

2021 Regular Session

HOUSE BILL NO. 599

BY REPRESENTATIVE HODGES

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

ELECTIONS: Provides relative to elections

1 AN ACT

2 To amend and reenact R.S. 18:435, 1308(B), 1351(13) and (14), and 1352(B) and to enact
3 R.S. 18:432, 577, and 1366, relative to elections; to provide for commissioners
4 designated by a recognized political party; to provide for the appointment of poll
5 watchers; to provide relative to the tabulation and counting of ballots; to provide
6 relative absentee by mail voting; to provide for definitions of voting machine and
7 voting systems; to provide requirements for voting systems; and to provide for
8 related matters.

9 Be it enacted by the Legislature of Louisiana:

10 Section 1. R.S. 18:435, 1308(B), 1351(13) and (14), and 1352(B) are hereby
11 amended and reenacted and R.S. 18:435, 1308(B), 1351(13) and (14), and 1352(B) are
12 hereby enacted to read as follows:

13 §432. Commissioners designated by recognized political party

14 A. No later than thirty days prior to an election, the chairman of each
15 recognized political party as defined in R.S. 18:441 or his designee may deliver to
16 the parish board of election supervisors in each parish the names of qualified
17 commissioners to serve in the parish elections at each precinct. The list may
18 designate which precinct each party's commissioner-nominee will serve.

19 B. Notwithstanding any provision of law to the contrary, if the chairman or
20 his designee delivers the name of a qualified commissioner pursuant to this Section,

1 the qualified commissioner who is designated for that particular precinct shall be
2 chosen by the parish board of election supervisors to serve in that precinct.

3 C. Notwithstanding any provision of law to the contrary, a qualified
4 commissioner designated by the chairman or his designee pursuant to this Section
5 need not live in the parish if he meets other qualifications to serve as a commissioner
6 as required in R.S. 18:425.

7 * * *

8 §435. Watchers; appointment and commission

9 A.(1)(a) Each candidate is entitled to have one watcher at every ~~precinct~~
10 polling place during early voting and on election day where the office he seeks is
11 voted on in a primary or general election. The candidate or his authorized
12 representative shall file one list of watchers on a form provided by the secretary of
13 state or on a form which contains the same information as required by the form
14 provided by the secretary of state. When a candidate's list of watchers is filed by the
15 candidate's authorized representative, a letter of authorization from the candidate
16 shall accompany the list of watchers; however, the list of watchers shall be signed
17 by the candidate.

18 (b) Each recognized political party is entitled to have two watchers at every
19 precinct on election day where that party is represented on the ballot at that election.
20 The state central committee of each recognized political party shall be responsible
21 for filing the list of watchers and the list of watchers shall be signed by the chairman
22 of the state central committee. The chairman of the state central committee or his
23 authorized representative shall file one list of watchers on a form provided by the
24 secretary of state or on a form which contains the same information as required by
25 the form provided by the secretary of state.

26 (c) In the case of a presidential election, each slate of candidates for
27 presidential elector is entitled to have one watcher at every ~~precinct~~ polling place.
28 The state central committee of each recognized political party shall be responsible
29 for filing the list of watchers for its slate of candidates for presidential elector, and

1 the list of watchers shall be signed by the chairman of the state central committee.

2 The list of watchers for a slate of candidates for presidential elector who are not
3 affiliated with a recognized political party shall be signed and filed by any person so
4 authorized by the presidential candidate supported by the slate of electors. A letter
5 of authorization from the presidential candidate, or from an authorized agent of his
6 campaign, shall accompany the list of watchers.

7 (2) In addition to the watchers provided for in Paragraph (1), each
8 recognized political party or candidate may designate one watcher as a "super
9 watcher" who shall have the qualifications, powers, and duties of watchers provided
10 for by R.S. 18:427 and who shall be admitted as a watcher in every precinct polling
11 place in the designated each parish where the recognized political party is
12 represented on the ballot or the office the candidate seeks is on the ballot in the
13 primary and general election. The selection of the super watcher shall be made in
14 the same manner as for watchers set forth in this Section.

15 (3) Any person who is supporting or opposing a proposition or question to
16 be submitted to the voters or supporting or opposing the recall of a public officer and
17 who has filed a report required by R.S. 18:1486 for such election is entitled to have
18 one watcher at every precinct where the issue he seeks to influence is voted on in an
19 election. For the purposes of this Subsection, "person" means any individual,
20 partnership, association, labor union, political committee, corporation, or other legal
21 entity, including its subsidiaries.

22 (4) The commissioners shall regulate the ~~number of~~ watchers inside the
23 polling place as provided in R.S. 18:427.

24 B.(1)(a) A list of watchers shall be filed with the clerk of court by hand
25 delivery, facsimile, mail, or commercial courier before 4:30 p.m. on the tenth day
26 before the primary or general election; however, if the tenth day before the primary
27 or general election falls on a Saturday, Sunday, or other legal holiday, the list shall
28 be filed on the next day which is not a Saturday, Sunday, or other legal holiday. For
29 purposes of this Paragraph, "commercial courier" shall have the same meaning as

1 provided in R.S. 13:3204(D). If the office that the candidate seeks is voted on in
2 more than one parish or the recognized political party is represented on the ballot in
3 more than one parish, a list of watchers shall be filed with the clerk of court in each
4 parish where the candidate or recognized political party will have watchers.

5 (b) A list of watchers submitted by a candidate or recognized political party
6 for the primary election may be used for the general election only if the candidate or
7 recognized political party notifies the clerk of court in writing by 4:30 p.m. on the
8 tenth day before the general election that he wants to use the same list of watchers.

9 (2) Except for a candidate or recognized political party filing for a slate of
10 candidates for presidential elector, any person filing a list of watchers must attach
11 a certified statement that the report required by R.S. 18:1486 has been filed with the
12 supervisory committee in compliance with the Campaign Finance Disclosure Act.

13 (3) A list of watchers shall contain only one watcher and one alternate
14 watcher for each precinct where the candidate, recognized political party, or person
15 submitting the list is entitled to have a watcher. The list shall be typed or legibly
16 written, and it shall contain the name and mailing address of each watcher and
17 alternate watcher, and a designation of the precinct where he is to serve.

18 C. The parish board of election supervisors shall promptly issue a
19 commission to each watcher named on a timely filed list of watchers. A person shall
20 not be commissioned as a watcher if he has been appointed as a commissioner-in-
21 charge or selected as a commissioner in the same election. A person selected as an
22 alternate commissioner may be commissioned as a watcher. However, if the
23 alternate commissioner must replace an absent or unqualified commissioner, he shall
24 not serve as a watcher in the same election and his commission as a watcher shall be
25 deemed void. Prior to the opening of the polls on election day, the parish board of
26 election supervisors shall deliver to each precinct a list of the watchers and alternate
27 watchers who are entitled to serve at the election. The list shall specify the ~~precinct~~
28 ~~or precincts~~ polling place or polling places for which each watcher is eligible to
29 serve. A watcher must present his commission to the commissioner-in-charge,

1 registrar, or deputy registrar of the ~~precinct~~ polling place for which he is eligible to
2 serve prior to serving at the polling place.

3 D. A candidate, recognized political party, or person as defined in
4 Subsection A of this Section, shall be entitled to have both a watcher and an alternate
5 watcher serve at the same precinct on election day. However, the watcher and
6 alternate watcher may not serve at the same time.

7 * * *

8 §577. Tabulation and counting of all ballots

9 A. In the tabulation and counting of all ballots cast for an election, election
10 officials shall not cease such tabulation and count until all ballots have been
11 tabulated or counted and vote totals obtained.

12 B. If for any reason an electrical or mechanical failure or Act of God causes
13 a shut down of tabulation, the commissioner in charge, board of election supervisors,
14 or registrar shall immediately secure the premises and report to the secretary of state
15 and attorney general.

16 C. Under no circumstances shall poll watchers be required to vacate the
17 premises until the election is tabulated and counted and vote totals obtained.

18 * * *

19 §1308. Absentee voting by mail

20 B.(1) The ballot shall be marked as provided in R.S. 18:1310 and returned
21 to the registrar by the United States Postal Service, a commercial courier, or hand
22 delivery. If delivered by other than the voter, a commercial courier, or the United
23 States Postal Service, the registrar shall require that the person making such delivery
24 sign a statement, prepared by the secretary of state, certifying that he has the
25 authorization and consent of the voter to hand deliver the marked ballot. For
26 purposes of this Subsection, "commercial courier" shall have the same meaning as
27 provided in R.S. 13:3204(D). No person except the immediate family of the voter,
28 as defined in this Code, shall hand deliver more than one marked ballot to the

1 registrar. Upon its receipt, the registrar shall post the name and precinct of the voter
2 as required by R.S. 18:1311.

3 (2) Notwithstanding any other provision of law to the contrary, no ballot
4 collection box shall be left unattended and outside the view of the registrar or his
5 duly authorized employees or cameras.

6 * * *

7 §1351. Definitions

8 As used in this Chapter, unless otherwise specified, the following terms shall
9 have the meanings herein ascribed to each:

10 * * *

11 (13) "Voting machine" means the enclosure occupied by the voter when
12 voting, as formed by the voting system, the machine, its screen and privacy shield,
13 which shall include ~~electronic voting machines.~~ but is not limited to voting
14 machines, optical scanners, copiers, new technologies, or any device or apparatus
15 required to secure the vote.

16 (14) "Voting system" means the total combination of paper ballots,
17 equipment, including but not limited to voting machines, used to define ballots, cast
18 and count votes, report or display election results, and maintain and produce any
19 auditable data and the open source software, firmware, hardware, and documentation
20 required to program, control, and support such equipment or voting mechanism
21 being utilized. "Voting system" also includes but is not limited to the vendor's
22 practices and documentation used to identify system components and versions of
23 such components, test the system during its development and maintenance, maintain
24 records of system errors and defects, determine specific system changes made after
25 initial certification, and make available any materials to the voter.

26 * * *

27 §1352. Use of voting machines throughout state; exception for failure of voting
28 equipment, absentee by mail and early voting

29 * * *

1 B. ~~Notwithstanding the provisions of Subsection A of this Section, paper~~ Paper
2 ballots may be used when voting ~~machines~~ systems fail.

3 * * *

4 §1366. Requirements for voting systems

5 Over a period of five years beginning not later than January 1, 2021, the
6 secretary of state shall revoke the certification for voting systems used for elections
7 for federal, state or local offices unless the machines and devices comply with this
8 Section. Any voting system purchased after the effective date of this Act shall
9 comply with all of the following:

10 (1) Have no exposed ports. The machine circuit board shall have no
11 component capable of connecting to any internet network, whether wired or wireless,
12 cellular, or radio frequency.

13 (2) All machine software or firmware updates shall on be done with a wired,
14 non-network connection or may be loaded onto the voting machines.

15 (3) The secretary of state or his designee and the parish board of election
16 supervisors shall have the ability to verify that the software and firmware installed
17 on each machine was not hacked, modified, altered, or changed after it was installed
18 on the voting machine system. The software or firmware shall require a computer
19 key to enter the voting machine so that the names of the candiates and propotions
20 may be loaded. The voting machine system shall contain a separate parity chip that
21 will immediately detect if the voting machine had its election software or firmware
22 which was sent to the precinct no longer matches the software or firmware that was
23 installed for that particular election, and the voting machine will send a signal that
24 indicates by a red light that the voting machine has been hacked or tampered with or
25 by a green light that the voting machine is still using its software of firmware that
26 was sent to the precinct and is still intact and has not been hacked or tampered with.

27 (4) The machines shall be incapable of tabulating fractional ballots.

1 (5) Provide a printed record of the voter's choices. The voting systems will
2 have paper ballots, with the names of candidates or propositions which are in English
3 and legible so that they may be counted by hand should an election contest occur.

4 (6) Maintain an internal record of:

5 (a) Every insert and removal of a mass storage device.

6 (b) Every update to software, including the date and time and any connection
7 to the internet.

8 (c) Every key stroke or screen touch made.

9 (7) Maintain an internal record of the ballots inserted or scanned and the
10 number tabulated, including any ballots that are rescanned.

11 (8) Have servers located within the state. No server shall be located in
12 another state or country.

13 Section 2. This Act shall become effective upon signature by the governor or, if not
14 signed by the governor, upon expiration of the time for bills to become law without signature
15 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If
16 vetoed by the governor and subsequently approved by the legislature, this Act shall become
17 effective on the day following such approval.

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 599 Original

2021 Regular Session

Hodges

Abstract: Provides relative to elections.

Present law provides that the parish board of election supervisors selected commissioner from the reports received from the clerk.

Proposed law allows the chairman of each recognized political party to select commissioners to serve in the parish elections for each precinct. Further allows the chairman of a recognized party to designate which precinct each party's commissioner nominee will serve. Also requires the parish board of supervisors to select all commissioners provided to them by the chairman of each recognized party.

Present law provides that a candidate may designate watchers to serve at every precinct on election day where the office he seeks is voted on in an election. Further provides for the procedure of designating such watchers.

Proposed law provides that each recognized political party may also designate watchers to serve at every polling place on election day where that party is represented on the ballot at that election. Further provides the procedure of designating such watchers.

Proposed law provides that once the tabulating and counting begins, it shall not cease until all ballots have been tabulated or counted and vote totals obtained. Further provides that, if due to any electrical, mechanical, or force of nature tabulation and counting is interrupted the commissioner in charge, board of election supervisors, or registrar shall immediately secure the premises and report to the secretary of state and attorney general.

Proposed law provides that no ballot collection box shall be left unattended and outside the view of the registrar or his duly authorized employees or cameras.

Present law defines "voting machine" as the enclosure occupied by the voter when voting, as formed by the machine, its screen and privacy shield, which shall include electronic voting machines.

Proposed law expands the definition to include voting machines, optical scanners, copiers, new technologies, or any device or apparatus required to secure the vote.

Proposed law creates requirements for voting systems. Further requires the phase out of any voting systems that do not meet these requirements.

Effective upon signature of governor or lapse of time for gubernatorial action.

(Amends R.S. 18:435, 1308(B), 1351(13) and (14), and 1352(B); Adds R.S. 18:432, 577, and 1366)