

SENATE FLOOR AMENDMENTS

2024 Regular Session

Amendments proposed by Senator Reese to Engrossed House Bill No. 856 by Representative Mike Johnson

1 AMENDMENT NO. 1

2 On page 1, line 2, after "reenact R.S." delete "18:1366(4)" and insert the following:

3 "18:1351(14), 1352(C), 1353(B)(1) and (2)(introductory paragraph), and (D),  
4 1361(A) and (C), 1362(A), 1362.1(J) and (K), 1362.2(A), (B), and (C), 1364(A), and  
5 1366(2), (4) and (6)"

6 AMENDMENT NO. 2

7 On page 1, line 2, after "systems;" insert the following:

8 "to provide for the secretary of state's powers and duties; to provide for approval; to  
9 provide for procurement; to provide for the Voting System Commission; to provide  
10 for the Voting System Proposal Evaluation Committee; to provide for placement and  
11 sufficiency of voting machines;"

12 AMENDMENT NO. 3

13 On page 1, line 5 after "R.S." delete "18:1366(4) is" and insert the following:

14 "18:1351(14), 1352(C), 1353(B)(1) and (2)(introductory paragraph), and (D),  
15 1361(A) and (C), 1362(A), 1362.1(J) and (K), 1362.2(A), (B), and (C), 1364(A), and  
16 1366(2), (4) and (6) are"

17 AMENDMENT NO. 4

18 On page 1, delete lines 6 through 13, and insert the following:

19 "§1351. Definitions  
20 As used in this Chapter, unless otherwise specified, the following terms shall  
21 have the meanings herein ascribed to each:

22 \* \* \*

23 (14)(a) "Voting system" means the total combination of equipment,  
24 hardware, firmware, software, materials, and documentation used to cast and count  
25 votes or to perform any of the support functions to enable the casting or counting of  
26 votes.

27 (b) "Voting system" shall not mean electronic poll books, electronic ballot  
28 delivery systems, election night reporting systems and voter registration portals, and  
29 databases.

30 §1352. Use of voting machines throughout state; exception for failure of voting  
31 equipment, early voting, election day voting, absentee by mail and  
32 provisional ballots

33 \* \* \*

34 C. Notwithstanding the provisions of Subsection A of this Section, secure  
35 hand-marked paper ballots may be used for in-person early voting and election day  
36 voting after the procurement of a new voting system pursuant to R.S. 18:1362.2,  
37 subject to legislative appropriation.

38 §1353. Secretary of state; powers and duties; voting systems and system  
39 components; voter registration

40 \* \* \*

41 B.(1) The secretary of state shall ~~promulgate uniform rules and regulations~~  
42 publish policies and guidance with respect to matters pertaining to the certification  
43 standards and requirements, the procurement, the preparation, and use of voting

1 systems in the conduct of elections and the duties of each category of persons  
2 charged with responsibility for any matter relating to the voting systems ~~in~~  
3 ~~accordance with the Administrative Procedure Act and subject to the oversight of~~  
4 ~~the.~~ The secretary shall notify the attorney general and the chairs of the House  
5 Committee on House and Governmental Affairs and the Senate Committee on Senate  
6 and Governmental Affairs at least fourteen days prior to publication. ~~Prior to final~~  
7 ~~promulgation, the proposed rules and regulations shall be approved by the attorney~~  
8 ~~general for uniformity and compliance with the provisions of this Title. The final~~  
9 ~~rules and regulations~~ Any such policies and guidance shall be distributed by the  
10 secretary of state to the election officials having responsibilities relating to elections  
11 and applied uniformly throughout the state in each parish.

12 (2) ~~The rules and regulations~~ Any policies and guidance issued for voting  
13 systems promulgated pursuant to Paragraph (1) of this Subsection shall at a  
14 minimum provide for address each of the voting system requirements set forth in  
15 R.S. 18:1366 and the following:

16 \* \* \*

17 D. The secretary of state shall contract with, appoint or employ mechanics,  
18 experts, and other assistants when necessary in order to assume the maintenance,  
19 upkeep, and proper functioning and operation of the machines, or when necessary  
20 in order to explain and demonstrate to the election officials or to the public the  
21 proper method of operation of the machines.

22 \* \* \*

23 §1361. Approval of voting systems or system components; certificate; expenses of  
24 examination

25 A. ~~Prior to the solicitation of bids for any new voting system, the~~ The  
26 secretary of state shall examine any type or make of voting system or , and may  
27 examine any voting system component upon the request of a representative of the  
28 maker or supplier thereof for compliance with the certification standards  
29 promulgated issued pursuant to R.S. 18:1353. If the secretary of state determines that  
30 the voting system or system component complies with the certification standards, he  
31 shall approve that voting system or system component for use in this state and shall  
32 issue his certificate of approval thereof.

33 \* \* \*

34 C. The secretary of state ~~shall~~ may contract with ~~no fewer than three but~~ no  
35 more than five qualified independent experts to assist him in performing the state  
36 certification examination provided for in this Section. The expenses of the services  
37 of such experts shall be paid prior to the examination by the person requesting  
38 examination of the voting system or system component. Experts contracted to assist  
39 with the examination shall sign the certificate of approval made by the secretary of  
40 state. No voting system or system component shall be used at any election which has  
41 not been approved and certified by the secretary of state as provided in this Section.

42 §1362. Method of procuring voting systems or system components; parts and  
43 supplies; contracting for the maintenance of voting machines

44 A.(1) All voting systems or system components used in this state shall be  
45 procured by the secretary of state, taking into consideration the recommendations of  
46 the Voting System Commission as provided in R.S. 18:1362.1, out of state funds  
47 appropriated for that purpose, on the basis of a competitive request for proposals  
48 process or public bids submitted to the secretary of state in accordance with the  
49 provisions of the Louisiana Procurement Code. ~~Required specifications shall include~~  
50 ~~tests and examinations of the operation of the voting systems or system components,~~  
51 ~~and the secretary of state, for that purpose, shall employ experts to conduct these~~  
52 ~~examinations in accordance with R.S. 18:1361 and report the results thereof to the~~  
53 ~~Voting System Commission. The expenses of the services of these experts shall be~~  
54 ~~paid by the vendor that seeks to have its system certified for consideration. In every~~  
55 ~~respect, the procurement of voting systems or system components shall be in~~  
56 ~~accordance with the Louisiana Procurement Code. Public demonstrations and~~  
57 examinations of operation of the voting systems may be conducted by the Voting  
58 System Proposal Evaluation Committee created by R.S. 18:1362.2.

59 (2) Notwithstanding any provision of law to the contrary, particularly the  
60 provisions of Chapter 17 of Title 39 of the Louisiana Revised Statutes of 1950, the  
61 secretary of state is authorized to procure directly from the supplier voting system

1 components, parts, supplies, and other election paraphernalia and to contract with the  
2 manufacturer through the Department of State for the maintenance of the voting  
3 systems or system components.

4 \* \* \*

5 §1362.1. Voting System Commission; creation and organization; duties and  
6 responsibilities

7 \* \* \*

8 J. The commission shall submit a report of its findings and conclusions to the  
9 governor, the president of the Senate, the speaker of the House of Representatives,  
10 the Senate Committee on Senate and Governmental Affairs, the House Committee  
11 on House and Governmental Affairs, the secretary of state, and the division of  
12 administration no later than January 31, 2022, ~~and annually thereafter.~~

13 K. Upon receipt of the report, the secretary of state, working in conjunction  
14 with the office of state procurement, shall develop a request for proposals taking into  
15 consideration the commission's recommendations. No later than thirty days prior to  
16 the issuance of the request for proposals, the secretary shall promulgate issue  
17 certification standards for the type of voting system to be procured in accordance  
18 with the provisions of R.S. 18:1353.

19 \* \* \*

20 §1362.2. Voting System Proposal Evaluation Committee; membership; duties

21 A. The Voting System Proposal Evaluation Committee is created and  
22 established within the Department of State for the purpose of independently  
23 reviewing any proposals received by the secretary of state in accordance with the  
24 provisions of R.S. ~~18:1362.1~~ 18:1362.

25 B.(1) The Voting System Proposal Evaluation Committee shall be comprised  
26 of the following members:

27 (a) ~~A faculty member of a Louisiana postsecondary education institution with~~  
28 ~~engineering or computer science expertise.~~

29 (b) A member of the Louisiana Clerks of Court Association.

30 (c) ~~An individual~~ Two individuals with at least five years of experience  
31 with training or education in electronic voting systems and procedures and election  
32 security.

33 (d) (c) A member of the Louisiana Registrars of Voters Association.

34 (e) (d) A representative from the office of the secretary of state who did not  
35 serve as member of the Voting System Commission.

36 (2) Committee members shall be appointed by the secretary of state and shall  
37 serve without compensation.

38 C. The committee shall ~~investigate and publicly test~~ examine the voting  
39 systems proposed by the respondents to the request for proposals and may utilize  
40 subject matter experts to assist in the ~~investigation~~ examination. Upon completion  
41 of the ~~investigation~~ examination, the committee shall score each proposal according  
42 to the request for proposal criteria, which shall ensure that all proposals are evaluated  
43 in a fair and balanced manner and provide equal consideration for all potential  
44 vendors without exception. The highest-scoring proposal shall receive the  
45 recommendation of the committee. The recommendation shall be communicated to  
46 the secretary of state. The secretary of state shall then make a recommendation and  
47 submit the proposal to the chief procurement officer for subsequent review, approval,  
48 or further inquiry in accordance with the Louisiana Procurement Code.

49 \* \* \*

50 §1364. Placement and sufficiency of voting machines and counting equipment for  
51 absentee by mail and early voting

52 A. The secretary of state shall ~~consult with~~ provide an annual report to the  
53 Voting System Commission at least once annually to determine regarding the  
54 sufficiency of the voting machines and absentee by mail and early voting counting  
55 equipment necessary to conduct absentee by mail and early voting in an election,  
56 taking into consideration the technological capabilities of the voting system. He shall  
57 ensure that the number of voting machines and the absentee by mail and early voting  
58 counting equipment placed within a parish for an election is adequate and sufficient  
59 to process and count the absentee by mail and early voting ballots cast in the election  
60 within a reasonable period.

61 \* \* \*

1 §1366. Requirements for voting systems

2 Any new voting system procured by the secretary of state in accordance with  
3 the provisions of R.S. 18:1362 shall satisfy all of the following:

4 \* \* \*

5 (2) All voting system equipment shall have enabled only ~~essential~~ the  
6 functionality deemed by the secretary of state to be essential and shall not connect  
7 to the internet.

8 \* \* \*

9 (4) The secretary of state shall be responsible for all ballot programming and  
10 voting system maintenance and repair, and shall limit the use of third-party vendors  
11 to support services only.

12 \* \* \*

13 (6) The voting system vendor shall provide documentation to the secretary  
14 of state regarding financial disclosure, equity holdings, and management structure  
15 and must disclose any percentage of ownership by a foreign entity either in whole  
16 or in part, including any subsidiary or affiliate. This documentation shall be provided  
17 immediately upon request by the secretary of state and any time there is a change to  
18 information previously disclosed to the secretary of state.

19 \* \* \*