

2016 Regular Session

HOUSE BILL NO. 890

BY REPRESENTATIVE DANAHAHAY

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AN ACT

To amend and reenact R.S. 18:18(A)(7), 23(A)(introductory paragraph) and (B), 116(A)(1)(introductory paragraph) and (a), (B)(1)(a) and (d) and (2)(a) and (b), and (C), 193(D), 424(B)(1), 425(B), 444(D), 463(A)(2)(b), 470(B), 532.1(D)(2)(a) and (E), 563(D)(2), 583(A)(2), 1285(B)(1)(a), 1300(C)(1), 1306(A)(3), 1307(B)(1)(a), and 1313(J)(2)(b), to enact R.S. 18:18(A)(10), 23(A)(8), 65, 116(A)(3), 1309(E)(5)(b)(iii), 1310(D), and 1313(F)(11), and to repeal R.S. 18:105(B) and (C) and 116(A)(1)(c), relative to the Louisiana Election Code; to revise the system of laws comprising the Louisiana Election Code; to provide relative to the powers, duties, and authority of the secretary of state; to authorize the secretary of state to develop and implement a pilot program for new voting technology and equipment; to provide relative to voter registration agencies; to provide relative to the duty to provide voter registration services at such agencies; to prohibit certain conduct at such agencies; to provide relative to qualifications to serve as a commissioner or commissioner-in-charge; to allow certain students at institutions of higher learning

1 in the state to serve as commissioners under certain circumstances; to require certain
 2 notice of the officers of parish executive committees; to provide relative to the notice
 3 of candidacy; to provide relative to the execution of the certificate on a notice of
 4 candidacy; to provide relative to qualifying fees; to provide relative to changes in
 5 precinct boundaries; to require the parish governing authority to provide certain
 6 information prior to adopting any such change; to require the secretary of state to
 7 report certain information relative to such changes; to provide deadlines for making
 8 such changes; to provide for the effectiveness of such changes; to provide relative
 9 to anticipated vacancies; to provide relative to procedures for applying to vote
 10 absentee by mail; to provide for the deadline for filing a request for recount of
 11 absentee by mail ballots; to provide relative to voter registration; to require the
 12 registrar to transfer registration information under certain circumstances; to provide
 13 for the cancellation of a registration under certain circumstances; to provide relative
 14 to procedures and requirements for establishing eligibility; to provide relative to
 15 retirement or resignation of a registrar; to provide for the membership of the State
 16 Board of Election Supervisors; to provide deadlines for notice of certain elections;
 17 to provide relative to absentee by mail voting; to require certain information
 18 concerning correction procedures to appear on the ballot; to provide relative to paper
 19 ballots; to provide for replacement ballots; to provide for effectiveness; and to
 20 provide for related matters.

21 Be it enacted by the Legislature of Louisiana:

22 Section 1. R.S. 18:18(A)(7), 23(A)(introductory paragraph) and (B),
 23 116(A)(1)(introductory paragraph) and (a), (B)(1)(a) and (d) and (2)(a) and (b), and (C),
 24 424(B)(1), 425(B), 444(D), 463(A)(2)(b), 470(B), 532.1(D)(2)(a) and (E), 583(A)(2),
 25 1307(B)(1)(a), and 1313(J)(2)(b) are hereby amended and reenacted and R.S. 18:18(A)(10),
 26 23(A)(8), 65, and 116(A)(3) are hereby enacted to read as follows:

27 §18. Secretary of state; powers and duties

28 A. The secretary of state shall administer the laws relating to custody of
 29 voting machines and voter registration, and for the purpose he shall:

30 * * *

1 (7) Prescribe uniform rules, regulations, forms, and instructions as to the use
2 of electronic voting machines, as defined by R.S. ~~18:1351(12)(b)~~ 18:1351, in the
3 conduct of early voting, which shall be approved by the attorney general and
4 thereafter shall be applied uniformly by each registrar of voters in the state.

5 * * *

6 (10)(a) Develop and implement a pilot program for new voting technology
7 and equipment.

8 (b) The secretary of state shall work with two members from the House
9 Committee on House and Governmental Affairs designated by the chairman of that
10 committee and two members from the Senate Committee on Senate and
11 Governmental Affairs designated by the chairman of that committee in developing
12 the program. After the development of the program, the secretary of state shall
13 submit the details of the program to the House Committee on House and
14 Governmental Affairs and the Senate Committee on Senate and Governmental
15 Affairs. The secretary of state shall also submit to the committees the details of any
16 subsequent change to the program.

17 * * *

18 §23. State Board of Election Supervisors

19 A. The State Board of Election Supervisors is created and established in the
20 Department of State as provided in R.S. 36:802. The board shall be composed of the
21 following ~~seven~~ persons:

22 * * *

23 (8) One member of the Police Jury Association of Louisiana or its successor,
24 who shall be elected by the membership thereof to serve a four-year term concurrent
25 with that of the governor. A vacancy shall be filled in the same manner for the
26 remainder of the unexpired term.

27 B. ~~Four~~ Five members of the board shall constitute a quorum for the
28 transaction of business, and all actions of the board shall require the affirmative vote
29 of at least ~~four~~ five members.

30 * * *

1 §65. Retirement or resignation of a registrar

2 A. A registrar who retires or resigns shall file a notice of retirement or
3 resignation with the secretary of state.

4 B. A notice of retirement or resignation of a registrar shall be in writing,
5 shall be dated, may specify a prospective date on which the retirement or resignation
6 is to be effective, and shall be signed by the registrar and duly acknowledged by him
7 before an officer authorized to administer oaths.

8 C. Upon receiving a notice of retirement or resignation from a registrar, the
9 secretary of state shall immediately transmit a copy of the notice to the governing
10 authority for the parish of the registrar who filed the notice.

11 D. A notice of retirement or resignation of a registrar shall not be effective
12 until the original notice of retirement or resignation is received by the secretary of
13 state and shall become irrevocable upon such receipt by the secretary of state.

14 * * *

15 §116. Voter registration agencies

16 A.(1) Voter registration services shall be provided at the following offices,
17 hereby designated as voter registration agencies:

18 (a) Public assistance offices and agencies that administer or provide services
19 under the ~~food-stamp~~ Supplemental Nutrition Assistance Program (SNAP),
20 Medicaid program, the supplemental food for Women, Infants and Children (WIC)
21 program, ~~and~~ the Family Independence Temporary Assistance Program (FITAP)
22 programs, the Kinship Care Subsidy Program (KCSP), and the Child Care Assistance
23 Program (CCAP) or their successors, and any other public assistance agencies, if
24 any, which the secretary shall designate by rule successor programs.

25 * * *

26 (3) Voter registration services shall be provided at recruitment offices of the
27 Armed Forces of the United States according to the procedures established by the
28 Federal Voting Assistance Program.

29 B.(1) At each designated voter registration agency, the following services
30 shall be provided during regular office hours:

1 (a) Distribution of a mail voter registration application form to any applicant
2 who is qualified to register.

3 * * *

4 (d) Acceptance of any ~~change of address or~~ change of name submitted by a
5 registrant to an agency which shall serve as a notification of ~~change of address or~~
6 change of name for voter registration unless the registrant states at the time of
7 submitting the change that the change is not for voter registration purposes. The
8 transmittal procedure shall be handled in the same manner as voter registration
9 applications.

10 (2) Persons providing the services described in this Subsection shall not:

11 (a) Seek to influence an applicant's political preference or party registration.

12 (b) Display any such political preference or ~~political party or body~~
13 allegiance.

14 * * *

15 C.(1) A designated voter registration agency as provided in ~~Subsection A~~
16 Paragraph (A)(1) of this Section shall:

17 (a) Distribute a mail voter registration application form with each application
18 for ~~such~~ service or assistance and with each recertification, renewal, or change of
19 address form relating to such service or assistance unless the applicant declines in
20 writing to register to vote.

21 (b) ~~Distribute~~ Provide a form to accompany the mail voter registration
22 application form which includes:

23 (i) A statement of voter registration eligibility requirements.

24 (ii) The question "If you are not registered to vote where you live now,
25 would you like to apply to register to vote here today?":

26 (iii) If the agency provides public assistance, the statement "Applying to
27 register or declining to register to vote will not affect the amount of assistance that
28 you will be provided by this agency."

29 (iv) Boxes for the applicant to check to indicate whether the applicant is
30 ~~presently registered~~, would like to register, or declines to register to vote with the

1 statement "IF YOU DO NOT CHECK ANY BOX, YOU WILL BE CONSIDERED
2 TO HAVE DECIDED NOT TO REGISTER TO VOTE AT THIS TIME." in close
3 proximity to the boxes and in prominent type.

4 ~~(iv)~~ (v) The statements "If you would like help in filling out the voter
5 registration form, we will help you. The decision whether to seek or accept help is
6 yours. You may fill out the application form in private."

7 ~~(v)~~ (vi) The statement "If you believe that someone has interfered with your
8 right to register or to decline to register to vote, ~~or~~ your right to privacy in deciding
9 whether to register or in applying to register to vote, or your right to choose your
10 own political party or other political preference, you may file a complaint with the
11 secretary of state." and the current address and telephone number of the secretary of
12 state.

13 ~~(2)~~ Any designated voter registration agency as provided in Subparagraphs
14 ~~A(1)(a) and (b) of this Section shall also include on the form which accompanies the~~
15 ~~voter registration application form the statement "Applying to register or declining~~
16 ~~to register to vote will not affect the amount of assistance that you will be provided~~
17 ~~by this agency."~~

18 ~~(3)~~ (2) If an applicant fails to check any box on the form required by this
19 Subsection, the applicant shall be deemed to have declined to apply to register to
20 vote.

21 ~~(4)~~ (3) Each applicant who decides to register to vote shall be provided the
22 same degree of assistance with regard to the completion of the registration
23 application form as is provided by the office with regard to the completion of its own
24 forms, unless the applicant refuses such assistance.

25 ~~(5)~~ (4) If a designated voter registration agency as provided in Subparagraph
26 (A)(1)(b) of this Section provides services to a person with a disability at the person's
27 home, the agency shall provide the same services described in this Section at the
28 person's home.

1 ~~(6)~~ (5) No information relating to a declination to apply to register to vote
2 may be used for any purpose other than voter registration and shall not be subject to
3 public inspection.

4 * * *

5 §424. Commissioners-in-charge

6 * * *

7 B. Qualifications. A commissioner-in-charge shall possess the following
8 qualifications:

9 (1) He shall be a qualified voter in the parish in which he is to serve who is
10 ~~not entitled to assistance in voting~~ able to perform the essential duties of a
11 commissioner-in-charge as described in the informational pamphlet developed by the
12 secretary of state pursuant to R.S. 18:421(C).

13 * * *

14 §425. Commissioners

15 * * *

16 B. Qualifications and classifications. (1) The legislature finds that the state
17 has a compelling interest in providing an efficient and effective electoral process on
18 election day and ensuring that commissioners who serve at polling places can
19 perform all required duties.

20 (2) A qualified voter who is ~~not marked for assistance in voting in the~~
21 ~~precinct register, who does not require the use of the audio ballot in voting,~~ able to
22 perform the essential duties of a commissioner as described in the informational
23 pamphlet developed by the secretary of state pursuant to R.S. 18:421(C) and who is
24 not a candidate in the election may be selected as a commissioner in any precinct of
25 the ward where he is registered to vote, except pursuant to R.S. 18:434(B) and (D)
26 in which case he may be selected as a commissioner in any precinct of the parish
27 where he is registered to vote or as otherwise provided in Paragraph ~~(4)~~ of
28 ~~Subsection A~~ (A)(4) of this Section.

29 ~~(2)(a)~~ (3)(a) No person shall be selected as a commissioner in a precinct in
30 which a member of his immediate family is a candidate for election to public office.

1 (b) No person who has been convicted of an election offense enumerated in
2 Chapter 10 of this Title shall serve as a commissioner.

3 ~~(3)~~ (4) A person shall not serve as a commissioner, except pursuant to R.S.
4 18:434(D), unless he has attended a course of instruction for commissioners, has
5 received a certificate of instruction during the term of office of the clerk who
6 conducted the school, and has provided his correct party affiliation to the clerk. A
7 commissioner who has received this certificate shall be classified as a certified
8 commissioner. A commissioner selected pursuant to R.S. 18:434(D), who has not
9 been issued such a certificate, shall be classified as an uncertified commissioner.

10 ~~(4)~~ (5) A person who is at least seventeen years of age, under the age of
11 eighteen, and is not a qualified voter but is otherwise qualified to serve as a
12 commissioner pursuant to this Subsection may be selected to serve as a
13 commissioner in any precinct of the ward where he may register to vote pursuant to
14 R.S. 18:101(A), provided that the person is enrolled in the twelfth grade of any
15 Louisiana public high school or state-approved nonpublic high school, is
16 participating at the twelfth grade level in a home study program approved by the
17 State Board of Elementary and Secondary Education, has received a diploma from
18 any Louisiana public high school or state-approved nonpublic high school, has
19 received a diploma for completion of a home study program approved by the State
20 Board of Elementary and Secondary Education, or has been issued a high school
21 equivalency diploma after successfully completing the test of General Educational
22 Development.

23 (6) Notwithstanding the provisions of Paragraph (2) of this Subsection, a
24 qualified voter of this state or a person who is registered to vote in another state who
25 is able to perform the essential duties of a commissioner as described in the
26 informational pamphlet developed by the secretary of state pursuant to R.S.
27 18:421(C), who is not a candidate in the election, and who is a student at an
28 institution of higher learning located in this state may be selected as a commissioner
29 in any precinct in the parish where the institution of higher learning is located if the

1 student submits to the clerk a copy of his student identification or fee bill showing
2 current enrollment and a copy of his proof of voter registration.

3 * * *

4 §444. Parish executive committees

5 * * *

6 D. Officers. At the first meeting of the parish executive committee of a
7 recognized political party, the newly-elected members of the committee shall elect
8 the officers provided for by the rules and regulations of the state central committee
9 of that political party, which shall be uniform for all parish executive committees.
10 The chairman of each parish executive committee shall submit the name of each
11 officer to the secretary of state within five business days of the election of the
12 officers and shall submit any change in the officers to the secretary of state within
13 five business days of the change.

14 * * *

15 §463. Notice of candidacy; campaign finance disclosure; political advertising;
16 penalties

17 A.

18 * * *

19 (2)

20 * * *

21 (b) The certificate shall be executed before a notary public or shall be
22 witnessed by two persons ~~who are registered to vote on the office the candidate~~
23 ~~seeks~~. If the candidate is serving outside the state with the armed forces of the
24 United States, his notice of candidacy shall be witnessed by a commissioned officer
25 in the armed forces of the United States.

26 * * *

27 §470. Disposition of notices of candidacy; qualifying fees; nomination petitions

28 * * *

29 B. Qualifying fees. The secretary of state shall deliver all qualifying fees to
30 the state treasurer, who shall ~~place the qualifying fees in an escrow account and from~~

1 1965, is received by the secretary of state prior to 4:30 p.m. on the fifth tenth
2 business day prior to the date the qualifying period opens.

3 * * *

4 §583. Procedure for anticipated vacancies

5 A.

6 * * *

7 (2) It shall become certain that a vacancy will exist on the day the term of
8 office commences when the person elected to the office ~~dies~~, or makes a declaration
9 to the secretary of state that he will not accept the office, or is disqualified by a court
10 of competent jurisdiction.

11 * * *

12 §1307. Application by mail

13 * * *

14 B.(1)(a)(i) An application to vote by mail may be delivered to the registrar
15 by any means, including the United States Postal Service, commercial delivery
16 service, hand delivery, or facsimile.

17 (ii) If hand delivered by other than a commercial delivery service or the
18 United States Postal Service, the registrar shall require that the person making such
19 delivery sign the application. No person, except the immediate family of any voter,
20 ~~as defined in this code,~~ shall hand deliver more than one voter's application to vote
21 by mail to the registrar of voters.

22 (iii) If sent by facsimile, the person sending the application by facsimile shall
23 sign the application to indicate that he is the sender and shall include the facsimile
24 number from where the facsimile was sent. No person, except the immediate family
25 of any voter, shall send by facsimile more than one voter's application to vote by
26 mail to the registrar of voters. However, the provisions of this Item shall not apply
27 to an application by a person who is entitled to vote pursuant to the Uniformed and
28 Overseas Citizens Absentee Voting Act.

29 * * *

1 §1313. Tabulation and counting of absentee by mail and early voting ballots

2 * * *

3 J.

4 * * *

5 (2)

6 * * *

7 (b) All recounts of absentee by mail and early voting ballots shall be held at
8 10:00 a.m. or following the reinspection of voting machines on the fifth day after the
9 election and at any time ordered by a court of competent jurisdiction. If the fifth day
10 after the election falls on a holiday or weekend, such recount shall be held on the
11 next working day at 10:00 a.m. or following the reinspection of voting machines.
12 Any written request for recount of absentee by mail and early voting ballots shall be
13 filed with the clerk of court. The deadline for filing a request for recount of absentee
14 by mail and early voting ballots shall be 4:30 p.m. on the last working day prior to
15 the date of the recount. Immediately upon receiving any request, the clerk of court
16 shall prominently post in his office a notice of the time and place where the absentee
17 by mail and early voting ballots will be recounted and the name of the candidate or
18 the voter in the proposition election requesting the recount.

19 * * *

20 Section 2. R.S. 18:193(D), 563(D)(2), 1285(B)(1)(a), 1300(C)(1), and 1306(A)(3)
21 are hereby amended and reenacted and R.S. 18:1309(E)(5)(b)(iii), 1310(D), and 1313(F)(11)
22 are hereby enacted to read as follows:

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

24 * * *

25 D.(1) If the voter responds to the address confirmation card and has
26 permanently moved ~~outside the~~ to a different parish, the registrar shall ~~cancel~~
27 transfer the voter's registration information to the new parish of residence.

1 (2) If the voter responds to the address confirmation card and has
 2 permanently moved outside the state, the registrar shall cancel the voter's
 3 registration.

4 * * *

5 §563. Procedure for voting

6 * * *

7 D.

8 * * *

9 (2)(a) In order to cast a vote on a paper ballot, a voter must make a selection
 10 for a candidate or for or against a proposition by completely filling in the oval to the
 11 right of a selection and returning the ballot to the appropriate election official within
 12 the applicable deadline set forth by law. If a voter makes selections for more than
 13 the number of candidates to be elected for an office or makes selections for and
 14 against the same proposition, the selections for that office or proposition will be
 15 void.

16 (b) If a voter determines that his ballot is spoiled because he wants to change
 17 or correct his vote on the ballot before it is cast and counted but is unable to do so,
 18 he may obtain a replacement ballot upon returning the spoiled ballot to a
 19 commissioner. The voter shall cast his vote as provided in Subparagraph (a) of this
 20 Paragraph using the replacement ballot. The commissioner shall write the words
 21 "spoiled and replaced" on the ballot and shall place it in the envelope marked
 22 "Registrar of Voters".

23 * * *

24 §1285. Notice of election

25 * * *

26 B.(1)(a) Written notice of the election and the certificate required by
 27 Subparagraph (b) of this Paragraph shall be transmitted to the secretary of state and
 28 each clerk of court and registrar of voters in the area affected by the election. If the
 29 election is to be held on a primary election date, then such notice and certificate shall
 30 be received by the secretary of state at least four weeks prior to the opening of the

1 §1309. Early voting; verification

2 * * *

3 E.

4 * * *

5 (5)

6 * * *

7 (b)

8 * * *

9 (iii) If a voter determines that his ballot is spoiled because he wants to
10 change or correct his vote on the ballot before it is cast and counted but is unable to
11 do so, he may obtain a replacement ballot upon returning the spoiled ballot to the
12 registrar or deputy registrar. The voter shall cast his vote as provided in Item (i) of
13 this Subparagraph using the replacement ballot. The registrar or deputy registrar
14 shall write the words "spoiled and replaced" on the ballot and attach it to the early
15 voting confirmation sheet.

16 * * *

17 §1310. Execution of certificate; marking of ballot; casting vote; assistance

18 * * *

19 D.(1) If a voter determines that his ballot is spoiled because he wants to
20 change or correct his vote on the ballot before it is cast and counted but is unable to
21 do so, he may obtain a replacement ballot from the registrar of voters in his parish.

22 (2) Upon receiving the replacement ballot, the voter shall mark the ballot and
23 return it to the registrar as provided in this Section. The voter shall not return the
24 spoiled ballot to the registrar, but shall destroy it. If the voter sends both the spoiled
25 ballot and the replacement ballot to the registrar, each of such ballots shall be void.

26 * * *

27 §1313. Tabulation and counting of absentee by mail and early voting ballots

28 * * *

29 F. The procedure for counting absentee by mail ballots shall be as follows:

30 * * *

