

2022 Regular Session

HOUSE BILL NO. 646

BY REPRESENTATIVE STEFANSKI

ELECTION CODE: Makes revisions to the Louisiana Election Code

1 AN ACT

2 To amend and reenact R.S. 18:59.4(D)(2) and (E)(2)(c), 115(F)(1)(introductory paragraph)

3 and (a) and (2)(a)(iii), 154(C)(2)(c) and (D)(1) and (2), 423(C), (E), and (H),

4 433(A)(1) and (5), (B)(1), and (D), 434(D)(2), 435(B)(1)(b), 602(E)(2)(b),

5 604(B)(2)(b), 621(B), 1278(B), 1279, 1300.2(C)(1), 1300.7(B), 1306(B)(1),

6 1308(A)(2)(j)(ii), 1309(J), 1313(H)(13) and (K)(2)(a), 1313.1(I)(5) and (L)(2)(a),

7 1371, and 1511.3(E), to enact R.S. 18:154(C)(2)(f), and to repeal R.S. 18:1532,

8 relative to the Louisiana Election Code; to revise the system of laws comprising the

9 Louisiana Election Code; to provide relative to the Louisiana Voter Registration

10 Administrators' Certification Program; to provide relative to registration by mail; to

11 provide relative to records of the registrars of voters; to provide relative to the

12 replacement of a commissioner; to provide relative to watchers; to provide relative

13 to vacancies in certain offices; to provide relative to petitions for a recall election;

14 to provide relative to preparation, distribution, and tabulation of absentee by mail

15 and early voting ballots; to provide relative to absentee voting by mail; to provide

16 relative to early voting; to provide relative to parish boards of election supervisors;

17 to provide relative to courses of instruction of commissioners; to remove the

18 requirement for election day expenditure reports; to provide for effective dates; and

19 to provide for related matters.

20 Be it enacted by the Legislature of Louisiana:

1 Section 1. R.S. 18:59.4(D)(2) and (E)(2)(c), 115(F)(1)(introductory paragraph) and  
2 (a) and (2)(a)(iii), 154(C)(2)(c) and (D)(1) and (2), 434(D)(2), 435(B)(1)(b), 602(E)(2)(b),  
3 604(B)(2)(b), 621(B), 1278(B), 1279, 1300.2(C)(1), 1300.7(B), 1306(B)(1),  
4 1308(A)(2)(j)(ii), 1309(J), 1313(H)(13) and (K)(2)(a), 1313.1(I)(5) and (L)(2)(a), and  
5 1511.3(E) are hereby amended and reenacted and R.S. 18:154(C)(2)(f) is hereby enacted to  
6 read as follows:

7 §59.4. The Louisiana Voter Registration Administrators' Certification Program;  
8 requirements; compensation

9 \* \* \*

10 D.

11 \* \* \*

12 (2) The Voter Registration Administrators' Certification Program requires  
13 the following: a minimum of twelve courses of twelve hours in length for a total of  
14 one hundred forty-four hours to be completed within five years, except that if a  
15 gubernatorially declared state of emergency impacts the certification process, the  
16 course work shall be completed within six years; maintenance of a yearly rating of  
17 "excellent" as determined through the standards specified in R.S. 18:55(A); five  
18 years work experience related to the administration of elections and voter  
19 registration; and completion of all continuing education course hours required to  
20 maintain certification. If these requirements are not met, the registrar of voters, chief  
21 deputy registrar, or confidential assistant, as the case may be, will lose certification  
22 and certification compensation until certification requirements are once again  
23 attained.

24 E.

25 \* \* \*

26 (2)

27 \* \* \*

28 (c) A registrar of voters, chief deputy registrar, or confidential assistant to  
29 a registrar of voters shall complete the requirements of Subsections D and E of this

1 Section in order to receive the seven percent compensation enhancement. If a  
 2 registrar of voters, chief deputy registrar, or confidential assistant to a registrar of  
 3 voters does not complete the certification program as provided in Subsections D and  
 4 E of this Section, his salary shall remain as provided in R.S. 18:55 or 59. If, after  
 5 certification, a registrar of voters, chief deputy registrar, or confidential assistant to  
 6 a registrar of voters does not receive certification renewal within each three-year  
 7 period, or within a four-year period if a gubernatorially declared state of emergency  
 8 impacts the certification process, his salary shall revert back to the salary scale  
 9 provided for in R.S. 18:55 or 59. Notwithstanding the provisions of R.S. 18:57, the  
 10 failure to maintain certification shall result in the loss of the compensation  
 11 enhancement provided for in this Section.

12 \* \* \*

13 §115. Registration by mail

14 \* \* \*

15 F.(1) Any registered voter who has registered by mail and has not previously  
 16 voted in the parish in which he is registered shall vote in accordance with one of the  
 17 following:

18 (a) ~~During early voting in the office of the registrar of voters, or~~ In person  
 19 at any location where early voting is conducted in the parish in which he is registered  
 20 to vote.

21 \* \* \*

22 (2) The provisions of Paragraph (1) of this Subsection shall not apply in the  
 23 case of the following:

24 (a)

25 \* \* \*

26 (iii) Any person who is otherwise entitled to vote and who has submitted to  
 27 the registrar of voters current proof of disability from a physician, optometrist,  
 28 physician assistant as defined in R.S. 37:1360.22, or a nurse practitioner as defined  
 29 in R.S. 37:913 along with a certification from the physician, optometrist, physician

1        assistant as defined in R.S. 37:1360.22, or a nurse practitioner as defined in R.S.  
 2        37:913 which indicates that by reason of the person's disability the person is unable  
 3        to appear in person to vote either during early voting or at the polling place on  
 4        election day, and if the person submitted the proof of disability to registrar by mail,  
 5        who included in his submission to the registrar a copy of his Louisiana driver's  
 6        license, his Louisiana special identification card issued pursuant to R.S. 40:1321, or  
 7        other generally recognized picture identification card that contains the name and  
 8        signature of the person, or a form on which the person has listed the names and  
 9        addresses of at least two persons residing in his precinct who could make oath, if  
 10       required, to the effect that the person is physically disabled.

11                                    \*        \*        \*

12        §154. Records open to inspection; copying; exceptions

13                                    \*        \*        \*

14                    (C)

15                                    \*        \*        \*

16                    (2)

17                                    \*        \*        \*

18                    (c) Notwithstanding the provisions of Paragraph (1) of this Subsection, the  
 19        Department of State or registrar of voters ~~may~~ shall transmit the email address, if  
 20        available, of a candidate to the ~~Supervisory Committee on Campaign Finance~~  
 21        ~~Disclosure~~ Board of Ethics for purposes of contacting the ~~candidate~~ person regarding  
 22        ~~campaign finance reporting~~ matters relating to laws within the jurisdiction of the  
 23        board. The ~~supervisory committee~~ Board of Ethics shall not disclose information  
 24        transmitted to it pursuant to this Subparagraph.

25                                    \*        \*        \*

26                    (f) Notwithstanding the provisions of Paragraph (1) of this Subsection, the  
 27        Department of State or registrar of voters may transmit a registered voter's full date  
 28        of birth and mother's maiden name to the Louisiana Department of Health to amend

1 the voter's birth certificate. The Louisiana Department of Health shall not disclose  
2 information transmitted to it pursuant to this Subparagraph.

3 D.(1) Notwithstanding the provisions of this Section, the registrar shall not  
4 disclose the name and address of a law enforcement officer, ~~other than on a general~~  
5 ~~list~~, if he has received certification from the law enforcement agency employing the  
6 officer that the officer is engaging in hazardous activities to the extent that it is  
7 necessary for his name and address to be kept confidential.

8 (2) Notwithstanding the provisions of this Section, the Department of State  
9 shall not disclose the name and address of a law enforcement officer, ~~other than on~~  
10 ~~a general list~~, if the secretary of state has received certification from the law  
11 enforcement agency employing the officer that the officer is engaging in hazardous  
12 activities to the extent that it is necessary for his name and address to be kept  
13 confidential.

14 \* \* \*

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

17 \* \* \*

18 D. Replacement of a commissioner.

19 \* \* \*

20 (2) If a commissioner fails to appear at the polling place at least thirty  
21 minutes before the time when the polls are to open on election day, or if a  
22 commissioner is selected as commissioner-in-charge, the commissioner-in-charge  
23 shall select an alternate commissioner to serve in place of the absent commissioner.  
24 An alternate commissioner who replaces an absent commissioner in a primary  
25 election shall replace the absent commissioner in the general election. If there are  
26 no alternate commissioners or an insufficient number of alternate commissioners  
27 available, the commissioner-in-charge shall select a person to serve as commissioner  
28 from the list containing the names of those who have received certificates of  
29 instruction that was furnished him by the parish board of election supervisors

1 pursuant to ~~R.S. 18:431(A)(5)~~ R.S. 18:431(B)(4). If no person on that list is  
2 available to serve as commissioner, the commissioner-in-charge shall select any  
3 person present at the polls who possesses the qualifications of a commissioner as set  
4 forth in R.S. 18:425(B). If there is no such qualified person available, the  
5 commissioner-in-charge shall select a watcher.

6 \* \* \*

7 §435. Watchers; appointment and commission

8 \* \* \*

9 B.(1)

10 \* \* \*

11 (b) A list of watchers submitted by a candidate for the primary election may  
12 be used for the general election only if the candidate notifies the clerk of court in  
13 writing by 4:30 p.m. on the tenth business day before the general election that he  
14 wants to use the same list of watchers.

15 \* \* \*

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

17 \* \* \*

18 E.

19 \* \* \*

20 (2)

21 \* \* \*

22 (b) Immediately thereafter the governing authority; or the school board; or,  
23 ~~the governor, as the case may be,~~ if the governor issued the proclamation, the  
24 secretary of state shall publish the proclamation in the official journal of each parish  
25 in which the election is to be held.

26 \* \* \*

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

28 \* \* \*

1 (B)

2 \* \* \*

3 (2)

4 \* \* \*

5 (b) The appropriate governing authority or ~~the governor, as the case may be,~~  
6 if the governor issued the proclamation, the secretary of state shall publish the  
7 proclamation in the official journal of the parish in which the election is to be held  
8 and also shall immediately send a copy of the proclamation by certified or registered  
9 mail to the clerk of the district court for the parish in which the vacancy occurred.

10 \* \* \*

11 §621. Vacancy in office of judge

12 \* \* \*

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

21 \* \* \*

22 §1278. Vacancies; United States senator

23 \* \* \*

24 B. If a vacancy occurs in the office of United States senator and the  
25 unexpired term is more than one year, an appointment to fill the vacancy shall be  
26 temporary. Any senator so appointed shall serve until his successor is elected at a  
27 special election and takes office. Within ten days after receiving official notice of  
28 the vacancy, the governor shall issue a proclamation for special election to fill the  
29 vacancy for the unexpired term. The date of the special election shall be established

1 by the governor in accordance with the provisions of R.S. 18:402(E). The dates of  
 2 the qualifying period shall be established by the governor in accordance with R.S.  
 3 18:467, 467.1, and 468. ~~Immediately after issuance of the proclamation, which shall~~  
 4 ~~include the dates of the primary and general elections and the dates of the qualifying~~  
 5 ~~period, the governor shall publish the proclamation in the official journal of each~~  
 6 ~~parish in which the election is to be held.~~ Within twenty-four hours after its  
 7 issuance, the governor shall send a copy of the proclamation to the secretary of state.  
 8 Within twenty-four hours after he receives the copy, the secretary of state shall  
 9 notify all election officials having any duty to perform in connection with a special  
 10 election to fill such vacancy, including the parish boards of election supervisors for  
 11 the parish or parishes in which the vacancy occurred. Immediately thereafter the  
 12 secretary of state shall publish the proclamation in the official journal of each parish  
 13 in which the election is to be held. The election shall be conducted and the returns  
 14 shall be certified as in regular elections for United States senator.

\* \* \*

16 §1279. Vacancies; representatives in congress

17 When a vacancy occurs in the office of representative in congress, the  
 18 governor shall determine the dates on which the special elections shall be held and  
 19 the dates of the qualifying period and shall issue a proclamation ordering a special  
 20 election and specifying the dates on which the primary and general elections will be  
 21 held and the dates of the qualifying period for the election. ~~Immediately thereafter~~  
 22 ~~he shall publish the proclamation in the official journal of each parish in which the~~  
 23 ~~election is to be held.~~ Within twenty-four hours after issuing the proclamation, the  
 24 governor shall send a copy of the proclamation to the secretary of state, who shall  
 25 within twenty-four hours of receipt of the information notify all election officials  
 26 having any duty to perform in connection with a special election to fill such vacancy,  
 27 including the parish boards of election supervisors for the parish or parishes in which  
 28 the vacancy occurred. Immediately thereafter the secretary of state shall publish the  
 29 proclamation in the official journal of each parish in which the election is to be held.



1 The election shall be conducted in the same manner and at the same places and the  
2 returns shall be certified as in regular congressional elections. If at a primary or  
3 general election in a congressional district one representative in congress is to be  
4 elected for a full term and another to fill a vacancy, the ballots containing the names  
5 of the candidates shall, as a part of the title of the office, designate the term for which  
6 the candidates are respectively nominated.

7 \* \* \*

8 §1300.2. Petition for recall election; campaign finance disclosure

9 \* \* \*

10 C.(1) Prior to the entering of any signatures on a petition, the chairman  
11 designated to represent the petitioners shall file with the secretary of state a copy of  
12 the recall petition which will be used and copies of a picture identification that  
13 contain the name and signature of the chairman and vice chairman, respectively, or  
14 copies of current utility bills, bank statements, government checks, paychecks, or  
15 other government documents that show the name and address of the chairman and  
16 vice chairman, respectively. Upon receipt of the recall petition, the secretary of state  
17 shall endorse thereon the fact and the date of filing. A copy shall be transmitted by  
18 the secretary of state to the registrar of voters for each parish in which the recall  
19 election is to be held. The chairman shall list on the petition every parish that is  
20 wholly or partially within the voting area where the recall election is to be held. The  
21 petition shall be considered filed when it is received in the office of the secretary of  
22 state, ~~or at the time it is postmarked by the United States Postal Service or is~~  
23 ~~received on a return receipt request form, if it is subsequently received in the office~~  
24 ~~of the secretary of state.~~ Upon receipt of the recall petition, the secretary of state  
25 shall produce a report of the number of qualified electors in the voting area wherein  
26 the recall election is sought effective on the date of receipt of the recall petition and  
27 shall notify the registrar of voters in each parish in the voting area of the number of  
28 qualified electors of the voting area in the parish for issuance of the certification.

29 \* \* \*

1 §1300.7. Governor to order election; proclamation; publication

2 \* \* \*

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

17 \* \* \*

18 §1306. Preparation and distribution of absentee by mail and early voting ballots

19 \* \* \*

20 B.(1) The secretary of state shall prepare absentee by mail ballot envelopes,  
21 absentee by mail instructions, certificates, and other absentee by mail balloting  
22 paraphernalia consistent with the provisions of this Chapter, subject to approval of  
23 the attorney general as to content. The specifications of the absentee by mail ballot  
24 envelopes shall be determined by the secretary of state. Notwithstanding the  
25 provisions of R.S. 18:1316 relating to distinguishing marks on absentee by mail  
26 ballots, absentee by mail voting instructions on absentee by mail ballots to be  
27 transmitted by facsimile in accordance with R.S. 18:1308(A)(1)(b) shall inform the  
28 voter of the types of marks which may be used on the ballot to indicate his vote.  
29 When a court of competent jurisdiction, a registrar of voters, the secretary of state,

1 or other competent authority determines that there exists a literate linguistic minority  
2 equal to more than five percent of the total population of any parish, the secretary of  
3 state, with approval of the attorney general as to content, shall prepare and furnish  
4 absentee by mail and early voting ballots, absentee by mail and early voting  
5 instructions, and certificates in the minority language in sufficient quantity to  
6 provide to each absentee by mail and early voter requesting voting material in that  
7 language.

8 \* \* \*

9 §1308. Absentee voting by mail

10 A.

11 \* \* \*

12 (2)

13 \* \* \*

14 (j)

15 \* \* \*

16 (ii) The secretary of state as the chief election officer of the state shall take  
17 all actions reasonably necessary to allow registered voters who are unable to vote  
18 during early voting or at the polling place on election day due to out-of-parish or out-  
19 of-state work responsibilities relating to a declared emergency to vote, whether by  
20 mail, facsimile, or other means of transmission of the ballot.

21 \* \* \*

22 §1309. Early voting; verification

23 \* \* \*

24 J.(1) Upon approval of the secretary of state, a registrar of voters may utilize  
25 commissioners selected and trained by the registrar of voters to assist the registrar  
26 during the early voting period in the conduct of early voting by his office. A  
27 registrar of voters shall, in seeking the approval of the secretary of state, indicate to  
28 the secretary the number of commissioners that is required for such assistance. A  
29 commissioner who assists the registrar in the conduct of early voting shall take an

1 oath of office as a deputy registrar for the early voting period and shall complete an  
2 affidavit prepared by the secretary of state that contains the name, address, and last  
3 four digits of the social security number of the early voting commissioner and an  
4 acknowledgment that the law prohibits the disclosure of confidential voter  
5 information listed in the precinct register or early voting list kept by the registrar.  
6 The affidavit shall be retained in the office of the registrar of voters. A  
7 commissioner who assists the registrar in the conduct of early voting shall be paid  
8 in accordance with R.S. 18:426.1(A)(3) and B, if applicable, for each day of such  
9 assistance.

10 (2) For an election held within one year following the date of the issuance  
11 of a gubernatorial declaration of an emergency, if a registrar of voters determines  
12 that there is a parishwide shortage of early voting commissioners because a  
13 significant number of early voting commissioners have been temporarily displaced  
14 due to such emergency, the registrar of voters may submit a written request to the  
15 secretary of state, on or before the fourteenth day prior to the start of early voting,  
16 for additional early voting commissioners from other parishes to assist the registrar  
17 in the conduct of early voting. A registrar of voters shall, in seeking the approval of  
18 the secretary of state, indicate to the secretary the number of early voting  
19 commissioners that is required for such assistance and an explanation of the need for  
20 additional early voting commissioners. If the secretary of state determines that there  
21 is a need for additional early voting commissioners and that the allocation of  
22 additional commissioners is feasible, the secretary of state shall approve the request  
23 and notify the registrar of voters of the parish affected by the emergency. The  
24 registrar of voters of the affected parish shall select early voting commissioners to  
25 serve in the affected parish based on availability and proximity. The registrar of  
26 voters of the affected parish shall ensure that the selected early voting commissioners  
27 have received adequate training on the voting machines that are used in the affected  
28 parish and on any procedures necessary for the conduct of the election. A  
29 commissioner who assists the registrar of voters in the conduct of early voting shall

1     take an oath of office as a deputy registrar of voters for the early voting period and  
 2     shall complete an affidavit prepared by the secretary of state that contains the name,  
 3     address, and last four digits of the social security number of the early voting  
 4     commissioner and an acknowledgment that the law prohibits the disclosure of  
 5     confidential voter information listed in the precinct register or early voting list kept  
 6     by the registrar. The affidavit shall be retained in the office of the registrar of voters.

7     A commissioner who assists the registrar in the conduct of early voting shall be paid  
 8     in accordance with R.S. 18:426.1(A)(3) and (B), if applicable, for each day of such  
 9     assistance. The selected early voting commissioners, upon approval by the secretary  
 10    of state, shall be entitled to appropriate reimbursement for travel expenses.

11                           \*    \*    \*

12     §1313. Tabulation and counting of absentee by mail and early voting ballots

13                           \*    \*    \*

14                   H. The procedure for counting early voting machine ballots and paper ballots  
 15     voted during early voting shall be as follows:

16                           \*    \*    \*

17                   (13) The absentee by mail and early voting votes cast for a candidate and  
 18     those cast for and against a proposition shall be counted and the total number of  
 19     absentee by mail and early voting votes cast for a candidate and those cast for and  
 20     against a proposition ~~shall be announced in the order the offices and candidates and~~  
 21     ~~propositions are listed on the ballot. The members of the board shall enter~~ shall be  
 22     entered by the members of the board as the total number of votes on the final  
 23     absentee by mail and early voting vote report, and the members of the board shall  
 24     certify the results. A copy of the final absentee by mail and early voting vote report  
 25     shall be posted by a member of the board after the polls close at the location where  
 26     the tabulation and counting was conducted and the office of the registrar of voters.

27                           \*    \*    \*

28                   K.

29                           \*    \*    \*

1           (2)(a)(i) Notwithstanding the provisions of Paragraph (1) of this Subsection,  
2           if the number of absentee by mail and early voting ballots cast for all candidates for  
3           an office could make a difference in the outcome of the election for such office, upon  
4           the written request of a candidate for such office, the board shall recount the absentee  
5           by mail ballots by hand or scanning equipment and early voting ballots  
6           electronically, unless paper ballots were used for early voting and in such case, the  
7           ballots shall be recounted by hand for such office. The registrar shall preserve the  
8           envelope or container and its contents inviolate and, except upon the board  
9           recounting the absentee by mail ballots, shall not allow the absentee by mail and  
10          early voting ballots to be inspected by anyone until the recounting of the absentee by  
11          mail and early voting ballots by the board.

12           (ii) Notwithstanding the provisions of Paragraph (1) of this Subsection, if the  
13          number of absentee by mail and early voting ballots cast for and against a  
14          proposition could make a difference in the outcome of the election, upon the written  
15          request of a person who voted in the proposition election, the board shall recount the  
16          absentee by mail ballots by hand or scanning equipment and early voting ballots  
17          electronically, unless paper ballots were used for early voting and in such case, the  
18          ballots shall be recounted by hand for such election. The registrar shall preserve the  
19          envelope or container and its contents inviolate and, except upon the board  
20          recounting the absentee by mail ballots, shall not allow the absentee by mail and  
21          early voting ballots to be inspected by anyone until the recounting of the absentee by  
22          mail and early voting ballots by the board.

\* \* \*

24          §1313.1. Preparation, verification, tabulation, and counting of absentee by mail and  
25          early voting ballots

\* \* \*

27           I. The procedure for counting early voting machine ballots on election day  
28          shall be as follows:

\* \* \*

1           (5) The absentee by mail and early voting votes cast for a candidate and  
2 those cast for and against a proposition shall be counted and the total number of  
3 absentee by mail and early voting votes cast for a candidate and those cast for and  
4 against a proposition ~~shall be announced in the order the offices and candidates and~~  
5 ~~propositions are listed on the ballot.~~ The members of the board shall enter shall be  
6 entered by the members of the board as the total number of votes on the final  
7 absentee by mail and early voting vote report<sub>2</sub>, and the members of the board shall  
8 certify the results. A copy of the final absentee by mail and early voting vote report  
9 shall be posted by a member of the board after the polls close at the location where  
10 the tabulation and counting was conducted and the office of the registrar of voters.

11   \*       \*       \*

12           L.

13   \*       \*       \*

14           (2)(a)(i) Notwithstanding the provisions of Paragraph (1) of this Subsection,  
15 if the number of absentee by mail and early voting ballots cast for all candidates for  
16 an office could make a difference in the outcome of the election for such office, upon  
17 the written request of a candidate for such office, the board shall recount the absentee  
18 by mail ballots by hand or scanning equipment and early voting ballots  
19 electronically, unless paper ballots were used for early voting and in such case, the  
20 ballots shall be recounted by hand for such office. The registrar shall preserve the  
21 envelope or container and its contents inviolate and, except upon the board  
22 recounting the absentee by mail ballots, shall not allow the absentee by mail and  
23 early voting ballots to be inspected by anyone until the recounting of the absentee by  
24 mail and early voting ballots by the board.

25           (ii) Notwithstanding the provisions of Paragraph (1) of this Subsection, if the  
26 number of absentee by mail and early voting ballots cast for and against a  
27 proposition could make a difference in the outcome of the election, upon the written  
28 request of a person who voted in the proposition election, the board shall recount the  
29 absentee by mail ballots by hand or scanning equipment and early voting ballots

1 electronically, unless paper ballots were used for early voting and in such case, the  
2 ballots shall be recounted by hand for such election. The registrar shall preserve the  
3 envelope or container and its contents inviolate and, except upon the board  
4 recounting the absentee by mail ballots, shall not allow the absentee by mail and  
5 early voting ballots to be inspected by anyone until the recounting of the absentee by  
6 mail and early voting ballots by the board.

7 \* \* \*

8 §1511.3. Filing of reports; forms; notice

9 \* \* \*

10 E. The supervisory committee shall notify each person who has qualified for  
11 office the preceding year and whose last filed disclosure report reflects a deficit, each  
12 person who filed a supplemental report the preceding year which reflected a deficit,  
13 and each declared but unqualified candidate who filed a report the previous year, of  
14 the date that the annual report as provided in R.S. 18:1491.6(E) and 18:1495.4(E) is  
15 due and of the information required in the report. Each notice shall be mailed or sent  
16 by electronic mail at least thirty days prior to the date the report is due; however,  
17 failure by the supervisory committee to notify a candidate, committee, or other  
18 person as required by this Subsection shall not bar or be a defense to any action  
19 brought against a candidate, treasurer or chairman of any committee, or other person  
20 by the supervisory committee under the provisions of this Chapter.

21 Section 2. R.S. 18:423(C), (E), and (H), 433(A)(1) and (5), (B)(1), and (D), and  
22 1371 are hereby amended and reenacted to read as follows:

23 §423. Parish boards of election supervisors

24 \* \* \*

25 C. Composition. (1) In each parish, the board of election supervisors shall  
26 be composed of the registrar of voters, the clerk of court, the chairman of the parish  
27 executive committee of each recognized political party or his designee, or an  
28 alternate designee if the designee cannot serve, who both of whom shall be a member  
29 members of the parish executive committee of the same recognized political party,



1 and one member, or an alternate member if the member cannot serve, appointed by  
2 the governor.

3 (2) In a parish where a parish executive committee of a recognized political  
4 party has not been formed or where there is a vacancy in the office of chairman, the  
5 chairman of the state central committee of that political party may appoint a voter  
6 and an alternate voter who ~~is~~ are registered in the parish as being affiliated with the  
7 political party to serve on the parish board of election supervisors.

8 (3) None of the following members of the parish board of election  
9 supervisors shall be an employee of the clerk of court or the registrar of voters in the  
10 parish or an immediate family member of the clerk of court or his designee or the  
11 registrar of voters or his designee:

12 (a) The designee or alternate designee of the chairman of a parish executive  
13 committee.

14 (b) The appointee or alternate appointee of the chairman of a state central  
15 committee.

16 (c) The appointee or alternate appointee of the governor.

17 \* \* \*

18 E. Compensation. Each member of the parish board of election supervisors  
19 shall receive fifty dollars for each day, not to exceed six days, actually spent in the  
20 performance of his duties in preparing for and supervising each election held in the  
21 parish, except that each member of the board may be compensated for not more than  
22 seven days for a presidential or regularly scheduled congressional primary or general  
23 election. In addition, each member of the board who is not a public official shall  
24 receive fifty dollars for each day spent in court as a subpoenaed witness in litigation  
25 concerning the performance of his duties as a member of the parish board of election  
26 supervisors in connection with an election.

27 \* \* \*

1           H. Designees. (1) The clerk of court and the registrar of voters may each  
2 appoint a designee to serve in his place on the parish board of election supervisors  
3 when he is absent from any meetings of the board. Any designee of the registrar of  
4 voters shall be a sworn deputy registrar. For each day of such service the designee  
5 of the clerk of court or the registrar of voters shall be paid the same compensation  
6 as a member, and the designating member shall not be compensated for that day.  
7 Any compensation paid to the designee shall be counted against the designating  
8 member's compensation, which shall not exceed ~~six days~~ the number of days as  
9 provided in Subsection E of this Section.

10           (2) For each day of service the designee or alternate designee of the  
11 chairman of the parish executive committee, the designee or alternate designee of the  
12 chairman of the state central committee, and the member or alternate member of the  
13 governor shall be paid the same compensation as a member or appointee, and the  
14 designating member or appointee shall not be compensated for that day. Any  
15 compensation paid to the designee or alternate designee of the chairman of the parish  
16 executive committee, designee or alternate designee of the chairman of the state  
17 central committee, or member or alternate member appointed by the governor shall  
18 be counted against the compensation of the designating member or governor's  
19 member, which shall not exceed the number of days as provided in Subsection E of  
20 this Section.

21   \*     \*     \*

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

24           A. Course of instruction. (1) The clerk of court shall conduct a course of  
25 instruction for commissioners-in-charge during the period beginning August first  
26 through the end of December of each year. However, if the governor declares a state  
27 of emergency between August first and December thirty-first of any year, the  
28 deadline to complete the course is January thirty-first of the year following the

1 gubernatorially declared state of emergency. The course shall be open to any  
 2 certified commissioner who meets the qualifications set forth in R.S. 18:424(B).

3 \* \* \*

4 (5) On or before ~~December thirty-first of each year,~~ the deadline specified  
 5 in Paragraph (1) of this Subsection but after the date of the course of instruction, the  
 6 clerk of court shall file with the parish board of election supervisors a certified list  
 7 containing the name of each person to whom he has issued a certificate, together  
 8 with the social security number, the party affiliation, the mailing address, and the  
 9 ward in which each such person is registered to vote. As soon as possible thereafter,  
 10 the clerk of court shall enter the list in the state voter registration computer system.

11 \* \* \*

12 B. Selection. (1)(a) The parish board of election supervisors shall meet at  
 13 10:00 a.m. ~~on~~ by the second Friday in January of each year to select a commissioner-  
 14 in-charge to serve at each precinct in the parish. The meeting shall be open to the  
 15 public. The board shall have previously posted a notice on the front door of the  
 16 courthouse stating the location within the courthouse where the meeting is to be held.  
 17 The selection of commissioners-in-charge shall be made from the certified list  
 18 furnished by the clerk as required by Paragraph (A)(5) of this Section and in the  
 19 manner ~~hereafter set forth.~~ provided for in this Subsection.

20 (b) If the course of instruction for commissioners-in-charge is delayed due  
 21 to a gubernatorially declared state of emergency as provided by Paragraph (A)(1) of  
 22 this Section, the parish board of election supervisors shall meet at 10:00 a.m. on or  
 23 before the fifth day after completion of the course of instruction.

24 \* \* \*

25 D. Term of office. A commissioner-in-charge shall serve a term of office of  
 26 one year, commencing on the third Monday in January of the year of selection or, if  
 27 applicable, on the date of his selection during a meeting held in accordance with

1      Subparagraph (B)(1)(b) of this Section, provided that the commissioner-in-charge  
2      remains on the list of certified commissioners during his term of office.

3                                       \*      \*      \*

4      §1371. Delivery and return of machines and supplies; contract; time of delivery

5           A.(1)(a) The secretary of state shall contract for the delivery to the voting  
6      precincts of the election day machines and other election equipment and supplies for  
7      which he is responsible and for their return to the storage warehouses. The  
8      specifications for the contract shall be prepared by the secretary of state after  
9      consultation with and approval by the parish custodian of the parish in which the  
10     contract is to be performed. The contract shall be advertised and let in accordance  
11     with the Louisiana Procurement Code. The governing authority of the parish or  
12     municipality in which the voting machines are to be used may submit bids and be  
13     awarded contracts for the drayage of the voting machines.

14           (b) The secretary of state may contract for delivery the week prior to the  
15     beginning of early voting until no later than 11:59 p.m. on the day before early  
16     voting begins for an election, in the parishes that have three or more early voting  
17     locations, of the voting machines and other election equipment and supplies for  
18     which he is responsible and for their return to the offices of the registrars of voters  
19     or the location designated by the registrar of voters within twenty-four hours of the  
20     end of early voting. The specifications for the contract shall be prepared by the  
21     secretary of state after consultation with and approval by the registrar of voters of the  
22     parish in which the contract is to be performed. The contract shall be advertised and  
23     let in accordance with the Louisiana Procurement Code. The governing authority of  
24     the parish or municipality in which the voting machines are to be used may submit  
25     bids and be awarded contracts for the drayage of the early voting machines.

26           (2) In addition to all other notices and advertisements for bids required, the  
27     secretary of state shall furnish notice of the invitation for bids at least thirty days  
28     prior to the opening of bids for each contract for the delivery of machines to the early  
29     voting locations or voting precincts for a parish in the following manner:

1 (a) Publish notice of the invitation for bids in a newspaper of general  
2 circulation printed in such parish or, if there is no newspaper printed in such parish,  
3 in a newspaper printed in the nearest parish that has a general circulation in the  
4 parish covered by the contract.

5 (b) Send such notice to the clerk of court for such parish who shall  
6 prominently post such notice in his office.

7 (c) Notify the parish governing authority for such parish of the contract and  
8 that such parish governing authority is allowed to bid on such contract.

9 (3) Contracts for the delivery of voting machines to the early voting  
10 locations or voting precincts in a parish may be entered into on a parish or regional  
11 basis. If a single contract provides for the delivery of voting machines to the early  
12 voting locations or voting precincts in more than one parish then the notices required  
13 by this Subsection shall be provided in each parish covered by such contract in  
14 accordance with this Subsection.

15 B.(1) No later than 11:59 p.m. on the day before an election, the contractor,  
16 under the supervision of the parish custodian or his representative, shall deliver the  
17 proper number of voting machines, a seal for sealing each voting machine after  
18 termination of voting, and other election equipment, supplies, and paraphernalia to  
19 the polling places of each precinct and shall place the machines in the polling place  
20 for use in voting. Each machine shall remain sealed until examined by or under the  
21 supervision of the commissioner-in-charge immediately before the polls are opened  
22 as required by R.S. 18:553.

23 (2) No later than 11:59 p.m. on the day before early voting begins for an  
24 election, the contractor, under the supervision of the parish registrar of voters or his  
25 representative, shall deliver the proper number of early voting machines and other  
26 election equipment, supplies, and paraphernalia to the early voting locations and  
27 shall place the machines in the early voting location for use in early voting. Each  
28 early voting machine shall remain sealed until examined by or under the supervision

1        of the registrar or his deputy immediately before the early voting locations are  
 2        opened.

3        Section 3. R.S. 18:1532 is hereby repealed in its entirety.

4        Section 4.(A) Section 1, Section 3, and this Section of this Act shall become  
 5        effective upon signature of this Act by the governor or, if not signed by the governor, upon  
 6        expiration of the time for bills to become law without signature by the governor, as provided  
 7        by Article III, Section 18 of the Constitution of Louisiana. If this Act is vetoed by the  
 8        governor and subsequently approved by the legislature, Section 1, Section 3, and this Section  
 9        of this Act shall become effective on the day following such approval.

10       (B) Section 2 of this Act shall become effective on August 1, 2022.

#### DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

HB 646 Reengrossed

2022 Regular Session

Stefanski

**Abstract:** Makes revisions to the La. Election Code.

Present law (R.S. 18:59.4) creates the La. Voter Registration Administrators' Certification Program to formalize and recognize the professional standards of registrars of voters, chief deputy registrars, and confidential assistants to registrars of voters in the state. Present law provides that one of the requirements of certification is 144 hours of course work to be completed within five years. Requires certification renewal every three years.

Proposed law retains present law except to provide that if a gubernatorially declared disaster impacts the certification process, the time period for completing the course work is six years and the certification renewal is required every four years.

Present law (R.S. 18:115) authorizes a person to register by mail to vote. Requires a person who registered by mail and who has not previously voted in the parish to vote either:

- (1) During early voting in the office of the registrar of voters.
- (2) In person at the precinct in which he is registered to vote.

Proposed law provides that a person who registered by mail may vote during early voting at any location where early voting is conducted rather than requiring that he vote at the registrar's office.

Present law provides exceptions to these limitations on where such a person may vote; provides that a person with a disability is exempt if he provides proof of the disability and a certification that because of the disability he cannot vote in person and he meets other requirements.

Present law requires that the proof of a disability and certification that the person cannot vote in person be provided by a physician. Proposed law provides additionally that an optometrist, physician assistant, or nurse practitioner may provide such proof and certification.

Present law (R.S. 18:154) provides that the records of each registrar of voters are public records; however prohibits disclosure of the fact that a registered voter is entitled to assistance in voting and the following information of a registered voter:

- (1) The social security number.
- (2) The driver's license number.
- (3) The day and month of the date of birth.
- (4) The mother's maiden name.
- (5) The electronic mail address, except a registered voter who has qualified as a candidate for public office.
- (6) The short message service number.

Present law provides exceptions to the prohibition on the disclosure of such information. One such exception authorizes disclosure of the email address of a candidate to the Bd. of Ethics so that the board can contact the candidate about campaign finance reporting.

Proposed law further authorizes the board to contact candidates regarding the Code of Governmental Ethics.

Proposed law provides an additional exception; authorizes the Dept. of State or registrar of voters to transmit the full date of birth and mother's maiden name of a registered voter to the La. Dept. of Health to amend the voter's birth certificate.

Present law specifically prohibits disclosing the name and address of a law enforcement officer if he is engaging in hazardous activities to the extent that it is necessary for his name and address to be kept confidential. However, present law authorizes the disclosure of names and addresses of such officers on a general list.

Proposed law removes the general list exception to the prohibition.

Present law (R.S. 18:423) creates a board of election supervisors for each parish to supervise the preparation for and the conduct of all elections held in the parish. Provides that the board is comprised of the registrar of voters, the clerk of court, the chairman of the parish executive committee of each recognized political party or his designee who shall be a member of the parish executive committee of the same recognized political party, and one member appointed by the governor.

Proposed law authorizes each person appointing or designating a member to serve on the board to appoint or designate an alternate appointee or designee if the appointee or designee cannot serve.

Present law provides that each member of the parish board of election supervisors shall receive \$50 for each day, not to exceed six days, spent preparing for and supervising an election; provides that for a presidential or regularly scheduled congressional general election, the members receive compensation for seven days.

Proposed law makes the provision for seven days of compensation applicable to regularly scheduled congressional *primary* elections as well. Provides that the limits on the number

of days a member may be compensated applies collectively to each position on the board, regardless of the designees or alternate appointees or designees that serve in the position.

Present law (R.S. 18:433) requires the clerk of court to conduct a course of instruction for commissioners-in-charge during the period beginning Aug. 1st through the end of Dec. of each year.

Proposed law provides that the clerk of court has until Jan. 31st to conduct the course if a gubernatorially declared state of emergency occurs during the otherwise required period.

Present law (R.S. 18: 602, 604, 621, 1278, 1279, and 1307) provides for special elections to fill vacancies in various elective offices and for recall elections. Provides that the governor or a local governing authority issue a proclamation calling such a special election. Requires that the proclamation be published in the official journal of each parish in which the election is to be held.

Proposed law provides that the secretary of state, rather than the governor, is responsible for publishing the proclamation in the appropriate official journals if the governor issued the proclamation.

Present law (R.S. 18:1300.2) provides a process for citizens to petition for an election to recall a public officer. Provides that the petition is considered filed when it is received in the office of the secretary of state, or at the time it is postmarked by the U.S. Postal Service or is received on a return receipt request form.

Proposed law removes provisions for considering postmark or return receipt dates as the date of filing; provides that the petition is filed when it is received by the secretary of state. Further provides that upon receipt of the petition, the secretary of state shall produce a report of the number of qualified electors in the jurisdiction of the office being recalled and shall notify the registrar of voters of the number of qualified electors for issuance of the certification. (Present law requires the registrar to certify various information regarding the petition, including the number of qualified electors who signed the petition.)

Present law (R.S. 18:1306) requires the secretary of state to prepare absentee by mail ballot envelopes, instructions, certificates, and other balloting paraphernalia, subject to approval of the attorney general as to content.

Proposed law provides that the specifications of the absentee by mail ballot envelopes shall be determined by the secretary of state.

Present law (R.S. 18:1308) provides relative to voting by mail and by electronic transmission of ballots. Provides relative to the duties of the secretary of state regarding such voting, including a requirement that he take all actions reasonably necessary to allow registered voters who are unable to vote during early voting or at the polling place on election day due to out-of-state work responsibilities relating to a declared emergency to vote.

Proposed law retains present law and expands the duty of the secretary of state to include voters who are out of their home *parish* due to work responsibilities relating to a declared emergency.

Present law (R.S. 18:1309) provides relative to early voting, including provisions for utilizing commissioners selected and trained by the registrar of voters.

Proposed law for an election within one year of a declared emergency, authorizes a registrar of voters who determines that there is a parishwide shortage of early voting commissioners because a significant number of early voting commissioners have been temporarily displaced due to the declared emergency to send a request to the secretary of state for additional early voting commissioners from other parishes. Provides that the secretary of state shall approve



the request if he determines that there is a need for additional early voting commissioners and that the allocation of additional commissioners is feasible. Provides otherwise with respect to such commissioners. Provides that they may be reimbursed for travel expenses if reimbursement is approved by the secretary of state.

Present law (R.S. 18:1313 and 1313.1) provides relative to the tabulation of absentee by mail and early voting ballots.

Proposed law removes a requirement that the results of such tabulation be announced in the order the offices and candidates and propositions are listed on the ballot. Adds a requirement that the results be posted at the location where the tabulation was conducted and at the registrar's office.

Present law provides for recounts, upon request by a candidate, of absentee by mail and early voting ballots.

Proposed law requires that the registrar preserve such ballots and prohibit their inspection until they have been recounted.

Present law (R.S. 18:1371) provides that the secretary of state shall contract for the delivery to the voting precincts of the machines and other election equipment and supplies for which he is responsible and for their return to the storage warehouses.

Proposed law retains present law and provides that the secretary of state may also contract for delivery early voting machines and equipment in parishes that have three or more early voting locations.

Present law (R.S. 18:1511.3) provides that the Supervisory Committee on Campaign Finance Disclosure shall notify certain candidates of the deadline to submit the annual report as provided in R.S. 18:1491.6(E) and 18:1495.4(E) and of the information required in the report. Further provides that each notice shall be mailed at least 30 days prior to the date the report is due.

Proposed law retains present law and provides that such notice may be mailed or sent via electronic mail.

Present law (R.S. 18:1532) requires candidates and political committees to file election day expenditure reports with the Supervisory Committee on Campaign Finance Disclosure that include the total amount of expenditure made on election day for the following:

- (1) Television advertising.
- (2) Radio advertising.
- (3) Newspaper advertising.
- (4) Services by election day workers.
- (5) Contributions or expenditures to organizations for election day activities or services in support of a candidate or candidates or in opposition to a candidate or candidates.
- (6) Automated calls using a prerecorded or artificial voice as part of the calling.

Proposed law repeals present law.

Effective in part upon governor's signature or lapse of time for gubernatorial action.  
Effective in part Aug. 1, 2022.

(Amends R.S. 18:59.4(D)(2) and (E)(2)(c), 115(F)(1)(intro. para.) and (a) and (2)(a)(iii), 154(C)(2)(c) and (D)(1) and (2), 423(C), (E), and (H), 433(A)(1) and (5), (B)(1), and (D), 434(D)(2), 435(B)(1)(b), 602(E)(2)(b), 604(B)(2)(b), 621(B), 1278(B), 1279, 1300.2(C)(1), 1300.7(B), 1306(B)(1), 1308(A)(2)(j)(ii), 1309(J), 1313(H)(13) and (K)(2)(a), 1313.1(I)(5) and (L)(2)(a), 1371, and 1511.3(E); Adds R.S. 18:154(C)(2)(f); Repeals R.S. 18:1532)

Summary of Amendments Adopted by House

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

1. Make technical changes.
2. Allow the secretary of state to contract for the delivery of election machines and equipment to early voting locations in parishes that have three or more early voting locations.
3. Specify that the secretary of state shall publish the proclamation for certain special elections when the governor issued the proclamation.
4. Allow the Supervisory Committee on Campaign Finance Disclosure to deliver notices relative to annual reports to certain candidates via electronic mail.