ~~in the preparation of the voting machine for voting until a~~  
20           ~~representative of the parish custodian has reexamined the voting~~  
21           ~~machine and certified that it is properly arranged. If the numbers agree,~~  
22           ~~the commissioners shall open the envelope, take out the keys, and open~~  
23           ~~the door. ~~concealing the counters.~~ On mechanical voting machines~~  
24           ~~incapable of producing printed results, the commissioner shall open the~~  
25           ~~doors concealing the counters.~~

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

16                   (b) On printer-type mechanical and electronic voting machines,  
17                   the commissioners shall cause each machine to produce a zero proof  
18                   sheet. Determine from the zero proof sheet that each counter on that  
19                   machine is set at zero. Sign and certify to the correctness of each zero  
20                   proof sheet. Immediately post each zero proof sheet within the polling  
21                   place. If any zero proof sheet is illegible or damaged, immediately  
22                   notify the parish custodian who will take action necessary to make the  
23                   machine operative. If any zero proof sheet indicates that any candidate  
24                   or question counter does not register zero, immediately notify the  
25                   parish custodian, who will, if practical, readjust the counters. If it is  
26                   impractical to readjust the counters before the polls open, immediately

1           make a written statement of the letter and number designation on each  
2           counter and the number registered on the counter. Post this statement  
3           at the polling place throughout the election and preserve the statement  
4           as part of the election returns.

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

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

14          ~~(4)~~ (5) Leave the voting machines locked against voting until the  
15          polls are formally opened and thereafter they shall be operated only by  
16          the voters in casting their votes.

17          ~~(5)~~ (6) Complete in triplicate Certificate No. 1 of the composite  
18          certificate designated "Machine Certificates", which shall be prepared  
19          and furnished by the secretary of state. This certificate shall state:

20               (a) The exact time when the keys to the voting machines were  
21               delivered.

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

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

25               (d) The number shown on the protective counter on each voting  
26               machine.



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

2 \* \* \*

3 §573. Evidence of election results

4 A. Opening the voting machines.

5 \* \* \*

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

22 \* \* \*

23 §574. Compilation and promulgation of returns

24 \* \* \*

25 E.(1) On or before the twelfth day after the primary or general  
26 election, if no action has been timely filed contesting the election to the

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

21                           \*       \*       \*

22           §575. Official results of a primary or general election

23                           \*       \*       \*

24                   B. Contested elections. If an action contesting a primary or  
25                  general election is commenced timely, the final judgment in the action  
26                  contesting the election shall determine the result of the election for that

1 office. The result of a contested election shall not be official until the  
2 final judgment in the action contesting the election becomes definitive.  
3 The secretary of state shall promulgate results of a contested election  
4 in accordance with the final judgment of the court as soon as  
5 practicable after the final judgment becomes definitive.

6 \* \* \*

7 §591. Vacancy in office of elective members of state boards and  
8 commissions

9 Within twenty-four hours after any member of a state board or  
10 commission has knowledge of a vacancy in an elective office on that  
11 state board or commission, he shall notify the governor by certified  
12 mail of the vacancy, the date on which it occurred, and the cause  
13 thereof. Within ten days after he is notified of the vacancy, the  
14 governor shall appoint a person to fill the vacancy who has the  
15 qualifications for the office. If the unexpired term is one year or less,  
16 the member so appointed shall serve for the remainder thereof. If the  
17 unexpired term exceeds one year, the governor, within ten days after he  
18 is notified of the vacancy, shall issue his proclamation ordering a  
19 special election to fill the vacancy, which shall specify, in accordance  
20 with R.S. 18:402, the dates on which the primary and general elections  
21 shall be held, and in accordance with R.S. 18:467, 467.1, and 468, the  
22 dates of the qualifying period for the candidates in the special election.

23 Immediately thereafter the governor shall publish the proclamation in  
24 the official journal of each parish in which the election is to be held.

25 Within twenty-four hours after issuing the proclamation, the governor  
26 shall send a copy of the proclamation to the secretary of state: who

1        ~~shall within~~ Within twenty-four hours after ~~he receives the copy,~~ the  
2        ~~secretary of state shall notify, by certified or registered mail,~~ receipt of  
3        the information ~~notify~~ all election officials having any duty to perform  
4        in connection with the special election to fill such vacancy, including  
5        the parish boards of election supervisors for the parish or parishes in  
6        which the vacancy occurred. The governor may appoint a person to fill  
7        a vacancy and issue a proclamation ordering a special election when he  
8        learns of a vacancy, whether or not he has received notice thereof from  
9        a state board or commission member. Whenever a special election is  
10       required, the governor's appointee shall serve only until the successor  
11       is elected and takes office.

12                                    \*            \*            \*

13        §601. Vacancy in office of state legislators

14                 If a vacancy in the office of a state legislator occurs and if six  
15         months or more of the term remains unexpired, then within ten days of  
16         the vacancy occurring, the presiding officer of the house in which the  
17         vacancy occurs shall determine the dates of the primary and general  
18         elections and the dates of the qualifying period for the election and  
19         shall issue a proclamation advising of the vacancy and setting forth the  
20         election dates ~~and dates of the qualifying period for candidates~~. The  
21         speaker of the House of Representatives or the president of the Senate  
22         shall immediately forward such information to the secretary of state,  
23         who shall within twenty-four hours after receipt of the information  
24         ~~notify, by certified or registered mail,~~ all election officials having any  
25         duty to perform in connection with a special election, to fill such  
26         vacancy including the parish boards of election supervisors for the

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

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

7 \* \* \*

8 E.

9 \* \* \*

10 (2)(a) If the unexpired term exceeds one year, the governing  
11 authority of the local governmental subdivision in which the vacancy  
12 occurs, or the school board when the vacancy occurs in its membership,  
13 or the governor when a vacancy occurs in the office of district attorney  
14 or in an office for which there is not a single governing authority or as  
15 provided in Subsection F, within ten days after the vacancy occurs,  
16 shall issue a proclamation ordering a special election to fill the vacancy  
17 and shall specify in the proclamation, in accordance with R.S. 18:402,  
18 the dates on which the primary and general elections shall be held and,  
19 in accordance with R. S. 18:467, 467.1 and 468, the dates of the  
20 qualifying period for candidates in the special election. In selecting the  
21 dates for such special elections, the governing authority or school board  
22 as the case may be, may choose a gubernatorial or congressional  
23 election date, if such date is available within a year of the occurrence  
24 of the vacancy or may select an election date in accordance with R.S.  
25 18:402. In the cases in which the governor has the authority to select  
26 the date for such special elections, the governor shall first choose a

1 gubernatorial or congressional election date. If no such date is  
2 available within a year of the occurrence of the vacancy, the governor  
3 shall then select an election date in accordance with R.S. 18:402. If the  
4 governing authority or school board fails to issue the proclamation  
5 within ten days after the vacancy occurs, the governor shall issue the  
6 proclamation.

7 \* \* \*

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

14 \* \* \*

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

16 \* \* \*

17 B.

18 \* \* \*

19 (2)(a) When the unexpired term exceeds one year, the  
20 appropriate governing authority shall, within ten days after the vacancy  
21 occurs, issue a proclamation ordering a special election to fill the  
22 vacancy and shall specify in the proclamation, in accordance with R.S.  
23 18:402, the dates on which the primary and general elections shall be  
24 held and, in accordance with R. S. 18:467, 467.1 and 468, the dates of  
25 the qualifying period for candidates in the special election. In selecting  
26 the dates for such special elections, the appropriate governing authority

1 shall first choose a gubernatorial or congressional election date; if no  
2 such date is available within one year following the occurrence of the  
3 vacancy, the appropriate governing authority shall select another  
4 election date as provided for in R.S. 18:402. If the appropriate  
5 governing authority fails to issue the proclamation within ten days after  
6 the vacancy occurs, the governor shall issue the proclamation.

7 \* \* \*

8 (c) A copy of the proclamation shall also be mailed to the  
9 secretary of state ~~at the same time and in the same manner. Within~~  
10 who shall within twenty-four hours after ~~he receives the copy, the~~  
11 ~~secretary of state shall~~ receipt of the information notify, ~~by mail and~~  
12 ~~in the same manner~~, all election officials having any duty to perform in  
13 connection with a special election to fill such vacancy, including the  
14 parish board of election supervisors. When a special election is  
15 required the appointee shall serve only until the successor is elected  
16 and takes office.

17 \* \* \*

18 §621. Vacancy in office of judge

19 \* \* \*

20 B. Immediately after issuance of the proclamation, the governor  
21 shall publish the proclamation in the official journal of each parish in  
22 which the election is to be held. Within twenty-four hours after its  
23 issuance, the governor shall send a copy of the proclamation to the  
24 secretary of state. Within twenty-four hours after he receives the copy,  
25 the secretary of state shall notify, ~~by certified or registered mail~~, all  
26 election officials having any duty to perform in connection with a

1 special election to fill such vacancy, including the parish boards of  
2 election supervisors for the parish or parishes in which the vacancy  
3 occurred.

4 \* \* \*

5 §652. Resignations

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

10 \* \* \*

11 §654. Effect of filing of resignations

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

15 \* \* \*

16 §1278. Vacancies; United States senator

17 \* \* \*

18 B. If a vacancy occurs in the office of United States senator and  
19 the unexpired term is more than one year, an appointment to fill the  
20 vacancy shall be temporary. Any senator so appointed shall serve until  
21 his successor is elected at a special election and takes office. Within  
22 ten days after receiving official notice of the vacancy, the governor  
23 shall issue his proclamation for special election to fill the vacancy for  
24 the unexpired term. The date of the special election shall be  
25 established by the governor in accordance with the provisions of R.S.  
26 18:402(E). The dates of the qualifying period shall be established by



1           the governor in accordance with R.S. 18:467, 467.1, and 468.  
2           Immediately after issuance of the proclamation, which shall include the  
3           dates of the primary and general elections and the dates of the  
4           qualifying period, the governor shall publish the proclamation in the  
5           official journal of each parish in which the election is to be held.  
6           Within twenty-four hours after its issuance, the governor shall send a  
7           copy of the proclamation to the secretary of state. Within twenty-four  
8           hours after he receives the copy, the secretary of state shall notify, ~~by~~  
9           ~~certified or registered mail,~~ all election officials having any duty to  
10          perform in connection with a special election to fill such vacancy,  
11          including the parish boards of election supervisors for the parish or  
12          parishes in which the vacancy occurred. The election shall be  
13          conducted and the returns shall be certified as in regular elections for  
14          United States senator.

15                                       \*           \*           \*

16          §1279. Vacancies; representatives in Congress

17                       When a vacancy occurs in the office of representative in  
18          Congress, the governor shall determine the dates on which the special  
19          elections shall be held and the dates of the qualifying period and shall  
20          issue his proclamation ordering a special election and specifying the  
21          dates on which the primary and general elections will be held and the  
22          dates of the qualifying period for the election. Immediately thereafter  
23          he shall publish the proclamation in the official journal of each parish  
24          in which the election is to be held. Within twenty-four hours after  
25          issuing the proclamation, the governor shall send a copy of the  
26          proclamation to the secretary of state. ~~Within twenty-four hours after~~

1           ~~he receives the copy, the secretary of state shall notify, by certified or~~  
2           ~~registered mail, who shall within twenty-four hours of receipt of the~~  
3           information notify all election officials having any duty to perform in  
4           connection with a special election to fill such vacancy, including the  
5           parish boards of election supervisors for the parish or parishes in which  
6           the vacancy occurred. The election shall be conducted in the same  
7           manner and at the same places and the returns shall be certified as in  
8           regular congressional elections. If at a primary or general election in  
9           a congressional district one representative in Congress is to be elected  
10          for a full term and another to fill a vacancy, the ballots containing the  
11          names of the candidates shall, as a part of the title of the office,  
12          designate the term for which the candidates are respectively nominated.

13   \*       \*       \*

14          §1280.22. Candidates; procedure for qualifying

15                   A. Candidates for presidential nominee shall qualify in  
16                   accordance with procedures established by the party. Prior to  
17                   qualification as a candidate of a political party for presidential  
18                   nominee, a person shall pay a qualifying fee of seven hundred fifty  
19                   dollars and any additional fee as authorized by R.S. 18:464(C) or shall  
20                   have obtained a nominating petition, bearing the signatures of no less  
21                   than one thousand registered voters affiliated with the party from each  
22                   of the congressional districts into which the state is divided. If the  
23                   candidate is qualifying by paying a fee, the fee shall be paid in cash, by  
24                   certified or cashier's check drawn on a state or national bank, by United  
25                   States postal money order, or by a money order issued by a state or  
26                   national bank.

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

6           (a) A notice of candidacy shall be in writing and shall state the  
7           candidate's name, the office he seeks, the address of his domicile, and  
8           the political party with which he is registered as being affiliated. The  
9           political party with which the candidate was affiliated at the time of  
10          qualifying is the one which shall appear on the ballot, even if the  
11          candidate changes his political party designation after he qualified for  
12          the election.

13          (b) The candidate shall designate in the notice the form in which  
14          his name shall be printed on the ballot. The candidate may designate  
15          his given, first, and middle name, the initials of his given, first, and  
16          middle name, a nickname, or any combination thereof as the form in  
17          which his name shall be printed on the ballot. However, he shall not  
18          designate a title, designation, or deceptive name, nor shall he designate  
19          an occupational or professional description or abbreviation. If the  
20          candidate designates a nickname in the place of or in combination with  
21          his given name or the initials thereof, the nickname shall be set off with  
22          quotation marks and shall be placed immediately preceding his  
23          surname. A candidate shall include his surname in his designation of  
24          the form in which his name shall be printed on the ballot.

25          (c) The notice of candidacy also shall include a certificate signed  
26          by the candidate, certifying that he has read the notice of his candidacy

1           and that all of the statements contained therein are true and correct.

2           The certificate shall be executed before a notary public. If the  
3           candidate is serving outside the state with the armed forces of the  
4           United States, his notice of candidacy shall be witnessed by a  
5           commissioned officer in the armed forces of the United States.

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

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

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

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

18          (4) (c) A nominating petition shall be submitted to the registrars  
19          of voters in the parishes where the signers reside not less than thirty  
20          days before the end of the qualifying period.

21          (5) (d) The registrar for each parish shall endorse upon the  
22          nominating petitions, whether original or supplemental, the date and  
23          time of submission and shall promptly certify the nominating petitions,  
24          in the order received, by determining and certifying on each nominating  
25          petition which of the signers are registered to vote in the parish. A  
26          registrar may stop certifying the signatures on a nominating petition

1 when the total number of the signers he has certified as having signed  
2 the petition timely and as being registered to vote equals fifteen percent  
3 more than the number of registered voters required from the  
4 congressional district. A registrar's certification shall be conclusive as  
5 to number of qualified voters who timely signed a nominating petition,  
6 and evidence to the contrary shall not be admitted in an action  
7 objecting to the candidacy of a presidential candidate filing the  
8 nominating petition.

9 C. Any person who qualifies as a candidate for presidential  
10 nominee may withdraw his candidacy by filing a notice of his  
11 withdrawal, that is signed by the candidate, and duly acknowledged  
12 before an officer authorized to administer oaths with the secretary of  
13 state, who shall note thereon the date it was filed. The withdrawal shall  
14 become effective when it is filed with the secretary of state. Once filed  
15 as herein provided, a notice of withdrawal shall not be returned to the  
16 person withdrawing. The effect of his withdrawal shall be as provided  
17 in R.S. 18:502.

18 \* \* \*

19 §1285. Notice of election

20 \* \* \*

21 B.(1)(a) Written notice of the election and the certificate  
22 required by Subparagraph (1)(c) of this Subsection shall be transmitted  
23 to the secretary of state, the commissioner of elections, and each clerk  
24 of court and registrar of voters in the area affected by the election. If  
25 the election is to be held on a primary election date, then such notice  
26 and certificate shall be received by said officials on or before the last

1           ~~date for candidates to qualify for that primary election~~ working day in  
2           July of the year in which the election is to be held. However, if the  
3           election is to be held on a primary election date as provided in R.S.  
4           18:402(C)(1), then such notice and certificate shall be received by said  
5           officials on or before the second Wednesday in January of the year of  
6           the election. If the election is not to be held on a primary election date,  
7           then the notice and certificate shall be received by said officials on or  
8           before the forty-sixth day prior to the election. The secretary of state  
9           shall not accept any revisions to propositions, including but not limited  
10          to changes in title, text, or numerical designations, after the last day for  
11          ~~candidates to qualify in a primary election or after the forty-sixth day~~  
12          ~~prior to an election, whichever is applicable.~~ submission of the notice  
13          and certificate to the secretary of state.

14                   ~~(b) Notwithstanding Subparagraph (1)(a) of this Subsection, if~~  
15                   ~~a proposition is to be submitted to the voters at the gubernatorial~~  
16                   ~~primary election, the notice of such election and the certificate required~~  
17                   ~~by Subparagraph (1)(c) of this Subsection shall be received by the~~  
18                   ~~secretary of state on or before the last working day in July of the year~~  
19                   ~~in which the election is to be held, and no revisions to a proposition,~~  
20                   ~~including but not limited to changes in the title, text, or numerical~~  
21                   ~~designations, shall be accepted by the secretary of state after such date.~~

22                   ~~(e)~~ (b) The secretary of state shall not prepare or certify the  
23                   ballot with respect to any election for bond, debt, or tax propositions,  
24                   conducted pursuant to this Chapter, or in respect to any other election  
25                   where the proposition is subject to approval by the Louisiana State  
26                   Bond Commission, including but not limited to any proposition to

1           adopt, amend, or repeal a home rule charter which is subject to such  
2           approval, until he receives certification in writing from the chairman of  
3           that commission that the commission has considered and approved the  
4           proposition.

5                                   \*       \*       \*

6           §1300. Procedures; notice of election; expenses

7                                   \*       \*       \*

8                           C.

9                                   \*       \*       \*

10                           (2)(a) The secretary of state shall not accept any revisions to  
11           propositions, including but not limited to changes in title, text, or  
12           numerical designations, after the last day for ~~candidates to qualify in a~~  
13           ~~primary election or after the forty-sixth day prior to an election,~~  
14           ~~whichever is applicable.~~ submission of the notice to the secretary of  
15           state. The secretary of state shall not include any proposition on any  
16           ballot of any election if such notice is not timely received by the  
17           secretary of state.

18                                   \*       \*       \*

19           §1300.7. Governor to order election; proclamation; publication

20                                   \*       \*       \*

21                           B. Immediately after the issuance of the proclamation, the  
22           governor shall publish the proclamation in the official journal of each  
23           parish in which the election is to be held. Within twenty-four hours  
24           after issuing the proclamation, the governor shall send a copy of the  
25           petition and proclamation, by registered or certified mail, to the clerk  
26           of the district court for each parish in which the election is to be held.

1 If the election is to be held in Orleans Parish, the city of New Orleans,  
2 the copy of the petition and proclamation shall be mailed to the clerk  
3 of the criminal district court. A copy of the petition and proclamation  
4 also shall be ~~mailed~~ sent to the secretary of state. ~~at the same time and~~  
5 ~~in the same manner.~~ Within twenty-four hours after he receives the  
6 copies, the secretary of state shall notify, ~~by mail and in the same~~  
7 ~~manner,~~ all other election officials having any duty to perform in  
8 connection with a recall election, including the parish board of election  
9 supervisors for the parish or parishes in which the election is held.

10 \* \* \*

11 §1306. Preparation and distribution of absentee ballots

12 \* \* \*

13 B. The secretary of state shall prepare absentee ballot  
14 envelopes, absentee voting instructions, certificates, and other absentee  
15 balloting paraphernalia consistent with the provisions of this Chapter,  
16 subject to approval of the attorney general as to content.  
17 Notwithstanding the provisions of R.S. 18:1316 relating to  
18 distinguishing marks on absentee ballots, absentee voting instructions  
19 on absentee ballots to be transmitted by facsimile in accordance with  
20 R.S. 18:1308(A)(1)(b) shall stipulate that the voter may mark his ballot  
21 with a cross (X) mark or a check (√) mark as provided in R.S.  
22 18:1306(A)(2)(a) and (b). When a court of competent jurisdiction, a  
23 registrar of voters, the secretary of state, or other competent authority  
24 determines that there exists a literate linguistic minority equal to more  
25 than five percent of the total population of any parish, the secretary of  
26 state, with approval of the attorney general as to content, shall prepare



1 and furnish absentee ballots, absentee voting instructions, and  
2 certificates in the minority language in sufficient quantity to send each  
3 absentee voter requesting voting material in that language.

4 \* \* \*

5 §1307. Application by mail

6 \* \* \*

7 E. The registrar shall not send an absentee ballot to an applicant  
8 whose application for an absentee ballot does not meet the  
9 requirements of Subsection A of this Section.

10 \* \* \*

11 §1309. Absentee application and voting in person

12 A.

13 \* \* \*

14 (2) During the period of absentee voting in person, the registrar  
15 shall maintain regular office hours, remaining open from 8:30 a.m. to  
16 4:30 p.m. Monday through Friday, and from 8:30 a.m. to 12 o'clock  
17 noon on Saturday; however, if a Saturday or any holiday provided by  
18 law or proclaimed by the governor for state departments falls during the  
19 period for absentee voting, the office of the registrar shall remain open  
20 until 4:30 p.m. on such Saturday and on the last day of the period for  
21 absentee voting. ~~If the holiday falls on the last day of the period for~~  
22 ~~absentee voting, and~~ the registrar shall post a notice to that effect at the  
23 entrance to the office of the registrar. Absentee voting in person on the  
24 last day of voting will terminate when all persons who were in line to  
25 vote at the close of the regular office hours of the registrar's office, as  
26 provided herein, have been allowed to vote. If the office space of the

1 registrar is insufficient or inconvenient to accommodate absentee  
2 voting, the registrar may provide for an alternate location to conduct  
3 absentee voting, which location shall be in the courthouse or in a public  
4 building in the immediate vicinity thereof, and in such case, adequate  
5 notice shall be posted at the registrar's office informing the public of  
6 the location where absentee voting is being conducted.

7 \* \* \*

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

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

20 \* \* \*

21 §1313. Tabulation and counting of absentee ballots

22 \* \* \*

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

1 In parishes having a civil and criminal courthouse, the parish  
2 courthouse shall be the civil courthouse.

3 \* \* \*

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

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

1           (3) The registrar, in the presence of a majority of the parish  
2           board of election supervisors, shall allow a candidate or his  
3           representative to inspect the flaps removed from the valid absentee  
4           ballots within forty-eight hours after receipt of a written request for  
5           such inspection by the candidate. Not less than twenty-four hours  
6           before such inspection, the registrar shall prominently post in his office  
7           a notice of the time and place where the flaps will be inspected and the  
8           name of the candidate requesting such inspection. The candidate  
9           requesting the inspection shall be responsible for all reasonable costs  
10           associated with such inspection.

11   \*       \*       \*

12           §1314. Absentee commissioners

13   \*       \*       \*

14           C. Selection for primary election. (1) The parish board of  
15           election supervisors shall determine the number of absentee  
16           commissioners necessary to count the absentee ballots in the parish.  
17           The parish board of election supervisors shall select a minimum of  
18           three absentee commissioners.

19           (2) The parish board of election supervisors shall meet at 10:00  
20           a.m. on the fifth day before a primary election and shall select the  
21           absentee commissioners and alternate absentee commissioners for the  
22           parish in the manner provided by law for the selection of  
23           commissioners and alternate commissioners. If there are not enough  
24           certified commissioners to select the appropriate number of absentee  
25           commissioners and alternate absentee commissioners, the board of  
26           election supervisors may select a qualified elector of the parish to

1           serve; however, no such elector shall serve as an absentee  
2           commissioner if a certified commissioner has been selected as an  
3           alternate absentee commissioner.

4           (3) Absentee commissioners and alternate absentee  
5           commissioners shall be issued commissions, take the oath of office, be  
6           replaced, and be disqualified, all in the manner provided by law for  
7           commissioners and alternate commissioners.

8           D. Selection for general election. (1)(a) The parish board of  
9           election supervisors shall determine if the number of absentee  
10          commissioners necessary to count the absentee ballots in the general  
11          election can be reduced or should be increased from the number which  
12          counted absentee ballots in the primary election.

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

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

1 shall select the absentee commissioners and alternate absentee  
2 commissioners to serve in the general election for the parish.

3 (b)(i) The parish board shall prepare a list containing the names  
4 of all persons who served as absentee commissioners in the primary  
5 election. The absentee commissioners and alternate absentee  
6 commissioners for the general election shall be selected from that list  
7 in the manner provided by law for the selection of commissioners and  
8 absentee commissioners.

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

17 (3) If the parish board determines that the number of absentee  
18 commissioners should be increased, the parish board shall meet at  
19 10:00 a.m. on the fifth day before a general election and shall select  
20 the additional absentee commissioners and alternate absentee  
21 commissioners to serve in the general election for that parish from the  
22 list of certified commissioners who have not been chosen to serve in  
23 the general election as a commissioner-in-charge, commissioner, or, if  
24 applicable, absentee commissioner in the manner provided by law for  
25 the selection of commissioners and alternate commissioners. If there  
26 are not enough certified commissioners to select the appropriate

1 number of absentee commissioners and alternate absentee  
2 commissioners, the board of election supervisors may select a qualified  
3 elector of the parish to serve; however, no such elector shall serve as  
4 an absentee commissioner if a certified commissioner has been selected  
5 as an alternate absentee commissioner.

6 \* \* \*

7 §1402. Proper parties

8 \* \* \*

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

16 \* \* \*

17 §1463. Political material; legislative finding of compelling state  
18 interest; identification of source of materials; materials  
19 containing false allegations of affiliation

20 \* \* \*

21 D. An affected candidate or voter shall be entitled to an  
22 injunction to restrain future violations of Subsections B and C of this  
23 Section.

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

4   \*           \*           \*

5                   §1495.5. Reports; contents

6   \*           \*           \*

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

9   \*           \*           \*

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

12   \*           \*           \*

13                   C. Expenditures made by a public relations firm, an advertising  
14                   agency, or agent for a candidate shall be considered expenditures of the  
15                   ~~political committee~~ candidate and must be reported as required by this  
16                   Section. Each such firm, agency, or agent which makes any  
17                   expenditure for any candidate shall timely furnish to such candidate  
18                   such information relative thereto as may be required for compliance  
19                   with this Part.

20   \*           \*           \*

21                   §1505.2. Contributions; expenditures; certain prohibitions and  
22                   limitations

23   \*           \*           \*

24                   C.(1) No person shall make a cash contribution to a candidate  
25                   or a committee and no candidate or committee shall receive cash  
26                   contributions in excess of one hundred dollars during any calendar



1 year. Any contribution in excess of such one hundred dollar aggregate  
2 amount, other than an in-kind contribution, shall be made by an  
3 instrument containing the name of the donor and the name of the payee.  
4 ~~Any contribution by a candidate to a committee is an expenditure by~~  
5 ~~the candidate and therefore is subject to the provisions of Subsection~~  
6 ~~D below.~~

7 \* \* \*

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

11 §532. Establishment of precincts

12 \* \* \*

13 B.(1) Each precinct shall be a contiguous, compact area having  
14 clearly defined and clearly observable boundaries coinciding with  
15 visible features readily distinguishable on the ground, such as  
16 designated highways, roads, streets, rivers, or canals, and depicted on  
17 United States Bureau of the Census base maps for the next federal  
18 decennial census, except where the precinct boundary is coterminous  
19 with the boundary of a parish or an incorporated place when the  
20 boundaries of a single precinct contain the entire geographic area of the  
21 incorporated place. Except as otherwise provided in this Paragraph, on  
22 and after July 1, 1997, any precinct boundary which does not coincide  
23 with a visible feature shall be changed by the parish governing  
24 authority to coincide with a visible feature in accordance with R.S.  
25 18:532.1.

26 \* \* \*

1           E.(1) In complying with the provisions of this Section for the  
2           establishment of precincts and the prescription of their boundaries, each  
3           parish governing authority and registrar of voters shall coordinate with  
4           the secretary of the Senate and the clerk of the House of  
5           Representatives, or their designees, pursuant to their authority to submit  
6           a plan for census data for reapportionment under the provisions of  
7           Chapter 13 of Title 18 of the Louisiana Revised Statutes of 1950, and  
8           shall adopt or adjust precinct boundaries as may be necessary to  
9           comply with this Section.

10           ~~(2) Each parish governing authority shall by ordinance adopt a~~  
11           ~~proposal for the establishment or adjustment of precinct boundaries, in~~  
12           ~~compliance with this Section, no later than June 15, 1986, provided that~~  
13           ~~any establishment of a precinct or adjustment of a precinct boundary to~~  
14           ~~comply with this Section shall be effective for the following purposes~~  
15           ~~at the following times:~~

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

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

25           ~~(3) If any parish governing authority fails to comply with the~~  
26           ~~provisions of this Section by June 15, 1986, the secretary of the Senate~~

1 ~~and the clerk of the House of Representatives, or their designees, shall~~  
2 ~~immediately notify the attorney general of such noncompliance. The~~  
3 ~~attorney general shall, upon receipt of such notice, in accordance with~~  
4 ~~R.S. 18:537 institute an action against said governing authority to~~  
5 ~~compel compliance with this Section.~~

6 (4) ~~(2)~~ Notwithstanding the provisions of R.S. 18:532.1(A) and  
7 (B) or any other law to the contrary, The proposed precinct  
8 boundaries submitted to the United States Bureau of the Census by a  
9 parish through the secretary of the Senate and the clerk of the House of  
10 Representatives or their designees, and approved by the Bureau of the  
11 Census as block boundaries for ~~the 1990 Census~~ each federal decennial  
12 census, shall be the precinct boundaries ~~of any~~ for the parish in which  
13 ~~the parish governing authority has failed to adopt by ordinance on or~~  
14 ~~before December 31, 1988 a proposal for the establishment or~~  
15 ~~adjustment of precinct boundaries as required by this Section. The~~  
16 ~~precinct boundaries established pursuant to the provisions of this~~  
17 ~~Paragraph shall be effective as provided in R.S. 18:532(E)(2) for~~  
18 reapportionment purposes following each federal decennial census.

19 \* \* \*

20 §532.1. Changing precinct boundaries

21 \* \* \*

22 B. (1) A parish governing authority shall change a precinct only  
23 by dividing the precinct into two or more precincts except as provided  
24 in Paragraph (2) of this Subsection.

25 (2)(a) When in order to make it more convenient for voters to  
26 vote, or to facilitate the administration of the election process, or to

1 accomplish reapportionment, or to comply with the provisions of R.S.  
2 18:532(B)~~(1)~~ or (4), it becomes necessary to consolidate all or part of  
3 a precinct with adjacent precincts, a part or parts may be consolidated  
4 but only when the parts that are joined are in the same state, local and  
5 municipal office voting district.

6 (b) In order to establish block boundaries for the 2000 federal  
7 decennial census, proposed precinct consolidations submitted for  
8 review through June 30, 1998, in accordance with Subsection C of this  
9 Section, shall not be subject to the requirement that the precincts or  
10 parts of the precincts shall be in the same state, local, and municipal  
11 office voting district and shall not be subject to the provisions of  
12 Paragraph C(3) of this Section; provided that any consolidation  
13 accomplished pursuant to the provisions of this Subparagraph shall be  
14 effective for the following purposes at the following times:

15 (i) Not later than January 1, 2000, for the purpose of establishing  
16 block boundaries for the 2000 federal decennial census and for  
17 reapportionment purposes.

18 (ii) Not later than December 31, 2001, for all purposes.

19 (c) The provisions of Subparagraph (b) of this Paragraph shall  
20 not apply to consolidations required by R.S. 18:532(B)(4).

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

25 C.(1) The parish governing authority shall comply with the  
26 provisions of R.S. 18:532(A), (B), ~~and (C)~~, and (E) when changing any

1           precinct boundary. ~~Prior to January 1, 1993, any precinct boundary~~  
2           ~~resulting from an establishment of a precinct or precincts or change in~~  
3           ~~precinct boundary shall coincide with a visible feature which is a~~  
4           ~~tabulation boundary depicted on United States Bureau of the Census~~  
5           ~~maps prepared for the 1990 federal decennial census. After December~~  
6           ~~31, 1992, any precinct boundary resulting from an establishment of a~~  
7           ~~precinct or precincts or change in precinct boundary shall coincide with~~  
8           ~~a visible feature depicted on a base map that will be used by the United~~  
9           ~~States Bureau of the Census to determine visible tabulation boundaries~~  
10          ~~for the federal decennial census.~~

11                   (2)(a) In determining features to be used as precinct boundaries,  
12           the parish governing authority shall consult with the secretary of the  
13           Senate and the clerk of the House of Representatives or their designees.  
14           The parish governing authority shall submit proposed changes in  
15           precinct boundaries to the secretary and the clerk or their designees on  
16           United States Bureau of the Census maps prepared for the ~~1990~~ next  
17           federal decennial census and, where practicable, by electronic medium.  
18           No change in a precinct boundary may be made by the parish governing  
19           authority without prior review and approval by the secretary and the  
20           clerk or their designees, except as provided in this ~~Subparagraph~~  
21           Paragraph. Such review shall consist of a determination whether the  
22           proposed precinct change coincides with a visible feature depicted on  
23           a base map that will be used by the United States Bureau of the Census  
24           to determine visible tabulation boundaries for the federal decennial  
25           census.

26                                   \*           \*           \*

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

13                           \*       \*       \*

14          ~~D. In accordance with R.S. 18:1903, on and after January 1,~~  
15          ~~1989;~~ Notwithstanding any other law to the contrary, no election  
16          precinct shall be created, divided, abolished, or consolidated, or the  
17          boundaries thereof otherwise changed between January first of any year  
18          which last digit is nine and December thirty-first of any year which last  
19          digit is zero ~~three~~, unless ordered by a court of competent jurisdiction;  
20          except that precincts shall be consolidated as required by R.S.  
21          18:532(B)(4) after January 1, 2002, provided that no such consolidation  
22          shall cause a precinct to be in more than one state, local, or municipal  
23          office voting district as reapportioned following the 2000 federal  
24          decennial census.

25                           \*       \*       \*

1 §1903. Precincts; boundary changes

2 A. No election precinct shall be created, divided, abolished, or  
3 consolidated, or the boundaries thereof otherwise changed between  
4 January ~~±~~ first of any year which last digit is nine and December 31  
5 ~~thirty-first~~ of any year which last digit is ~~zero~~ three unless ordered by  
6 a court of competent jurisdiction or ~~by reason of an annexation or other~~  
7 ~~change in the boundaries of a municipality~~ to comply with R.S.  
8 18:532.1(D).

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

20 §1904. Cooperation of state agencies and officials

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

1                   ~~B. The office of public works in the Department of~~  
2                   ~~Transportation and Development and the assistant secretary of public~~  
3                   ~~works, the State Planning Office and its director, and the office of~~  
4                   ~~highways and its assistant secretary shall assist the secretary and clerk~~  
5                   ~~in submitting the required plan to the census bureau and shall prepare~~  
6                   ~~and provide such maps as may be necessary at the request of the~~  
7                   ~~secretary and clerk.~~

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

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

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

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DIGEST

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

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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. As in present law, excepts parish boundaries and boundaries of an incorporated place when the entire geographic area of such place is contained in a single precinct.

Proposed law repeals special provisions for the 1990 census and provides that the proposed precinct boundaries submitted to and approved by the census bureau as block boundaries for each federal decennial census are the precinct boundaries that will be used for reapportionment purposes. Provides that any precinct consolidation submitted for review through June 30, 1998, are not subject to requirements that precincts or parts of precincts be in the same voting district for various offices. Provides that such consolidations will become effective not later than January 1, 2000, for reapportionment purposes and not later than December 31, 2001 for all purposes. Specifically excludes consolidations of precincts containing fewer than 300 original registered voters from this special exception and these special effective dates. Provides for a precinct freeze from January 1, 1999 through December 31, 2003. Provides for precinct consolidation after Jan. 1, 2002, and provides that they shall not place a precinct in more than one voting district as reapportioned after the 2000 Census. (§§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, 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 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 a person can make an application to vote absentee by mail by submitting a signed letter to the registrar setting forth the election for which he is requesting an absentee ballot, the reason for his request to vote absentee, the address to which such ballot is to be sent, and his ward and precinct if known.

Proposed law retains present law and specifically provides that the registrar shall not send an absentee ballot to an applicant whose application for an absentee ballot does not meet the requirements of present law. (§1307)

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.

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(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), 1307(E), 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, 1307(E), and 1463(D) and (E); Repeals R.S. 18:532.1(H) and 1399(A))

#### Summary of Amendments Adopted by House

##### Committee Amendments Proposed by House Committee on House and Governmental Affairs to the original bill.

1. Removes provisions amending the time period for filling a vacancy in certain offices.
2. Provides that the registrar shall not send an absentee ballot to an applicant whose request does not meet the requirements contained in present law.
3. Removes reference to the presence of candidates in provisions for recount of absentee ballots.

House Floor Amendments to the engrossed bill.

1. Provides for special effective dates for precinct consolidations submitted for review through June 30, 1998. Excepts such consolidations from requirement that a precinct be in only one voting district. Excepts consolidations of precincts with fewer than 300 voters from these provisions.
2. Extends the precinct freeze through December 31, 2003, except permits precinct consolidations after Jan. 1, 2002, provided they do not place a precinct in more than one reapportioned voting district.