HB 496 Original   2023 Regular Session   Stefanski

Abstract: Makes revisions to the La. Election Code.

Duties of the Department of State and Registrar of Voters

Present law (R.S. 18:103, 109, 110(A)(3)) requires the registrar of voters of each parish to mail notice of registration to newly registered voters and voters who have changed their registration.

Proposed law instead requires the Dept. of State (the department) to mail such notices.

Present law (R.S. 18:104) requires the registrar of voters to furnish an applicant for voter registration with a copy of his application form.

Proposed law retains present law and requires that the copy be furnished without redaction.

Present law (R.S. 18:154(B)) requires the registrar of voters to permit the copying of any part of his records upon the written request of 25 or more qualified voters. Present law provides for exceptions.

Proposed law retains present law and further provides that a candidate may request any part of the registrar's records related to the candidate's election contest without meeting the requirement that the request be made by 25 or more voters, if the request is received within nine days of the date of the election.

Present law (R.S. 18:154(C)(2)(d) and 175) requires the department and registrar of voters to provide the clerk of court with the date of birth of a registered voter for purpose of preparing the general venire selection.

Proposed law limits that duty to the department alone.

Present law (R.S. 18:154(D)) prohibits the registrar of voters, the clerk of court, and the department from disclosing the name and address of a law enforcement officer if the registrar and the department have received certification from the employing agency that the officer is engaging in hazardous activities.

Proposed law retains present law except to require that the employing agency need only give notification to the registrar and requires the registrar to indicate such certification in the state voter registration computer system.

Present law (R.S. 18:154(J)) prohibits the registrar, the clerk of court, and the department from disclosing the address or telephone number of an early voting commissioner, commissioner-in-charge, or commissioner who is certified to serve in an election.

Proposed law instead prohibits disclosure of such information within a list of commissioners and extends the same protection to alternate commissioners.

Qualifying and Election Dates

Present law (R.S. 18:1280.21 and 1280.22) provides that qualifying for the presidential primary opens on the third Wednesday in December and the presidential primary is held on the last Saturday in March.

Proposed law (R.S. 18:402) removes references to an alternative election date in presidential election years.

Filling of Vacancies in Political Party Committees

Present law (R.S. 18:443, 443.2, 444, and 445) provides for the filling of vacancies in the state central committee and parish executive committees of recognized political parties.

Proposed law (R.S. 18:448) retains present law and additionally requires the committees to provide notice to the secretary of state once a vacancy is filled on that committee and include the name of the appointed member, the address of his domicile, and the effective date of his appointment.

Present law (R.S. 18:581 and 585) defines "vacancy" for purposes of the filling of vacancies in elective office.

Proposed law retains present law definition and applies the same definition for purposes of the filling of vacancies in state central committee and parish executive committees of recognized political parties.

Present law (R.S. 18:445(A)(3)) provides that for a remaining vacancy in the initial membership of a parish executive committee of a recognized political party with which more than thirty percent of the registered voters of the state are affiliated created by the failure of any qualified voter who is registered in the parish as being affiliated with the party to qualify as a candidate for a position on the committee after a public meeting held pursuant to R.S. 18:445, the chairman of the state central committee shall appoint a qualified voter who is registered in the parish.

Proposed law repeals present law.

Absentee and Paper Ballots

Present law (R.S. 18:566 and 566.2) provides for the use of provisional paper ballots in provisional voting for federal office. Provides that the provisional ballot include a certificate in the form of an

envelope flap.

Proposed law retains the use of a provisional paper ballot and certificate without the requirement that the certificate be in the form of an envelope flap.

Present law (R.S. 18:1306, 1308, 1308.1, 1309, 1310, 1313, 1313.1, 1315, and 1333) provides for the use of paper ballots for absentee voting by mail and early voting. Provides that the ballot include a certificate in the form of an envelope flap.

Proposed law retains the use of a paper ballot and certificate for absentee voting by mail and early voting without the requirement that the certificate be in the form of an envelope flap.

Present law (R.S. 18:574) provides for computation of certain time intervals related to the compilation and promulgation of returns and specifically provides that if one or more of the duties required to be performed on the fifth, sixth, seventh, or fourteenth day after an election are delayed because of a Saturday, Sunday, or other legal holiday, the duties which follow will be delayed a like amount of time.

Proposed law retains present law and applies the same provisions for computation of time intervals to those related to compiling and promulgating absentee by mail and early voting returns.

Present law (R.S. 18:1313.1) authorizes all parishes to conduct the preparation and verification process for the tabulation and counting of absentee and early voting ballots for a primary or general election the day before the election.

Proposed law (R.S. 18:1313(A)) creates consistency with present law throughout the Election Code.

Miscellaneous Technical Changes

Present law (R.S. 18:192, 193, 195, 196, 198, 562, 565, 571, 573, 1315, and 1333) provides that the registrar of voters utilize an address confirmation card to confirm the address of a registered voter. Proposed law retains present law but instead provides for use of an address confirmation notice.

Present law (R.S. 18:1309, 1312, 1313, 1313.1, 1315, and 1333) requires that at certain steps of the ballot counting process, ballots, and other voting paraphernalia be placed in a ballot envelope or container. Proposed law retains present law but removes the specific reference to envelopes in such instances and requires the container to be secure.

Proposed law makes several additional technical changes for structure, accuracy, and clarity.

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

(Amends R.S. 18:103(B)(4) and (C)(4), 104(F), 109, 115.1(C)(1), 154(B)(1) and (2), (C)(2)(d), (D), (F), (G), and (H), 175(D), 192(A)(1)(b) and (2), 193(B) - (E), 195(A) and (B)(1), 196(A)(1), (B),

(C)(2)(a) and (3), and (D), 198, 402(C), (E)(1)(c) and (2)(c), and (F)(3), 444(H)(2), 467(3), 562(B)(2), 565(B) and (C), 566(B)(intro. para.) and (1) and (D)(intro. para.) and (1), 566.2(F)(2) and (4) - (6) and (G), 571(A)(8), 573(E)(1), (2), and (4), 574(F), 581(3), 1280.22(B)(1), 1306(E)(1)(intro. para.) and (d) and (2)(a), 1308(A)(1)(b) - (d) and (2), 1308.1(A), 1309(E)(5)(b)(ii) and (F)(3), 1310(A)(1) and (C)(1), 1312(B) and (C), 1313(A), (C)(2), (G)(1), (2), (4) - (6), and (9), (H)(1), (4), (6) - (8), (11), and (12)(b), (I), and (K)(1), (2)(a)(i) and (c), and (3), 1313.1(C)(3), (G)(1)(a), (2), and (4) - (7), (H)(1), (3) - (5), and (8), (I)(1) and (4)(b), (J), (L)(1), (2)(a) and (c), and (3), 1315(C)(2) and (3), and 1333(E) and (G)(1), (3), and (7); Adds R.S. 18:154(C)(1)(h), 448, 467(5), and 1308(D); Repeals R.S. 18:110(A)(3), 154(I) and (J), 443(F), 443.2(6), 444(F), 445(A)(3), and 585)