HB 592 Engrossed   2025 Regular Session   Beaullieu

Abstract: Provides for revisions to the La. Election Code.

Duties of the Secretary of State

Present law (R.S. 18:18(D) and 154) authorizes the secretary of state (secretary) to enter into cooperative agreements with the Electronic Registration Information Center. Proposed law repeals present law and instead authorizes the secretary to enter into written agreements with other state and federal governmental agencies and private vendors that provide voter registration and address data.

Present law (R.S. 18:1409) provides for actions objecting to candidacy. Proposed law provides that neither the secretary nor any employee engaged in the administration of or charged with the custody of any records or files of the Dept. of State shall be subject to subpoena or otherwise required to appear in court for an objection to candidacy. Further provides that in lieu of live testimony for any action filed, a properly executed affidavit issued by the secretary of state or his designee shall serve as sufficient confirmation as to the accuracy of the records and files of the Dept. of State for such purposes.

Present law provides that the secretary of state shall give a parish governing authority notification of certain information as it relates to the delivery of voting machines. Proposed law repeals present law.

Present law (R.S. 18:1309.1) provides that a candidate or his representative may be present to observe the preparation of testing and machines. Proposed law retains present law except to clarify that the secretary of state's technicians, and not the registrar of voters, conducts the testing.

Voter Registration

Present law provides that any voter whose registration has been canceled because the voter has registered in another parish or in another state, if such voter makes application to register in the parish in which he was previously registered to vote within three years after the cancellation of his registration in that parish, may have his previous registration reinstated.

Proposed law removes the requirement that the registrant had been registered within the prior three years.

Present law (R.S. 18:111) requires a registered voter to submit certain documentation to change his name. Proposed law authorizes the voter to present his La. driver's license or La. special identification card or social security number.

Present law prescribes the names that a married woman may use for registration. Proposed law provides that a married person may be registered using the surname of either or both spouses as a surname, or in a hyphenated combination thereof and allows the person to use his La. driver's license or La. special identification card or social security number to make the change.

Polling locations

Present law (R.S. 18:401.2) provides for the relocation of polling places during a state of emergency. Proposed law retains present law and further provides for the consolidation of polling places or providing for multiple polling places in a precinct during a state of emergency.

Present law (R.S. 18:1286.1) provides for the consolidation of polling places. Proposed law specifies that the consolidation applies so that when a single location serves as a polling place of more than one precinct, the consolidation may provide for the single polling place to serve every precinct assigned to that location.

Commissioners and watchers

Present law (R.S. 18:425 and 426) provides for qualifications for commissioners and alternate commissioners. Proposed law retains present law.

Present law provides that an alternate commissioner who does not replace a commissioner shall have the same powers and duties as a watcher. Proposed law repeals present law.

Proposed law (R.S. 18:1286(C)) provides that when the number of commissioners for each precinct in an election called on a general election date is less than the number of commissioners chosen for the primary election date, the appropriate number of commissioners shall be chosen from the list of commissioners who worked at the precinct for the primary election.

Proposed law (R.S. 18:1309(N)(2)) provides that no person who is required to register as a sex offender or child predator may serve as a commissioner or commissioner-in-charge. Proposed law retains present law and further provides the same for watchers.

Present law (R.S. 18:434) provides that the parish board of election supervisors shall meet at 10:00 a.m. on the 29th day before a primary election. Proposed law instead provides that the parish board shall meet on the second day after the close of registration.

Present law (R.S. 18:435) authorizes political parties to designate super watchers. Proposed law further authorizes political parties to designate alternate super watchers and that both a political party super watcher and an alternate political party super watcher may serve on election day, except that the political party super watcher and alternate political party super watcher may not serve at the same time and no more political party super watchers and alternate political party super watchers may

serve at one time than the number of political party super watchers otherwise allowed to serve.

Ballots

Present law provides for the arrangement of the ballot. Proposed law changes the arrangement of the ballot to account for closed party primary candidates and provides that candidates nominated by nominating petition are listed alphabetically by the first word of the political principle designated in the notice of candidacy.

Present law (R.S. 18:1300.11) provides for the arrangement of ballots for recall elections and provides specific instructions on how the ballot shall appear. Proposed law retains the substance of the ballot without the specific instructions.

Proposed law (R.S. 18:1310) provides that if a voter is notified by the registrar of voters in his parish of a deficiency on his absentee by mail ballot certificate that must be cured, he may obtain a replacement ballot from the registrar and the registrar may make the ballot available via hand delivery to the voter or an immediate family member of the voter.

For the presidential preference primary election, present law (R.S. 18:1280.21) authorizes the state central committee of a recognized political party to allow in its bylaws for electors who are not affiliated with any political party to cast a vote on the ballot of such recognized political party. Proposed law repeals present law.

Present law (R.S. 18:1313 and 1313.1) provides that the board shall announce certain results after counting absentee by mail and early voting ballots. Proposed law provides that the board shall post, rather than announce, the results.

Present law (R.S. 18:1299.1) requires the governing authority or entity submitting a question or proposition to the voters to prepare the question or proposition for the ballot and requires the proposition to be comprised of simple, unbiased, concise, and easily understood language in the form of a question. Further prohibits the question from exceeding 200 words and including words that are struck through, underscored, or in boldface type. Provides that the secretary of state is responsible for ensuring that the proposition complies with present law.

Proposed law retains present law, except to provide that the governing authority, rather than the secretary of state, is responsible for ensuring the proposition be comprised of simple, unbiased, concise, and easily understood language. Proposed law retains present law requirement that the secretary of state ensure that the proposition does not exceed 200 words, does not include words that are struck through, underscored, or in boldface type, and is in the form of the question.

Election dates

Present law (R.S. 18:402, 434, 1285, 1300 and 1300.7) provides for the calculation of dates related to the administration of elections. Proposed law provides that if a deadline falls on a Saturday, Sunday, or legal holiday, then the deadline shall be the following day which is not a Saturday, Sunday, or legal holiday.

Present law (R.S. 18:402) provides for prohibited election days. Proposed law provides that the three days following Thanksgiving Day are prohibited election days.

Present law (R.S. 18:1280.21.1) provides for the presidential preference primary election in 2020. Proposed law repeals present law.

Campaign finance

Present law (R.S. 18:1501.3) authorizes the governor to receive contributions for gubernatorial transition and inauguration and requires the governor to report within 60 days following the inauguration and annually thereafter to report certain information regarding such contributions. Proposed law provides that each report shall be complete through January 31st.

Closed party primaries

Proposed law (R.S. 18:401.1(H)) provides a vacancy in a party primary office that may not be filled by appointment, designation, or in accordance with the timeframes required by law shall constitute an emergency. If the vacancy may not be filled in a timely manner in accordance with the election dates provided by present law, the governor may proclaim a state of emergency for purposes of calling a special election to fill the vacancy. Following the issuance of the emergency proclamation, the authority required by law to call a special election to fill the vacancy in office shall, in consultation with and with the certification of the secretary, issue a proclamation ordering a special election. The proclamation ordering the special election shall include the dates for qualifying, early voting, the primary election, the general election, and at least one party primary election and make all provisions necessary to conduct an election in a timely manner notwithstanding the dates, timing, and delays otherwise provided by present law.

Proposed law (R.S. 18:402) designates dates to be used for the first and second party primary election for a special election called to fill a vacancy in a party primary office.

Present law (R.S. 18:410.1) provides that only certain political parties may participate in closed party primaries and designates such parties as "recognized political parties" for purposes of closed party primaries. Proposed law instead provides that such parties are designated as "major political parties".

Present law (R.S. 18:410.3) provides that voters not affiliated with a political party may vote in a party primary. Proposed law provides that if an unaffiliated voter chooses to vote in the first party primary of one political party, the unaffiliated voter shall not vote in the second party primary of another political party.

Proposed law provides that if an unaffiliated voter receives an absentee ballot for the first party primary for a certain recognized political party in an election for a party primary office and would like to choose the ballot for the first party primary of a different recognized political party before his ballot has been cast and returned to the registrar, he may obtain a replacement ballot from the registrar.

Present law (R.S. 18:501) provides that a candidate in a primary election may withdraw from the election by filing notice of his withdrawal with the secretary prior to 4:30 p.m. on the seventh day after the close of the qualifying period. Proposed law further provides that a candidate in a first party primary election may withdraw from the election by filing notice of his withdrawal with the secretary prior to 4:30 p.m. on the seventh day after the close of the qualifying period.

Present law provides that a candidate in a general election may withdraw from the election by filing notice of his withdrawal with the secretary prior to 4:30 p.m. on the ninth day after the date of the primary election. Proposed law further provides that a candidate in a general election for a party primary office may withdraw from the election by filing notice of his withdrawal with the secretary prior to 4:30 p.m. on the ninth day after the second party primary election date, regardless of whether a second party primary election is held.

Present law (R.S. 18:1307) authorizes persons entitled to vote absentee by mail to request in his application for an absentee ballot for a primary election that an absentee ballot for the succeeding general election be sent to him when such ballots become available for distribution. Proposed law provides that a party primary election and the succeeding general election for a party primary office are two separate elections and that separate requests shall be made to vote absentee by mail for the party primary election and for the succeeding general election. Further provides that the registrar shall not send an absentee ballot for a closed party primary election for which the voter is not eligible.

Present law (Act No. 640 of the 2024 R.S.) provides that provisions related to closed party primaries adopted in the 2024 First Extraordinary Session of the Legislature and the 2024 Regular Session of the Legislature are effective for purposes of qualifying for elections in 2026 and for other activities and requirements related to the conduct of elections in 2026 shall become effective on Aug. 1, 2025, and shall become effective for all other purposes on Jan. 1, 2026.

Proposed law instead provides that provisions of present law related to closed party primaries are effective for purposes of qualifying for elections in 2026 and for other activities and requirements related to the conduct of elections in 2026 shall become effective on June 12, 2025 and for all other purposes on Jan. 1, 2026.

Miscellaneous

Present law (R.S. 18:25) requires the State Board of Election Supervisors (state board) to annually report to the House and Governmental Affairs Committee and the Senate and Governmental Affairs Committee its findings, observations, and recommendations concerning all aspects of elections no later than Jan. 31 of each year. Proposed law instead requires the report be submitted no later than 45 days prior to the start of each regular session of the legislature.

Present law (R.S. 18:1333) provides that participants in the nursing home early voting program shall remain enrolled in the program indefinitely except if certain actions are taken. Proposed law provides that if a notification letter sent by the registrar of voters to the participant is returned as undeliverable, the registrar shall mail an address confirmation notice to the voter.

Present law (R.S. 18:1363) provides for the allocation of voting machines for each voting precinct. Provides that three machines shall be allocated to each precinct where more than 1,000 voters but not more than 1,400 voters were registered to vote and four machines shall be allocated where more than 1,400 voters are registered. Proposed law instead provides that three machines shall be allocated to precincts where more than 1,000 and less than 1,800 voters are registered to vote and four machines shall be allocated where more than 1,800 voters.

Present law (R.S. 18:1401(C)) authorizes a qualified elector to bring an action objecting to any election in which any proposition is submitted to the voters if he alleges that except for irregularities or fraud in the conduct of an election the result would have been different.

Proposed law retains present law.

Present law (R.S. 18:1405(C)) provides that the action contesting an election on a proposed constitutional amendment shall be instituted not later than 4:30 p.m. of the 10th day after the official promulgation of the results of the election. Proposed law retains present law and further provides that the action shall be instituted no earlier than the day after the election.

Present law (R.S. 18:2(4)) provides a definition of "immediate family". Proposed law includes grandparents and grandchildren as "immediate family".

Proposed law (R.S. 18:2(20)) defines "affidavit" as an oath or affirmation signed by the affiant before a notary public, or before a commissioner-in-charge, commissioner, registrar of voters, deputy registrar of voters, early voting commissioner, or secretary of state election staff, as specifically required in present law. Proposed law further changes references to "affidavit" as they appear in present law, when they do not meet the proposed law definition of "affidavit", to instead be referred to as an "attestation".

Effectiveness

Provisions of proposed law related to closed party primaries are effective for purposes of qualifying for elections in 2026 and for other activities and requirements related to the conduct of elections in 2026 shall become effective on June 12, 2025, and for all other purposes on January 1, 2026.

Provisions of proposed law not related to closed party primaries effective August 1, 2025.

(Amends R.S. 18:2(4), 18(D), 25(B), 104(C)(1)(intro. para.), 108(A) and (C), 111, 154(C)(2)(e), 192(A)(1) and (2), 401.2(A) and (B)(1), (2), and (3), 402(A)(1), (D), (E)(1)(intro. para.), and (G)(1), 410.1-410.3, 410.4(B), 410.5(A), 410.6(B)(1) and (2), 410.7(A), (B)(1) and (2), and (C), 410.8, 410.9(A), 425.1, 426(A) and (B), 434(A)(1), 435(A)(4)(b) and (c) and (B)(1), 501(A)(1), (B)(1), and (C), 531(B), 533(A)(2) and (B)(1), 534(A) and (B)(1) and (2)(a), 551(B), (C)(1)(c)(i) and (2), and (D), 553(E)(2), 571(A)(8), 573(E)(1) and (4), 1259(B)(6) and (C), 1279, 1280.21(B), 1285(B)(1)(a), 1286.1, 1299.1, 1300(C)(1), 1300.7(A), 1300.11, 1306(E)(1)(f), 1307(E), 1309(D)(1)(c) and (d) and (2), (E)(1), and (N)(2), (5), and (7), 1309.1(A), 1313(F), (H)(3), and (K)(1), 1313.1(F), (I)(2), and (L)(1), 1315(D)(1), 1333(D)(2) and (E), 1363(A)(3) and (4), 1405(C), and 1501.3(C)(intro. para.);

Adds R.S. 18:2(20), 401.1(H), 1280.31, 1286(C), 1307(L), 1310(E) and (F), 1333(D)(3), and 1409(K); Repeals R.S. 18:1280.21(C) and (D), 1280.21.1, 1371(A)(2)(c), and §2 of Act No. 640 of the 2024 R.S.)

<u>Summary of Amendments Adopted by House</u>

The Committee Amendments Proposed by <u>House Committee on House and Governmental Affairs</u> to the <u>original</u> bill:

1. Provide specifically that state and federal governmental agencies and private vendors that provide voter registration and address data are the entities the secretary of state may enter into written agreements with for purposes of voter list maintenance.

2. Assign responsibility to governing authorities to ensure that the ballot language for propositions submitted to the voters is simple, unbiased, concise, and easily understood.

3. Require that actions contesting an election on a proposed constitutional amendment be instituted no earlier than the day after the election.

4. Provide for effectiveness.

5. Make technical changes.