

RÉSUMÉ DIGEST

ACT 274 (HB 646)

2022 Regular Session

Stefanski

Voter registration

Existing 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. Existing 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.

New law provides 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 within four years.

Existing law (R.S. 18:115) authorizes a person to register by mail to vote. Existing law requires a person who registered by mail and who has not previously voted in the parish to vote either during early voting or in person at the precinct in which he is registered to vote.

Prior law required that such a person early vote at the office of the registrar. New law removes this requirement.

Existing 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. Existing law requires that the proof of a disability and certification be provided by a physician.

New law provides additionally that an optometrist, physician assistant, or nurse practitioner may provide such proof and certification.

Existing law (R.S. 18:154) provides that the records of each registrar of voters are public records; however prohibits disclosure of 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.

Existing law provides exceptions to the prohibition of the disclosure of such information, one of which is disclosure of the email address of a candidate to the Bd. of Ethics so that the board may contact the candidate about campaign finance reporting.

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

New law provides an additional exception authorizing 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.

Existing 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. Prior law authorized the disclosure of names and addresses of such officers on a general list.

New law removes the general list exception to the prohibition.

Election supervisors and commissioners-in-charge

Existing 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.

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

Existing 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.

New 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.

Existing 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. 1 through the end of Dec. of each year.

New law provides that if the governor declares an emergency during this time period, the clerk of court has until Jan. 31 of the following year to conduct the course.

Special and recall elections

Existing law (R.S. 18:602, 604, 621, 1278, 1279, 1300.7, 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 issues 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.

New 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.

Existing 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. Prior law also provided the petition was considered filed at the time it was postmarked by the U.S. Postal Service or received on a return receipt request form. New law repeals prior law.

New law 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.

Absentee and early voting

Existing 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.

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

Existing 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 to vote if they 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.

New law expands the duty of the secretary of state to include voters who are out of parish due to work responsibilities relating to a declared emergency.

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

For an election within one year of a declared emergency, new law 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.

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

New 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.

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

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

Voting machines

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

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

Special Committee on Campaign Finance Disclosure

Existing law (R.S. 18:1511.3) provides that the Supervisory Committee on Campaign Finance Disclosure shall notify certain candidates of the deadline to submit an annual report 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.

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

Prior law (R.S. 18:1532) required candidates and political committees to file election day expenditure reports with the Supervisory Committee on Campaign Finance Disclosure.

New law repeals prior law.

Effective date

Effective in part upon governor's signature (June 3, 2022).

Effective in part August 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)