
HOUSE COMMITTEE AMENDMENTS

2019 Regular Session

Amendments proposed by House Committee on House and Governmental Affairs to
Original House Bill No. 563 by Representative Gregory MillerAMENDMENT NO. 1

On page 1, line 3, delete "511(B),"

AMENDMENT NO. 2On page 1, at the end of line 5 delete "and" and at the beginning of line 6, delete "1375," and
insert "1351(9), 1353(B) and (C)(1) and (2), 1354(B)(3), 1361, 1362(A), 1373(A)(5), 1375,
and 1433(A) and (B),"AMENDMENT NO. 3

On page 1, line 7, after "572(A)(1)(b)(viii)," and before "1400.3(E)(7)," insert 1351(14),"

AMENDMENT NO. 4On page 1, at the beginning of line 8, delete "18:469, 573(D)," and insert "18:573(D),
1351(2), (3), and (6), 1355,"AMENDMENT NO. 5

On page 2, line 4, after "election expenses;" and before "to provide for" insert the following:

"to provide for definitions; to provide relative to rulemaking by the secretary of state;
to provide relative to the examination, testing, evaluation, certification, approval,
procurement, and requirements for voting systems and system components, to
provide relative to the preparation of voting machines for an election; to provide
relative to a revote caused by the malfunction of certain voting equipment;"

AMENDMENT NO. 6

On page 2, line 8, delete "511(B),"

AMENDMENT NO. 7On page 2, line 10, after "(F)(4)," delete "and 1375" and insert "1351(9), 1353(B) and (C)(1)
and (2), 1354(B)(3), 1361, 1362(A), 1373(A)(5), 1375, and 1433(A) and (B)"AMENDMENT NO. 8

On page 2, line 11, after "572(A)(1)(b)(viii)," and before "1400.3(E)(7)," insert 1351(14),"

AMENDMENT NO. 9

On page 6, delete lines 18 through 26

AMENDMENT NO. 10

On page 13, between lines 3 and 4, insert the following:

"§1351. Definitions

As used in this Chapter, unless otherwise specified, the following terms shall have the meanings herein ascribed to each:

* * *

(9) "Protective counter" means a counter, tabulator, or protective device that will register each time the machine is operated during the life of the machine.

* * *

(14) "Voting system" means the total combination of equipment, including voting machines, used to define ballots, cast and count votes, report or display election results, and maintain and produce any auditable data and the software, firmware, hardware, and documentation required to program, control, and support such equipment. "Voting system" also includes the vendor's practices and documentation used to identify system components and versions of such components, test the system during its development and maintenance, maintain records of system errors and defects, determine specific system changes made after initial certification, and make available any materials to the voter.

* * *

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

* * *

B. The secretary of state ~~shall~~ may prescribe uniform rules and regulations with respect to matters pertaining to the procurement, preparation, and use of voting ~~machines and absentee by mail and early voting counting equipment~~ systems in the conduct of elections and the duties of each category of persons charged with responsibility for any matter relating to the voting machines or absentee by mail and early voting counting equipment systems. The rules and regulations shall be approved by the attorney general and thereafter shall be distributed by the secretary of state to the election officials having responsibilities relating to elections. The rules and regulations shall be applied uniformly throughout the state.

C. In addition to any other duties and functions now or hereafter provided by law, the secretary of state shall:

(1) Determine general policy and supervise the administration and execution of the laws relating to voting ~~machines~~ systems.

(2) Be responsible for all procurement, sales, and transfers of voting ~~machines and absentee by mail and early voting counting equipment~~ systems and system components and for all matters in connection with issuing competitive bids or requests for proposals or the advertising for and opening of bids for or in connection therewith.

* * *

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

* * *

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

* * *

(3) Certify that the ~~candidate counters, question counters, and public counters~~ are set at zero on the machines, and certify to the number on the protective counter or device of the machines prior to the election, as provided in R.S. 18:1373.

* * *

§1361. Approval of ~~machines and equipment~~ voting systems or system components; certificate; expenses of examination

A. The secretary of state may examine any type or make of voting ~~machine system or system component~~ upon the request of a representative of the maker or supplier thereof, ~~and if he~~ If the secretary of state determines that the machine voting system or system component 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 voting system or system component for use in this state and shall issue his certificate of approval thereof. Any voting system procured or used in the state shall include a sound-creating device which will audibly indicate that a voter has left the machine after casting his vote and

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

1 allow for the challenge removal of early voting ballots and may include a voter
2 verification mechanism. In addition, any ~~electronic~~ voting machine system or
3 system component procured or used in the state must have been certified according
4 to the voluntary voting system guidelines developed and maintained by the United
5 States Election Assistance Commission by a voting system test laboratory accredited
6 by the United States Election Assistance Commission. This certificate, together with
7 any relevant reports, drawings, and photographs, shall be a public record.

8 ~~B. Any absentee by mail and early voting counting equipment to be procured~~
9 ~~for use in this state shall be certified by the secretary of state as meeting standards~~
10 ~~acceptable to him as to durability, accuracy, efficiency, and capacity.~~

11 ~~C.~~ The secretary of state may employ experts to assist him in making the
12 examination provided for in this Section. The expenses of the services of such
13 experts, not to exceed a total of five hundred dollars, shall be paid prior to the
14 examination by the person requesting examination of the machine voting system or
15 system component. Experts employed in the examination shall sign the certificate
16 of approval made by the secretary of state. No machine voting system or system
17 component shall be used at any election which has not been approved by the
18 secretary of state as ~~herein~~ provided in this Section.

19 §1362. Method of procuring voting ~~machines~~ systems or system components; parts
20 and supplies; and of contracting for the maintenance of voting machines

21 A.(1) All voting ~~machines~~ systems or system components used in this state
22 shall be procured by the secretary of state, out of state funds appropriated for that
23 purpose, on the basis of a competitive request for proposals process or public bids
24 submitted to the secretary of state in accordance with specifications prepared by him.
25 The specifications may require tests and examinations of the operation of the
26 machines voting systems or system components, and the secretary of state, for that
27 purpose, may employ experts to report thereon and charge the expense thereof to the
28 responders or bidders. Advertisement and letting of contracts for the procurement
29 of voting ~~machines~~ systems or system components shall be in accordance with the
30 Louisiana Procurement Code contained in Chapter 17 of Title 39 of the Louisiana
31 Revised Statutes of 1950.

32 (2) Notwithstanding any provision of law to the contrary, particularly the
33 provisions of Chapter 17 of Title 39 of the Louisiana Revised Statutes of 1950, the
34 secretary of state is authorized to procure directly from the supplier, through the
35 Department of State, voting ~~machine~~ systems or system components, parts, supplies,
36 and other election paraphernalia and to contract with the manufacturer through the
37 Department of State for the maintenance of the voting ~~machines~~ systems or system
38 components.

39 * * *

40 §1373. Notice of preparation of machines for election; preparation of machines for
41 election; testing and adjusting; examination by candidate or his
42 representative; securing and sealing machines

43 A.

44 * * *

45 (5) After the machines have been prepared and tested by the secretary of
46 state and examined by each candidate or representative, citizen, or parish board
47 member who is present, the parish custodian shall enclose the registration books or
48 lists and other paraphernalia and shall forthwith seal each machine with a numbered
49 seal. At that time, the parish custodian, in the presence of the candidates or their
50 representatives, parish board members, and any citizens who are present, shall certify
51 to the numbers of the machines; that all of the public, ~~candidate, and question~~
52 counters are set at zero; and as to the number registered on the protective counter of
53 the machine.

54 * * *"

55 AMENDMENT NO. 11

56 On page 14, between lines 5 and 6, insert the following:

