

2019 Regular Session

HOUSE BILL NO. 563

BY REPRESENTATIVE GREGORY MILLER

1 AN ACT

2 To amend and reenact R.S. 18:18(A)(8)(b), 51(C)(1)(a), 104(C)(2), 110(A), 435(B)(1)(a),
3 444(I), 463(A)(2)(a)(iii) and (viii), 501(C), 532(D), 551(C)(1)(c)(iii), 565(B),
4 567.1(5), 571(A)(4)(a), (8), and (9), 573(E)(1), 574(B)(introductory paragraph),
5 1254(A), 1300.1, 1300.7(A), 1310(C)(1), 1313(C)(1) and (F)(4), 1351(9), 1353(B)
6 and (C)(1) and (2), 1354(B)(3), 1361, 1362(A), 1373(A)(5), 1375, and 1433(A) and
7 (B), to enact R.S. 18:104(C)(3), 444(F)(2)(c) and (d), 463(A)(2)(a)(ix),
8 564(D)(1)(a)(v), 572(A)(1)(b)(viii), 1280.21.1, 1351(14), 1400.3(E)(7), and
9 1432(A)(3), and to repeal R.S. 18:573(D), 1351(2), (3), and (6), 1355, and
10 1400.6(B), relative to the Louisiana Election Code; to revise the system of laws
11 comprising the Louisiana Election Code; to provide relative to elections procedures
12 and requirements and the powers, duties, and functions of election officials; to
13 provide for the annual voter registration week; to provide relative to vacancies in the
14 office of registrar of voters; to provide relative to voter registration; to provide
15 relative to watchers; to provide relative to parish executive committees; to provide
16 for the content of the notice of candidacy; to provide relative to withdrawal of
17 candidates; to provide relative to the establishment of precincts; to provide for the
18 form and content of the ballot; to provide relative to assistance in voting; to provide
19 relative to challenges of voters; to provide relative to procedures for commissioners
20 following the termination of voting; to provide relative to evidence of election
21 results; to provide relative to the compilation and promulgation of election returns;
22 to provide for the nomination of slates of candidates for presidential elector; to
23 provide for the calling of a recall election; to provide relative to the tabulation and
24 counting of absentee by mail and early voting ballots; to provide for remedies in

1 certain election contests; to provide for recall petitions; to provide for election
 2 expenses; to provide for definitions; to provide relative to rulemaking by the
 3 secretary of state; to provide relative to the examination, testing, evaluation,
 4 certification, approval, procurement, and requirements for voting systems and system
 5 components; to provide relative to the preparation of voting machines for an
 6 election; to provide relative to a revote caused by the malfunction of certain voting
 7 equipment; to provide relative to the presidential preference primary election and
 8 related elections; to provide for effectiveness; and to provide for related matters.

9 Be it enacted by the Legislature of Louisiana:

10 Section 1. R.S. 18:18(A)(8)(b), 51(C)(1)(a), 110(A), 435(B)(1)(a), 444(I),
 11 463(A)(2)(a)(iii), 501(C), 532(D), 551(C)(1)(c)(iii), 565(B), 567.1(5), 571(A)(4)(a), (8), and
 12 (9), 573(E)(1), 574(B)(introductory paragraph), 1254(A), 1300.7(A), 1313(C)(1) and (F)(4),
 13 1351(9), 1353(B) and (C)(1) and (2), 1354(B)(3), 1361, 1362(A), 1373(A)(5), 1375, and
 14 1433(A) and (B) are hereby amended and reenacted and R.S. 18:444(F)(2)(c) and (d),
 15 564(D)(1)(a)(v), 572(A)(1)(b)(viii), 1280.21.1, 1351(14), 1400.3(E)(7), and 1432(A)(3) are
 16 hereby enacted to read as follows:

17 §18. Secretary of state; powers and duties

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

20 * * *

21 (8)

22 * * *

23 (b) Develop activities, events, informational posters and pamphlets, and
 24 public service announcements for the implementation of an annual voter registration
 25 week and generally be responsible for implementation of such week. It is the policy
 26 of the state of Louisiana to encourage full participation in voting by all citizens of
 27 this state. To this end, in years when the president of the United States proclaims a
 28 National Voter Registration Day, the official state voter registration week shall be
 29 the full week in which the National Voter Registration Day occurs, unless the
 30 National Voter Registration Day occurs after the close of the registration records for

1 signature on any microfilm, microfiche, or scanned or electronically captured
 2 computerized images of documents in the records of the registrar. If the signatures
 3 are sufficiently alike to identify the applicant as the registered voter, the change shall
 4 be made and the date of the change of residence and the new ward and precinct shall
 5 be recorded in the registrant's information on the state voter registration computer
 6 system and, if the original application is available in hard copy in the registrar's
 7 office, on the original application form. If the application is signed by a mark
 8 witnessed by the signatures of two witnesses, the registrar shall make the change on
 9 the basis of the application.

10 ~~(4)~~ (3) The registrar shall send the notice referred to in R.S. 18:109 to a voter
 11 whose registration is changed.

12 * * *

13 §435. Watchers; appointment and commission

14 * * *

15 B.(1)(a) A list of watchers shall be filed with the clerk of court by hand
 16 delivery, facsimile, mail, or commercial courier before 4:30 p.m. on the tenth day
 17 before the primary or general election; however, if the tenth day before the primary
 18 or general election falls on a Saturday, Sunday, or other legal holiday, the list shall
 19 be filed on the next day which is not a Saturday, Sunday, or other legal holiday. For
 20 purposes of this Paragraph, "commercial courier" shall have the same meaning as
 21 provided in R.S. 13:3204(D). If the office that the candidate seeks is voted on in
 22 more than one parish, a list of watchers shall be filed with the clerk of court in each
 23 parish where the candidate will have watchers.

24 * * *

25 §444. Parish executive committees

26 * * *

27 F. Vacancies.

28 * * *

29 (2)

30 * * *

1 (c) If there are not enough members of the parish executive committee to fill
 2 a vacancy in the membership left by an at-large representative, the chairman of the
 3 state central committee of that political party may appoint a qualified resident of the
 4 parish to fill the vacancy.

5 (d) If there are not enough members of the parish executive committee to fill
 6 a vacancy in the membership left by a representative of a district, the chairman of the
 7 state central committee of that political party may appoint a qualified resident of the
 8 district to fill the vacancy. If no qualified resident of the district will accept the
 9 membership, the chairman of the state central committee of that political party may
 10 appoint any qualified resident of the parish to fill the vacancy.

11 * * *

12 I. Party with thirty percent or fewer of registered voters. (H)
 13 Notwithstanding any provision of law to the contrary, ~~beginning in 1988~~, members
 14 of a parish executive committee of a recognized political party with which thirty
 15 percent or less of the registered voters of the state are affiliated, ~~except those for~~
 16 ~~Orleans Parish~~, shall be elected every four years at the same time as the presidential
 17 preference primary election. The term of office shall not extend beyond the time for
 18 which the member was elected.

19 ~~(2) Beginning in 1992, members of a parish executive committee of a~~
 20 ~~recognized political party with which thirty percent or less of the registered voters~~
 21 ~~are affiliated in Orleans Parish shall be elected every four years at the same time as~~
 22 ~~the presidential preference primary election. The terms for which members of such~~
 23 ~~parish executive committee were elected in 1986 are extended until the members are~~
 24 ~~elected at the 1992 presidential preference primary election and take office.~~

25 * * *

26 §463. Notice of candidacy; campaign finance disclosure; political advertising;
 27 penalties

28 A.

29 * * *

1 (2)(a) The notice of candidacy also shall include a certificate, signed by the
2 candidate, certifying all of the following:

3 * * *

4 (iii) ~~That~~ Except for a candidate for United States senator or representative
5 in congress, that he is not currently under an order of imprisonment for conviction
6 of a felony and that he is not prohibited from qualifying as a candidate for conviction
7 of a felony pursuant to Article I, Section 10.1 of the Constitution of Louisiana.

8 * * *

9 §501. Procedure for withdrawal

10 * * *

11 C. Notwithstanding the provisions of Subsections A and B of this Section,
12 if ~~there are only two~~ the number of candidates remaining in a primary or general
13 election for a public office is one more than the number of persons to be elected to
14 the office, the secretary of state shall accept a notice of withdrawal that is filed prior
15 to 4:30 p.m. on the second day prior to the election. The candidate or candidates
16 remaining after the withdrawal ~~is~~ shall be declared elected by the people.

17 * * *

18 §532. Establishment of precincts

19 * * *

20 D. The parish governing authority shall also furnish; to the registrar of voters
21 and secretary of state geospatial shape files, if available, and a map clearly
22 indicating the boundaries of each parish governing authority district, school board
23 district, special election district, representative district, and senate district.

24 * * *

25 §551. Ballots

26 * * *

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

29 (1)

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(c)

* * *

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

* * *

§564. Assistance in voting on election day

* * *

D.(1)(a) Prior to receiving assistance pursuant to this Section due to a disability, including visual impairment, the voter shall file with the registrar in person or by mail a statement setting forth the necessity and reasons for this assistance and shall furnish the registrar one of the following:

* * *

(v) A completed and signed voter assistance form provided by the secretary of state wherein the voter attests that he has a physical disability and requires assistance in voting.

* * *

§565. Challenge of voters

* * *

B. Disposition of record of challenge and address confirmation card. The original record of the challenge, signed by the challenger, ~~shall be placed in the envelope marked "Put in Voting Machine" and shall be preserved as part of the election returns. The duplicate record of the challenge and address confirmation card shall be placed in the envelope marked "Registrar of Voters" and the envelope shall be attached to the precinct register.~~ and the address confirmation card shall be placed in the envelope marked "Registrar of Voters". A duplicate record of the challenge

1 made pursuant to R.S. 18:562, any address confirmation cards, any physical
2 disability affidavits, any physicians' certificates, any copies of disability
3 documentation, and any completed voter registration applications.

4 * * *

5 §574. Compilation and promulgation of returns

6 * * *

7 B. By a majority vote of the members, the parish board of election
8 supervisors may complete ~~in triplicate~~ and attach to the compiled statements a
9 notation of irregularities form prepared by the secretary of state to document
10 irregularities observed by the board with respect to:

11 * * *

12 §1254. Slates of ~~independent~~ candidates not affiliated with a recognized political
13 party; nominating petitions and qualifying by payment of qualifying fees

14 A. A slate of ~~independent~~ candidates for presidential elector who are not
15 affiliated with a recognized political party may be nominated by nominating petition
16 or may qualify by the payment of a qualifying fee of five hundred dollars. Such
17 qualifying fee shall be paid in accordance with the provisions of R.S. 18:464(A).
18 The period for filing such qualifying fee shall begin on the third Tuesday in July and
19 shall end at 4:30 p.m. on the first Friday following the third Tuesday in August of
20 each year in which a presidential election is to be held. Each qualifying fee shall be
21 accompanied by the notice of candidacy and notarized affidavit of each candidate for
22 elector signifying his acceptance of the nomination. ~~An independent~~ A candidate for
23 presidential elector who is not affiliated with a recognized political party may be
24 registered to vote with or without a declaration of party affiliation.

25 * * *

26 §1280.21.1. Presidential preference primary election and elections held at the same
27 time in 2020

28 A.(1) Notwithstanding the provisions of R.S. 18:1280.21(A), the statewide
29 presidential preference primary election shall be held on the first Saturday in April
30 in 2020.

1 (2) Notwithstanding the provisions of R.S. 18:1280.22(B)(1), the qualifying
2 period for presidential candidates in the statewide presidential preference primary
3 election in 2020 shall open on the second Wednesday in January of 2020 and shall
4 close at 4:30 p.m. on the following Friday.

5 B.(1) Notwithstanding the provisions of R.S. 18:402(C)(1), primary elections
6 for municipal and ward officers who are not elected at the same time as the governor
7 or members of congress shall be held on the first Saturday in April in 2020.

8 (2) Notwithstanding the provisions of R.S. 18:402(C)(2), general elections
9 for municipal and ward officers who are not elected at the same time as the governor
10 or members of congress shall be held on the fifth Saturday after the first Saturday in
11 April in 2020.

12 C.(1) Notwithstanding the provisions of R.S. 18:402(E)(1)(c), the first
13 Saturday in March shall not be available for a special primary election in 2020.
14 Instead, the first Saturday in April shall be available for a special primary election
15 pursuant to R.S. 18:402(E)(1) in 2020.

16 (2) Notwithstanding the provisions of R.S. 18:402(E)(2)(c), if a special
17 primary election is held on the first Saturday in April in 2020, the special general
18 election shall be held on the fifth Saturday after the first Saturday in April in 2020.

19 D. Notwithstanding the provisions of R.S. 18:402(F)(3), the first Saturday
20 in March, the fifth Saturday after the first Saturday in March, the last Saturday in
21 March, and the fifth Saturday after the last Saturday in March shall not be available
22 for a bond, tax, or other election at which a proposition or question is submitted to
23 the voters in 2020. Instead the first Saturday in April and the fifth Saturday after the
24 first Saturday in April shall be available for a bond, tax, or other election at which
25 a proposition or question is submitted to the voters in 2020 pursuant to R.S.
26 18:402(F).

27 E. Notwithstanding the provisions of R.S. 18:467(3), the qualifying period
28 for candidates in a primary election for municipal and ward officers who are not
29 elected at the same time as the governor or members of congress in municipalities
30 with a population of less than three hundred thousand and those in any special

1 approval of the secretary of state; the clerk of court; the registrar of voters; or a
 2 person providing technical assistance pursuant to Paragraph (2) of this Subsection
 3 who enters the location in which the absentee by mail and early voting ballots are
 4 being counted and tabulated shall remain in that location and shall not be allowed to
 5 leave except temporarily, and then only when accompanied by a law enforcement
 6 officer, and shall not communicate with any person outside until the polls are closed.
 7 The parish board of election supervisors may take any action necessary to ensure that
 8 no information with respect to the counting and tabulation of absentee by mail and
 9 early voting ballots is transmitted from the location where the absentee by mail and
 10 early voting ballots are being counted and tabulated prior to the close of the polls on
 11 election day.

12 * * *

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

14 * * *

15 (4) If the board determines that an absentee by mail ballot is valid, a member
 16 of the board shall ~~write the words "voted by mail" and his initials~~ make a check mark
 17 on the absentee by mail voter report beside the name of the voter as it appears on the
 18 report and write his initials on each page of the report. If applicable, a member of
 19 the board shall tear the flap from the envelope containing the absentee by mail ballot
 20 and leave the envelope sealed.

21 * * *

22 §1351. Definitions

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

25 * * *

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

28 * * *

29 (14) "Voting system" means the total combination of equipment, including
 30 voting machines, used to define ballots, cast and count votes, report or display

1 election results, and maintain and produce any auditable data and the software,
 2 firmware, hardware, and documentation required to program, control, and support
 3 such equipment. "Voting system" also includes the vendor's practices and
 4 documentation used to identify system components and versions of such
 5 components, test the system during its development and maintenance, maintain
 6 records of system errors and defects, determine specific system changes made after
 7 initial certification, and make available any materials to the voter.

8 * * *

9 §1353. Secretary of state; powers and duties; voting ~~machines~~ systems and system
 10 components; voter registration

11 * * *

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

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

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

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

30 * * *

1 §1354. Parish custodian of voting machines; powers and duties; appointment of
2 deputy custodians

3 * * *

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

6 * * *

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

10 * * *

11 §1361. Approval of ~~machines and equipment~~ voting systems or system components;
12 certificate; expenses of examination

13 A. The secretary of state may examine any type or make of voting ~~machine~~
14 system or system component upon the request of a representative of the maker or
15 supplier thereof; ~~and if he~~ If the secretary of state determines that the ~~machine~~
16 voting system or system component complies with the requirements of this Chapter
17 and that it meets standards acceptable to him as to durability, accuracy, efficiency,
18 and capacity, he shall approve that ~~type or make of machine~~ voting system or system
19 component for use in this state and shall issue his certificate of approval thereof.
20 Any voting system procured or used in the state shall include a sound-creating device
21 which will audibly indicate that a voter has left the machine after casting his vote and
22 allow for the challenge removal of early voting ballots and may include a voter
23 verification mechanism. In addition, any ~~electronic~~ voting ~~machine~~ system or
24 system component procured or used in the state must have been certified according
25 to the voluntary voting system guidelines developed and maintained by the United
26 States Election Assistance Commission by a voting system test laboratory accredited
27 by the United States Election Assistance Commission. This certificate, together with
28 any relevant reports, drawings, and photographs, shall be a public record.

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

4 €: The secretary of state may employ experts to assist him in making the
 5 examination provided for in this Section. The expenses of the services of such
 6 experts, not to exceed a total of five hundred dollars, shall be paid prior to the
 7 examination by the person requesting examination of the ~~machine~~ voting system or
 8 system component. Experts employed in the examination shall sign the certificate
 9 of approval made by the secretary of state. No ~~machine~~ voting system or system
 10 component shall be used at any election which has not been approved by the
 11 secretary of state as ~~herein~~ provided in this Section.

12 §1362. Method of procuring voting ~~machines~~ systems or system components; parts
 13 and supplies; and of contracting for the maintenance of voting machines

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

25 (2) Notwithstanding any provision of law to the contrary, particularly the
 26 provisions of Chapter 17 of Title 39 of the Louisiana Revised Statutes of 1950, the
 27 secretary of state is authorized to procure directly from the supplier, through the
 28 Department of State, voting ~~machine~~ systems or system components, parts, supplies,
 29 and other election paraphernalia and to contract with the manufacturer through the

1 Department of State for the maintenance of the voting ~~machines~~ systems or system
2 components.

3 * * *

4 §1373. Notice of preparation of machines for election; preparation of machines for
5 election; testing and adjusting; examination by candidate or his
6 representative; securing and sealing machines

7 A.

8 * * *

9 (5) After the machines have been prepared and tested by the secretary of
10 state and examined by each candidate or representative, citizen, or parish board
11 member who is present, the parish custodian shall enclose the registration books or
12 lists and other paraphernalia and shall forthwith seal each machine with a numbered
13 seal. At that time, the parish custodian, in the presence of the candidates or their
14 representatives, parish board members, and any citizens who are present, shall certify
15 to the numbers of the machines; ~~2~~ that all of the public, ~~candidate, and question~~
16 counters are set at zero; ~~2~~ and as to the number registered on the protective counter
17 of the machine.

18 * * *

19 §1375. Duplicate keys

20 Any duplicate or extra keys to the machines shall be sealed in an envelope
21 by the parish custodian and the secretary of state and placed in a safe place. The seal
22 shall not be broken or the keys used in any manner except with the consent of ~~both~~
23 the parish custodian ~~and~~ or the secretary of state.

24 * * *

25 §1400.3. Election expenses incurred by clerks of court and registrars of voters;
26 payment by secretary of state; payment by governing authorities

27 * * *

28 E. For the purposes of this Section, "election expenses incurred by clerks of
29 court" is defined and limited to the following:

30 * * *

1 poll list as having cast their ballots in person at the polls in the election in which the
2 machine or results tape and results cartridge malfunctioned.

3 B. Notwithstanding the provisions of R.S. 18:1432, if a discrepancy
4 sufficient to change the result of the election between the total votes cast at an
5 election and the votes counted for the candidates in the election or for or against the
6 recall of a public officer occurs as a result of the malfunction of a voting machine or
7 results tape and results cartridge used for early voting, and an accurate count of the
8 votes cast on the malfunctioning machine or results tape and results cartridge cannot
9 be determined by the offering of circumstantial evidence or any other evidence, the
10 court shall order a revote of electronic early voting ballots in the parish where the
11 voting machine or results tape and results cartridge used for early voting
12 malfunctioned, which shall be limited to those persons who voted during early voting
13 in the election.

14 * * *

15 Section 2. R.S. 18:104(C)(2), 463(A)(2)(a)(viii), 1300.1, and 1310(C)(1) are hereby
16 amended and reenacted and R.S. 18:104(C)(3) and 463(A)(2)(a)(ix) are hereby enacted to
17 read as follows:

18 §104. Application for registration; form

19 * * *

20 C.

21 * * *

22 (2) If the applicant is unable to write, the applicant shall affix his mark to the
23 application in the presence of two witnesses who shall also sign their names as
24 witnesses to the mark.

25 (3) When the registration application is completed at the office of motor
26 vehicles of the Department of Public Safety and Corrections or electronically on the
27 secretary of state's website, an electronically captured signature of the applicant shall
28 suffice as a handwritten signature of the applicant.

29 * * *

1 of state, verifying that the person providing the assistance has marked the ballot in
 2 the manner dictated by the voter, and the signature on the acknowledgment by the
 3 person providing assistance may serve as the signature of the witness required by
 4 R.S. 18:1306(E)(2)(a).

* * *

6 Section 3. R.S. 18:573(D), 1351(2), (3), and (6), 1355, and 1400.6(B) are hereby
 7 repealed in their entirety.

8 Section 4.(A) This Section and Sections 1 and 3 of this Act shall become effective
 9 upon signature of this Act by the governor or, if not signed by the governor, upon expiration
 10 of the time for bills to become law without signature by the governor, as provided by Article
 11 III, Section 18 of the Constitution of Louisiana. If this Act is vetoed by the governor and
 12 subsequently approved by the legislature, this Section and Sections 1 and 3 of this Act shall
 13 become effective on the day following such approval.

14 (B) Section 2 of this Act shall become effective on January 1, 2020.

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____