

2015 Regular Session

HOUSE BILL NO. 242

BY REPRESENTATIVE TIM BURNS

1 AN ACT

2 To amend and reenact R.S. 18:101(A)(3), 154(A) and (C)(2)(b), 178, 402(C)(2) and
3 (E)(2)(c), 435(A)(Subsection heading) and (1) and (B), 463(A)(2)(c)(i) and (ii),
4 467(3), 534(B), 536(A)(introductory paragraph) and (3), 551(C)(1), 1280.22(B)(1),
5 and 1306(E)(2), to enact R.S. 18:154(H) and (I), 491(C)(3), and 1308(A)(1)(c), and
6 to repeal R.S. 18:173(A), 402(F)(7), 467(5), and 1306(E)(1)(g), relative to the
7 Louisiana Election Code; to revise the system of laws comprising the Louisiana
8 Election Code; to provide relative to qualifications, requirements, and procedures for
9 voter registration; to provide for the confidentiality of certain information relative
10 to voter registration and voting; to provide for exceptions; to provide for election
11 dates; to repeal certain reporting requirements relative to deaths; to require reports
12 of certain information received through jury questionnaires; to provide relative to
13 watchers; to provide for the content and procedure for submitting lists of watchers;
14 to provide relative to polling places; to provide for a change in the location of a
15 polling place; to authorize certain officials to change the location of a polling place
16 under certain circumstances; to provide for notification of such changes; to provide
17 relative to the appointment of certain persons to direct potential voters to the new
18 location of the polling place; to provide relative to absentee voting by mail; to
19 provide relative to procedures and requirements for voting absentee by mail; to
20 provide relative to the content of absentee by mail voting materials; to provide
21 relative to voting absentee by mail by certain persons who are hospitalized; to
22 provide relative to standing to bring an action objecting to candidacy; to provide
23 relative to listing candidates on the ballot; to provide relative to the qualifying period
24 in certain elections; to provide relative to the notice of candidacy; and to provide for
25 related matters.

1 Be it enacted by the Legislature of Louisiana:

2 Section 1. R.S. 18:154(A), 178, 402(C)(2) and (E)(2)(c), 435(A)(Subsection
3 heading) and (1) and (B), 463(A)(2)(c)(i) and (ii), 467(3), 534(B), 536(A)(introductory
4 paragraph) and (3), 551(C)(1), 1280.22(B)(1), and 1306(E)(2) are hereby amended and
5 reenacted and R.S. 18:154(H) and (I), 491(C)(3), and 1308(A)(1)(c) are hereby enacted to
6 read as follows:

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

8 A. The records of each registrar are public records and at all times during
9 office hours shall be open to inspection, except the early voting ~~applications~~
10 confirmation sheets of voters.

11 * * *

12 H. Notwithstanding any provision of this Section to the contrary, the
13 Department of State shall not disclose votes that are void because of the death of a
14 candidate pursuant to R.S. 18:469, withdrawal of a candidate pursuant to R.S.
15 18:502, resignation of a public officer subject to a recall election pursuant to R.S.
16 18:1300.7, or disqualification of a candidate pursuant to R.S. 18:1410.

17 I. Notwithstanding any provision of this Section to the contrary, the registrar,
18 the clerk of court, the Department of State, the office of motor vehicles of the
19 Department of Public Safety and Corrections and any entity that contracts with the
20 office, each voter registration agency and any entity that contracts with a voter
21 registration agency, and any person who handles the voter registration application
22 form of another person is prohibited from disclosing the voter registration
23 application and any information contained on the voter registration application of
24 any person who is sixteen or seventeen years of age.

25 * * *

26 §178. Notification on jury venire

27 A. ~~By~~ In each parish that sends out jury duty notices or questionnaires, by
28 the tenth day of each month, the clerk of court shall notify, in writing, the registrar
29 of voters of any returned jury duty notice or questionnaire indicating the person is
30 unable to serve because he no longer resides in the parish. ~~In parishes~~ a parish where

1 the clerk of court is not responsible for handling the jury duty notices or
2 questionnaires, the responsible entity shall notify, in writing, the registrar of voters
3 of any such returned jury ~~notices~~ duty notices or questionnaires.

4 B.(1) In each parish that sends out jury duty notices or questionnaires, by the
5 tenth day of each month, the clerk of court shall notify, in writing, the Department
6 of State of any returned jury duty notice or questionnaire indicating the person is
7 unable to serve because he is not a United States citizen. In a parish where the clerk
8 of court is not responsible for handling jury duty notices or questionnaires, the
9 responsible entity shall notify, in writing, the Department of State of any such
10 returned jury duty notices or questionnaires.

11 (2) The Department of State shall send information received pursuant to
12 Paragraph (1) of this Subsection to the registrar of voters of each parish.

13 C.(1) Upon the expiration of each jury selection panel, each federal district
14 court in the state shall notify the Department of State of any person identified as out
15 of the jurisdiction within the time limit of a particular panel for jury selection or as
16 not being a United States citizen.

17 (2) The Department of State shall send such information received from the
18 federal district courts to the registrar of voters of each parish.

19 * * *

20 §402. Dates of primary and general elections

21 * * *

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

26 * * *

27 (2) General elections for municipal and ward officers who are not elected at
28 the same time as the governor or members of congress shall be held on the fourth
29 Saturday after the first Saturday in April of an election year unless the primary
30 election for such officers is held on the first Saturday in March; in such case, the

1 general election shall be held on the fourth Saturday after the first Saturday ~~after the~~
2 ~~first Tuesday~~ in March of an election year.

3 * * *

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

8 * * *

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

10 * * *

11 (c) The fourth Saturday after the first Saturday in April of any year unless
12 the primary election is held on the first Saturday in March; in such case, the general
13 election shall be held on the fourth Saturday after the first Saturday ~~after the first~~
14 ~~Tuesday~~ in March; however, commencing in 1986 and every fourth year thereafter,
15 this date shall not be applicable in a parish containing a municipality with a
16 population of three hundred thousand or more.

17 * * *

18 §435. Watchers; appointment and commission

19 A. ~~Right to have watchers.~~ (1)(a) Each candidate is entitled to have one
20 watcher at every precinct on election day where the office he seeks is voted on in a
21 primary or general election. The candidate or his authorized representative shall file
22 one list of watchers on a form provided by the secretary of state or on a form which
23 contains the same information as required by the form provided by the secretary of
24 state. When a candidate's list of watchers is filed by the candidate's authorized
25 representative, a letter of authorization from the candidate shall accompany the list
26 of watchers; however, in the list of watchers shall be signed by the candidate.

27 (b) In the case of a presidential election, each slate of candidates for
28 presidential elector is entitled to have one watcher at every precinct. The state
29 central committee of each recognized political party shall be responsible for filing
30 the list of watchers for its slate of candidates for presidential elector, and the list of

1 watchers shall be signed by the chairman of the state central committee. The list of
 2 watchers for an independent or other party slate of candidates for presidential elector
 3 shall be signed and filed by any person so authorized by the presidential candidate
 4 supported by the slate of electors. A letter of authorization from the presidential
 5 candidate, or an authorized agent of his campaign, shall accompany the list of
 6 watchers.

7 * * *

8 B.(1)(a) Lists of watchers. A list of watchers shall be filed with the clerk of
 9 court by hand delivery, facsimile, mail, or commercial courier before 4:30 p.m. on
 10 the tenth day before the primary or general election; however, if the tenth day before
 11 the primary or general election falls on a Saturday, Sunday, or other legal holiday,
 12 the list shall be filed on the next day which is not a Saturday, Sunday, or other legal
 13 holiday. For purposes of this Paragraph, "commercial courier" shall have the same
 14 meaning as provided in R.S. 13:3204(D).

15 (b) A list of watchers submitted by a candidate for the primary election may
 16 be used for the general election only if the candidate notifies the clerk of court in
 17 writing by 4:30 p.m. on the tenth day before the general election that he wants to use
 18 the same list of watchers.

19 (2) Except for a candidate or recognized political party filing for a slate of
 20 candidates for presidential elector, any person filing a list of watchers must attach
 21 a certified statement that the report required by R.S. 18:1486 has been filed with the
 22 supervisory committee in compliance with the Campaign Finance Disclosure Act.
 23 ~~If any candidate submits a list for the primary election and does not submit a list for~~
 24 ~~the general election, the list submitted in the primary election shall be treated as his~~
 25 ~~list submitted for the general election.~~

26 (3) A list of watchers shall contain only one watcher and one alternate
 27 watcher for each precinct where the candidate or person submitting the list is entitled
 28 to have a watcher. The list shall be typed or legibly written, and it shall contain the

1 name and mailing address of each watcher and alternate watcher, and a designation
2 of the precinct where he is to serve.

3 * * *

4 §463. Notice of candidacy; campaign finance disclosure; political advertising;
5 penalties

6 A.

7 * * *

8 (2)

9 * * *

10 (c) For the purposes of this Paragraph:

11 (i) "Outstanding fine, fee, or penalty pursuant to the Campaign Finance
12 Disclosure Act" shall mean a fine, fee, or penalty equal to an amount of two hundred
13 fifty dollars or more assessed by order of the Supervisory Committee on Campaign
14 Finance Disclosure or its staff or by final decision of an adjudicatory panel of the
15 Ethics Adjudicatory Board pursuant to the Campaign Finance Disclosure Act ~~that~~
16 ~~has been converted into a court order~~ for which all requests for waiver or appeals
17 have been exhausted or a judgment of a district court assessing civil penalties
18 pursuant to the Campaign Finance Disclosure Act ~~and that has become executory~~
19 ~~pursuant to R.S. 18:1511.4.1 or 1511.5~~ for which all appeals have been exhausted.

20 (ii) "Outstanding fines, fees, or penalties pursuant to the Code of
21 Governmental Ethics" shall mean a fine, fee, or penalty equal to an amount of two
22 hundred fifty dollars or more imposed by the Board of Ethics or by final decision of
23 an adjudicatory panel of the Ethics Adjudicatory Board pursuant to the Code of
24 Governmental Ethics for which all appeals have been exhausted.

25 * * *

26 §467. Opening of qualifying period

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

28 * * *

29 (3) For candidates in a primary election for municipal and ward officers who
30 are not elected at the same time as the governor or members of congress in

1 municipalities with a population of less than three hundred thousand and those in any
 2 special primary election to be held at the same time, on the second Wednesday in
 3 February of the year of the election, unless the primary election is held on the ~~third~~
 4 first Saturday after the first Tuesday in March; in such case the qualifying period for
 5 candidates in such primary election shall open on the first Wednesday in December
 6 of the year prior to the election.

7 * * *

8 §491. Standing to object to candidacy

9 * * *

10 C. In addition to the persons with standing to bring an action objecting to
 11 candidacy as provided in Subsections A and B of this Section:

12 * * *

13 (3) The Board of Ethics shall bring or join in an action filed pursuant to R.S.
 14 18:492(4) on the grounds that the person qualified in violation of R.S.
 15 42:1113(A)(1)(b)(i).

16 * * *

17 §534. Change of polling places

18 * * *

19 B.(1) The location of a polling place shall not be changed during the period
 20 commencing on the date the qualifying period opens and ending on the date of the
 21 general election or, in the case of an election date exclusively for bond, tax, or other
 22 propositions or questions, during the period commencing on the forty-sixth day prior
 23 to the election and ending on the day of the election unless the polling place becomes
 24 unavailable due to an emergency caused by an act of God or when privately owned
 25 property being used as a polling place becomes unavailable through no fault of the
 26 governing authority.

27 (2)(a) Notwithstanding the provisions of Subsection A of this Section, if a
 28 polling place becomes unavailable during the period defined in and due to the
 29 reasons provided in Paragraph (1) of this Subsection and there is no regularly
 30 scheduled meeting of the parish governing authority scheduled to take place prior to

1 the election, the parish president may change the location of the polling place. The
2 parish president shall submit written notice of the change as soon as practicable to
3 the secretary of state.

4 (b) A change in the location of a polling place made by a parish president
5 pursuant to Subparagraph (a) of this Paragraph shall not be permanent unless the
6 governing authority of the parish votes to approve the change.

7 (c) For purposes of this Paragraph, "parish president" means the president
8 of any parish, mayor-president, mayor of New Orleans, or police jury president.

9 * * *

10 §536. Notice of change of location of polling place

11 A. When a parish governing authority or parish president, in accordance with
12 the provisions of R.S. 18:534, changes the location of a polling place during the
13 period commencing on the date the qualifying period opens and ending on the date
14 of the general election or during the period commencing on the forty-sixth day prior
15 to an election and ending on the day of the election for an election date exclusively
16 for bond, tax, or other propositions or questions, the governing authority shall give
17 adequate notice of the change of the location to each voter registered to vote at that
18 polling place and to each candidate to be voted on at that polling place, if applicable,
19 in the following manner:

20 * * *

21 (3) An employee of the parish governing authority shall be stationed at the
22 former polling place for the purpose of directing potential voters to the new location
23 of the polling place. The eligibility requirements provided in R.S. 18:1354(C) for
24 appointment as a deputy parish custodian of voting machines are applicable to the
25 employee. Such employee shall be required to take the constitutional oath or
26 affirmation. The clerk of court shall administer the oath.

27 * * *

28 §551. Ballots

29 * * *

1 C. Names and numbers of candidates. The names of the candidates in a
2 primary or general election shall be listed on the ballot as follows:

3 (1)(a) In a primary election only the names of candidates who qualified for
4 election and were not subsequently disqualified by a judgment rendered in an action
5 objecting to candidacy shall be listed on the ballot.

6 (b) The name of each local candidate shall be listed on the ballot as certified
7 to the secretary of state by the clerk of court, and the name of each state candidate
8 shall be listed on the ballot in the form designated by the candidate in his notice of
9 candidacy on file with the secretary of state.

10 (c)(i) The names of the candidates for each office shall be arranged
11 alphabetically by surname and shall be listed below the title of the office, in smaller
12 capital letters. The names of the candidates shall be numbered from first to last.
13 Once the secretary of state has assigned numbers to the candidates on the primary
14 election ballot, the numbers shall not be changed.

15 (ii) If the qualifying period reopens because of the death of a candidate,
16 additional candidates who qualify for the primary election shall be given the numbers
17 following the number assigned to the last candidate on the ballot.

18 (iii) If two or more candidates have the same surname, the names of the
19 candidates having the same surname shall be arranged alphabetically by first name,
20 regardless of whether a candidate's first name appears on the ballot. The word
21 "Incumbent" shall be listed after the name of each candidate having the same
22 surname who is an incumbent, and the residence address shall be listed after the
23 name of each candidate having the same surname who is not an incumbent.

24 * * *

25 §1280.22. Candidates; procedure for qualifying

26 * * *

27 B.(1) The qualifying period for presidential candidates shall open on the first
28 Wednesday in December and shall close at ~~5:00~~ 4:30 p.m. on the following Friday.

1 During the qualifying period, presidential candidates shall file notices of candidacy
2 with the secretary of state.

3 * * *

4 §1306. Preparation and distribution of absentee by mail and early voting ballots

5 * * *

6 E.

7 * * *

8 (2)(a) An absentee by mail ballot envelope flap shall also contain a line for
9 the handwritten signature of one witness: and a line for the printed name of the
10 witness. The voter ~~may~~ shall sign the certificate in the presence of one witness and
11 ~~in such a case, the voter shall not be required to obtain the signature of a notary~~
12 ~~public, but~~ his certificate shall be made under penalty of perjury for providing false
13 or fraudulent information. Above the perforation and along the seal line, the words
14 "DO NOT DETACH FLAP" shall be printed.

15 (b) Notwithstanding the provisions of Subparagraph (a) of this Paragraph,
16 a member of the United States Service or person residing outside of the United States
17 who is registered to vote shall not be required to sign the certificate in the presence
18 of one witness ~~or to obtain the signature of a notary public,~~ but his certificate shall
19 be made under penalty of perjury for providing false or fraudulent information.

20 * * *

21 §1308. Absentee voting by mail

22 A.(1)

23 * * *

24 (c)(i) A voter who is eligible to vote absentee by mail pursuant to R.S.
25 18:1303(D)(1) and who feels he will not have time to vote timely by mail may
26 request that the registrar transmit electronically to him a ballot along with a
27 certificate and waiver of the right to a secret ballot, and the registrar shall do so.
28 Alternatively, an immediate family member of the voter may pick up the necessary
29 instructions, certificate, ballot, and envelope at the registrar's office.

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

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

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

19 * * *
20 Section 2. R.S. 18:101(A)(3) and 154(C)(2)(b) are hereby amended and reenacted
21 to read as follows:

22 §101. Registration to vote; qualifications; more than one residence; presidential
23 elections
24 A.

25 * * *
26 (3) A person who is sixteen years of age may register to vote in the manner
27 provided in R.S. 18:114(B)(1) ~~or by making application in person at the office of the~~
28 registrar of voters. However, no one under the age of eighteen years shall be
29 permitted to vote in any election.

30 * * *

