

ACT No. 584

2018 Regular Session

HOUSE BILL NO. 692

BY REPRESENTATIVES SHADOIN, DANAHAAY, AND GREGORY MILLER

1 AN ACT

2 To amend and reenact R.S. 18:3, 23(A)(8), 423(C)(2), 433(A)(5), 463(A)(2)(a)(iii),
3 464(B)(3), 467(3), 495(A) and (E), 533(D) and (E), 553, 562(B), 563(C) and (D)(1),
4 566(A) and (C), 571(A)(3) through (10), 572(A), 573(A)(2) and (3), (B), (C), and
5 (E)(1) and (3), 574(A)(3) and (B), (D)(1), (E), and (F), 1333(F)(2) and (G)(6)(b),
6 1354(B)(5), 1355, and 1361(A), to enact R.S. 18:23(E)(3), 571(A)(11), 573(E)(4),
7 and 1303(K) and (L), and to repeal R.S. 18:514, relative to the Louisiana Election
8 Code; to revise the system of laws comprising the Louisiana Election Code; to
9 provide relative to elections procedures and requirements, including petitions
10 submitted to registrars of voters for certification, membership of the State Board of
11 Election Supervisors and parish boards of election supervisors, the duties of the clerk
12 of court, qualifying fees, establishment and location of polling places, persons
13 entitled to vote absentee by mail, duties of registrars of voters, the nursing home
14 early voting program, voting machines and equipment, provisional voting for federal
15 office, duties of commissioners on election day, compilation and promulgation of
16 election returns, the qualifying period for candidates, and procedures for voting; to
17 provide for effectiveness; and to provide for related matters.

18 Be it enacted by the Legislature of Louisiana:

19 Section 1. R.S. 18:3, 23(A)(8), 423(C)(2), 433(A)(5), 464(B)(3), 467(3), 533(E),
20 1333(F)(2) and (G)(6)(b), 1354(B)(5), 1355, and 1361(A) are hereby amended and reenacted
21 and R.S. 18:23(E)(3), and 1303(K) and (L) are hereby enacted to read as follows:

22 §3. Petitions submitted to registrars of voters

23 A. Notwithstanding any other provision of law to the contrary, every petition
24 submitted to a registrar of voters for certification shall contain the following
25 information:

1 (1) The handwritten signature of the voter who is signing the petition;
 2 however, if a person is unable to write, the incapacitated person shall affix his mark
 3 to the petition and the person circulating the petition shall affix the name of the
 4 incapacitated person provided he does so in the presence of two witnesses who shall
 5 also sign their names as witnesses to the mark.

6 (2) The date the voter signed the petition.

7 (3) The signer's ward, precinct, and ~~date~~ year of birth.

8 (4) The address at which the signer is registered to vote, including municipal
 9 number, apartment number, rural route, and box number.

10 (5) Name of the signer either typed or legibly written.

11 (6) Name of the person who witnessed and who obtained the signature.

12 (7) Date on which the person witnessed and obtained the signature.

13 B. Notwithstanding any other provision of law to the contrary, the notice of
 14 endorsement of a petition to be submitted to the registrar for certification may be
 15 made by hand delivery.

16 BC. Whenever the registrar is required to certify signatures on a petition
 17 pursuant to any provision of the constitution or laws of this state, the registrar shall
 18 not honor the written request of any voter or signatory who either desires to have his
 19 signature stricken from the petition or desires to have his signature added to the
 20 petition unless such addition or deletion is expressly authorized by law. The
 21 chairman or other person responsible for the filing of the petition with the registrar
 22 shall file notice with the registrar three days prior to submission of the petition for
 23 certification, unless such submission is done within three days prior to the expiration
 24 of the period for submission of the petition for certification. Such notice shall be a
 25 public record.

26 ED. In determining the number of persons signing the petition who are
 27 electors in the voting area for the purpose of certifying the petition, the registrar shall
 28 not include any person who has not affixed to the petition his signature and the
 29 address at which he is registered to vote, any person whose signature has not been
 30 verified by the registrar, or any person whose name does not appear on the registrar's

1 roll of electors. To verify a signature on a petition, the registrar shall compare the
 2 handwritten signature on the petition with the signature on the original application
 3 card or any subsequent signature in the records of the registrar, including but not
 4 limited to precinct registers and affidavits filed pursuant to the provisions of R.S.
 5 18:111(C), or any microfilm, microfiche, or scanned or electronically captured
 6 computerized images of such documents. If the signatures are sufficiently alike to
 7 identify the person who signed the petition as the person who is the registered voter,
 8 the signature shall be verified. The signature of an elector shall include the surname
 9 under which the elector is registered to vote. The signature may include the elector's
 10 surname, first, and middle name, the initials of his surname, first, and middle name,
 11 or any combination thereof as the form in which his name appears on the petition,
 12 but shall not designate a title, designation, or deceptive name, nor shall it designate
 13 an occupational or professional description or abbreviation. However, the signature
 14 of a married woman may include her husband's surname, first, and middle name, the
 15 initials of his surname, first, and middle name, or any combination thereof, preceded
 16 by the title "Mrs." as the form in which her name appears on the petition, but only
 17 if she has registered under her husband's name preceded by the title "Mrs."

18 DE. The provisions of this Section shall not be applicable to petitions for
 19 elections to be held pursuant to the provisions of Chapter 3 of Title 26 of the
 20 Louisiana Revised Statutes of 1950.

21 * * *

22 §23. State Board of Election Supervisors

23 A. The State Board of Election Supervisors is created and established in the
 24 Department of State as provided in R.S. 36:802. The board shall be composed of the
 25 following persons:

26 * * *

27 (8) One member of the Police Jury Association of Louisiana or its successor,
 28 who shall be ~~elected by the membership thereof~~ selected in the manner determined

1 by the association to serve a four-year term concurrent with that of the governor. A
2 vacancy shall be filled in the same manner for the remainder of the unexpired term.

3 * * *

4 E.

5 * * *

6 (3) The Police Jury Association may select an alternate member to
7 permanently act for and in place of the member selected pursuant to Paragraph
8 (A)(8) of this Section in his absence from meetings of the board. The executive
9 director of the association shall notify the board in writing of the alternate member
10 selected pursuant to this Paragraph.

11 * * *

12 §423. Parish boards of election supervisors

13 * * *

14 C. Composition.

15 * * *

16 (2) In a parish where a parish executive committee of a recognized political
17 party has not been formed or where there is a vacancy in the office of chairman, the
18 chairman of the state central committee of that political party may appoint a voter
19 who is registered in the parish as being affiliated with the political party to serve on
20 the parish board of election supervisors.

21 * * *

22 §433. Commissioners-in-charge; course of instruction; selection; commission;
23 disqualification; replacement

24 A. Course of instruction.

25 * * *

26 (5) On or before ~~the last day of December of each year~~ December thirty-first
27 of each year, but after the date of the course of instruction, the clerk of court shall
28 file with the parish board of election supervisors ~~and the secretary of state~~ a certified
29 list containing the name of each person to whom he has issued a certificate, together
30 with the social security number, the party affiliation, the mailing address, and the

1 ward in which each such person is registered to vote. As soon as possible thereafter,
2 the clerk of court shall enter the list in the state voter registration computer system.

3 * * *

4 §464. Qualifying fees; additional fees imposed by political party committees;
5 financial statements

6 * * *

7 B. Amount of qualifying fees. The qualifying fees for candidates in primary
8 elections are:

9 * * *

10 (3) For municipal candidates -- forty dollars in a municipality with a
11 population of less than five thousand, seventy-five dollars in a municipality with a
12 population of five thousand or more but less than twenty-five thousand, one hundred
13 fifty dollars in a municipality with a population of twenty-five thousand or more but
14 less than fifty thousand, two hundred twenty-five dollars in a municipality with a
15 population of fifty thousand or more but less than one hundred thousand, three
16 hundred dollars in a municipality with a population of one hundred thousand or more
17 but less than three hundred thousand, and three hundred seventy-five dollars in a
18 municipality with a population of three hundred thousand or more. Population for
19 purposes of this Paragraph shall be the population shown by the latest federal
20 decennial census.

21 * * *

22 §467. Opening of qualifying period

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

24 * * *

25 (3) For candidates in a primary election for municipal and ward officers who
26 are not elected at the same time as the governor or members of congress in
27 municipalities with a population of less than three hundred thousand and those in any
28 special primary election to be held at the same time, on the ~~second~~ last Wednesday
29 in January of the year of the election, unless the primary election is held on the first
30 Saturday in March; in such case the qualifying period for candidates in such primary

1 election shall open on the first Wednesday in December of the year prior to the
2 election.

3 * * *

4 §533. Establishment and location of polling places; responsibility for acts or
5 omissions

6 * * *

7 E. Lease. Prior to the designation by the governing authority of any polling
8 place to be located on private property, the governing authority shall enter into a
9 written lease for such property which lease shall state that the property is to be used
10 as a polling place for a specified precinct and that the polling place is not owned,
11 occupied, or leased by a candidate in the election, or a spouse of any such candidate,
12 or an officer or employee of the state or any of its political subdivisions. Such lease
13 shall be recorded in the office of the clerk of court for the parish wherein such
14 property is located ~~and in addition shall be prominently posted in the office of the~~
15 ~~registrar of voters.~~ After July 1, 1986, the lease shall also be filed with the secretary
16 of state. The secretary of state shall not pay precinct rental for a polling place if a
17 copy of the lease thereon has not been properly filed at least thirty days prior to the
18 election, unless a change in the location of the polling place was necessitated
19 immediately prior to the election and the governing authority lacked sufficient time
20 to transmit a copy of the lease to the secretary of state prior to the election. Lease
21 contracts entered into immediately prior to the election shall be filed with the
22 secretary of state not later than ten days after the election for payment to be made by
23 the secretary of state. Payments on leases filed later than ten days following an
24 election will not be made by the secretary of state except for subsequent elections.

25 * * *

26 §1303. Persons entitled to vote in compliance with this Chapter

27 * * *

28 K. The secretary of state or an employee of the secretary of state who is a
29 qualified voter and who submits to the registrar of voters of the parish where he is

1 registered to vote a copy of a state employee identification card may vote absentee
2 by mail upon meeting the requirements of this Chapter.

3 L. An employee of the registrar of voters who is a qualified voter registered
4 to vote in a parish other than his parish of employment and who submits to the
5 registrar of voters of the parish where he is registered to vote a copy of an
6 identification card showing employment with the registrar of voters may vote
7 absentee by mail upon meeting the requirements of this Chapter.

8 * * *

9 §1333. Nursing home early voting program; voting by persons residing in a nursing
10 home

11 * * *

12 F.

13 * * *

14 (2) The registrar shall have in his possession such materials and supplies as
15 are needed to permit each of such voters to cast an absentee by mail ballot, including
16 but not restricted to absentee by mail ballot envelopes, each of which bears the
17 number corresponding to the number entered on the letter mailed to the applicant as
18 provided by Subsection E of this Section, instructions, certificates, envelopes,
19 acknowledgment forms required by Paragraph (G)(4) of this Section, and a portable
20 ~~metal box~~ container equipped with a lock and an open slot in its top surface of
21 sufficient size to permit a completed ballot envelope to be deposited in the ~~box~~
22 container. The registrar shall lock the ~~box~~ container before he removes it from his
23 office ~~and shall retain the keys in his office.~~

24 G. The voting by each voter shall be accomplished in the following manner:

25 * * *

26 (6)

27 * * *

28 (b) Upon returning to the registrar's office, the registrar shall unlock the
29 ~~metal box~~ container containing the absentee by mail ballots, remove them from the
30 ~~box~~ container, and otherwise follow the procedures for the posting of the name;

1 ~~ward, and precinct~~ of the voter, and other procedures as required by R.S. 18:1311
2 and other applicable provisions of the Election Code relating to absentee by mail and
3 early voting ballots.

4 * * *

5 §1354. Parish custodian of voting machines; powers and duties; appointment of
6 deputy custodians

7 * * *

8 B. In addition to any other duties vested in him by law, the parish custodian
9 shall:

10 * * *

11 (5) Be responsible for the trucking and delivery of the machines to the
12 polling places. Where necessary, he shall provide guards for the machines in transit
13 and at the polling places, and for this purpose, he may use local law enforcement
14 officers. Upon the request of the parish custodian, the chief administrative officer
15 of the police force shall furnish law enforcement officers for this purpose, and his
16 failure to do so shall be punishable as provided in R.S. ~~18:1461(B)~~ 18:1461.3.

17 * * *

18 §1355. Construction and equipment of machines; requirements

19 A. Each voting machine used in an election shall be so constructed and
20 equipped as to:

- 21 (1) Secure to the voter secrecy in the act of voting.
- 22 (2) Provide facilities for voting for or against each question that is submitted.
- 23 (3) Permit the voter to vote for as many persons for an office as he is
24 lawfully entitled to vote for, but no more. However, where the voter may vote for
25 more than one person for an office, it shall count each vote cast, even though the
26 voter has voted for fewer than the total number of votes he is entitled to cast for a
27 particular office.
- 28 (4) Prevent the voter from voting more than once on the same candidate or
29 on the same question.

1 (5) Permit the voter to vote for or against any question upon which he has
2 a right to vote, but no other.

3 (6) When used in a primary election at which members of a political party
4 committee are to be voted on, allow election officials to lock out all candidate
5 counters except those of the party with which the voter is affiliated.

6 (7) Permit all unused vote indicators or devices to be locked out against use.

7 (8) Correctly register and record and accurately count all votes cast for each
8 candidate and for or against each question.

9 (9) Be provided with a protective counter or tabulator or protective devices
10 which will prevent any operation of the machine before or after the election.

11 (10) Be provided with a counter or tabulator which at all times during the
12 election shall show the number of persons who have voted.

13 (11) Contain one or more automatic locks which, upon exposure of the vote
14 count at any time after the polls are opened on election day, will automatically lock
15 the machine against further operation.

16 (12) Contain a gong or other sound creating device which will audibly
17 indicate that a voter has left the machine after casting his vote.

18 (13) Contain, for elections for president and vice president, those devices
19 needed in order to comply with R.S. 18:1259.

20 (14) Have a lighting device which provides sufficient light to enable voters
21 to read the ballot and to enable the election commissioners to examine the counters
22 or tabulators.

23 (15) Be provided with a screen, hood, or curtain which is so made and can
24 be so adjusted as to protect the privacy of the voter while voting.

25 (16) Be capable of being operated by battery power.

26 (17) Be incapable of being reset, altered, or used except by operating the
27 machine.

28 B. Each voting machine used in an election may be so constructed and
29 equipped to have a voter verification mechanism.

30 * * *

§1361. Approval of machines and equipment; certificate; expenses of examination

A. The secretary of state may examine any type or make of voting machine upon the request of a representative of the maker or supplier thereof, and if he determines that the machine complies with the requirements of this Chapter and that it meets standards acceptable to him as to durability, accuracy, efficiency, and capacity, he shall approve that type or make of machine for use in this state and shall issue his certificate of approval thereof. In addition, any electronic voting machine procured or used in the state must have been certified according to the voluntary voting system guidelines developed and maintained by the United States Election Assistance Commission by ~~NASED Independent Testing Authorities~~ according to ~~the voting systems standards adopted by the Federal Election Commission~~ a voting system test laboratory accredited by the United States Election Assistance Commission. This certificate, together with any relevant reports, drawings, and photographs, shall be a public record.

* * *

Section 2. R.S. 18:566(A) and (C), 572(A), and 574(A)(3), (D)(1), (E), and (F), are hereby amended and reenacted to read as follows:

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

A. In an election for federal office, when an applicant's name does not appear on the precinct register and the registrar of voters or secretary of state has not authorized the applicant to vote by precinct register correction affidavit as provided in R.S. 18:562, or the commissioners assert that the applicant is not eligible to vote, and the applicant declares himself to be a registered voter and eligible to vote in the election for federal office, the applicant may cast a provisional ballot for candidates for federal office.

* * *

C. In an election for federal office during the period of early voting, when an applicant's name does not appear on the precinct register and the registrar of voters has not authorized the applicant to vote ~~by affidavit~~, or the registrar or deputy registrar asserts that the applicant is not eligible to vote, and the applicant declares

1 himself to be a registered voter and eligible to vote in the election for federal office,
 2 the applicant shall be permitted to cast an early voting provisional ballot for
 3 candidates for federal office.

4 * * *

5 §572. Transmission of election returns; voting machine keys; machine certificates

6 A.(1) After the results are printed from the voting machines and all election
 7 paperwork is complete, the commissioner-in-charge shall immediately:

8 (a) Mail to the secretary of state ~~the following:~~ the envelope marked
 9 "Secretary of State's Envelope".

10 (i) ~~One copy of the printouts from the voting machines.~~

11 (iii) ~~One of the duplicate poll lists.~~

12 (iv) ~~One copy of the machine certificates.~~

13 (b) Deliver to the clerk of court in a clear plastic zipper bag the following:

14 (i) The ~~keys to~~ completed and signed key envelope for the voting machines;
 15 if applicable.

16 (ii) The original of the machine certificates.

17 (iii) The original ~~of the signed list of commissioners~~ affidavit of payroll and
 18 nondisclosure for the commissioners.

19 (iv) One copy of the ~~final result tally sheets~~ official election results report
 20 from the voting machines.

21 (v) A copy of each completed notation of irregularities form.

22 (vi) All election result cartridges, if applicable.

23 (vii) For a federal election, the return provisional ballot envelope containing
 24 all voted provisional ballots and unused provisional ballots and envelopes.

25 (2)(a) Upon receipt of the items listed ~~above~~, in Subparagraph (1)(b) of this
 26 Subsection, the clerk of court shall affix the time of receipt upon the election
 27 documents which contain election results. The clerk of court shall make a copy of
 28 the election results available to the press and public.

1 (b) For a federal election, the clerk of court shall deliver to the registrar of
 2 voters the return provisional ballot envelope containing all voted provisional ballots
 3 not later than 8:30 a.m. on the first business day following the election.

4 * * *

5 §574. Compilation and promulgation of returns

6 A.

7 * * *

8 (3) The board shall complete the compilation of the election returns and file
 9 one copy of the compiled statement with the clerk of court no later than 4:00 p.m. on
 10 the ~~fourth~~ fifth day after the election. One copy of the compiled statement shall be
 11 postmarked no later than 12:00 noon on the ~~fifth~~ sixth day after the election and
 12 mailed to the secretary of state. The clerk of court shall transmit the election returns
 13 as shown by the compiled statement from the parish board of election supervisors to
 14 the secretary of state no later than 12:00 noon on the ~~fifth~~ sixth day after the election.
 15 In a parish containing a municipality with a population of three hundred thousand or
 16 more, the parish board of election supervisors shall transmit the election returns as
 17 shown by their compiled statement to the secretary of state no later than 12:00 noon
 18 on the ~~fifth~~ sixth day after the election. Failure to comply with these time limits shall
 19 not void the election.

20 * * *

21 D.(1) The secretary of state shall verify and compile the results of the
 22 election for all candidates, proposed constitutional amendments, and recall elections
 23 based upon the compilation of the votes transmitted to him by the clerks of court
 24 from the compiled statements by the parish boards of election supervisors. In a
 25 parish containing a municipality with a population of three hundred thousand or
 26 more, the secretary of state shall verify and compile the results of the election for all
 27 candidates, proposed constitutional amendments, and recall elections based upon the
 28 compilation of the votes transmitted to him by the parish board of election
 29 supervisors. The compilation and verification shall be completed and the results

1 thereof shall be announced on the secretary of state's website not later than 12:00
 2 noon on the ~~sixth~~ seventh day after the election.

3 * * *

4 E.(1) On or before the ~~twelfth~~ fourteenth day after the primary or general
 5 election, if no action has been timely filed contesting the election to the office of a
 6 state candidate, the secretary of state shall promulgate the returns for state
 7 candidates, proposed constitutional amendments, and recall elections by publishing
 8 in the official journal of the state the names of the state candidates for each office in
 9 the election, the text of the proposed constitutional amendment, and recall elections
 10 and the number of votes received by each such candidate, proposed constitutional
 11 amendment, and recall elections as shown by the returns transmitted by the clerks
 12 of court from the compiled statements by the parish boards of election supervisors.
 13 In a parish containing a municipality with a population of three hundred thousand or
 14 more, the promulgation shall be from the returns transmitted by the parish board of
 15 election supervisors. On or before the ~~twelfth~~ fourteenth day after the primary or
 16 general election, if no action has been timely filed contesting the election to office
 17 of a candidate other than a state candidate, the secretary of state shall promulgate the
 18 returns for the election for candidates other than state candidates by transmitting to
 19 the clerk of court for the parish wherein the state capital is located a notice
 20 containing the results of the elections for candidates other than state candidates. The
 21 clerk of court shall post this notice in a prominent place in his office.

22 (2) However, if the ~~twelfth~~ fourteenth day after the primary or general
 23 election falls on a Saturday, Sunday, or other legal holiday, and the secretary of state
 24 does not promulgate said returns prior to the ~~twelfth~~ fourteenth day after the primary
 25 or general election, he shall promulgate ~~said~~ the returns on the next day which is not
 26 a Saturday, Sunday, or other legal holiday.

27 F. Computation of all time intervals in this Section shall include Saturdays,
 28 Sundays, and other legal holidays. However, if the final day in a time interval falls
 29 on a Saturday, Sunday, or other legal holiday, then the next day which is not a
 30 Saturday, Sunday, or legal holiday shall be deemed to be the final day of the time

1 interval. If one or more of the duties in this Section required to be performed on the
2 ~~fourth~~, fifth, sixth, seventh, or ~~twelfth~~ fourteenth day after an election are delayed
3 because of a Saturday, Sunday, or other legal holiday, the duties which follow will
4 be delayed a like amount of time.

5 Section 3. R.S. 18:463(A)(2)(a)(iii), 495(A) and (E), 533(D), 553, 562(B), 563(C)
6 and (D)(1), 571(A)(3) through (10), 573(A)(2) and (3), (B), (C), and (E)(1) and (3), and
7 574(B) are hereby amended and reenacted and R.S. 18:571(A)(11) and 573(E)(4) are hereby
8 enacted to read as follows:

9 §463. Notice of candidacy; campaign finance disclosure; political advertising;
10 penalties

11 A.

12 * * *

13 (2)(a)

14 * * *

15 (iii) That he is not currently under an order of imprisonment for conviction
16 of a felony ~~and that he is not prohibited from qualifying as a candidate for conviction~~
17 ~~of a felony pursuant to Article I, Section 10 of the Constitution of Louisiana.~~

18 * * *

19 §495. Initiation of action by district attorney; attorney general; court costs and
20 attorney fees

21 A. If after investigation the district attorney has reason to believe that a
22 convicted felon who is prohibited from qualifying for office pursuant to ~~Article I,~~
23 ~~Section 10 of the Constitution of Louisiana~~ R.S. 18:451 has filed a notice of
24 candidacy, the district attorney shall immediately bring an action objecting to the
25 candidacy of such person. However, if the district attorney has a conflict or is
26 otherwise unable to bring the action objecting to the candidacy of such person, he
27 shall request the attorney general to bring such action.

28 * * *

29 E. The court shall assess all court costs, including any applicable attorney
30 fees, incurred in the institution of the action required by this Section against the

1 subject of the action if such person qualified for office in violation of ~~Article I,~~
2 ~~Section 10 of the Constitution of Louisiana~~ R.S. 18:451.

3 * * *

4 §533. Establishment and location of polling places; responsibility for acts or
5 omissions

6 * * *

7 D. Payment for use of private property. When it is necessary to pay for the
8 use of private property as a polling place, the payment shall not exceed one hundred
9 fifty dollars for each election unless written approval is received from the secretary
10 of state or his designee.

11 * * *

12 §553. Inspection and preparation of voting machines at polling places; precinct
13 registers and supplemental list

14 A. Delivery of the key envelope. The parish custodian of voting machines
15 shall seal the keys, if applicable, to the voting machines at each polling place in an
16 envelope on which shall be written the ward and precinct number of the polling
17 place, the location of the polling place, ~~and~~ the numbers of the seal and protective
18 counter of each voting machine at the polling place, and the number of the seal for
19 each precinct register. The parish custodian shall deliver the sealed key envelope to
20 the deputy parish custodian appointed for the polling place, and the deputy parish
21 custodian shall deliver the sealed key envelope to the commissioner-in-charge at the
22 polling place at least thirty minutes before the time for opening the polls on election
23 day.

24 B. Inspection of the voting machines. After the commissioners take their
25 oath and before the time for opening the polls, the commissioners, in the presence
26 of the watchers, shall prepare the polling place for voting as follows:

27 (1)(a) ~~Compare~~ The commissioners shall compare the voting machine serial
28 numbers on either side of the machines with the numbers on the envelope containing
29 the keys to the voting machines received from the deputy custodian. ~~Verify, verify~~
30 that the numbers on the keys also match the serial numbers of the machines. ~~-~~

1 ~~Compare, compare~~ the protective counter numbers on the key envelope with the
 2 protective counter numbers on the machines. ~~Compare, and compare the numbers~~
 3 on the key envelope with the seal numbers on the machines.

4 (b) If the numbers do not agree, the commissioners shall notify the parish
 5 custodian, and the commissioners shall not proceed further in the preparation of the
 6 voting machine for voting until a representative of the parish custodian has
 7 reexamined the voting machine and certified that it is properly arranged. If the
 8 numbers agree, the commissioners shall open the envelope, take out the keys, and
 9 open the door of the voting machine.

10 (c) When the door of the voting machine is opened, the commissioners shall
 11 compare the cartridge seal number on the key envelope with the protective seal
 12 number for the results cartridge.

13 (2)(a) After the voting machines are set up and powered on and the polls are
 14 opened, the commissioners shall compare the public and protective counter numbers
 15 on the key envelope with the public and protective counter numbers on the machines.

16 (b)(i) The commissioners shall cause each machine to produce a zero proof
 17 sheet. ~~Determine, determine~~ from the zero proof sheet that each counter on that
 18 machine is set at zero. ~~Sign, sign~~ and certify to the correctness of each zero proof
 19 sheet. ~~Immediately, and immediately~~ post each zero proof sheet within the polling
 20 place.

21 (ii) If any zero proof sheet is illegible or damaged, the commissioners shall
 22 immediately notify the parish custodian who ~~will~~ shall take action necessary to make
 23 the machine operative.

24 (iii) If any zero proof sheet indicates that any candidate or question counter
 25 does not register zero, the commissioners shall immediately notify the parish
 26 custodian, who ~~will, if practical, readjust the counters. If it is impractical to readjust~~
 27 ~~the counters before the polls open, immediately~~ shall contact the secretary of state's
 28 voting machine technician assigned to the parish to either repair or replace the voting
 29 machine. The commissioners shall make a written statement of the letter and
 30 number designation on each counter and the number registered on the counter. Post

1 ~~this statement at the polling place throughout the election and~~ irregularity by
 2 completing in triplicate a notation of irregularities form to preserve the statement as
 3 part of the election returns.

4 (3) ~~Check~~ The commissioners shall check the ballot on the face of each
 5 voting machine against the sample ballot supplied by the custodian of voting
 6 machines to make certain it is correct. If the ballot is not correct, the commissioners
 7 shall notify the parish custodian, and the machine shall not be used until the ballot
 8 has been corrected under supervision of the parish custodian or his representatives.

9 (4) The commissioners shall set up the audio unit for use of the audio ballot
 10 by voters during the election.

11 (5) ~~Post~~ The commissioners shall post the instructions, informational posters,
 12 if required, the statement of proposed constitutional amendments on the ballot, and
 13 a sample ballot in a conspicuous place at the principal entrance to the polling place,
 14 where they shall remain posted throughout the election day.

15 (5) (6) ~~Leave~~ The commissioners shall leave the voting machines locked
 16 against voting until the polls are formally opened, and thereafter they shall be
 17 operated only by the commissioners to allow voters in casting to cast their votes.

18 (6) (7) ~~Complete~~ When the polls are opened, the commissioners shall
 19 complete in triplicate Certificate No. 1 of the composite certificate designated
 20 "Machine Certificates", which shall be prepared and furnished by the secretary of
 21 state. This certificate shall state:

- 22 (a) The exact time when the keys to the voting machines were delivered.
- 23 (b) The serial number on each voting machine.
- 24 (c) The number of the seal on each voting machine ~~or cartridge, if applicable.~~
- 25 (d) The number of the seal on each precinct register.
- 26 (e) The number shown on the public and protective counter on each voting
 27 machine.

28 (e) (f) That the public counter on each machine numbered zero and whether
 29 any visible damage was seen on any voting machine prior to the start of the election.

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

2 (1) If the applicant's name is found in the precinct register on the official list
3 of voters or the supplemental list of voters and he has not voted absentee by mail or
4 during early voting, one of the commissioners shall announce the applicant's name
5 again.

6 (2) If the applicant's name is found in the precinct register on the inactive list
7 of voters and he has not voted absentee by mail or during early voting, the applicant
8 may vote after complying with provisions of R.S. 18:196(B). After such compliance,
9 one of the commissioners shall announce the applicant's name again and shall
10 preserve the address confirmation card received from the voter by placing the
11 address confirmation card in the envelope marked "Registrar of Voters" and
12 attaching the envelope to the precinct register.

13 (3) If the name of a qualified voter was omitted from ~~or incorrectly printed~~
14 ~~on~~ the precinct register, the commissioner shall:

15 (a) Contact the registrar of voters or the secretary of state to ascertain
16 whether or not the person applying to vote is registered to vote in that precinct.

17 (b) In the absence of a valid challenge of the voter and confirmation from the
18 registrar of voters or secretary of state that the applicant is registered to vote in the
19 precinct, allow the applicant to sign ~~an~~ a precinct register correction affidavit before
20 a commissioner attesting that he is a qualified registered voter and describing the
21 ~~error or~~ omission in the voter records and print the voter's name in the precinct
22 register behind the precinct register correction affidavit tab.

23 (c) Preserve the applicant's original affidavit as part of the election records
24 by placing it in the envelope marked ~~"Put in Voting Machine"~~ and ~~place the~~
25 ~~duplicate affidavit in the envelope marked~~ "Registrar of Voters" and attach the
26 envelope to the precinct register after the termination of voting.

27 (4) If the name of a qualified voter was incorrectly printed on the precinct
28 register, the commissioner shall:

29 (a) Allow the applicant to complete a voter registration application to update
30 his voter registration record.

1 (b) Preserve the voter registration application as part of the election records
 2 by placing it in the envelope marked "Registrar of Voters" and attach the envelope
 3 to the precinct register after the termination of voting.

4 * * *

5 §563. Procedure for voting

6 * * *

7 C.(1) A voter shall not remain in a voting machine longer than three minutes.
 8 If a voter fails to leave a voting machine promptly after a commissioner has notified
 9 him that three minutes have elapsed, the commissioners shall ~~have~~ order the voter
 10 ~~removed from~~ to complete voting and leave the voting machine.

11 (2) Notwithstanding Paragraph (1) of this Subsection, a voter receiving
 12 assistance in voting pursuant to R.S. 18:564 or a voter using the audio ballot shall be
 13 allowed to remain in a voting machine for up to twenty minutes. If such a voter fails
 14 to leave a voting machine promptly after a commissioner has notified him that
 15 twenty minutes have elapsed, the commissioners shall ~~have~~ order the voter ~~removed~~
 16 ~~from~~ to complete voting and leave the voting machine.

17 D.(1)(a) In order to cast a vote on a voting machine, a voter shall make at
 18 least one selection in a candidate or proposition election. Voting is completed by
 19 activating the cast vote mechanism.

20 (b) If ~~the~~ a voter has made any selection in a candidate or proposition
 21 election but has failed to activate the cast vote mechanism, a commissioner observed
 22 by at least one other commissioner shall activate the cast vote mechanism for the fled
 23 voter without altering any selections made by the voter.

24 (c) If a voter has failed to make any selection before leaving the voting
 25 machine and, therefore, a commissioner cannot activate the cast vote mechanism for
 26 the fled voter, a commissioner shall complete in triplicate the notation of
 27 irregularities form provided by the secretary of state and reset the voting machine.

28 * * *

1 §571. Procedures for commissioners after termination of voting

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

5 * * *

6 ~~(3)(a)~~ Close the polls.

7 ~~(4)(a)~~ Complete ~~in triplicate~~ Certificate No. 2 of the composite certificate
 8 designated "Machine Certificates", which shall state (i) that the voting machines
 9 were secured against further voting, (ii) the exact time the voting machines were
 10 secured against further voting, (iii) the serial number on each voting machine, (iv)
 11 the number shown on the public counter of each voting machine, which shall be the
 12 total number of voters casting votes on that machine in the election, ~~and~~ (v) the
 13 number shown on the protective counter of each voting machine, which shall be the
 14 total number of times the machine has been voted in its lifetime, (vi) the number of
 15 the seal placed on the precinct register by the commissioners, and (vii) whether any
 16 visible damage occurred to any voting machine during the election.

17 (b) Sign the completed machine certificates.

18 ~~(4)~~ (5) Sign and certify to the correctness of the duplicate poll lists.

19 ~~(5)~~ (6) Post the printouts from the voting machines at a conspicuous place
 20 at the polling place for public viewing.

21 ~~(6)~~ (7) Complete an affidavit of payroll and nondisclosure. The affidavit
 22 shall be prepared by the secretary of state and shall contain the name, address, and
 23 last four digits of the social security number of each commissioner and an
 24 acknowledgment that the law prohibits disclosure of confidential voter information
 25 listed in the precinct register. The affidavit shall be signed by each commissioner
 26 and placed in the bag that is delivered to the clerk of court.

27 ~~(7)~~ (8) Place one copy of the official election results reports, one of the
 28 duplicate poll lists, all duplicate records of challenges, all duplicate precinct register
 29 corrections, all voter identification affidavits, all physical disability affidavits, any
 30 physicians' certificates, any copies of disability documentation, a copy of each

1 completed notation of irregularities form, and any address confirmation cards in the
2 envelope marked "Registrar of Voters", seal it and attach it to the precinct register
3 after the termination of voting, and place a new protective seal on the precinct
4 register.

5 ~~(8)~~ (9) Seal any original ~~precinct register corrections and original~~ challenges
6 of voters that have been executed, the official election zero proof report, one copy
7 of the official election results reports, one of the duplicate poll lists, a copy of each
8 completed notation of irregularities form, and a copy of the machine certificates in
9 the envelope marked "~~Put in Voting Machine~~" and ~~place in or attach to a voting~~
10 ~~machine that envelope and the sealed precinct register~~ "Secretary of State's
11 Envelope".

12 ~~(9)(a)~~ (10)(a) Lock the doors of the voting machines.

13 (b) Secure the voting machines and election paraphernalia in accordance
14 with the procedures in the informational pamphlet as provided in R.S. 18:553.1.

15 ~~(10)~~ (11) Place the keys to the voting machines in an envelope, which then
16 shall be sealed and signed by all of the commissioners.

17 * * *

18 §573. Evidence of election results

19 A. Opening the voting machines.

20 * * *

21 (2) On the day immediately preceding the election, the clerk of court shall
22 prominently post in his office a notice of the time and place where the election day
23 voting machines will be opened after the election. If no order requiring an earlier
24 opening has been issued, then at the time and place designated in the notice, the clerk
25 of court, assisted by at least one member of the parish board of election supervisors,
26 in the presence of the candidates or their representatives who desire to be present,
27 shall open the voting machines and, if applicable, break the seals. Public and
28 protective counter numbers shall be recorded. Verification of the election results on
29 each machine, as provided for in Subsection B and subject to Subsection C of this
30 Section, shall be completed before another machine is opened.

1 (3) Each election day voting machine shall be relocked or otherwise secured
2 and, if applicable, resealed after the candidates or their representatives have had a
3 reasonable opportunity to inspect the machine, which shall not be less than thirty
4 minutes after the time designated for opening the machines by the clerk of court in
5 the notice posted in his office. The clerk of court, in the presence of a majority of
6 the parish board of election supervisors, shall reopen any voting machine for
7 reinspection by a candidate or his representative after receipt of a written request for
8 reinspection by the candidate. All reinspections shall be held at 10:00 a.m. on the
9 fifth day after the election and at any time ordered by a court of competent
10 jurisdiction. If the fifth day after the election falls on a holiday or weekend, such
11 reinspection shall be held at 10:00 a.m. on the next working day. Any written
12 request for reinspection of voting machines shall be filed with the clerk of court. The
13 deadline for filing a request for reinspection shall be the last working day prior to the
14 date of the reinspection. Immediately upon receiving any request, the clerk of court
15 shall prominently post in his office a notice of the time and place where the voting
16 machines will be reopened and the name of the candidate requesting that the
17 machines be reopened. The candidate requesting the reinspection shall be
18 responsible for all reasonable costs associated with such reinspection, including
19 technical support by the secretary of state's technicians, which shall be payable to the
20 clerk of court. The costs shall be estimated and paid at the time the written request
21 for reinspection of voting machines is filed with the clerk of court and shall be paid
22 in cash or by certified or cashier's check on a state or national bank or credit union,
23 United States postal money order, or money order issued by a state or national bank
24 or credit union. The parish board of election supervisors shall be entitled to
25 reimbursement for attending the reinspection at the rate established in R.S.
26 18:423(E); however, such reimbursement shall not be counted toward the six-day
27 limitation provided in R.S. 18:423(E). If it is necessary to reopen a voting machine
28 which has been relocked or otherwise secured and, if applicable, resealed to conduct

1 a reinspection thereof, the clerk of court shall relock or otherwise secure and, if
2 applicable, reseal the machine after the reinspection is completed.

3 * * *

4 B. Verification of election results. After the machines are opened, the clerk
5 of court, in the presence of the parish board of election supervisors or the members
6 of the board selected by the board as its representatives and the candidates or their
7 representatives, shall immediately verify the total votes cast for each candidate and
8 the total votes cast for and against each proposition as shown on the election day
9 voting machines or voting machine ~~election result sheets~~ official election results
10 reports and the total number of absentee by mail and early voting votes cast for each
11 candidate and the total number of absentee by mail and early voting votes cast for
12 and against each proposition as shown by the final absentee by mail and early voting
13 report filed with the clerk by the parish board of election supervisors. The machine
14 votes cast shall be shown separately by each precinct, ~~and the~~. The absentee by mail
15 and early voting votes cast for each candidate and the total number of absentee by
16 mail and early voting votes cast for and against each proposition as shown by the
17 final absentee by mail and early voting report filed with the clerk of court by the
18 parish board of election supervisors on election night shall be shown separately from
19 the precinct totals as the final absentee vote report with the total number of votes cast
20 for each candidate and the total number of votes cast for and against each
21 proposition.

22 C. Use of employees. The clerk of court may utilize deputy clerks and other
23 employees of his office to assist him in opening the voting machines and verifying
24 the election results as required in Subsections A and B of this Section. Nothing in
25 this Section shall prohibit the clerk from utilizing more than one team of his deputies
26 or employees to perform the duties required of him. To facilitate the verification of
27 election results, two or more voting machines may be opened simultaneously and the
28 results thereon verified.

29 * * *

1 E. Transmission and disposition of duplicate challenges, duplicate voters'
 2 affidavits, and address confirmation cards. (1) At the opening of the voting
 3 machines, the sealed precinct registers shall be immediately returned to the registrar
 4 of voters. Upon receipt of the sealed precinct registers, the registrar shall remove
 5 any attached duplicate record of challenges of voters made during the election, any
 6 ~~duplicate voters' precinct register correction affidavits, any voter identification~~
 7 affidavits made pursuant to R.S. 18:562(B), and 18:562, any address confirmation
 8 cards, any physical disability affidavits, any physicians certificates, any copies of
 9 disability documentation, and any completed voter registration applications.

* * *

11 (3) The registrar also shall proceed to determine if each voter submitting an
 12 a voter identification affidavit made pursuant to R.S. 18:562 attesting that he is a
 13 qualified registered voter ~~and alleging an error or omission on the precinct register~~
 14 is in fact a registered voter qualified to vote in the election by comparing the
 15 information provided by the voter with the information on file in the registrar's office
 16 and by reasonably comparing the signature on the affidavit with any signature on file
 17 for the voter in the registrar's office. If the registrar determines that any person who
 18 has voted in the election by virtue of his submission of such an affidavit was not a
 19 registered voter qualified to vote in the election, the registrar shall so inform the
 20 ~~district attorney elections compliance unit~~ and shall transmit to ~~him~~ it the affidavit
 21 of that person.

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

§574. Compilation and promulgation of returns

* * *

28 B. By a majority vote of the members, the parish board of election
 29 supervisors may complete in triplicate and attach to the compiled statements a

1 notation of ~~any~~ irregularities form prepared by the secretary of state to document
2 irregularities observed by the board with respect to:

- 3 (1) The security of the place in which the voting machines are located;
- 4 (2) The security of the voting machines;
- 5 (3) The physical condition of the voting machines;
- 6 (4) The physical condition of the election materials in the voting machines;
- 7 (5) The substantive contents of the election materials in the voting machines;

8 and.

- 9 (6) Any other matter affecting the verification of the vote totals by the clerk
10 of court.

11 * * *

12 Section 4. R.S. 18:514 is hereby repealed in its entirety.

13 Section 5.(A) This Section and Sections 1 and 4 of this Act shall become effective
14 upon signature of this Act by the governor or, if not signed by the governor, upon expiration
15 of the time for bills to become law without signature by the governor, as provided by Article
16 III, Section 18 of the Constitution of Louisiana. If this Act is vetoed by the governor and
17 subsequently approved by the legislature, this Section and Sections 1 and 4 of this Act of this
18 Act shall become effective on the day following such approval.

19 (B) Section 2 shall become effective on August 1, 2018.

20 (C) Section 3 shall become effective January 1, 2019.

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____