

Regular Session, 1997

HOUSE BILL NO. 1597

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

AN ACT

To amend and reenact R.S. 18:3(A)(3), 59(I)(2), 110(B)(1), 154(C), 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), 1495.5(B)(19) and (C), 1505.2(C)(1), 1903, and 1904, to enact R.S. 18:177, 401.1, 402(E)(4), 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 certain persons; to provide that a person moving within the parish will not be placed on the inactive list; to prohibit the disclosure of a voter's social security number; to provide for procedures

for notification of registrars of persons under an order of imprisonment; to provide a procedure for suspension of registration; to provide for a procedure for reinstatement of the registration of a person whose registration has been suspended; to provide with respect to the conduct of elections in the event of a state of emergency; to change the period of time that the clerk of court can conduct the annual course of instruction for commissioners; to require that during his term of office a commissioner-in-charge must remain a certified commissioner; to provide that a commissioner affiliated with each recognized political party will be assigned to each precinct in the parish provided there are such commissioners available; to provide with respect to the reopening of qualifying due to the death of a candidate; to provide for two separate ballots when the special election to fill a vacancy and the regularly scheduled election cover different geographic areas; to provide procedures for inspection and preparation of voting machines at the polling places; to allow for reinspection of voting machines and inspection of absentee ballot flaps upon a candidate's written request; to provide for procedures for promulgation of election returns for candidates; to require inclusion of the qualifying dates in the proclamation calling an election to fill a vacancy; to eliminate the requirement to send certain notices by certified or registered mail; to clarify certain issues and procedures with respect to the presidential preference primary; to provide the deadline for submission of the notice and changes thereto for proposition elections; to provide with respect to certain procedures regarding absentee voting; to provide for the counting of absentee ballots; to provide that for informational purposes the registrar may assist the clerk of court in conducting the course of instruction for commissioners; to allow extension of absentee voting

hours under certain circumstances; to allow the secretary of state and the commissioner of elections to present evidence in a contested election; to make technical changes relating to the candidate's reports under the Campaign Finance Disclosure Act; to remove references to repealed provisions; to provide for precinct freezes and other areas with respect to reapportionment; to provide the procedure for notice of challenge and cancellation of registration; to change the qualifying dates for congressional elections; to provide with respect to printing of ballots in uniform type; to provide penalties for distributing false political material; to provide with respect to filling of vacancies; to provide when resignations become effective; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 18:3(A)(3), 59(I)(2), 110(B)(1), 154(C), 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), 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), 1495.5(B)(19) and (C), and 1505.2(C)(1) are hereby amended and reenacted and R.S. 18:177, 401.1, 402(E)(4), 1307(E), and 1463(D) and (E) are hereby enacted to read as follows:

§3. Petitions submitted to registrars of voters

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

\* \* \*

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

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

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I.

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

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§110. Removal from precinct; removal from parish

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B.(1) A change of registration based upon a change of residence from one precinct to another within a parish received after the closing of registration for a primary election shall become effective the day after the general election or special general election when a special primary election is held in conjunction with a general election except for a person whose registration has been cancelled pursuant to R.S. 18:193(G) or whose registration address has been changed pursuant to R.S. 18:196(C).

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§154. Records open to inspection; copying; exception

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C. Notwithstanding the provisions of this Section, neither the registrar nor the Department of Elections and Registration shall

disclose the social security number of a registered voter or circulate the social security numbers of registered voters on commercial lists.

\* \* \*

§171. Report of convictions of felony

A. The clerk of a court having jurisdiction over a criminal proceeding shall record in the minute book in his office each conviction of a felony for which there is an order of imprisonment and the name, aliases, date of birth, sex, and address of the person subject to the conviction. This recordation shall be made immediately after the judgment is signed. By the tenth day of each calendar month, the clerk shall transmit to the registrar of voters for his parish and to the Department of Elections and Registration a certified copy of the judgment.

B. The sheriff and district attorney shall also provide supplemental information to the registrar, if available, including the convicted felon's date of birth, driver's license number, address, and mother's maiden name.

C.(1) By January 1, 1992, the secretary of the Department of Public Safety and Corrections shall send to the Department of Elections and Registration a report, certified as correct over his signature or the signature of his authorized representative, containing the name, date of birth, sex, and address as such information exists in the data base of any person who has a definitive felony conviction and who is currently under the custody or supervision of the Department of Public Safety and Corrections.

(2) Beginning February 1992, the secretary of the Department of Public Safety and Corrections shall send to the Department of Elections and Registration a supplemental report, certified as correct

over his signature or the signature of his authorized representative, containing the name, date of birth, sex, and address as such information exists in the data base of any person who has a felony conviction, who is currently under the custody or supervision of the Department of Public Safety and Corrections, and whose name was not on the report sent by January 1, 1992, or any subsequent supplemental report. Such supplemental report shall be sent to the Department of Elections and Registration on a quarterly basis.

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

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

§171.1. Conviction of felony in federal court; notification

A.(1) Each United States attorney shall give written notice of any felony conviction of a person for which there is an order of imprisonment in a district court of the United States to the commissioner of elections.

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§176. Suspension and cancellation of registration and challenge of unlawful registration on the basis of reports

A.(1) The registrar shall send a notice to each person listed on a report received pursuant to R.S. 18:171 or 171.1 and to any person

the registrar has reason to believe has been convicted of a felony and is under an order of imprisonment. The notice shall be mailed first class, postage prepaid, to the address on file at the registrar's office.

(2) The notice shall state that the registrar has information that the registrant has been convicted of a felony and is under an order of imprisonment and shall inform 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.

(3)(a) If the registrant appears and shows cause within the twenty-one days, the registrar shall not suspend the registration.

(b) If the registrant fails to appear within the required twenty-one days, the registrar shall suspend the registration by deleting the registrant's name from the statewide computer registration system and, if necessary, by drawing in red ink a line through the registrant's name on the precinct register and the duplicate precinct register. Such line shall be initialed by the registrar or employee of the registrar. The registrar shall 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 he shall note also the date of the suspension and the date of the report, when applicable. The registrar shall remove the original application from his file of eligible voters and shall place it in his suspension file. In addition, each person whose registration is suspended under this Subsection shall immediately be notified of the suspension and the reason therefor.

(4) A list of names and addresses of the notices sent under this Subsection and whether or not each registrant responded to such notice

shall be maintained for a period of two years and shall be open to inspection and copying as provided in R.S. 18:154.

B. Upon receipt of the report required by Section 172 of this Chapter, the registrar shall suspend the registration of the interdict for the period of interdiction. The registrar shall suspend 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. Such line shall be initialed by the registrar or employee of the registrar. The registrar shall note on the registration record and on the original application for registration that the registrar has been notified of an order of a judgment of interdiction, and he shall note also the date of the suspension and the date of the report. The registrar shall remove the original application from his file of eligible voters and shall place it in his suspension file. In addition, each person whose registration is suspended under this Subsection shall immediately be notified of the suspension and the reason therefor.

C. Immediately upon receipt of a report required by Section 173 of this Chapter, the registrar shall 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. Such line shall be initialed by the registrar or employee of the registrar. The registrar shall note on the registration record and on the original application for registration that the registrar has received a report of death, and he shall note also the date of the cancellation and the date of the report. The registrar shall remove the



original application from his file of eligible voters and shall place it in his cancellation file.

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

E. 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.

§177. Reinstatement of registration after suspension

A. The registration of a person whose registration has been suspended by the registrar of voters pursuant to R.S. 18:176 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.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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§196. Inactive list of voters; procedure for voting

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

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(3) If the registrant has moved to an address within the parish in a different precinct, at the polling place of such registrant's last address on file at the office of the registrar of voters for that election only upon affirming in writing that such registrant still resides in the

parish by completing an address confirmation card affirming the new address within the parish.

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

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

\* \* \*

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

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

B. The governor may, upon issuance of an executive order declaring a state of emergency or impending emergency, suspend or delay any qualifying of candidates, absentee voting in person, or elections. The governor shall 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 the chief election officer 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.

C. 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 thereafter as is practicable. Notice of the delay or suspension and rescheduling shall 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.

D.(1) As soon as possible following an emergency, the clerk of court shall 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 shall be designated by the parish clerk of court in conjunction with the local parish governing authority and advertised by any means available.

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

E. If an election is rescheduled involving a multiparish or statewide office, every effort should be made to withhold returns for

the affected races until the affected parishes have conducted rescheduled elections and are able to certify returns to the secretary of state.

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

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§402. Dates of primary and general elections

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E. Special elections to fill newly created office or vacancy in office. An election to fill a newly created office or a vacancy in an existing office, except the office of state legislator or representative in congress, shall be held on the dates fixed by the appropriate authority in the proclamation ordering a special election as follows:

\* \* \*

(4) In order to reduce election expenses, the appropriate authority may issue a proclamation ordering a special election to be held on the same date as any regularly scheduled election that is to be held in any local governmental subdivision located within or encompassing the geographical area within which the election will occur, provided that the regularly scheduled election will be held within one year of the date on which the newly created office or vacancy in an existing office arises.

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

\* \* \*

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

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

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

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

A. Course of instruction. (1) The clerk of court shall conduct a course of instruction for commissioners-in-charge during the period



beginning August first through the end of November of each year. The course shall be open to any certified commissioner who meets the qualifications set forth in R.S. 18:424(B).

(2) At least two weeks prior to the date scheduled for the course of instruction, the clerk of court shall give notice in the official journal of the parish that he will conduct a course of instruction for commissioners-in-charge. The public notice shall contain the following:

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

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

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

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

\* \* \*

D. Term of office. A commissioner-in-charge shall serve a term of office of one year, commencing on the first day of January of the

year following selection, provided that the commissioner-in-charge remains on the list of certified commissioners during his term of office.

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

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

\* \* \*

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

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§467. Opening of qualifying period

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

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

\* \* \*

§469. Reopening of qualifying period; effect

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

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§551. Ballots

\* \* \*

B. Titles of offices.

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(2) 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, the secretary of state may print the titles of the offices to be voted on in the special election at the end of the ballot. However, when the geographic area of an office in the regularly scheduled election and in the special election are the same and when the candidates in the regularly scheduled election and in the special election for such office are the same, the title of the office and the names of the candidates shall appear only once on the ballot as provided in this Section and the ballot shall state that the election is being held to fill both the vacancy and the full term for the office. Each elector shall cast the same vote for both the regular and the special election for the office, and 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 who is elected shall be elected to fill both the vacancy and the full term for the office.

\* \* \*

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

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

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

commissioners, in the presence of the watchers, shall prepare the polling place for voting as follows:

(1)(a) Compare the voting machine serial numbers on either side of the machines with the numbers on the envelope containing the keys to the voting machines received from the deputy custodian. Verify that the numbers on the keys also match the serial numbers of the machines. Compare the protective counter numbers on the key envelope with the protective counter numbers on the machines. Compare numbers on the key envelope with the seal numbers on the machines.

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

(2)(a) On mechanical voting machines incapable of producing printed results, the commissioners shall carefully examine each counter and determine that it registers zero. If a counter other than the protective counter does not register zero, the commissioners shall immediately notify the parish custodian, who shall, if practical, cause the counters to be readjusted to zero. If it is impractical to readjust the counters before the polls open, the commissioners shall immediately make a written statement of the letter and number designating each counter and the number registered on the counter. The commissioners

shall post this statement at the polling place throughout the election. When the commissioners count and tabulate the votes, they shall subtract the number registered on the counter before the polls opened from the number registered on that counter after the termination of voting. The commissioners shall preserve the written statement as part of the election returns.

(b) On printer-type mechanical and electronic voting machines, the commissioners shall cause each machine to produce a zero proof sheet. Determine from the zero proof sheet that each counter on that machine is set at zero. Sign and certify to the correctness of each zero proof sheet. Immediately post each zero proof sheet within the polling place. If any zero proof sheet is illegible or damaged, immediately notify the parish custodian who will take action necessary to make the machine operative. If any zero proof sheet indicates that any candidate or question counter does not register zero, immediately notify the parish custodian, who will, if practical, readjust the counters. If it is impractical to readjust the counters before the polls open, immediately make a written statement of the letter and number designation on each counter and the number registered on the counter. Post this statement at the polling place throughout the election and preserve the statement as part of the election returns.

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

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

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

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

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

(b) The serial number on each voting machine.

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

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

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

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§573. Evidence of election results

A. Opening the voting machines.

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(3) Each voting machine shall be relocked and, if required, resealed after the candidates or their representatives have had a reasonable opportunity to inspect the machine. 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 forty-eight hours after receipt of a written request for reinspection by the candidate. Not less than twenty-four hours

before the machines are so reopened, the clerk of court shall prominently post in his office a notice of the time and place where the voting machines will be reopened and the name of the candidate requesting that the machines be reopened. The candidate requesting the reinspection shall be responsible for all reasonable costs associated with such reinspection. If it is necessary to reopen a voting machine which has been relocked and, if required, resealed to conduct a reinspection thereof, the clerk of court shall relock and, if required, reseal the machine after the reinspection is completed.

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§574. Compilation and promulgation of returns

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E.(1) On or before the twelfth day after the primary or general election, if no action has been timely filed contesting the election to the office of a state candidate, the secretary of state shall promulgate the returns for state candidates, proposed constitutional amendments, and recall elections by publishing in the official journal of the state the names of the state candidates for each office in the election, the text of the proposed constitutional amendment, and recall elections and the number of votes received by each such candidate, proposed constitutional amendment, and recall elections as shown by the returns transmitted by the clerks of court from the compiled statements by the parish boards of election supervisors. In a parish containing a municipality with a population of four hundred seventy-five thousand or more, the promulgation shall be from the returns transmitted by the parish board of election supervisors. On or before the twelfth day after the primary or general election, if no action has been timely filed contesting the election to office of a candidate other than a state



candidate, the secretary of state shall promulgate the returns for the election for candidates other than state candidates by transmitting to the clerk of court for the parish wherein the state capitol is located, a notice containing the results of the elections for candidates other than state candidates. The clerk of court shall post this notice in a prominent place in his office.

\* \* \*

§575. Official results of a primary or general election

\* \* \*

B. Contested elections. If an action contesting a primary or general election is commenced timely, the final judgment in the action contesting the election shall determine the result of the election for that office. The result of a contested election shall not be official until the final judgment in the action contesting the election becomes definitive. 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.

\* \* \*

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

Within twenty-four hours after any member of a state board or commission has knowledge of a vacancy in an elective office on that state board or commission, he shall notify the governor by certified mail of the vacancy, the date on which it occurred, and the cause thereof. Within ten days after he is notified of the vacancy, the governor shall appoint a person to fill the vacancy who has the qualifications for the office. If the unexpired term is one year or less, the member so appointed shall serve for the remainder thereof. If the

unexpired term exceeds one year, the governor, within ten days after he is notified of the vacancy, shall issue his proclamation ordering a special election to fill the vacancy, which shall specify, in accordance with R.S. 18:402, the dates on which the primary and general elections shall be held, and in accordance with R.S. 18:467, 467.1, and 468, the dates of the qualifying period for the candidates in the special election. Immediately thereafter the governor shall publish the proclamation in the official journal of each parish in which the election is to be held. Within twenty-four hours after issuing the proclamation, the governor shall send a copy of the proclamation to the secretary of state who shall within twenty-four hours after receipt of the information notify all election officials having any duty to perform in connection with the special election to fill such vacancy, including the parish boards of election supervisors for the parish or parishes in which the vacancy occurred. The governor may appoint a person to fill a vacancy and issue a proclamation ordering a special election when he learns of a vacancy, whether or not he has received notice thereof from a state board or commission member. Whenever a special election is required, the governor's appointee shall serve only until the successor is elected and takes office.

\* \* \*

§601. Vacancy in office of state legislators

If a vacancy in the office of a state legislator occurs and if six months or more of the term remains unexpired, then within ten days of the vacancy occurring, the presiding officer of the house in which the vacancy occurs shall determine the dates of the primary and general elections and the dates of the qualifying period for the election and shall issue a proclamation advising of the vacancy and setting forth the

election dates and dates of the qualifying period for candidates. The speaker of the House of Representatives or the president of the Senate shall immediately forward such information to the secretary of state, who shall within twenty-four hours after receipt of the information notify all election officials having any duty to perform in connection with a special election, to fill such vacancy including the parish boards of election supervisors for the parish or parishes in which the vacancy occurred. The secretary of state shall also publish the proclamation in the official journal of each parish in which the election is to be held.

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

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E.

\* \* \*

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

18:402. In the cases in which the governor has the authority to select the date for such special elections, the governor shall first choose a gubernatorial or congressional election date. If no such date is available within a year of the occurrence of the vacancy, the governor shall then select an election date in accordance with R.S. 18:402. If the governing authority or school board fails to issue the proclamation within ten days after the vacancy occurs, the governor shall issue the proclamation.

\* \* \*

(d) Within twenty-four hours after he receives the copy, the secretary of state shall notify all election officials having any duty to perform in connection with a special election to fill such vacancy, including the parish boards of election supervisors for the parish or parishes in which the vacancy occurred.

\* \* \*

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

\* \* \*

B.

\* \* \*

(2)(a) When the unexpired term exceeds one year, the appropriate governing authority shall, within ten days after the vacancy occurs, issue a proclamation ordering a special election to fill the vacancy and shall specify in the proclamation, in accordance with R.S. 18:402, the dates on which the primary and general elections shall be held and, in accordance with R.S. 18:467, 467.1, and 468, the dates of the qualifying period for candidates in the special election. In selecting the dates for such special elections, the appropriate governing authority shall first choose a gubernatorial or congressional election date; if no

such date is available within one year following the occurrence of the vacancy, the appropriate governing authority shall select another election date as provided for in R.S. 18:402. If the appropriate governing authority fails to issue the proclamation within ten days after the vacancy occurs, the governor shall issue the proclamation.

\* \* \*

(c) A copy of the proclamation shall also be mailed to the secretary of state who shall within twenty-four hours after receipt of the information notify all election officials having any duty to perform in connection with a special election to fill such vacancy, including the parish board of election supervisors. When a special election is required, the appointee shall serve only until the successor is elected and takes office.

\* \* \*

§621. Vacancy in office of judge

\* \* \*

B. Immediately after issuance of the proclamation, the governor shall publish the proclamation in the official journal of each parish in which the election is to be held. Within twenty-four hours after its issuance, the governor shall send a copy of the proclamation to the secretary of state. Within twenty-four hours after he receives the copy, the secretary of state shall notify all election officials having any duty to perform in connection with a special election to fill such vacancy, including the parish boards of election supervisors for the parish or parishes in which the vacancy occurred.

\* \* \*

§652. Resignations

A. Except for members of the legislature and the congress, all resignations of elected officials shall be filed with the secretary of state.

\* \* \*

§654. Effect of filing of resignations

A resignation shall become irrevocable upon receipt by the secretary of state.

\* \* \*

§1278. Vacancies; United States senator

\* \* \*

B. If a vacancy occurs in the office of United States senator and the unexpired term is more than one year, an appointment to fill the vacancy shall be temporary. Any senator so appointed shall serve until his successor is elected at a special election and takes office. Within ten days after receiving official notice of the vacancy, the governor shall issue his proclamation for special election to fill the vacancy for the unexpired term. The date of the special election shall be established by the governor in accordance with the provisions of R.S. 18:402(E). The dates of the qualifying period shall be established by the governor in accordance with R.S. 18:467, 467.1, and 468. Immediately after issuance of the proclamation, which shall include the dates of the primary and general elections and the dates of the qualifying period, the governor shall publish the proclamation in the official journal of each parish in which the election is to be held. Within twenty-four hours after its issuance, the governor shall send a copy of the proclamation to the secretary of state. Within twenty-four hours after he receives the copy, the secretary of state shall notify all election officials having any duty to perform in connection with a

special election to fill such vacancy, including the parish boards of election supervisors for the parish or parishes in which the vacancy occurred. The election shall be conducted and the returns shall be certified as in regular elections for United States senator.

\* \* \*

§1279. Vacancies; representatives in Congress

When a vacancy occurs in the office of representative in Congress, the governor shall determine the dates on which the special elections shall be held and the dates of the qualifying period and shall issue his proclamation ordering a special election and specifying the dates on which the primary and general elections will be held and the dates of the qualifying period for the election. Immediately thereafter he shall publish the proclamation in the official journal of each parish in which the election is to be held. Within twenty-four hours after issuing the proclamation, the governor shall send a copy of the proclamation to the secretary of state who shall within twenty-four hours of receipt of the information notify all election officials having any duty to perform in connection with a special election to fill such vacancy, including the parish boards of election supervisors for the parish or parishes in which the vacancy occurred. The election shall be conducted in the same manner and at the same places and the returns shall be certified as in regular congressional elections. If at a primary or general election in a congressional district one representative in Congress is to be elected for a full term and another to fill a vacancy, the ballots containing the names of the candidates shall, as a part of the title of the office, designate the term for which the candidates are respectively nominated.

\* \* \*

## §1280.22. Candidates; procedure for qualifying

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

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

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

(b) The candidate shall designate in the notice the form in which his name shall be printed on the ballot. The candidate may designate his given, first, and middle name, the initials of his given, first, and middle name, a nickname, or any combination thereof as the form in



which his name shall be printed on the ballot. However, he shall not designate a title, designation, or deceptive name, nor shall he designate an occupational or professional description or abbreviation. If the candidate designates a nickname in the place of or in combination with his given name or the initials thereof, the nickname shall be set off with quotation marks and shall be placed immediately preceding his surname. A candidate shall include his surname in his designation of the form in which his name shall be printed on the ballot.

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

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

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

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

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

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

(d) The registrar for each parish shall endorse upon the nominating petitions, whether original or supplemental, the date and time of submission and shall promptly certify the nominating petitions, in the order received, by determining and certifying on each nominating petition which of the signers are registered to vote in the parish. A registrar may stop certifying the signatures on a nominating petition when the total number of the signers he has certified as having signed the petition timely and as being registered to vote equals fifteen percent more than the number of registered voters required from the congressional district. A registrar's certification shall be conclusive as to number of qualified voters who timely signed a nominating petition, and evidence to the contrary shall not be admitted in an action objecting to the candidacy of a presidential candidate filing the nominating petition.

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

\* \* \*

## §1285. Notice of election

\* \* \*

B.(1)(a) Written notice of the election and the certificate required by Subparagraph (1)(c) of this Subsection shall be transmitted to the secretary of state, the commissioner of elections, and each clerk of court and registrar of voters in the area affected by the election. If the election is to be held on a primary election date, then such notice and certificate shall be received by said officials on or before the last working day in July of the year in which the election is to be held. However, if the election is to be held on a primary election date as provided in R.S. 18:402(C)(1), then such notice and certificate shall be received by said officials on or before the second Wednesday in January of the year of the election. If the election is not to be held on a primary election date, then the notice and certificate shall be received by said officials on or before the forty-sixth day prior to the election. The secretary of state shall not accept any revisions to propositions, including but not limited to changes in title, text, or numerical designations, after the last day for submission of the notice and certificate to the secretary of state.

(b) The secretary of state shall not prepare or certify the ballot with respect to any election for bond, debt, or tax propositions, conducted pursuant to this Chapter, or in respect to any other election where the proposition is subject to approval by the Louisiana State Bond Commission, including but not limited to any proposition to adopt, amend, or repeal a home rule charter which is subject to such approval, until he receives certification in writing from the chairman of

that commission that the commission has considered and approved the proposition.

\* \* \*

§1300. Procedures; notice of election; expenses

\* \* \*

C.

\* \* \*

(2)(a) The secretary of state shall not accept any revisions to propositions, including but not limited to changes in title, text, or numerical designations, after the last day for submission of the notice to the secretary of state. The secretary of state shall not include any proposition on any ballot of any election if such notice is not timely received by the secretary of state.

\* \* \*

§1300.7. Governor to order election; proclamation; publication

\* \* \*

B. Immediately after the issuance of the proclamation, the governor shall publish the proclamation in the official journal of each parish in which the election is to be held. Within twenty-four hours after issuing the proclamation, the governor shall send a copy of the petition and proclamation, by registered or certified mail, to the clerk of the district court for each parish in which the election is to be held. If the election is to be held in Orleans Parish, the city of New Orleans, the copy of the petition and proclamation shall be mailed to the clerk of the criminal district court. A copy of the petition and proclamation also shall be sent to the secretary of state. Within twenty-four hours after he receives the copies, the secretary of state shall notify all other election officials having any duty to perform in connection with a recall

election, including the parish board of election supervisors for the parish or parishes in which the election is held.

\* \* \*

§1306. Preparation and distribution of absentee ballots

\* \* \*

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

\* \* \*

§1307. Application by mail

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

\* \* \*

§1309. Absentee application and voting in person

A.

\* \* \*

(2) During the period of absentee voting in person, the registrar shall maintain regular office hours, remaining open from 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; however, if a Saturday or any holiday provided by law or proclaimed by the governor for state departments falls during the period for absentee voting, the office of the registrar shall remain open until 4:30 p.m. on such Saturday and on the last day of the period for absentee voting and the registrar shall post a notice to that effect at the entrance to the office of the registrar. Absentee voting in person on the last day of voting will terminate when all persons who were in line to vote at the close of the regular office hours of the registrar's office, as provided herein, have been allowed to vote. If the office space of the registrar is insufficient or inconvenient to accommodate absentee voting, the registrar may provide for an alternate location to conduct absentee voting, which location shall be in the courthouse or in a public building in the immediate vicinity thereof, and in such case, adequate notice shall be posted at the registrar's office informing the public of the location where absentee voting is being conducted.

\* \* \*

D. Before any voter is allowed to vote absentee in person, the registrar or his deputy shall establish the voter's identity by requiring

him to submit his current Louisiana driver's license, his current registration certificate, or other identification card, by comparison with the descriptive information on the precinct register, or in the manner provided in R.S. 18:105(A).

\* \* \*

§1313. Tabulation and counting of absentee ballots

\* \* \*

B. Absentee ballots shall 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 which time shall be set no earlier than 1:00 p.m. and no later than 8:00 p.m. on election day. In parishes having a civil and criminal courthouse, the parish courthouse shall be the civil courthouse.

\* \* \*

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

(2) Notwithstanding the provisions of Paragraph (1) of this Subsection, 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. Upon completion of recount of the absentee ballots, the board shall return the absentee ballots to the special absentee ballot envelope, shall reseal the envelope, and shall deliver the envelope containing the absentee ballots to the registrar of voters who shall preserve the envelope and the absentee ballots contained therein in the manner provided for in Paragraph (1) of this Subsection.

(3) 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. 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. The candidate requesting the inspection shall be responsible for all reasonable costs associated with such inspection.

\* \* \*

§1314. Absentee commissioners

\* \* \*

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



(2) The parish board of election supervisors shall meet at 10:00 a.m. on the fifth day before a primary election and shall select the absentee commissioners and alternate absentee commissioners for the parish in the manner provided by law for the selection of commissioners and alternate commissioners. 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; however, no such elector shall serve as an absentee commissioner if a certified commissioner has been selected as an alternate absentee commissioner.

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

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

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

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

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

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

(3) If the parish board determines that the number of absentee commissioners should be increased, the parish board shall meet at 10:00 a.m. on the fifth day before a general election and shall select the additional absentee commissioners and alternate absentee commissioners to serve in the general election for that parish from the

list of certified commissioners who have not been chosen to serve in the general election as a commissioner-in-charge, commissioner, or, if applicable, absentee commissioner in the manner provided by law for the selection of commissioners and alternate commissioners. 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; however, no such elector shall serve as an absentee commissioner if a certified commissioner has been selected as an alternate absentee commissioner.

\* \* \*

§1402. Proper parties

\* \* \*

C. The secretary of state and the commissioner of elections shall be indispensable parties defendant to any action contesting an election for public office. When named as defendants, in an action contesting an election, costs of court shall not be assessed against these officers.

\* \* \*

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

\* \* \*

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

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

\* \* \*

§1495.5. Reports; contents

\* \* \*

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

\* \* \*

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

\* \* \*

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

\* \* \*

§1505.2. Contributions; expenditures; certain prohibitions and limitations

\* \* \*

C.(1) No person shall make a cash contribution to a candidate or a committee and no candidate or committee shall receive cash contributions in excess of one hundred dollars during any calendar year. Any contribution in excess of such one hundred dollar aggregate

amount, other than an in-kind contribution, shall be made by an instrument containing the name of the donor and the name of the payee.

\* \* \*

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

§532. Establishment of precincts

\* \* \*

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

\* \* \*

E.(1) In complying with the provisions of this Section for the establishment of precincts and the prescription of their boundaries, each parish governing authority and registrar of voters shall coordinate with the secretary of the Senate and the clerk of the House of Representatives, or their designees, pursuant to their authority to submit a plan for census data for reapportionment under the provisions of

Chapter 13 of Title 18 of the Louisiana Revised Statutes of 1950, and shall adopt or adjust precinct boundaries as may be necessary to comply with this Section.

(2) The proposed precinct boundaries submitted to the United States Bureau of the Census by a parish through the secretary of the Senate and the clerk of the House of Representatives or their designees, and approved by the Bureau of the Census as block boundaries for each federal decennial census, shall be the precinct boundaries for the parish for reapportionment purposes following each federal decennial census.

\* \* \*

§532.1. Changing precinct boundaries

\* \* \*

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

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

(b) In order to establish block boundaries for the 2000 federal decennial census, proposed precinct consolidations submitted for review through June 30, 1998, in accordance with Subsection C of this Section, shall not be subject to the requirement that the precincts or parts of the precincts shall be in the same state, local, and municipal office voting district and shall not be subject to the provisions of

Paragraph C(3) of this Section; provided that any consolidation accomplished pursuant to the provisions of this Subparagraph shall be effective for the following purposes at the following times:

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

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

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

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

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

(2)(a) In determining features to be used as precinct boundaries, the parish governing authority shall consult with the secretary of the Senate and the clerk of the House of Representatives or their designees. The parish governing authority shall submit proposed changes in precinct boundaries to the secretary and the clerk or their designees on United States Bureau of the Census maps prepared for the next federal decennial census and, where practicable, by electronic medium. No change in a precinct boundary may be made by the parish governing authority without prior review and approval by the secretary and the clerk or their designees, except as provided in this Paragraph. Such review shall consist of a determination whether the proposed precinct change coincides with a visible feature depicted on a base map that will

be used by the United States Bureau of the Census to determine visible tabulation boundaries for the federal decennial census.

\* \* \*

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

\* \* \*

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

\* \* \*



## §1903. Precincts; boundary changes

A. No election precinct shall be created, divided, abolished, or consolidated, or the boundaries thereof otherwise changed between January first of any year which last digit is nine and December thirty-first of any year which last digit is three unless ordered by a court of competent jurisdiction or to comply with R.S. 18:532.1(D).

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

## §1904. Cooperation of state agencies and officials

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

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

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

Section 5. The provisions of Section 1, except as provided in hereinafter, and Section 4 of this Act shall become effective on January 1, 1998. The provisions of this Section, of R.S. 18:402(E)(4), and of Section 2 and Section 3 of this Act shall become effective on July 1, 1997.

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SPEAKER OF THE HOUSE OF REPRESENTATIVES

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PRESIDENT OF THE SENATE

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GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: \_\_\_\_\_