

2023 Regular Session

HOUSE BILL NO. 496

BY REPRESENTATIVE STEFANSKI

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

ELECTION CODE: Makes revisions to the Louisiana Election Code

1 AN ACT

2 To amend and reenact R.S. 18:103(B)(4) and (C)(4), 104(F), 109, 115.1(C)(1), 154(B)(1)

3 and (2), (C)(2)(d), (D), (F), (G), and (H), 175(D), 192(A)(1)(b) and (2), 193(B)

4 through (E), 195(A) and (B)(1), 196(A)(1), (B), (C)(2)(a) and (3), and (D), 198,

5 402(C), (E)(1)(c) and (2)(c), and (F)(3), 444(H)(2), 467(3), 562(B)(2), 565(B) and

6 (C), 566(B)(introductory paragraph) and (1) and (D)(introductory paragraph) and (1),

7 566.2(F)(2), (4) through (6) and (G), 571(A)(8), 573(E)(1), (2), and (4), 574(F),

8 581(3), 1280.22(B)(1), 1300.3(E), 1306(E)(1)(introductory paragraph) and (d) and

9 (2)(a), 1308(A)(1)(b) through (d) and (2), 1308.1(A), 1309(E)(5)(b)(ii) and (F)(3),

10 1310(A)(1) and (C)(1), 1312(B) and (C), 1313(A), (C)(2), (G)(1), (2), (4) through

11 (6), and (9), (H)(1), (4), (6) through (8), (11), and (12)(b), (I), and (K)(1), (2)(a)(i)

12 and (c), and (3), 1313.1(C)(3), (G)(1)(a), (2), (4) through (7), (H)(1), (3) through (5),

13 and (8), (I)(1) and (4)(b), (J), (L)(1), (2)(a) and (c), and (3), 1315(C)(2) and (3), and

14 1333(E) and (G)(1), (3), and (7), to enact R.S. 18:154(C)(1)(h), 448, 467(5), and

15 1308(D), and to repeal R.S. 18:110(A)(3), 154(I) and (J), 443(F), 443.2(6), 444(F),

16 445(A)(3), and 585, relative to the Louisiana Election Code; to revise the system of

17 laws comprising the Louisiana Election Code; to provide for the duties of the

18 Department of State and secretary of state; to provide for the duties of the registrar

1 of voters; to provide for mailing the notice of registration; to provide for copies of
 2 registration applications; to provide for information relative to preparing the general
 3 venire; to provide for certifications submitted to the registrar of voters; to provide for
 4 disclosure of identifying information of commissioners; to provide for the dates
 5 related to the presidential primary; to provide for the filling of vacancies in political
 6 party committees; to provide relative to absentee and paper ballots; to provide for the
 7 certificate on such ballots; to provide for the timing for preparing and verifying
 8 absentee and early voting ballots; to provide for address confirmation notices; to
 9 provide for ballot envelopes and containers; to provide for definitions; to provide for
 10 an effective date; and to provide for related matters.

11 Be it enacted by the Legislature of Louisiana:

12 Section 1. R.S. 18:103(B)(4) and (C)(4), 104(F), 109, 115.1(C)(1), 154(B)(1) and
 13 (2), (C)(2)(d), (D), (F), (G), and (H), 175(D), 192(A)(1)(b) and (2), 193(B) through (E),
 14 195(A) and (B)(1), 196(A)(1), (B), (C)(2)(a) and (3), and (D), 198, 402(C), (E)(1)(c) and
 15 (2)(c), and (F)(3), 444(H)(2), 467(3), 562(B)(2), 565(B) and (C), 566(B)(introductory
 16 paragraph) and (1) and (D)(introductory paragraph) and (1), 566.2(F)(2), (4) through (6) and
 17 (G), 571(A)(8), 573(E)(1), (2), and (4), 574(F), 581(3), 1280.22(B)(1), 1300.3(E),
 18 1306(E)(1)(introductory paragraph) and (d) and (2)(a), 1308(A)(1)(b) through (d) and (2),
 19 1308.1(A), 1309(E)(5)(b)(ii) and (F)(3), 1310(A)(1) and (C)(1), 1312(B) and (C), 1313(A),
 20 (C)(2), (G)(1), (2), (4) through (6), and (9), (H)(1), (4), (6) through (8), (11), and (12)(b), (I),
 21 and (K)(1), (2)(a)(i) and (c), and (3), 1313.1(C)(3), (G)(1)(a), (2), (4) through (7), (H)(1),
 22 (3) through (5), and (8), (I)(1) and (4)(b), (J), (L)(1), (2)(a) and (c), and (3), 1315(C)(2) and
 23 (3), and 1333(E) and (G)(1), (3), and (7), are hereby amended and reenacted and R.S.
 24 18:154(C)(1)(h), 448, 467(5), and 1308(D) are hereby enacted to read as follows:

25 §103. Personal appearance of applicant required; exceptions

26 * * *

27 B. Any citizen of Louisiana who meets the qualifications set forth in R.S.
 28 18:101 and who is a legal resident of this state, whether or not he has a place of
 29 abode in this state, but who is unable to appear in person to register because he is in

1 the United States Service, as defined in R.S. 18:1302, may register by mail using the
2 state mail voter registration form in accordance with the following provisions:

3 * * *

4 (4) Upon receipt of the completed document, the registrar shall, if the
5 evidence establishes that the applicant meets the requirements for registration,
6 register the applicant. The Department of State shall ~~and~~ mail the notice of
7 registration required by R.S. 18:109 to the applicant at his United States Service
8 address.

9 * * *

10 C. A person who meets the qualifications set forth in R.S. 18:101(E) who is
11 unable to appear in person to register because he is residing outside the United States
12 may register by mail using the state mail voter registration form in accordance with
13 the following provisions:

14 * * *

15 (4) Upon receipt of the completed document, the registrar shall, if the
16 evidence establishes that the applicant meets the requirements for registration,
17 register the applicant. The Department of State shall ~~and~~ mail the notice of
18 registration required by R.S. 18:109 to the applicant at his address outside the United
19 States.

20 * * *

21 §104. Application for registration; form

22 * * *

23 F. Upon request, the registrar shall furnish each applicant a copy of his
24 application form without redaction, and the applicant shall be informed that he may
25 obtain such copy.

26 * * *

27 §109. Notice of registration and change in registration

28 After receiving from the registrar the information concerning a new registrant
29 or a change in name, address, or polling place made with respect to the registration

1 of any person, the Department of State promptly shall deliver a notice to the
 2 appropriate registrar that the person is registered or that his registration has been
 3 changed. The ~~registrar~~ department shall ~~then~~ mail the notice, postage prepaid, to
 4 each new registrant and to each person whose registration was changed. The notice
 5 shall show the parish, ward, precinct, and registration address of the registrant. The
 6 notice shall list an abbreviation of the name of the political party if the registrant is
 7 registered as being affiliated with a recognized political party, "other" if the
 8 registrant is registered as being affiliated with a political party that is not recognized,
 9 or "no party" or an abbreviation thereof if the registrant is registered with no political
 10 party affiliation. However, the ~~registrar~~ department shall not be required to send
 11 such a notice to any voter who is on the inactive list of voters unless the change in
 12 registration involves a change in the voter's address. The secretary of state shall
 13 prescribe the form to be used on the notice; however, "Return Service Requested"
 14 shall be printed on the front of the notice, and the return address shall be that of the
 15 appropriate registrar. When a notice is returned by the postmaster, the registrar shall
 16 proceed in accordance with the applicable provisions of Part V of this Chapter.

* * *

§115.1. Electronic registration

* * *

20 C.(1) The electronic voter registration application shall contain spaces for
 21 the information required pursuant to R.S. 18:104, except that the applicant shall
 22 attest that the facts given by him on the application are true to the best of his
 23 knowledge and belief, and such attestation shall take the place of the affidavit
 24 required pursuant to R.S. 18:104(A)(15).

* * *

§154. Records open to inspection; copying; exceptions

* * *

1 B.(1)(a) If twenty-five or more qualified voters of a parish make a request
2 in writing, the registrar shall permit the copying of any part of his records, except the
3 early voting confirmation sheets.

4 (b) Notwithstanding ~~the provisions of~~ Subparagraph (a) of this Paragraph,
5 the registrar shall permit copying of the following:

6 (i) ~~the copying of a~~ A list prepared pursuant to R.S. 18:1311(A) upon the
7 written request of a single person of the age of majority.

8 (ii) Any part of the registrar's records related to the election of a candidate
9 for an office, except the early voting confirmation sheets, upon the written request
10 made by a candidate in the election for that office received within the time period
11 provided for in R.S. 18:1405(B) or (H).

12 (iii) A voter registration application upon the request of the applicant
13 pursuant to R.S. 18:104.

14 (2) The registrar shall allow ~~this~~ copying to be done by hand or otherwise,
15 if so requested, unless such reproduction seriously interferes with the registration of
16 voters or otherwise seriously interferes with the performance of the duties imposed
17 on his office by law. In such instances, the registrar shall cause his employees to
18 make copies of the requested records or print the information electronically, if the
19 electronic copy contains the same information, and deliver them or request the
20 secretary of state to reproduce such records which may then be forwarded to the
21 registrar for delivery. Copying by the registrar or his employees or the secretary of
22 state or printing an electronic copy shall be done in the presence of the requesting
23 person or a representative of the requesting voters, if the person or voters so request.

24 * * *

25 C.(1) Notwithstanding any provision of this Section to the contrary, the
26 registrar, the clerk of court, the Department of State, the office of motor vehicles of
27 the Department of Public Safety and Corrections and any entity that contracts with
28 the office, each voter registration agency and any entity that contracts with a voter
29 registration agency, and any person who handles the voter registration application

1 form of another person shall be prohibited from circulating on a commercial list or
2 otherwise disclosing the following:

3 * * *

4 (h) The voter registration application and any information contained on the
5 voter registration application of any person who is sixteen or seventeen years of age.

6 (2)

7 * * *

8 (d) Notwithstanding the provisions of Paragraph (1) of this Subsection, the
9 Department of State ~~or registrar of voters~~ may provide to a clerk of court the full date
10 of birth of a registered voter for the preparation of a general venire selection in
11 accordance with R.S. 18:175. The clerk of court shall not disclose the full date of
12 birth of a registered voter provided pursuant to this Subparagraph.

13 * * *

14 D.(1) Notwithstanding the provisions of this Section, the registrar, the clerk
15 of court, and the Department of State shall not disclose the name and address of a
16 law enforcement officer if ~~he~~ the registrar has received certification from the law
17 enforcement agency employing the officer that the officer is engaging in hazardous
18 activities to the extent that it is necessary for his name and address to be kept
19 confidential. The registrar shall indicate such certification in the state voter
20 registration computer system upon receipt of the certification.

21 ~~(2) Notwithstanding the provisions of this Section, the Department of State~~
22 ~~shall not disclose the name and address of a law enforcement officer if the secretary~~
23 ~~of state has received certification from the law enforcement agency employing the~~
24 ~~officer that the officer is engaging in hazardous activities to the extent that it is~~
25 ~~necessary for his name and address to be kept confidential.~~

26 ~~(3) Notwithstanding any provision of this Section to the contrary, the clerk~~
27 ~~of court shall not disclose the name and address of a law enforcement officer if the~~
28 ~~state voter registration computer system indicates that certification has been received~~
29 ~~from the law enforcement agency employing the officer that the officer is engaging~~

1 ~~in hazardous activities to the extent that it is necessary for his name and address to~~
2 ~~be kept confidential.~~

3 (4) (2) Notwithstanding any provision of this Section to the contrary, the
4 registrar of voters, ~~Department of State, and the clerk of court, and the Department~~
5 of State may disclose the name and address of a law enforcement officer who has
6 qualified as a candidate for office between the date of qualifying of the candidate and
7 the general election.

8 (5) (3) Any agency employing a law enforcement officer availing himself of
9 Paragraph (1) ~~or (2)~~ of this Subsection shall also issue a decertification notices notice
10 to the registrar of voters ~~and the secretary of state~~ when the officer is no longer
11 engaging in hazardous activities to the extent that it is necessary for his name and
12 address to be kept confidential.

13 * * *

14 ~~F.(1) Notwithstanding any provision of this Section to the contrary, the~~
15 ~~registrar shall not disclose the name and physical address of a program participant~~
16 ~~in the Department of State Address Confidentiality Program, as provided in R.S.~~
17 ~~44:51 et seq.~~

18 (2) ~~Notwithstanding any provision of this Section to the contrary, the~~
19 ~~Department of State shall not disclose the name and physical address of a program~~
20 ~~participant in the Department of State Address Confidentiality Program, as provided~~
21 ~~in R.S. 44:51 et seq.~~

22 (3) ~~Notwithstanding any provision of this Section to the contrary, the clerk~~
23 ~~of court shall not disclose the name and physical address of a program participant in~~
24 ~~the Department of State Address Confidentiality Program, as provided in R.S. 44:51~~
25 ~~et seq.~~

26 G. Notwithstanding any provision of this Section to the contrary, the
27 registrar, the clerk of court, and the Department of State shall be prohibited from
28 disclosing the following:

CODING: Words in ~~struck through~~ type are deletions from existing law; words underscored are additions.

1 (1) Any information of a type exempted from disclosure pursuant to any
2 other Subsection of this Section received from another state pursuant to a cooperative
3 agreement authorized by R.S. 18:18(D).

4 (2) Any geographical coding of addresses of registered voters.

5 (3) An application to vote absentee by mail, or information contained
6 therein, until the applicant has returned his voted ballot to the registrar.

7 (4) Computer system or program information, including software, related
8 menus, flow charts, network diagrams, usernames, nonpublic uniform resource
9 locators, database object names, computer names, device identifiers and serial
10 numbers, screen printouts and captures, internet protocol address numbers,
11 passwords, source materials, prompts, dialogues, operating and instructional
12 manuals, programming materials or instructions, and any other computer operating
13 or support materials concerning the state voter registration computer system and
14 election management system or voting equipment.

15 (5) Any information contained within the state voter registration computer
16 system and election management system which if disclosed may impair the security
17 of the statewide voter registration system and election management system or the
18 integrity of the information maintained on the systems or voting equipment.

19 (6) Internet protocol address numbers submitted to or captured by the state
20 voter registration computer system and election management system.

21 (7) The name and physical address of a program participant in the
22 Department of State Address Confidentiality Program, as provided in R.S. 44:51 et
23 seq.

24 H: G. Notwithstanding any provision of this Section to the contrary, the
25 Department of State shall not disclose votes that are void because of the death of a
26 candidate pursuant to R.S. 18:469, withdrawal of a candidate pursuant to R.S.
27 18:502, resignation of a public officer subject to a recall election pursuant to R.S.
28 18:1300.7, or disqualification of a candidate pursuant to R.S. 18:1410.

1 I. ~~Notwithstanding any provision of this Section to the contrary, the registrar,~~
2 ~~the clerk of court, the Department of State, the office of motor vehicles of the~~
3 ~~Department of Public Safety and Corrections and any entity that contracts with the~~
4 ~~office, each voter registration agency and any entity that contracts with a voter~~
5 ~~registration agency, and any person who handles the voter registration application~~
6 ~~form of another person is prohibited from disclosing the voter registration~~
7 ~~application and any information contained on the voter registration application of~~
8 ~~any person who is sixteen or seventeen years of age.~~

9 J. H. Notwithstanding any provision of this Section to the contrary, the
10 registrar, the clerk of court, and the Department of State shall not disclose in a list
11 of commissioners the address or telephone number of an early voting commissioner,
12 commissioner-in-charge, ~~or~~ commissioner, or alternate commissioner who is
13 certified to serve in an election.

14 * * *

15 §175. Voting list from Department of State

16 * * *

17 D.(1) ~~The secretary of state and the appropriate registrar of voters shall~~
18 provide, without charge or remuneration, to a clerk of court at the clerk's request a
19 complete and accurate annual list ~~or computer tape~~ from the Department of State
20 containing the official list of registered voters in the parish of the clerk for the
21 preparation of a general venire selection.

22 (2) ~~The registrar of voters~~ secretary of state shall also provide to the clerk of
23 court, without charge or remuneration, at the clerk's request, monthly updates to the
24 official list of registered voters in the parish for use in maintaining the general
25 venire.

26 * * *

27 §192. Annual canvass; costs

28 A.(1)

29 * * *

1 (b) In conducting the verification, if the United States Postal Service or its
 2 licensee provides a corrected address, the Department of State shall furnish the
 3 corrected address to the appropriate registrar of voters. Upon receiving a corrected
 4 address inside the parish, the Department of State may make the change on the
 5 statewide registration system and the registrar of voters may make the change on his
 6 records. If a change is made, the registrar shall mail a new voter identification card
 7 to the voter using the corrected address provided and an address confirmation ~~card~~
 8 notice as provided in R.S. 18:193. In the event the new voter identification card
 9 using the corrected address is returned to the registrar and the voter has failed to
 10 return the address confirmation ~~card~~ notice, the registrar shall consider the address
 11 not corrected. ~~His records should be changed~~ The registrar shall change his records
 12 to reflect the prior address on file for that voter. If the corrected address is outside
 13 the parish, the registrar of voters shall not make the change on his records and shall
 14 send an address confirmation ~~card~~ notice as provided in R.S. 18:193.

15 (2) For a registrant whose address was not verified or whose corrected
 16 address is outside the parish, the registrar shall send an address confirmation ~~card~~
 17 notice as set forth in R.S. 18:193.

18 * * *

19 §193. Challenge and cancellation of registration; notice; procedures

20 * * *

21 B. For the purposes of this Section, "address confirmation ~~card~~ notice" shall
 22 mean a postage prepaid and pre-addressed return ~~card~~ notice, sent by forwardable
 23 mail. The Department of State shall be responsible for developing the address
 24 confirmation ~~card~~ notice and for informing the registrant about his voting rights
 25 under the address confirmation process and the address confirmation ~~card~~ notice
 26 shall be submitted by the Department of State to the House and Governmental
 27 Affairs Committee of the House of Representatives and the Senate and
 28 Governmental Affairs Committee of the Senate for review.

1 C. If the registrant responds to the address confirmation ~~card~~ notice and has
2 not moved or has moved within the parish, the registrar shall remove the person's
3 name from the inactive list of voters if it is on the inactive list and correct the voter's
4 address if necessary.

5 D.(1) If the voter responds to the address confirmation ~~card~~ notice and has
6 permanently moved to a different parish, the registrar shall transfer the voter's
7 registration information to the new parish of residence.

8 (2) If the voter responds to the address confirmation ~~card~~ notice and has
9 permanently moved outside the state, the registrar shall cancel the voter's
10 registration.

11 E. A voter on the inactive list of voters who fails to respond to the address
12 confirmation ~~card~~ notice shall remain on the inactive list of voters until his address
13 is confirmed in accordance with the procedures set forth in R.S. 18:196 or not later
14 than a period of two regularly scheduled federal general elections, at which time the
15 registrar shall cancel the voter's registration.

16 * * *

17 §195. Challenge of registrants in the United States Service or temporarily residing
18 outside United States

19 A. If the registrant whose registration is challenged for any lawful cause is
20 a member of the United States Service or is a person who is temporarily residing
21 outside the territorial limits of the United States, the registrar shall mail the registrant
22 an address confirmation ~~card~~ notice. The registrant's name shall be placed on the
23 inactive list of voters upon mailing of such ~~card~~ notice.

24 B.(1) Upon receipt of the address confirmation ~~card~~ notice or any written
25 request for continued registration, the registrar shall place the registrant's name on
26 the official list of voters.

27 * * *

1 §196. Inactive list of voters; procedure for voting

2 A.(1) In addition to the official list of voters, there shall be an inactive list
3 of voters which shall consist of registrants who have been mailed an address
4 confirmation ~~card~~ notice. The names of registrants on the inactive list of voters shall
5 not be counted in computing the number of ballots required for an election, the
6 number of voters required to divide or constitute a precinct, the number of signatures
7 required on any petition, the number of commissioners at a precinct pursuant to R.S.
8 18:425, the number of voting machines to be allocated and used in each voting
9 precinct pursuant to R.S. 18:1363, or the number of registered voters necessary to
10 recognize or determine the organization of a political party or committee.

11 * * *

12 B. A registrant whose name is on the inactive list of voters may vote:

13 (1) If the registrant has not changed residence, at the polling place of such
14 registrant's last address upon affirming in writing by completing an address
15 confirmation ~~card~~ notice affirming that such registrant still resides at the address on
16 file at the office of the registrar of voters.

17 (2) If the registrant has moved to an address within the parish in the same
18 precinct, at the polling place of such registrant's last address on file at the office of
19 the registrar of voters upon affirming in writing that such registrant resides in the
20 precinct by completing an address confirmation ~~card~~ notice affirming the new
21 address within the precinct.

22 (3) If the registrant has moved to an address within the parish in a different
23 precinct, at the polling place of such registrant's last address on file at the office of
24 the registrar of voters for that election only upon affirming in writing that such
25 registrant still resides in the parish by completing an address confirmation ~~card~~
26 notice affirming the new address within the parish.

27 (4) If the registrant has moved to an address outside the parish, at the polling
28 place of such registrant's last address on file at the office of the registrar of voters for
29 that election only upon affirming in writing that such registrant has moved within the

1 last three months and no longer resides in the parish by completing an address
2 confirmation ~~card~~ notice affirming the new address outside the parish and that the
3 length of time since the move has not exceeded three months. If such registrant does
4 not affirm that he has moved within the last three months, he shall not be permitted
5 to vote.

6 C.

7 * * *

8 (2)(a) If a registrant whose name is on the inactive list of voters votes
9 absentee by mail or during early voting, the registrar shall transfer the registrant's
10 name to the official list of voters and make any necessary corrections in the
11 registrant's registration records if the information on the address confirmation ~~card~~
12 notice, as required by R.S. 18:1309, or the residence address provided in an
13 application to vote by mail so indicates.

14 * * *

15 (3) If a registrant whose name appears on the inactive list of voters has
16 returned an address confirmation ~~card~~ notice or other signed notice confirming an
17 address change to the registrar of voters that was received after the close of books
18 prior to a primary election and before the close of books for the general election, the
19 registrar shall transfer the registrant's name to the official list of voters prior to the
20 general election and make any necessary corrections in the registrant's registration
21 records.

22 D. If a registrant who has failed to respond to an address confirmation ~~card~~
23 notice and whose name appears on the inactive list of voters does not vote in any
24 election from the date he is placed on the inactive list of voters until the day after the
25 second regularly scheduled general election for federal office held after such date,
26 the registrar shall cancel the registration of the registrant.

27 * * *

1 §198. Change of residence or change in address; inquiry by registrar; change of
2 records

3 A. Whenever a registrar has reason to believe that a registrant has changed
4 his residence within the parish or that a change has occurred in the registrant's
5 mailing address within the parish, the registrar shall mail the address confirmation
6 ~~card~~ notice as provided in R.S. 18:193(B) to the registrant, but shall not place the
7 voter on the inactive list of voters.

8 B. The ~~card~~ notice shall inform the voter that he must notify the registrar of
9 his current address.

10 C. The registrar shall send such ~~card~~ notice to the registrant's address shown
11 on the registration records and to the address the registrar believes to be the
12 registrant's new address. Upon return of the ~~card~~ notice, signed by the registrant, the
13 registrar shall enter any change in the registrant's information on the state voter
14 registration computer system and, if the original application is available in hard copy
15 in the registrar's office, on the original application for registration.

16 D. If the registrant fails to return the ~~card~~ notice within thirty days after the
17 date on which the ~~card~~ notice was mailed, the registrar shall place the registrant on
18 the inactive list of voters. The registrant shall remain on the inactive list of voters
19 in accordance with the procedures set forth in R.S. 18:196 or not later than a period
20 of two regularly scheduled federal general elections, at which time the registrar shall
21 cancel the registration of the registrant.

22 * * *

23 §402. Dates of primary and general elections

24 * * *

25 C. Municipal and ward elections. In all municipalities with a population of
26 less than three hundred thousand, elections for municipal and ward officers who are
27 not elected at the same time as the governor or members of congress shall be held
28 every four years.

1 (1) Primary elections for municipal and ward officers who are not elected at
2 the same time as the governor or members of congress shall be held on the last
3 Saturday in March of an election year, ~~or on the first Saturday in March of the~~
4 ~~presidential election year.~~

5 (2) General elections for municipal and ward officers who are not elected at
6 the same time as the governor or members of congress shall be held on the fifth
7 Saturday after the last Saturday in March of an election year ~~unless the primary~~
8 ~~election for such officers is held on the first Saturday in March; in such case, the~~
9 ~~general election shall be held on the fifth Saturday after the first Saturday in March~~
10 ~~of an election year.~~

11 * * *

12 E. Special elections to fill newly created office or vacancy in office. An
13 election to fill a newly created office or vacancy in an existing office, except the
14 office of representative in congress, shall be held on the dates fixed by the
15 appropriate authority in the proclamation ordering a special election as follows:

16 (1) A special primary election shall be held on the first of the following days
17 that is after the date on which the proclamation calling the special primary election
18 was issued, provided that the proclamation was issued at least four weeks prior to the
19 opening of the qualifying period for the special primary election:

20 * * *

21 (c) The last Saturday in March, when the special general election is held on
22 the fifth Saturday after the last Saturday in March ~~or on the first Saturday in March~~
23 ~~during the presidential election year.~~

24 * * *

25 (2) A special general election shall be held on one of the following days:

26 * * *

1 (c) The fifth Saturday after the last Saturday in March of any year ~~unless the~~
2 ~~primary election is held on the first Saturday in March; in such case, the general~~
3 ~~election shall be held on the fifth Saturday after the first Saturday in March.~~

4 * * *

5 F. Bond, tax, or other elections. Every bond, tax, or other election at which
6 a proposition or question is to be submitted to the voters shall be held only on one
7 of the following dates:

8 * * *

9 (3) The last Saturday in March or the fifth Saturday after the last Saturday
10 in March of any year ~~or on the first Saturday in March or the fifth Saturday after the~~
11 ~~first Saturday in March during the presidential election year.~~

12 * * *

13 §444. Parish executive committees

14 * * *

15 H. Removal.

16 * * *

17 (2) When a member of a parish executive committee commits any of the
18 grounds for removal set forth in this Subsection, the parish executive committee shall
19 schedule a hearing to review all available information on the incident. The parish
20 executive committee shall provide a ten-day written notice to the member prior to
21 conducting said hearing. Removal of the member, after completion of the hearing
22 by the committee, shall be by a two-thirds vote of a majority of the members of the
23 parish executive committee at a regularly scheduled meeting. A vacancy in the
24 membership of the parish executive committee created by the removal shall be filled
25 by appointment ~~by the parish executive committee at its~~ as provided in R.S. 18:448
26 at the parish executive committee's next regularly scheduled meeting.

27 * * *

1 §448. Vacancies in the state central committee or parish executive committee of a
2 recognized political party

3 A. A vacancy in the membership of the state central committee shall be filled
4 as follows:

5 (1) For membership elected pursuant to R.S. 18:443, the chairman of the
6 state central committee shall appoint a member.

7 (2) For membership elected pursuant to R.S. 18:443.2, the state central
8 committee shall appoint a member.

9 B. A vacancy in the membership of a parish executive committee of a
10 recognized political party shall be filled as follows:

11 (1) For a vacancy in an at-large position, the parish executive committee
12 shall appoint a qualified resident of the parish. If there are not enough members of
13 the parish executive committee to fill the vacancy, the chairman of the state central
14 committee of that political party may appoint a qualified resident of the parish to fill
15 the vacancy.

16 (2)(a) For a vacancy left by a representative of a district, the parish executive
17 committee shall appoint a qualified resident of the district. If no qualified resident
18 of the district will accept the membership, the committee may appoint any qualified
19 resident of the parish.

20 (b) If there are not enough members of the parish executive committee to fill
21 the vacancy, the chairman of the state central committee of that political party may
22 appoint a qualified resident of the district to fill the vacancy. If no qualified resident
23 of the district will accept the membership, the chairman of the state central
24 committee of that political party may appoint any qualified resident of the parish to
25 fill the vacancy.

26 C. The state central committee or parish executive committee shall notify the
27 secretary of state any time a vacancy is filled on the respective committee. The
28 notice shall include the name of the appointed member, the address of his domicile,
29 and the effective date of his appointment.

1 D. The provisions of Subpart E of Part VI of this Chapter do not apply to the
 2 filling of vacancies pursuant to this Part. However, for the purposes of this Part,
 3 vacancy has the same meaning as provided in R.S.18:581.

4 * * *

5 §467. Opening of qualifying period

6 The qualifying period for candidates in a primary election shall open:

7 * * *

8 (3) For candidates in a primary election for municipal and ward officers who
 9 are not elected at the same time as the governor or members of congress in
 10 municipalities with a population of less than three hundred thousand and those in any
 11 special primary election to be held at the same time, on the last Wednesday in
 12 January of the year of the election, unless the primary election is held ~~on the first~~
 13 Saturday in March in a presidential election year; in such case the qualifying period
 14 for candidates in such primary election shall open on the ~~first~~ third Wednesday in
 15 December of the year prior to the election.

16 * * *

17 (5) For candidates in a presidential primary election, the qualifying period
 18 shall open on the third Wednesday in December.

19 * * *

20 §562. Prerequisites to voting

21 * * *

22 B. Review of precinct register. The commissioners shall then determine:

23 * * *

24 (2) If the applicant's name is found in the precinct register on the inactive list
 25 of voters and he has not voted absentee by mail or during early voting, the applicant
 26 may vote after complying with provisions of R.S. 18:196(B). After such compliance,
 27 one of the commissioners shall announce the applicant's name again and shall
 28 preserve the address confirmation ~~card~~ notice received from the voter by placing the

1 address confirmation ~~card~~ notice in the envelope marked "Registrar of Voters" and
2 attaching the envelope to the precinct register.

3 * * *

4 §565. Challenge of voters

5 * * *

6 B. Disposition of record of challenge and address confirmation ~~card~~ notice.

7 The original record of the challenge, signed by the challenger, and the address
8 confirmation ~~card~~ notice shall be placed in the envelope marked "Registrar of
9 Voters". A duplicate record of the challenge shall be placed in the clear plastic
10 zipper bag and returned to the clerk of court on election night. A duplicate record
11 of the challenge shall be given to the voter being challenged.

12 C. Disposition of the challenge. The commissioners present shall determine
13 the validity of the challenge. If they determine by majority vote that the challenge
14 is valid, the applicant shall not be permitted to vote. However, if the valid challenge
15 has determined that the applicant has moved within the parish or has moved outside
16 the parish within the last three months, the voter shall be allowed to vote upon
17 completing an address confirmation ~~card~~ notice. If a majority of the commissioners
18 determine that the challenge is invalid, the applicant shall be permitted to vote.

19 §566. Provisional voting for federal office; polling place and early voting

20 * * *

21 B. ~~Procedure~~ The procedure for provisional voting for federal office at a
22 polling place shall be as follows:

23 (1) The applicant shall first fill in the blanks on the provisional ballot
24 envelope ~~flap~~ and sign the included certificate ~~on the envelope flap~~ in the presence
25 of a commissioner attesting that he is a registered voter in the parish and is eligible
26 to vote in the election for federal office. The applicant shall then sign the precinct
27 register on the page marked "Provisional Voters". The commissioner shall record
28 the provisional ballot number on the ~~provisional ballot envelope~~ certificate and then
29 shall provide the applicant the provisional ballot envelope and the provisional ballot

1 listing the federal offices. The applicant shall then mark the provisional ballot
 2 according to the printed instructions on its face, place the ballot in the provisional
 3 ballot envelope, seal the envelope, and return the provisional ballot envelope to the
 4 commissioner. The applicant shall be allowed to mark the provisional ballot in an
 5 area and in a manner that protects the secrecy of his vote. The commissioner shall
 6 place the provisional ballot envelope inside the envelope marked "Provisional
 7 Ballot". The "Provisional Ballot" envelope shall be returned to the registrar of
 8 voters, in care of the clerk of court, on election night.

9 * * *

10 D. ~~Procedure~~ The procedure for provisional voting for federal office during
 11 the period of early voting shall be as follows:

12 (1) The applicant shall first fill in the blanks on the provisional ballot
 13 envelope ~~flap~~ and sign the included certificate ~~on the envelope flap~~ in the presence
 14 of the registrar or deputy registrar attesting that he is a registered voter in the parish
 15 and is eligible to vote in the election for federal office. The applicant shall then sign
 16 the precinct register on the page marked "Provisional Voters". If the applicant is
 17 voting at a branch office of the registrar, the applicant shall be required to sign and
 18 date a register for early voting provisional voters kept by the registrar prior to voting
 19 by provisional ballot. The registrar or deputy registrar shall record the provisional
 20 ballot number on the ~~provisional ballot envelope flap~~ certificate and then shall
 21 provide the applicant the provisional ballot envelope and the provisional ballot
 22 listing the federal offices. The applicant shall then mark the provisional ballot
 23 according to the printed instructions on its face, place the ballot in the provisional
 24 ballot envelope, seal the envelope, and return the provisional ballot envelope to the
 25 registrar or deputy registrar. The applicant shall be allowed to mark the provisional
 26 ballot in an area and in a manner that protects the secrecy of his vote. The registrar
 27 or deputy registrar shall place the provisional ballot envelope inside the envelope
 28 marked "Early Voting Provisional Ballot".

29 * * *

1 §566.2. Tabulation and counting of provisional ballots for federal office

2 * * *

3 F. The procedure for counting provisional ballots shall be as follows:

4 * * *

5 (2) The board shall announce the name of each provisional voter and shall
6 compare the name on ~~the flap of~~ the provisional ballot envelope with the name on
7 the list of provisional voters.

8 * * *

9 (4) If the board has determined that a provisional ballot shall be counted, a
10 member of the board shall write the provisional ballot number and the word
11 "counted" adjacent to the provisional voter's name on the list of provisional voters.
12 A member of the board shall ~~tear the flap from the envelope containing~~ remove the
13 certificate from the provisional ballot, attach the provisional voter's registration
14 documentation to the ~~envelope flap~~ certificate, and leave the ballot envelope sealed.

15 (5) If the board has determined that a provisional ballot shall not be counted,
16 the members of the board shall ~~leave the flap on the envelope containing~~ not remove
17 the certificate from the provisional ballot, leave the ballot envelope sealed, and shall
18 write the word "rejected", together with the reason for rejecting the provisional ballot
19 across the envelope containing the ballot. A member of the board shall write the
20 provisional ballot number and the word "rejected" adjacent to the provisional voter's
21 name, together with the reason for rejecting the provisional ballot, on the list of
22 provisional voters. The rejected provisional ballots shall be placed in the special
23 provisional ballot envelope. No rejected provisional ballot shall be counted.

24 (6) After the validity of all provisional ballots has been determined, the
25 members of the board shall place the original signed list of provisional voters, the
26 ~~flaps~~ certificates removed from the valid provisional ballots, and the attached
27 registration documentation in the envelope provided for that purpose and seal the

1 provided envelope. Two of the members of the board shall execute the certificate
2 on the provided envelope and transmit the envelope to the registrar of voters.

3 * * *

4 G. When the ~~flaps~~ certificates of the provisional ballots that were counted
5 and the attached registration documentation have been returned to the registrar of
6 voters, the registrar shall add the name of each provisional voter whose ballot was
7 counted to the list of those who have voted.

8 * * *

9 §571. Procedures for commissioners after termination of voting

10 A. At the termination of voting in a primary or general election, the
11 commissioners shall announce that voting is terminated. The commissioners in the
12 presence of the watchers shall immediately:

13 * * *

14 (8) Place one copy of the official election results reports, one copy of the
15 machine certificates, one of the duplicate poll lists, all original executed challenges
16 of voters, all precinct register corrections, all voter identification affidavits, all
17 physical disability affidavits, any physicians' certificates, any copies of disability
18 documentation, a copy of each completed notation of irregularities form, and any
19 address confirmation ~~cards~~ notices in the envelope marked "Registrar of Voters",
20 seal it and attach it to the precinct register after the termination of voting, and place
21 a new protective seal on the precinct register.

22 * * *

23 §573. Evidence of election results

24 * * *

25 E. Transmission and disposition of original challenges, duplicate voters'
26 affidavits, and address confirmation ~~cards~~ notices. (1) At the opening of the voting
27 machines, the sealed precinct registers shall be immediately returned to the registrar
28 of voters. Upon receipt of the sealed precinct registers, the registrar shall remove
29 any attached original record of challenges of voters made during the election, any

1 precinct register correction affidavits, any voter identification affidavits made
2 pursuant to R.S. 18:562, any address confirmation ~~cards~~ notices, any physical
3 disability affidavits, any certificates, any copies of disability documentation, and any
4 completed voter registration applications.

5 (2) The registrar shall utilize the procedures set forth in Part V of Chapter
6 4 of this Code to determine the validity of the registration of each challenged voter
7 who did not submit an address confirmation ~~card~~ notice. In any instance where an
8 address confirmation ~~card~~ notice was received that stated an address different from
9 the address on file in the registrar's office for a registrant, the registrar shall change
10 the registrant's address to the address on the address confirmation ~~card~~ notice if the
11 change of address is in the parish; transfer the registrant's registration to another
12 parish if the address on the address confirmation ~~card~~ notice is in another parish; or
13 cancel the registration if the address on the address confirmation ~~card~~ notice is in
14 another state. If an address confirmation ~~card~~ notice was received that affirmed the
15 address on file in the registrar's office, the registrar shall reinstate the registrant to
16 the official list of voters if he appears on the inactive list of voters. If the address
17 confirmation ~~card~~ notice was a result of a valid challenge, the registrar shall so
18 inform the district attorney and shall transmit to him the address confirmation ~~card~~
19 notice of that person.

20 * * *

21 (4) The registrar shall scan the address confirmation ~~card~~ notice, voter
22 identification affidavit, disability documentation, or voter registration application
23 and add it to the voter's record in the state voter registration computer system after
24 processing.

25 §574. Compilation and promulgation of returns

26 * * *

27 F. Computation of all time intervals in this Section and Chapter 7 of this
28 Title shall include Saturdays, Sundays, and other legal holidays. However, if the
29 final day in a time interval falls on a Saturday, Sunday, or other legal holiday, then

1 the next day which is not a Saturday, Sunday, or legal holiday shall be deemed to be
2 the final day of the time interval. If one or more of the duties in this Section or
3 Chapter 7 of this Title required to be performed on the fifth, sixth, seventh, or
4 fourteenth day after an election are delayed because of a Saturday, Sunday, or other
5 legal holiday, the duties which follow will be delayed a like amount of time.

6 * * *

7 §581. Definitions

8 As used in this Title:

9 * * *

10 (3) "Vacancy" occurs in an elective office when the office is or will be
11 unoccupied ~~by~~ for any of the following reasons:

12 (a) ~~reason of the death~~ Death of the official who was elected to the office; ~~or,~~

13 (b) ~~by reason of his retirement~~ Retirement or resignation of the official who
14 was elected to the office.;

15 (c) Removal ~~removal~~ from office by any means;.

16 (d) Failure ~~failure~~ to take office for any reason; or when it becomes certain
17 that the person elected to the office will not take the office on the day when the term
18 for which he was elected commences; ~~or,~~

19 (e) The ~~when the~~ person elected to or holding the office no longer meets the
20 residence or domicile requirements of that office, any declaration of retention of
21 domicile to the contrary notwithstanding; ~~or,~~

22 (f) An ~~when an~~ office is created due to a reclassification of a municipality.

23 (g) Failure of any candidate to qualify for the election to the office or the
24 failure of a sufficient number of candidates to qualify for the number of positions to
25 be filled in the office.

26 * * *

1 §1280.22. Candidates; procedure for qualifying

2 * * *

3 B.(1) The qualifying period for presidential candidates shall open ~~on the~~
4 ~~third Wednesday in December and shall close at 4:30 p.m. on the following Friday~~
5 and close as provided in Chapter 5 of this Title. During the qualifying period,
6 presidential candidates shall file notices of candidacy with the secretary of state.

7 * * *

8 §1300.3. Certification of registrar of voters; addition or withdrawal of signatures;
9 form of names

10 * * *

11 E. The registrar of voters shall comply with the provisions of R.S. ~~18:3(C)~~
12 18:3 when determining the number of qualified electors of the voting area who
13 signed the petition.

14 * * *

15 §1306. Preparation and distribution of absentee by mail and early voting ballots

16 * * *

17 E.(1) ~~An absentee by mail ballot envelope also shall have a perforated~~
18 ~~extension or flap below the sealing line, which shall bear a certificate prescribed by~~
19 ~~the secretary of state and approved by the attorney general.~~ The secretary of state
20 shall prepare an absentee by mail certificate, the content of which is subject to
21 approval of the attorney general. The certificate shall include but not necessarily be
22 limited to:

23 * * *

24 (d) Authorization to the parish board of election supervisors to open the
25 ballot envelope and count his ballot.

26 * * *

27 (2)(a) ~~An absentee by mail ballot envelope flap~~ The certificate shall also
28 contain a line for the handwritten signature of one witness and a line for the printed
29 name of the witness. The voter shall sign the certificate in the presence of one

1 witness and his certificate shall be made under penalty of perjury for providing false
 2 or fraudulent information. The voter shall include the completed certificate when
 3 mailing the ballot. ~~Above the perforation and along the seal line, the words "DO~~
 4 ~~NOT DETACH FLAP" shall be printed.~~ No person except the immediate family
 5 member of the voter, as defined in this Code, shall witness more than one certificate
 6 of a voter.

7 * * *

8 §1308. Absentee voting by mail

9 A.(1)

10 * * *

11 (b) If the voter feels he will not have time to vote timely by mail, the voter
 12 may request that the registrar transmit to him by facsimile a ballot, or a second
 13 ballot, as the case may be, along with a certificate and waiver of the right to a secret
 14 ballot as provided in Subsection D of this Section, and the registrar shall do so if he
 15 has a facsimile machine in his office. However, the registrar shall not be required
 16 to send a second ballot by facsimile if the voter received a ballot by mail. ~~The~~
 17 ~~waiver of the right to a secret ballot shall contain the following statement: "My~~
 18 ~~ballot was transmitted by facsimile to me, and I am voluntarily waiving my right to~~
 19 ~~a secret ballot." The waiver shall also contain spaces for the voter's handwritten~~
 20 ~~signature, the date, and the last four digits of the voter's social security number. The~~
 21 ~~voter may then mail his voted ballot and completed certificate and waiver back to the~~
 22 ~~registrar or transmit the documents by facsimile at the facsimile machine number~~
 23 ~~designated by the registrar. Upon receipt, the registrar shall place the voted ballot~~
 24 ~~along with the completed certificate and waiver in an appropriately marked envelope~~
 25 ~~and seal it. The registrar and his staff shall take the steps necessary to keep the voted~~
 26 ~~ballots as confidential as practicable.~~

27 (c)(i) A voter who is eligible to vote absentee by mail pursuant to R.S.
 28 18:1303(D)(1) and who feels he will not have time to vote timely by mail may
 29 request that the registrar transmit electronically to him a ballot along with a

1 certificate and waiver of the right to a secret ballot as provided in Subsection D of
2 this Section, and the registrar shall do so. Alternatively, an immediate family
3 member of the voter may pick up the necessary instructions, certificate, ballot, and
4 envelope at the registrar's office.

5 ~~(ii) The waiver of the right to a secret ballot shall contain the following~~
6 ~~statement: "My ballot was transmitted electronically to me, and I am voluntarily~~
7 ~~waiving my right to a secret ballot." The waiver shall also contain spaces for the~~
8 ~~voter's handwritten signature, the date, and the last four digits of the voter's social~~
9 ~~security number.~~

10 ~~(iii)~~ If the materials are transmitted electronically to the voter, the voter shall
11 mark the ballot as provided in R.S. 18:1310 and complete the certificate and waiver
12 and return his voted ballot and completed certificate and waiver to the registrar by
13 facsimile or any means authorized by Subsection B of this Section. ~~The registrar and~~
14 ~~his staff shall take the steps necessary to keep the voted ballot as confidential as~~
15 ~~practicable.~~

16 ~~(iv)~~ (iii) If an immediate family member of the voter picks up the voter's
17 materials, the voter shall mark the ballot as provided in R.S. 18:1310 and return his
18 voted ballot and completed certificate to the registrar by facsimile or any means
19 authorized by Subsection B of this Section. If the voter returns the voted ballot and
20 completed certificate by facsimile, he shall also include his completed waiver, and
21 the registrar and his staff shall take the steps necessary to keep the voted ballot as
22 confidential as practicable.

23 (d)(i) Upon request, the registrar shall transmit electronically a ballot,
24 certificate, and waiver of the right to a secret ballot as provided in Subsection D of
25 this Section to a voter who is eligible to vote absentee by mail pursuant to R.S.
26 18:1303(F) or (I) and who is unable to vote an absentee by mail ballot without
27 assistance because of a disability.

28 ~~(ii) The waiver of the right to a secret ballot shall contain the following~~
29 ~~statement: "My ballot was transmitted electronically to me, and I am voluntarily~~

1 ~~waiving my right to a secret ballot." The waiver shall also contain spaces for the~~
2 ~~voter's handwritten signature or mark, the date, and the last four digits of the voter's~~
3 ~~social security number.~~

4 (iii) The voter shall mark the ballot and complete the certificate and waiver
5 as provided in R.S. 18:1310 and return his voted ballot and completed certificate and
6 waiver to the registrar by facsimile or any means authorized by Subsection B of this
7 Section. ~~The registrar and his staff shall take the steps necessary to keep the voted~~
8 ~~ballot as confidential as practicable.~~

9 (2)(a) With respect to members of the United States Service and persons
10 residing outside the United States who are registered to vote, these materials shall
11 be mailed as provided by the Uniformed and Overseas Citizens Absentee Voting Act
12 (39 U.S.C. 3406 and ~~42 U.S.C. 1973ff~~ 52 U.S.C. 20301 et seq.) and shall include
13 both the primary election ballot and the special ballot for the general election. The
14 registrar shall mail the materials for candidates for United States senator or United
15 States representative in congressional primary and general elections, candidates for
16 presidential nominee in presidential preference primary elections, and candidates in
17 presidential elections at least forty-five days prior to the election to those voters who
18 have made application to vote absentee by mail by such time.

19 (b) Notwithstanding the provision of Subparagraph (a) of this Paragraph,
20 with respect to members of the United States Service and persons residing outside
21 the United States who are registered to vote, these materials may be electronically
22 transmitted as follows: ~~for~~

23 (i) For candidates for United States senator or United States representative
24 in congressional primary and general elections, the registrar shall ~~and must~~ include
25 the special ballot or ballots as provided in R.S. 18:1306(A)(4) for the congressional
26 general election. The registrar shall transmit the materials at least forty-five days
27 prior to the election to those voters who have requested electronic transmission by
28 such time.

1 ~~(e) Notwithstanding the provisions of Subparagraph (a) of this Paragraph,~~
2 ~~with respect to members of the United States Service and persons residing outside~~
3 ~~the United States who are registered to vote, these materials may be electronically~~
4 ~~transmitted for~~ (ii) For candidates for presidential nominee in presidential preference
5 primary elections and candidates in presidential elections, ~~the~~. ~~The~~ registrar shall
6 transmit the materials at least forty-five days prior to the election to those voters who
7 have requested electronic transmission by such time.

8 ~~(d) Notwithstanding the provisions of Subparagraph (a) of this Paragraph,~~
9 ~~with respect to members of the United States Service and persons residing outside~~
10 ~~the United States who are registered to vote, these materials may be electronically~~
11 ~~transmitted for~~ (iii) For candidates for state, local, and municipal offices, the registrar
12 ~~and~~ shall include the special ballot or ballots as provided in R.S. 18:1306(A)(4) for
13 the general election.

14 ~~(e) Notwithstanding the provisions of Subparagraph (a) of this Paragraph,~~
15 ~~with respect to members of the United States Service and persons residing outside~~
16 ~~the United States who are registered to vote, these materials~~ (iv) Materials may be
17 electronically transmitted for candidates for political party offices;

18 ~~(f) Notwithstanding the provisions of Subparagraph (a) of the Paragraph,~~
19 ~~with respect to members of the United States Service and persons residing outside~~
20 ~~the United States who are registered to vote, these materials may be electronically~~
21 ~~transmitted~~ and for recall, proposed constitutional amendments, proposition, and
22 question elections.

23 ~~(g) (c)~~ For mailed ballots, the envelope mailed to the voter shall contain
24 ballot envelopes, an adequate number of certificates required pursuant to R.S.
25 18:1306, and a return envelope. The return envelope shall bear the official title and
26 mailing address of the registrar and the name, return address, and precinct or district
27 number of the voter. The voter shall return his voted primary election ballot and
28 certificate and special ballot and certificate for the general election to the registrar
29 in the appropriate envelope. The registrar of voters shall mail a regular general

1 election absentee ballot to a member of the United States Service or to persons
2 residing overseas only if the regular general election absentee ballot includes one or
3 more elections that were not included on the special ballot sent, as provided herein,
4 to such voter. The envelope for the special ballot shall contain language on the
5 outside of the envelope that clearly designates which envelope is to be used for
6 return of the general election ballot.

7 ~~(d)(h)~~(i) For electronically transmitted ballots, the registrar shall transmit the
8 ballot or ballots, certificate, and waiver of the right to a secret ballot as provided in
9 Subsection D of this Section to the voter for each ballot mailing. ~~The waiver of the~~
10 ~~right to a secret ballot shall contain the following statement: "My ballot was~~
11 ~~transmitted electronically to me, and I am voluntarily waiving my right to a secret~~
12 ~~ballot." The waiver shall also contain spaces for the voter's handwritten signature,~~
13 ~~the date, and the last four digits of the voter's social security number. The voter shall~~
14 ~~return by facsimile or any means authorized by Subsection B of this Section his~~
15 ~~voted ballot or ballots and completed certificate and waiver for each ballot mailing.~~
16 ~~The registrar and his staff shall take the steps necessary to keep each voted ballot as~~
17 ~~confidential as practicable.~~

18 (ii) The voter may use a separate "Security Envelope" and ballot transmittal
19 envelope from the Federal Write-in Absentee Ballot to mail the electronically
20 transmitted presidential preference primary, presidential, congressional primary, or
21 congressional general election ballot or ballots, certificate, and waiver of the right
22 to a secret ballot to the parish registrar of voters for each ballot mailing.

23 ~~(i)~~ (e) Notwithstanding the provisions of Subparagraphs (a) ~~through (f)~~ and
24 (b) of this Paragraph, a voter who is a member of the United States Service or who
25 resides outside the United States and who feels he will not have time to vote timely
26 by mail, may request that the registrar transmit to him by facsimile a ballot, or a
27 second ballot, as the case may be, along with a certificate and waiver of the right to
28 a secret ballot as provided in Subsection D of this Section, and the registrar shall do
29 so. ~~The waiver of the right to a secret ballot shall contain the following statement:~~

1 ~~"My ballot was transmitted by facsimile to me, and I am voluntarily waiving my~~
 2 ~~right to a secret ballot." The waiver shall also contain spaces for the voter's~~
 3 ~~handwritten signature, the date, and the last four digits of the voter's social security~~
 4 ~~number. The voter may then mail his voted ballot and completed certificate and~~
 5 ~~waiver back to the registrar or transmit the documents by facsimile at the facsimile~~
 6 ~~machine number designated by the registrar. Upon receipt, the registrar shall place~~
 7 ~~the voted ballot along with the completed certificate and waiver in an appropriately~~
 8 ~~marked envelope and seal it. The registrar and his staff shall take the steps necessary~~
 9 ~~to keep the voted ballots as confidential as practicable.~~

10 ~~(f)(j)~~(i) The secretary of state as the chief election officer of the state shall
 11 take all actions reasonably necessary to allow members of the United States Service
 12 and persons residing outside the United States to vote according to the Uniformed
 13 and Overseas Citizens Absentee Voting Act or otherwise, whether by mail, facsimile,
 14 or other means of transmission of the ballot, notwithstanding any provision of this
 15 Code to the contrary.

16 (ii) The secretary of state as the chief election officer of the state shall take
 17 all actions reasonably necessary to allow registered voters who are unable to vote
 18 during early voting or at the polling place on election day due to out-of-parish or out-
 19 of-state work responsibilities relating to a declared emergency to vote, whether by
 20 mail, facsimile, or other means of transmission of the ballot.

21 * * *

22 D.(1) The waiver of the right to a secret ballot shall contain the following
 23 statement: "My ballot was transmitted by facsimile to me, and I am voluntarily
 24 waiving my right to a secret ballot." The waiver shall also contain spaces for the
 25 voter's handwritten signature, the date, and the last four digits of the voter's social
 26 security number.

1 (2) The registrar and his staff shall take the steps necessary to keep all voted
 2 ballots accompanied by a completed certificate and waiver as confidential as
 3 practicable.

4 * * *

5 §1308.1. Absentee voting by person serving on sequestered jury
 6 A. Immediately upon receipt of an application, the registrar shall deliver the
 7 necessary instructions, certificates, ballots, and envelopes to the officer of the court
 8 in charge of the sequestered jury on which the applicant is serving, at the address
 9 furnished by the applicant. ~~Each envelope delivered to the officer shall contain two~~
 10 ~~envelopes, one of which shall be the ballot envelope and the other shall be a return~~
 11 ~~envelope bearing the official title and mailing address of the registrar and the name,~~
 12 ~~return address, and precinct or district number of the voter. This latter envelope shall~~
 13 ~~be used by each voter to return his ballot.~~

14 * * *

15 §1309. Early voting; verification

16 * * *

17 E.

18 * * *

19 (5)

20 * * *

21 (b)

22 * * *

23 (ii) If the paper ballot ~~envelope contains~~ includes a certificate ~~on the~~
 24 ~~envelope flap~~, the voter shall not be required to sign the certificate. The registrar of
 25 voters or deputy registrar shall write "early voting ballot" across the ~~envelope flap~~
 26 certificate and include the voter's name, ward, precinct, and registration number and
 27 attach it to the early voting confirmation sheet so that the ballot may be identified for
 28 purposes of a challenge filed pursuant to R.S. 18:1315.

29 * * *

CODING: Words in struck through type are deletions from existing law; words underscored are additions.

1 F.

2 * * *

3 (3) At the end of the early voting period, the registrar shall complete the
4 early voting verification form for each location and sign and certify to its correctness
5 and print an early voter report from the state voter registration computer system
6 listing all early voters from the parish. All early voting verification forms, early
7 voting machine public counter logs, early voting confirmation sheets, early voter
8 reports, and paper ballots voted during early voting shall be placed in the special,
9 secure absentee by mail and early voting ~~envelope~~ or container for delivery to the
10 parish board of election supervisors on election day for the tabulation and counting
11 of early voting ballots.

12 * * *

13 §1310. Execution of certificate; marking of ballot; casting vote; assistance

14 A.(1) When a voter receives the absentee voting materials by mail, he first
15 shall fill in all blanks on the provided certificate ~~on the ballot envelope flap~~. The
16 voter then shall mark the ballot according to the printed instructions on its face.
17 Then the voter shall place the voted ballot in the ballot envelope, seal the envelope,
18 and sign the certificate ~~on the ballot envelope flap~~.

19 * * *

20 C.(1) Any person who assists a voter in voting absentee by mail shall
21 execute the acknowledgment on the ~~ballot envelope flap~~ certificate prepared by the
22 secretary of state, verifying that the person providing the assistance has marked the
23 ballot in the manner dictated by the voter, and the signature on the acknowledgment
24 by the person providing assistance may serve as the signature of the witness required
25 by R.S. 18:1306(E)(2)(a).

26 * * *

27 §1312. Retention of ballots at registrar's office

28 * * *

1 B. All absentee by mail ballots which are received timely shall be removed
2 from the mail return envelope, if applicable, shall be arranged by ward and precinct
3 and placed and retained in a special, secure absentee by mail and early voting ballot
4 ~~envelope~~ or container designated and used only for that purpose, and shall be
5 delivered to the parish board of election supervisors to be counted and tabulated as
6 provided in R.S. 18:1313.

7 C. After the tabulation of the absentee by mail and early voting ballots on
8 election night, the board shall replace the absentee by mail ballots, early voting
9 machine results reports, early voting verification forms, early voting machine public
10 counter logs, absentee by mail and early voter reports, and early voting confirmation
11 sheets in the special, secure absentee by mail and early voting ballot ~~envelope~~ or
12 container and return the ~~envelope~~ or container to the registrar of voters. The registrar
13 shall retain the special, secure absentee by mail and early voting ballot ~~envelope~~ or
14 container inviolate until the delay for filing an election contest has lapsed, or, if an
15 action contesting the election has been filed, until the judgment in the action
16 becomes definitive.

17 * * *

18 §1313. Tabulation and counting of absentee by mail and early voting ballots
19 A.(1) ~~The parish board of election supervisors in a parish that has fewer than~~
20 ~~one thousand absentee by mail ballots returned to the registrar of voters for a primary~~
21 ~~or general election shall conduct the tabulation and counting of absentee by mail and~~
22 ~~early voting ballots in accordance with this Section.~~

23 (2) ~~The parish board of election supervisors in a parish that has one thousand~~
24 ~~or more absentee by mail ballots returned to the registrar of voters for a primary or~~
25 ~~general election may conduct the tabulation and counting of absentee by mail and~~
26 early voting ballots in accordance with this Section. The parish board shall notify
27 the secretary of state in writing no later than five days prior to a primary or general

1 election that the tabulation and counting of absentee by mail and early voting ballots
2 will be conducted pursuant to this Section or pursuant to R.S. 18:1313.1.

3 * * *

4 C.

5 * * *

6 (2) Prior to the counting of absentee by mail and early voting ballots on
7 election day, any person authorized by the secretary of state may assist the registrar
8 of voters in the challenge removal process on the early voting machines, in the
9 reading of the early voting machine results cartridges on the secretary of state's
10 equipment, and in producing the early voting machine results report. All early
11 voting machine results reports shall be placed in the special, secure absentee by mail
12 and early voting ~~envelope or~~ container.

13 * * *

14 G. The procedure for the preparation, verification, counting, and tabulation
15 of absentee by mail ballots shall be as follows:

16 (1) A member of the board shall remove ~~the certificates and special absentee~~
17 ~~by mail ballots and envelopes containing the absentee by mail ballots~~ all certificates,
18 envelopes, and ballots from the special, secure absentee by mail and early voting
19 ballot ~~envelope or~~ container.

20 (2) The board shall announce the name of each absentee by mail voter and
21 the ward and precinct where he is registered to vote, and shall compare the name on
22 the certificate ~~or on the flap of the envelope containing the absentee by mail ballot~~
23 with the names on the absentee by mail voter report.

24 * * *

25 (4) If the board determines that an absentee by mail ballot is valid, a member
26 of the board shall make a check mark on the absentee by mail voter report beside the
27 name of the voter as it appears on the report and write his initials on each page of the
28 report. If applicable, a member of the board shall ~~tear the flap from the envelope~~

1 ~~containing the absentee by mail ballot~~ remove the certificate and leave the envelope
2 sealed.

3 (5) If a majority of the members of the board determine that an absentee by
4 mail ballot is invalid, the members shall ~~leave the flap on the envelope containing~~
5 ~~the absentee by mail ballot~~ not remove the certificate, leave the envelope sealed, and
6 a member of the board shall write the word "rejected", together with the reasons for
7 rejecting the ballot, across the envelope containing the ballot or across the certificate
8 ~~attached to the special absentee by mail ballot~~. He shall also write the word
9 "rejected" and his initials on the absentee by mail voter report beside the name of the
10 voter as it appears in the report. The rejected absentee by mail ballots and
11 certificates shall be replaced in the special, secure absentee by mail and early voting
12 ballot ~~envelope or~~ container. No rejected absentee by mail ballot shall be counted.

13 (6) After the validity of all absentee by mail ballots has been determined, the
14 members of the board shall place the valid certificates ~~and the flaps removed from~~
15 ~~the valid absentee by mail ballots~~ in the ~~envelope or~~ container provided for that
16 purpose and seal the ~~envelope or~~ container. Two of the members shall execute the
17 certificate on the ~~envelope~~ container.

18 * * *

19 (9) If a ballot is physically damaged or cannot properly be counted by the
20 counting equipment and the vote cast by the voter is clearly discernible from a
21 physical inspection of the defective ballot, the ballot may be counted by hand or a
22 true duplicate may be made of the defective ballot in the presence of witnesses and
23 substituted for the ballot. Any duplicate ballot shall be clearly labeled "duplicate",
24 bear a ballot number which shall be recorded on the defective ballot, and be counted
25 in lieu of the defective ballot. After a ballot has been duplicated, the defective ballot
26 shall be placed in the special, secure absentee by mail and early voting ballot
27 ~~envelope or~~ container, and the duplicate ballot shall be counted with the other valid
28 ballots.

29 * * *

1 H. The procedure for counting early voting machine ballots and paper ballots
2 voted during early voting shall be as follows:

3 (1) A member of the board shall remove the early voting verification forms,
4 early voting machine public counter logs, early voting confirmation sheets, paper
5 ballots voted during early voting, early voter report, and all early voting machine
6 results reports from the special, secure absentee by mail and early voting ballot
7 ~~envelope or container~~.

8 * * *

9 (4) For each paper ballot voted during early voting, the board shall announce
10 the name of the person who voted by paper ballot during early voting and the ward
11 and precinct where he is registered to vote and shall compare the name on the ~~flap~~
12 ~~of the envelope containing the early voting ballot~~ certificate with the names on the
13 early voter report.

14 * * *

15 (6) If the board determines that a paper ballot voted during early voting is
16 valid, a member of the board shall write the words "voted early" and his initials on
17 the early voter report beside the name of the voter as it appears on the report. A
18 member of the board shall ~~tear the flap from the envelope containing the paper ballot~~
19 ~~voted during early voting~~ remove the certificate and leave the envelope sealed.

20 (7) If a majority of the members of the board determine that a paper ballot
21 voted during early voting is invalid, the members shall ~~leave the flap on the envelope~~
22 ~~containing the ballot~~ not remove the certificate, leave the envelope sealed, and a
23 member of the board shall write the word "rejected" together with the reasons for
24 rejecting the ballot across the envelope containing the ballot. He shall also write the
25 word "rejected" and his initials on the early voter report beside the name of the voter
26 as it appears on the report. The rejected ballot shall be placed in the special, secure
27 absentee by mail and early voting ballot ~~envelope or container~~. No rejected paper
28 ballot voted during early voting shall be counted.

1 (8) After the validity of all paper ballots voted during early voting has been
2 determined, the members of the board shall place the valid early voting confirmation
3 sheets and ~~flaps removed from the valid paper ballots voted during early voting~~
4 certificates in the ~~envelope or~~ container provided for that purpose and seal the
5 ~~envelope or~~ container. Two of the members shall execute the certificate on the
6 ~~envelope or~~ container.

7 * * *

8 (11) If a ballot is physically damaged or cannot properly be counted by the
9 counting equipment and the vote cast by the voter is clearly discernible from a
10 physical inspection of the defective ballot, the ballot may be counted by hand or a
11 true duplicate may be made of the defective ballot in the presence of witnesses and
12 substituted for the ballot. Any duplicate ballot shall be clearly labeled "duplicate",
13 bear a ballot number which shall be recorded on the defective ballot, and be counted
14 in lieu of the defective ballot. After a ballot has been duplicated, the defective ballot
15 shall be placed in the special, secure absentee by mail and early voting ballot
16 ~~envelope or~~ container, and the duplicate ballot shall be counted with the other valid
17 ballots.

18 (12)

19 * * *

20 (b) The board shall sign and certify to the correctness of each zero proof
21 sheet and place all zero proof sheets in the special, secure absentee by mail and early
22 voting ~~envelope or~~ container.

23 * * *

24 I. The final absentee by mail and early voting vote report prepared by the
25 parish board of election supervisors shall be transmitted to the clerk of court
26 immediately upon completion of the tabulation of the absentee by mail and early
27 voting ballots on election night. A copy of the record shall be transmitted

1 immediately to the secretary of state, and a copy of the record shall be placed in the
2 special, secure absentee by mail and early voting ~~envelope or~~ container.

3 * * *

4 K.(1) Upon completion of the tabulation and counting of the absentee by
5 mail and early voting ballots, the parish board of election supervisors shall return the
6 absentee by mail and early voting ballots and electronic results report to the special,
7 secure absentee by mail and early voting ballot ~~envelope or~~ container, shall seal the
8 ~~envelope or~~ container, and shall deliver the ~~envelope or~~ container to the registrar of
9 voters. The registrar shall preserve the ~~envelope or~~ container and its contents
10 inviolate and, except upon order of a court of competent jurisdiction, shall not allow
11 the absentee by mail and early voting documents to be inspected by anyone until the
12 delay for filing an action contesting the election has lapsed. If an action contesting
13 the election is commenced timely, the registrar shall continue to preserve the
14 ~~envelope or~~ container and its contents inviolate, subject to the orders of the court,
15 until the final judgment in the action has become definitive.

16 (2)(a)(i) Notwithstanding the provisions of Paragraph (1) of this Subsection,
17 if the number of absentee by mail and early voting ballots cast for all candidates for
18 an office could make a difference in the outcome of the election for such office, upon
19 the written request of a candidate for such office, the board shall recount the absentee
20 by mail ballots by hand or scanning equipment and early voting ballots
21 electronically, unless paper ballots were used for early voting and in such case, the
22 ballots shall be recounted by hand for such office. The registrar shall preserve the
23 ~~envelope or~~ container and its contents inviolate and, except upon the board
24 recounting the absentee by mail ballots, shall not allow the absentee by mail and
25 early voting ballots to be inspected by anyone until the recounting of the absentee by
26 mail and early voting ballots by the board.

27 * * *

28 (c) Upon completion of the recount of the absentee by mail and early voting
29 ballots, the board shall return the absentee by mail and early voting documents to the

1 special, secure absentee by mail and early voting ballot ~~envelope or~~ container, shall
2 reseal the ~~envelope or~~ container, and shall deliver the ~~envelope or~~ container and its
3 contents to the registrar of voters who shall preserve the ~~envelope or~~ container and
4 its contents in the manner provided for in Paragraph (1) of this Subsection.

5 * * *

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

28 * * *

1 §1313.1. Preparation, verification, tabulation, and counting of absentee by mail and
2 early voting ballots

3 * * *

4 C.

5 * * *

6 (3) Prior to the counting of absentee by mail and early voting ballots on
7 election day, any person authorized by the secretary of state may assist the registrar
8 of voters in the challenge removal process on the early voting machines, in the
9 reading of the early voting machine results cartridges on the secretary of state's
10 equipment, and in producing the early voting machine results report. All early
11 voting machine results reports shall be placed in the special, secure absentee by mail
12 and early voting ~~envelope or~~ container.

13 * * *

14 G. The procedure for the preparation and verification process for the
15 tabulation and counting of absentee by mail ballots and early voting paper ballots
16 before the election shall be as follows:

17 (1)(a) A member of the board shall remove the certificates, early voting
18 verification forms, early voting machine public counter logs, early voting
19 confirmation sheets, absentee by mail ballots, early voting paper ballots, and
20 envelopes containing the absentee by mail ballots and early voting paper ballots from
21 the special, secure absentee by mail and early voting ballot ~~envelope or~~ container.

22 * * *

23 (2) The board shall announce the name of each absentee by mail voter, each
24 voter who voted a paper ballot during early voting and the ward and precinct where
25 he is registered to vote, and shall compare the name on the certificate ~~or on the flap~~
26 ~~of the envelope containing the absentee by mail ballot or early voting paper ballot~~
27 with the names on the absentee by mail voter report or early voter report, as
28 applicable.

29 * * *

1 (4)(a) If an absentee by mail ballot has not been challenged and is
 2 determined by the board to be valid, a member of the board shall make a check mark
 3 on the absentee by mail voter report beside the name of the voter as it appears on the
 4 report and write his initials on each page of the report. If applicable, a member of
 5 the board shall ~~tear the flap~~ remove the certificate from the envelope containing the
 6 absentee by mail ballot and leave the envelope sealed.

7 (b) If an early voting paper ballot has not been challenged and is determined
 8 by the board to be valid, a member of the board shall write the words "voted early"
 9 and his initials on the early voter report beside the name of the voter as it appears on
 10 the report. A member of the board shall ~~tear the flap from the envelope containing~~
 11 ~~the paper ballot voted during early voting~~ remove the certificate and leave the
 12 envelope sealed.

13 (5) If an absentee by mail ballot or early voting paper ballot has been
 14 challenged, the members shall ~~leave the flap on the envelope, if applicable,~~
 15 ~~containing the absentee by mail ballot or early voting paper ballot~~ not remove the
 16 certificate and leave the envelope sealed.

17 (6) A member of the board shall place the absentee by mail ballots and early
 18 voting paper ballots that have been challenged and the ballots that have not been
 19 challenged in the special, secure absentee by mail ~~envelope or~~ and early voting ballot
 20 container provided for that purpose and seal the ~~envelope or~~ container. Two
 21 members of the board shall execute the first certificate on the ~~envelope or~~ container
 22 and date the certificate with the date on which it was executed before the election.

23 (7) The members of the board shall place the certificates of the absentee by
 24 mail ballots and early voting paper ballots that have not been challenged ~~and the~~
 25 ~~flaps removed from those ballots~~ in the ~~envelope or~~ container provided for that
 26 purpose and seal the ~~envelope or~~ container. Two of the members shall execute the
 27 first certificate on the ~~envelope~~ container and date the certificate with the date on
 28 which it was executed before the election.

29 * * *

1 H. The procedure for counting absentee by mail ballots and early voting
2 paper ballots on election day shall be as follows:

3 (1) A member of the board shall break the seal on the special, secure
4 absentee by mail and early voting ballot ~~envelope or container~~; and remove the
5 certificates, absentee by mail ballots, and early voting paper ballots that have been
6 challenged, and the absentee by mail ballots and early voting paper ballots that have
7 not been challenged ~~from the envelope or container~~.

8 * * *

9 (3)(a) If the board determines that an absentee by mail ballot is valid, a
10 member of the board shall make a check mark on the absentee by mail voter report
11 beside the name of the voter as it appears on the report and write his initials on each
12 page of the report. If applicable, a member of the board shall ~~tear the flap from the~~
13 ~~envelope containing the absentee by mail ballot~~ remove the certificate and leave the
14 envelope sealed.

15 (b) If the board determines that a paper ballot voted during early voting is
16 valid, a member of the board shall write the words "voted early" and his initials on
17 the early voter report beside the name of the voter as it appears on the report. A
18 member of the board shall ~~tear the flap from the envelope containing the paper ballot~~
19 ~~voted during early voting~~ remove the certificate and leave the envelope sealed.

20 (4) If a majority of the members of the board determine that an absentee by
21 mail ballot or early voting paper ballot is invalid, the members shall ~~leave the flap~~
22 ~~on the envelope containing the ballot~~ not remove the certificate, leave the envelope
23 sealed, and a member of the board shall write the word "rejected", together with the
24 reasons for rejecting the ballot, across the envelope ~~containing the ballot or across~~
25 ~~the certificate attached to the special absentee by mail ballot or early voting paper~~
26 ~~ballot~~. He shall also write the word "rejected" and his initials on the absentee by
27 mail voter report or early voter report, as applicable, beside the name of the voter as
28 it appears in the report. The rejected absentee by mail ballots and early voting paper
29 ballots and certificates shall be replaced in the special, secure absentee by mail and

1 early voting ballot ~~envelope or~~ container. No rejected absentee by mail ballot or
2 early voting paper ballot shall be counted.

3 (5) After the validity of all absentee by mail ballots and early voting paper
4 ballots have been determined, the members of the board shall break the seal on the
5 ~~envelope or~~ container and place the valid certificates ~~and the flaps removed from the~~
6 ~~valid absentee by mail ballots and early voting paper ballots~~ in the ~~envelope or~~
7 container provided for that purpose and seal the ~~envelope or~~ container. Two of the
8 members shall execute the second certificate on the envelope and date the certificate
9 the day of the election.

10 * * *

11 (8) If a ballot is physically damaged or cannot properly be counted by the
12 counting equipment and the vote cast by the voter is clearly discernible from a
13 physical inspection of the defective ballot, the ballot may be counted by hand or a
14 true duplicate may be made of the defective ballot in the presence of witnesses and
15 substituted for the ballot. Any duplicate ballot shall be clearly labeled "duplicate",
16 bear a ballot number which shall be recorded on the defective ballot, and be counted
17 in lieu of the defective ballot. After a ballot has been duplicated, the defective ballot
18 shall be placed in the special, secure absentee by mail and early voting ballot
19 ~~envelope or~~ container, and the duplicate ballot shall be counted with the other valid
20 ballots.

21 * * *

22 I. The procedure for counting early voting machine ballots on election day
23 shall be as follows:

24 (1) A member of the board shall remove the early voting machine results
25 reports from the special, secure absentee by mail and early voting ballot ~~envelope or~~
26 container.

27 * * *

28 (4)

29 * * *

1 (b) The board shall sign and certify to the correctness of each zero proof
2 sheet and place all zero proof sheets in the special, secure absentee by mail and early
3 voting ~~envelope~~ or container.

4 * * *

5 J. The final absentee by mail and early voting vote report prepared by the
6 parish board of election supervisors shall be transmitted to the clerk of court
7 immediately upon completion of the tabulation of the absentee by mail and early
8 voting ballots on election night. A copy of the record shall be transmitted
9 immediately to the secretary of state, and a copy of the record shall be placed in the
10 special, secure absentee by mail and early voting ~~envelope~~ or container.

11 * * *

12 L.(1) Upon completion of the tabulation and counting of the absentee by
13 mail and early voting ballots on election day, the parish board of election supervisors
14 shall return the absentee by mail and early voting ballots and electronic results report
15 to the special, secure absentee by mail and early voting ballot ~~envelope~~ or container,
16 shall seal the ~~envelope~~ or container, and shall deliver the ~~envelope~~ or container to the
17 registrar of voters. The registrar shall preserve the ~~envelope~~ or container and its
18 contents inviolate and, except upon order of a court of competent jurisdiction, shall
19 not allow the absentee by mail and early voting documents to be inspected by anyone
20 until the delay for filing an action contesting the election has lapsed. If an action
21 contesting the election is commenced timely, the registrar shall continue to preserve
22 the ~~envelope~~ or container and its contents inviolate, subject to the orders of the court,
23 until the final judgment in the action has become definitive.

24 (2)(a)(i) Notwithstanding the provisions of Paragraph (1) of this Subsection,
25 if the number of absentee by mail and early voting ballots cast for all candidates for
26 an office could make a difference in the outcome of the election for such office, upon
27 the written request of a candidate for such office, the board shall recount the absentee
28 by mail ballots by hand or scanning equipment and early voting ballots
29 electronically, unless paper ballots were used for early voting and in such case, the

1 ballots shall be recounted by hand for such office. The registrar shall preserve the
2 ~~envelope or~~ container and its contents inviolate and, except upon the board
3 recounting the absentee by mail ballots, shall not allow the absentee by mail and
4 early voting ballots to be inspected by anyone until the recounting of the absentee by
5 mail and early voting ballots by the board.

6 (ii) Notwithstanding the provisions of Paragraph (1) of this Subsection, if the
7 number of absentee by mail and early voting ballots cast for and against a
8 proposition could make a difference in the outcome of the election, upon the written
9 request of a person who voted in the proposition election, the board shall recount the
10 absentee by mail ballots by hand or scanning equipment and early voting ballots
11 electronically, unless paper ballots were used for early voting and in such case, the
12 ballots shall be recounted by hand for such election. The registrar shall preserve the
13 ~~envelope or~~ container and its contents inviolate and, except upon the board
14 recounting the absentee by mail ballots, shall not allow the absentee by mail and
15 early voting ballots to be inspected by anyone until the recounting of the absentee by
16 mail and early voting ballots by the board.

17 * * *

18 (c) Upon completion of the recount of the absentee by mail and early voting
19 ballots, the board shall return the absentee by mail and early voting documents to the
20 special, secure absentee by mail and early voting ballot ~~envelope or~~ container, shall
21 reseal the ~~envelope or~~ container, and shall deliver the ~~envelope or~~ container and its
22 contents to the registrar of voters who shall preserve the ~~envelope or~~ container and
23 its contents in the manner provided for in Paragraph (1) of this Subsection.

24 * * *

25 (3) A candidate or his representative, in the presence of a majority of the
26 parish board of election supervisors, shall be allowed to inspect the ~~flaps~~ certificates
27 removed from the valid absentee by mail ballots and ~~the flaps removed~~ from the
28 valid early voting ballots ~~when paper ballots are used for early voting~~. All such
29 inspections shall be held at a time set by the secretary of state, in conjunction with

1 the registrar of voters and the clerk of court, or following the recount of absentee by
 2 mail and early voting ballots on the fifth day after the election and at any time
 3 ordered by a court of competent jurisdiction. If the fifth day after the election falls
 4 on a holiday or weekend, such inspection shall be held on the next working day at
 5 a time set by the secretary of state, in conjunction with the registrar of voters and the
 6 clerk of court, or following the recount of absentee by mail and early voting ballots.
 7 Any written request for inspection shall be filed with the clerk of court. The deadline
 8 for filing a request for inspection shall be 4:30 p.m. on the third calendar day after
 9 the election. Immediately upon receiving any request, the clerk of court shall
 10 prominently post in his office a notice of the time and place where the inspection will
 11 occur and the name of the candidate requesting the inspection. The candidate
 12 requesting the inspection shall be responsible for all reasonable costs associated with
 13 such inspection, which shall be payable to the clerk of court. The costs shall be paid
 14 at the time the written request for the inspection is filed with the clerk of court and
 15 shall be paid in cash or by certified or cashier's check on a state or national bank or
 16 credit union, United States postal money order, or money order issued by a state or
 17 national bank or credit union.

18 * * *

19 §1315. Challenge of absentee by mail or early voting ballot

20 * * *

21 C.

22 * * *

23 (2) If a challenge in accordance with the provisions of Subsection A of this
 24 Section is sustained, the vote shall not be counted, the ballot or early voting
 25 confirmation sheet shall be placed in the special, secure absentee by mail and early
 26 voting ballot ~~envelope or~~ container, and the board shall notify the voter in writing of
 27 the challenge and the cause therefor. This notification shall be on a form provided
 28 by the secretary of state and shall be signed by at least a majority of the members of
 29 the board. The notice of the challenge and the cause therefor shall be given within

1 four business days by mail, addressed to the voter at his place of residence. The
 2 board shall retain a copy of the notification. However, if the challenge is based upon
 3 a change of residence within the parish or is based upon a change of residence
 4 outside the parish that has occurred within the last three months, the ballot shall be
 5 counted provided that the voter confirmed his current address as shown by the
 6 affidavit of the absentee by mail ballot ~~envelope flap~~ certificate or early voting
 7 confirmation sheet or, if the voter is on the inactive list of voters, as shown by the
 8 information provided on an address confirmation ~~card~~ notice.

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

20 (b) If a ballot is rejected pursuant to the provisions of R.S. 18:1316, the vote
 21 shall not be counted, the board shall write "rejected" and the cause therefor on a
 22 separate slip of paper and attach it to the ballot, and shall place the ballots so rejected
 23 in the special, secure absentee by mail and early voting ballot ~~envelope~~ or container.

24 * * *

25 §1333. Nursing home early voting program; voting by persons residing in a nursing
 26 home

27 * * *

28 E. The registrar shall notify the applicant by letter, at the return nursing
 29 home address shown on the request, the day on which a deputy registrar or other

1 qualified person selected by the registrar will be present at the nursing home to
 2 permit the applicant to cast his ballot. The registrar shall assign a number to the
 3 applicant, that shall be stamped or entered in ink on the upper right side of the letter
 4 and also shall be entered in clearly distinguishable figures on ~~the flap~~ of the absentee
 5 by mail ballot envelope that will contain the absentee by mail ballot to be delivered
 6 to that applicant on the day designated in the letter. If the letter is mailed by the
 7 registrar prior to his receipt of the absentee by mail ballots for the election, he shall
 8 enter the name of the applicant, his address, ward and precinct, and the number
 9 assigned to the applicant on a list that he shall keep for the purpose and, upon receipt
 10 of the absentee by mail ballots for the election, he shall enter the number on the
 11 absentee by mail ballot envelope as provided in this Subsection.

* * *

12
 13 G. The voting by each voter shall be accomplished in the following manner:
 14 (1) The voter shall present to the registrar the letter he received from the
 15 registrar that bears the reply number assigned as provided in Subsection E of this
 16 Section. The registrar shall compare the number on the letter with the number on the
 17 absentee by mail ballot envelope in his possession and, if they are identical, he shall
 18 hand the envelope containing the absentee by mail ballot to the voter. However, if
 19 the voter is on the inactive list of voters, the voter must complete an address
 20 confirmation ~~and~~ notice prior to receiving the envelope containing the absentee by
 21 mail ballot.

* * *

22
 23 (3) The voter shall mark his ballot as provided in R.S. 18:1310(A). The
 24 voter then shall place the absentee by mail ballot in the absentee by mail ballot
 25 envelope, sign the included certificate, and seal the envelope, ~~and sign the certificate~~
 26 ~~on the absentee by mail ballot envelope flap.~~

* * *

1 (7) Upon receipt of an address confirmation ~~card~~ notice, the registrar shall
2 reinstate the voter to the official list of voters.

3 * * *

4 Section 2. R.S. 18:110(A)(3), 154(I) and (J), 443(F), 443.2(6), 444(F), 445(A)(3),
5 and 585 are hereby repealed in their entirety.

6 Section 3. This Act shall become effective upon signature by the governor or, if not
7 signed by the governor, upon expiration of the time for bills to become law without signature
8 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If
9 vetoed by the governor and subsequently approved by the legislature, this Act shall become
10 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 496 Reengrossed

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), 1300.3(E), 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)

Summary of Amendments Adopted by House

The Committee Amendments Proposed by House Committee on House and Governmental Affairs to the original bill:

1. Make technical changes.