

2021 Regular Session

HOUSE BILL NO. 581

BY REPRESENTATIVES MIKE JOHNSON AND STEFANSKI AND SENATORS  
BERNARD, LUNEAU, MORRIS, AND WOMACK

1 AN ACT

2 To amend and reenact R.S. 18:134(E), 154(C)(2), 198(D), 423(J)(1), 435(B)(1)(a),  
3 469(D)(1), 573(E)(2), 1280.21(A), 1280.22(B)(1), 1285(B)(1)(a), 1300(C)(2),  
4 1308(B), 1309(B) and (M)(1)(a), 1309.1(A), 1313.1(L)(2)(b) and (3), 1315(C), 1363,  
5 1373(A)(1), 1376(B)(2), 1461.7(A)(5), 1491.6(C)(3), and 1495.4(C)(3) and to enact  
6 R.S. 18:1461.7(A)(6), relative to the Louisiana Election Code; to revise the  
7 Louisiana Election Code; to provide relative to elections procedures and  
8 requirements; to provide relative to registrar of voters office; to provide relative to  
9 records of the registrar of voters; to provide relative to confidentiality of certain  
10 records relative to candidates; to provide relative to voter registration; to provide  
11 relative to a change of address of a voter; to provide relative to compensation of  
12 parish boards of election supervisors; to provide relative to procedures for reopening  
13 qualifying; to provide relative to a challenge of a voter; to provide relative to  
14 cancellation of voter registration; to provide relative to the date of a presidential  
15 preference primary; to provide relative to qualifying period for presidential  
16 candidates; to provide relative to changes to a notice of elections; to provide relative  
17 to delivery of absentee ballots; to provide relative to additional early voting branch  
18 offices; to provide relative to notice of preparation of voting machines; to provide  
19 relative to the date of preparation of voting machines; to provide relative to deadline  
20 for a challenge of ballots; to provide relative to clearing of voting machines and  
21 results; to provide relative to election offenses; to provide relative to campaign  
22 finance reports; to provide relative to watchers; to provide relative to the recount of  
23 absentee by mail and early voting ballots; to provide relative to allocation of voting  
24 machines; and to provide for related matters.

1 Be it enacted by the Legislature of Louisiana:

2 Section 1. R.S. 18:134(E), 154(C)(2), 423(J)(1), 469(D)(1), 573(E)(2), 1280.21(A),  
3 1280.22(B)(1), 1285(B)(1)(a), 1300(C)(2), 1308(B), 1309(B) and (M)(1)(a), 1309.1(A),  
4 1313.1(L)(2)(b) and (3), 1315(C), 1363, 1373(A)(1), 1376(B)(2), 1491.6(C)(3), and  
5 1495.4(C)(3) are hereby amended and reenacted to read as follows:

6 §134. Office hours

7 \* \* \*

8 E.(1) On election days the principal office of the registrar shall remain open  
9 from 7:00 a.m. until 9:00 p.m., or until all precinct results have been submitted to the  
10 clerk of court and the absentee by mail and early voting results have been submitted  
11 to the registrar of voters, whichever is earlier. The registrar or a deputy registrar  
12 designated by him shall remain in the office during that time.

13 (2) Notwithstanding the provisions of Paragraph (1) of this Subsection, on  
14 days when a regularly scheduled congressional primary election is held, the principal  
15 office of the registrar shall remain open from 6:00 a.m. until 9:00 p.m., or until all  
16 precinct results have been submitted to the clerk of court and the absentee by mail  
17 and early voting results have been submitted to the registrar of voters, whichever is  
18 earlier. The registrar or a deputy registrar designated by him shall remain in the  
19 office during that time.

20 \* \* \*

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

22 \* \* \*

23 C.

24 \* \* \*

25 (2)(a) The provisions of Paragraph (1) of this Subsection shall not apply to  
26 voter registration data transmitted to the office of motor vehicles of the Department  
27 of Public Safety and Corrections, for the purposes of verifying the accuracy and  
28 authenticity of the social security number, driver's license number, or full date of  
29 birth provided by the voter. The office of motor vehicles shall not disclose  
30 information concerning a registered voter transmitted pursuant to this Subparagraph,



1 voting ballots in accordance with R.S. 18:1313.1, a member of the board may be  
2 compensated not more than eight days for a presidential or regularly scheduled  
3 congressional primary or general election or seven days for any other primary or  
4 general election.

5 \* \* \*

6 §469. Reopening of qualifying period; effect

7 \* \* \*

8 D.(1) If the qualifying period for candidates reopens ~~within thirty days~~  
9 before a primary election; and the ballots have been printed, all the votes cast in the  
10 primary election for that public office are void, unless the qualifying period for the  
11 office reopened and closed without additional candidates qualifying for the office.  
12 If additional candidates qualify for the office and the votes for the primary will be  
13 void for that reason, the clerk of court with whom any of the additional candidates  
14 qualified shall immediately publish in the official journal of the parish a notice to the  
15 electorate that the election for that office has been voided because new candidates  
16 qualified. Such notice shall include the dates for the rescheduled primary and  
17 general elections. If the election district includes all or part of more than one parish,  
18 the clerk of court shall notify the secretary of state, who shall notify the clerk of  
19 court of each of the parishes, and the clerk of court shall publish such notice. If the  
20 additional candidates have qualified with the secretary of state, he shall publish such  
21 notice in the official state journal.

22 \* \* \*

23 §573. Evidence of election results

24 \* \* \*

25 E. Transmission and disposition of original challenges, duplicate voters'  
26 affidavits, and address confirmation cards.

27 \* \* \*

28 (2) The registrar shall utilize the procedures set forth in Part V of Chapter  
29 4 of this Code to determine the validity of the registration of each challenged voter  
30 who did not submit an address confirmation card. In any instance where an address

1 confirmation card was received that stated an address different from the address on  
 2 file in the registrar's office for a registrant, the registrar shall ~~change or cancel the~~  
 3 ~~registration.~~ change the registrant's address to the address on the address  
 4 confirmation card if the change of address is in the parish; transfer the registrant's  
 5 registration to another parish if the address on the address confirmation card is in  
 6 another parish; or cancel the registration if the address on the address confirmation  
 7 card is in another state. If an address confirmation card was received that affirmed  
 8 the address on file in the registrar's office, the registrar shall reinstate the registrant  
 9 to the official list of voters if he appears on the inactive list of voters. If the address  
 10 confirmation card was a result of a valid challenge, the registrar shall so inform the  
 11 district attorney and shall transmit to him the address confirmation card of that  
 12 person.

\* \* \*

§1280.21. Presidential preference primary election

15 A. A statewide presidential preference primary election shall be held on the  
 16 ~~first~~ last Saturday in March in ~~2016~~ 2024 and every fourth year thereafter for the  
 17 purpose of allowing the electors of each political party in the state which has forty  
 18 thousand or more registered members to express their preference for a person to be  
 19 the nominee of the party for president of the United States.

\* \* \*

§1280.22. Candidates; procedure for qualifying

22 \* \* \*

23 B.(1) The qualifying period for presidential candidates shall open on the ~~first~~  
 24 third Wednesday in December and shall close at 4:30 p.m. on the following Friday.  
 25 During the qualifying period, presidential candidates shall file notices of candidacy  
 26 with the secretary of state.

\* \* \*

§1285. Notice of election

\* \* \*

1           B.(1)(a) Written notice of the election and the certificate required by  
2           Subparagraph (b) of this Paragraph shall be transmitted to the secretary of state and  
3           each clerk of court and registrar of voters in the area affected by the election. If the  
4           election is to be held on a primary election date, then such notice and certificate shall  
5           be received by the secretary of state at least four weeks prior to the opening of the  
6           qualifying period for the primary election. If the election is not to be held on a  
7           primary election date, then the notice and certificate shall be received by the  
8           secretary of state on or before the fifty-fourth day prior to the election. The secretary  
9           of state shall not accept any revisions to propositions, including but not limited to  
10          changes in title, text, or numerical designations, after the last day for submission of  
11          the notice and certificate to the secretary of state; unless prior to the printing of the  
12          ballots the revision will correct a typographical error and the revision has been  
13          approved by the governing authority that called the proposition election.

\* \* \*

§1300. Procedures; notice of election; expenses

\* \* \*

C.

\* \* \*

19           (2) The secretary of state shall not accept any revisions to propositions or  
20           questions, including but not limited to changes in title, text, or numerical  
21           designations, after the last day for submission of the notice to the secretary of state; unless prior to the printing of the ballots the revision will correct a typographical  
22           error and the revision has been approved by the governing authority that called the  
23           proposition election. The secretary of state shall not include any proposition or  
24           question on any ballot of any election if such notice is not timely received by the  
25           secretary of state.

\* \* \*

§1308. Absentee voting by mail

\* \* \*

1           B. The ballot shall be marked as provided in R.S. 18:1310 and returned to  
2           the registrar by the United States Postal Service, a commercial courier, or hand  
3           delivery. If delivered by other than the voter, a commercial courier, or the United  
4           States Postal Service, the registrar shall require that the person making such delivery  
5           sign a statement, prepared by the secretary of state, certifying that he has the  
6           authorization and consent of the voter to hand deliver the marked ballot. For  
7           purposes of this Subsection, "commercial courier" shall have the same meaning as  
8           provided in R.S. 13:3204(D). No person except the immediate family of the voter,  
9           as defined in this Code, shall hand deliver more than one marked ballot per election  
10          to the registrar. Upon its receipt, the registrar shall post the name and precinct of the  
11          voter as required by R.S. 18:1311.

\* \* \*

§1309. Early voting; verification

\* \* \*

15           B.(1) For the purpose of facilitating early voting, the registrar may designate,  
16           in addition to the location for early voting provided in Subsection A of this Section,  
17           one or more branch ~~office~~ offices wherein early voting may be conducted. Any such  
18           branch office shall be located in a public building, and the days during which early  
19           voting may be conducted therein shall be fixed by the registrar, with the approval of  
20           the secretary of state, at least thirty days prior to a primary election and twenty-one  
21           days prior to a general election, as provided in Subsection A of this Section, and the  
22           registrar shall post at his office adequate notice of the days on which early voting  
23           will be held at a each branch office. However, if a branch office of a registrar is  
24           destroyed, inaccessible, or unsafe during or following a gubernatorially declared  
25           state of emergency, the registrar may utilize a temporary building as a branch office  
26           to discharge his duties until an office that meets the requirements of this Section  
27           becomes available. Such temporary office shall be located within the parish, or if  
28           there is no appropriate location within the parish due to the emergency, then in an  
29           immediately adjacent parish, or if there is no appropriate location in any immediately

1 adjacent parish due to the emergency, then in the nearest parish in which there is an  
2 appropriate location.

3 (2) The registrar shall provide or post the voters' bill of rights and  
4 informational posters, if required, the statement of proposed constitutional  
5 amendments on the ballot, and a ~~certified screenshot~~ as a sample ballot prepared by  
6 the secretary of state in a conspicuous place at the principal entrance to the early  
7 voting polling place, where they shall remain posted throughout early voting.

8 \* \* \*

9 M.(1)(a) In a parish where early voting is conducted at an additional location  
10 pursuant to R.S. 18:1309.2, the registrar may fix the ~~hours and~~ days during which  
11 early voting shall be conducted at the additional location during the early voting  
12 period, with the approval of the secretary of state, at least thirty days prior to a  
13 primary election and twenty-one days prior to a general election. ~~if such hours and~~  
14 ~~days of voting are approved by the secretary of state no later than twenty-five days~~  
15 ~~prior to the election.~~

16 \* \* \*

17 §1309.1. Preparation of machines for early voting; examination by candidate or his  
18 representative; sealing machines

19 A. At the time of qualifying, the parish custodian shall notify each candidate  
20 to contact the registrar of voters for the time and place at which the voting machines  
21 will be prepared for early voting. The registrar of voters shall post at his office  
22 adequate notice of the date, time, and place at which the voting machines will be  
23 prepared for early voting and shall post the same information on his officer's website,  
24 if possible. The candidate or his representative may be present to observe the  
25 preparation of the machines by the registrar of voters with the assistance of the  
26 secretary of state's technicians and to observe the testing and sealing of the machines  
27 by the registrar of voters in the presence of the parish board of election supervisors.  
28 Each candidate or his representative shall be afforded a reasonable opportunity to  
29 view the test vote tape for each machine to see that they are in the proper condition  
30 for use in the election, which opportunity shall not be less than thirty minutes

1 beginning at the time designated by the registrar of voters to begin preparation of the  
2 machines for sealing. However, no candidate, representative, or citizen shall  
3 interfere with the registrar of voters, secretary of state's technicians, parish board of  
4 election supervisors, or any employee or technician or assume any of their duties.

5 \* \* \*

6 §1313.1. Preparation, verification, tabulation, and counting of absentee by mail and  
7 early voting ballots; parishes with one thousand or more absentee by mail  
8 ballots

9 \* \* \*

10 L.

11 \* \* \*

12 (2)

13 \* \* \*

14 (b) All recounts of absentee by mail and early voting ballots shall be held at  
15 ~~10:00 a.m.~~ a time set by the secretary of state, in conjunction with the registrar of  
16 voters and the clerk of court, or following the reinspection of voting machines on the  
17 fifth day after the election and at any time ordered by a court of competent  
18 jurisdiction. If the fifth day after the election falls on a holiday or weekend, such  
19 recount shall be held on the next working day at ~~10:00 a.m.~~ a time set by the  
20 secretary of state, in conjunction with the registrar of voters and the clerk of court,  
21 or following the reinspection of voting machines. Any written request for recount  
22 of absentee by mail and early voting ballots shall be filed with the clerk of court.  
23 The deadline for filing a request for recount of absentee by mail and early voting  
24 ballots shall be 4:30 p.m. on the ~~last working day prior to the date of the recount.~~  
25 third calendar day after the election. Immediately upon receiving any request, the  
26 clerk of court shall prominently post in his office a notice of the time and place  
27 where the absentee by mail and early voting ballots will be recounted and the name  
28 of the candidate or the voter in the proposition election requesting the recount.

29 \* \* \*

1           (3) A candidate or his representative, in the presence of a majority of the  
2           parish board of election supervisors, shall be allowed to inspect the flaps removed  
3           from the valid absentee by mail ballots and the flaps removed from the valid early  
4           voting ballots when paper ballots are used for early voting. All such inspections  
5           shall be held at ~~10:00 a.m.~~ a time set by the secretary of state, in conjunction with the  
6           registrar of voters and the clerk of court, or following the recount of absentee by mail  
7           and early voting ballots on the fifth day after the election and at any time ordered by  
8           a court of competent jurisdiction. If the fifth day after the election falls on a holiday  
9           or weekend, such inspection shall be held on the next working day at ~~10:00 a.m.~~ a  
10          time set by the secretary of state, in conjunction with the registrar of voters and the  
11          clerk of court, or following the recount of absentee by mail and early voting ballots.  
12          Any written request for inspection shall be filed with the clerk of court. The deadline  
13          for filing a request for inspection shall be ~~the last working day prior to the date of the~~  
14          ~~inspection.~~ 4:30 p.m. on the third calendar day after the election. Immediately upon  
15          receiving any request, the clerk of court shall prominently post in his office a notice  
16          of the time and place where the inspection will occur and the name of the candidate  
17          requesting the inspection. The candidate requesting the inspection shall be  
18          responsible for all reasonable costs associated with such inspection, which shall be  
19          payable to the clerk of court. The costs shall be paid at the time the written request  
20          for the inspection is filed with the clerk of court and shall be paid in cash or by  
21          certified or cashier's check on a state or national bank or credit union, United States  
22          postal money order, or money order issued by a state or national bank or credit  
23          union.

\* \* \*

§1315. Challenge of absentee by mail or early voting ballot

\* \* \*

27           C.(1) During the counting of absentee by mail and early voting ballots, at  
28           least a majority of the members of the board shall hear and determine the validity of  
29           any ballot challenged in accordance with the provisions of Subsection A or B of this  
30           Section.

1           (2) If a challenge in accordance with the provisions of Subsection A of this  
2           Section is sustained, the vote shall not be counted, the ballot or early voting  
3           confirmation sheet shall be placed in the special absentee by mail and early voting  
4           ballot envelope or container, and the board shall notify the voter in writing of the  
5           challenge and the cause therefor. This notification shall be on a form provided by  
6           the secretary of state and shall be signed by at least a majority of the members of the  
7           board. The notice of the challenge and the cause therefor shall be given within ~~three~~  
8           four business days by mail, addressed to the voter at his place of residence. The  
9           board shall retain a copy of the notification. However, if the challenge is based upon  
10          a change of residence within the parish or is based upon a change of residence  
11          outside the parish that has occurred within the last three months, the ballot shall be  
12          counted provided that the voter confirmed his current address as shown by the  
13          affidavit of the absentee by mail ballot envelope flap or early voting confirmation  
14          sheet or, if the voter is on the inactive list of voters, as shown by the information  
15          provided on an address confirmation card.

16           (3)(a) If a challenge in accordance with the provisions of Subsection B of  
17          this Section is sustained, the vote shall not be counted, the board shall write  
18          "rejected" and the cause therefor across the ballot envelope or early voting  
19          confirmation sheet, and shall place the ballots and early voting confirmation sheets  
20          so rejected in the special absentee by mail and early voting ballot envelope or  
21          container. The board shall notify the voter in writing of the challenge and the cause  
22          therefor. The notification shall be on a form provided by the secretary of state and  
23          shall be signed by at least a majority of the members of the board. The notice of the  
24          challenge and the cause therefor shall be given within ~~three~~ four business days by  
25          mail addressed to the voter at his place of residence. The board shall retain a copy  
26          of the notification.

27           (b) If a ballot is rejected pursuant to the provisions of R.S. 18:1316, the vote  
28          shall not be counted, the board shall write "rejected" and the cause therefor on a

1 separate slip of paper and attach it to the ballot, and shall place the ballots so rejected  
2 in the special absentee by mail and early voting ballot envelope or container.

3 \* \* \*

4 §1363. Number of machines; allocation to precincts; exception; reserve machines

5 A. In determining the number of voting machines to be purchased and  
6 allocated for each voting precinct in each parish or municipality, the minimum  
7 number to be allocated shall be as follows:

8 (1) One machine for each precinct where three hundred or less voters were  
9 registered to vote thirty days prior to the election.

10 (2) Two machines for each precinct where more than three hundred but not  
11 more than one thousand voters were registered to vote thirty days prior to the  
12 election.

13 (3) Three machines for each precinct where more than one thousand voters  
14 but not more than fourteen hundred voters were registered to vote thirty days prior  
15 to the election.

16 (4) Four machines for each precinct where more than fourteen hundred  
17 voters were registered to vote thirty days prior to the election.

18 B. The parish ~~board of election supervisors~~ custodian of voting machines  
19 may reduce the number of voting machines to be allocated and used in elections  
20 called under the provisions of Chapter 6-A or 6-B of this Code when the election is  
21 not held at the same time as the election of any public official. In such case, the  
22 parish ~~board of election supervisors shall notify the parish~~ custodian of voting  
23 machines ~~and shall notify~~ the secretary of state at least four weeks prior to such  
24 election of the number of machines to be prepared and delivered for the polling  
25 places.

26 C. The number of voting machines to be allocated and used in an election,  
27 including the election of any public official, where more than one polling place is  
28 within the same location and the parish board of election supervisors has  
29 consolidated polling places in that location may be reduced for that election in  
30 accordance with the provisions of R.S. 18:425.1.

1           D. The parish ~~board of election supervisors~~ custodian of voting machines  
2           may reduce the number of voting machines to be allocated and used in an election  
3           called under the provisions of Part III of Chapter 6 of this Title where the only other  
4           election on the ballot is for the election of political party committee members. Not  
5           less than twenty-nine days prior to such an election, the parish ~~board of election~~  
6           ~~supervisors shall notify the parish~~ custodian of voting machines ~~and shall notify~~ the  
7           secretary of state of the number of voting machines to be prepared and delivered to  
8           each polling place.

9           E. If any voting machines remain unallocated for an election, the secretary  
10          of state first shall reserve a sufficient number, not to exceed five percent of the total  
11          available, for use at precincts where a machine is disabled, damaged, or unavailable  
12          during election day. The remaining machines shall be allocated by the parish  
13          custodian, after consultation with the secretary of state, to the various precincts. As  
14          far as practicable the machines shall be distributed so that the precincts having equal  
15          or nearly equal numbers of registered voters shall have the same number of  
16          machines. If the secretary of state and a parish custodian agree that the use of the  
17          remaining machines is unnecessary for the proper and orderly conduct of the  
18          election, it shall not be necessary to allocate and use such machines.

19          F. Notwithstanding the provisions of this Section, if the secretary of state  
20          determines that a voting machine shortage exists in a parish, the secretary of state  
21          shall first reallocate and move any available voting machines of like type in excess  
22          of the requirements of Subsection A of this Section to the parish where the shortage  
23          exists. However, if a shortage continues to exist after relocation, the secretary of  
24          state may reduce the allocation of voting machines for each precinct and polling  
25          place in order to ensure that each polling place is allocated at least one voting  
26          machine. Prior to any reduction in allocation of voting machines the secretary of  
27          state shall immediately notify the parish ~~board of election supervisors~~ custodian of  
28          voting machines in each affected parish of the reduction of the allocation of voting  
29          machines and the parish ~~board of election supervisors~~ custodian of voting machines  
30          shall take whatever action is necessary consistent with the Louisiana Election Code

1 to accommodate the reduced allocation. In addition, the secretary of state shall  
 2 notify in writing the standing committees of each house of the legislature which have  
 3 oversight over elections of the shortage and the reasons therefor.

4 G. The parish ~~board of election supervisors~~ custodian of voting machines  
 5 may submit a written request to the secretary of state for additional voting machines  
 6 for overcrowded precincts. The written request shall be submitted on or before the  
 7 twenty-ninth day prior to the election and shall include the number of additional  
 8 voting machines requested and an explanation of the need for additional voting  
 9 machines. If the secretary of state determines that there is a need for additional  
 10 voting machines and that the provision of additional voting machines is feasible, he  
 11 may allocate additional voting machines.

12 H. The parish ~~board of election supervisors~~ custodian of voting machines  
 13 may submit a written request to the secretary of state to reduce the number of voting  
 14 machines to be allocated and used in an election other than an election provided for  
 15 in Subsection B or D of this Section. The written request shall be submitted on or  
 16 before the twenty-ninth day prior to a primary election and at least four weeks prior  
 17 to a general election and shall include the proposed reduced number of voting  
 18 machines and an explanation of the need for the reduction in the number of voting  
 19 machines. If the secretary of state determines that the reduction in the number of  
 20 voting machines is feasible, he may reduce the number of voting machines.

21 \* \* \*

22 §1373. Notice of preparation of machines for election; preparation of machines for  
 23 election; testing and adjusting; examination by candidate or his  
 24 representative; securing and sealing machines

25 A.(1) The secretary of state shall notify each parish custodian of the time and  
 26 place at which he will begin preparing and testing the voting machines for an  
 27 election. The qualifying official shall at the time of qualifying provide each  
 28 candidate in the election with a chronological table of procedures for the election that  
 29 instructs the candidate to contact the ~~parish custodian~~ registrar of voters for the time  
 30 and place at which the preparation and testing of the early voting machines will be



1 extending through midnight of general election day, each committee shall file a  
2 report with the supervisory committee of:

3 \* \* \*

4 (3) Each report required by this Subsection shall be filed within ~~forty-eight~~  
5 ~~hours after the time the contribution or loan is received or expenditure made.~~ two  
6 business days of the contribution or loan being received or expenditure being made.

7 If such time falls other than during regular working hours, the report shall be filed  
8 as soon as possible after the opening of the office of the supervisory committee on  
9 the next working day after the time at which the report is otherwise due.

10 \* \* \*

11 §1495.4. Reports required; reporting times and periods; extension

12 \* \* \*

13 C. During the period beginning at midnight of the twentieth day prior to a  
14 primary election and extending through midnight of primary election day, and during  
15 the period beginning at midnight of the twentieth day prior to a general election and  
16 extending through midnight of general election day, each candidate shall file a report  
17 with the supervisory committee of:

18 \* \* \*

19 (3) Each report required by this Subsection shall be filed within ~~forty-eight~~  
20 ~~hours after the time the contribution or loan is received or expenditure made.~~ two  
21 business days of the contribution or loan being received or expenditure being made.

22 If such time falls other than during regular working hours, the report shall be filed  
23 as soon as possible after the opening of the office of the supervisory committee on  
24 the next working day after the time at which the report is otherwise due.

25 \* \* \*

26 Section 2. R.S. 18:1461.7(A)(5) is hereby amended and reenacted and R.S.  
27 18:1461.7(A)(6) is hereby enacted to read as follows:

28 §1461.7. Miscellaneous election offenses; penalties

29 A. No person shall knowingly, willfully, or intentionally:

30 \* \* \*



