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## DIGEST

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HB 581 Engrossed

2021 Regular Session

Mike Johnson

**Abstract:** Revises the system of laws comprising the La. Election Code.

Present law (R.S. 18:134) provides that on election days the principal office of the registrar shall remain open from 7:00 a.m. until 9:00 p.m. Further provides that on days when a regularly scheduled congressional primary election is held, the principal office of the registrar shall remain open from 6:00 a.m. until 9:00 p.m.

Proposed law retains present law and provides that the principal office shall remain open as provided in present law or until all precinct results have been submitted to the clerk of court and the absentee by mail and early voting results have been submitted to the registrar of voters, whichever is earlier.

Present law (R.S. 18:154) provides that the registrar, the clerk of court, the Dept. of State, and the office of motor vehicles are prohibited from circulating or otherwise disclosing a voter's personal information on a commercial list.

Proposed law allows the Dept. of State or registrar of voters to provide the email address of a candidate to the Supervisory Committee on Campaign Finance Disclosure for purposes of contacting the candidate regarding campaign finance reporting. Further prohibits the Supervisory Committee on Campaign Finance Disclosure from sharing this information.

Present law (R.S. 18:423) provides that in a parish where the parish board of election supervisors tabulates and counts absentee by mail and early voting ballots, a member of the board may be compensated not more than eight days for a presidential or regularly scheduled congressional general election or seven days for any other primary or general election.

Proposed law retains present law and adds congressional primary elections.

Present law (R.S. 18:469) provides that when a person who qualified as a candidate and has opposition in a primary election for a public office dies after the close of the qualifying period and before the time for closing the polls on the day of the primary election, the qualifying period for candidates in the primary election for that office shall reopen for candidates. Further provides that if the qualifying period for candidates reopens within 30 days before a primary election, all the votes cast in the primary election for that public office are void, unless there were no additional candidates who qualified.

Proposed law removes the 30 day period and adds a provision that all votes cast in the a primary

election are voided if the ballots have already been printed.

Present law (R.S. 18:573) provides that the registrar shall utilize the procedures provided in the Code to determine the validity of the registration of each challenged voter who did not submit an address confirmation card. Further provides that when an address confirmation card was received that stated an address different from the address on file in the registrar's office for a registrant, the registrar shall change or cancel the registration.

Proposed law retains present law and elaborates on when a registrar shall change or cancel the registration. Proposed law provides that a registrar shall change the registrant's address to the address on the address confirmation card if the change of address is in the parish; transfer the registrant's registration to another parish if the address on the address confirmation card is in another parish; or cancel the registration if the address on the address confirmation card is in another state.

Present law (R.S. 18:1280.21) provides that a statewide presidential preference primary election shall be held on the first Saturday in March in 2016 and every fourth year thereafter.

Proposed law changes the date of a statewide presidential preference primary election to the last Saturday in March beginning in 2024.

Present law (R.S. 18:1280.22) provides that the qualifying period for presidential candidates shall open on the first Wednesday in Dec. and shall close at 4:30 p.m. on the following Friday.

Proposed law changes the opening date of the qualifying period for presidential candidates to the third Wednesday in Dec.

Present law (R.S. 18:1285) provides that the secretary of state shall not accept any revisions to propositions, including but not limited to changes in title, text, or numerical designations, after the last day for submission of the notice and certificate to the secretary of state.

Proposed law provides an exception that revisions may be accepted if ballots have not been printed and the revision will correct a typographical error that has been approved by the governing authority that called the proposition election.

Present law (R.S. 18:1300) provides that the secretary of state shall not accept any revisions to propositions or questions after the last day for submission of the notice to the secretary of state.

Proposed law provides an exception that revisions may be accepted if ballots have not been printed and the revision will correct a typographical error that has been approved by the governing authority that called the proposition election.

Present law (R.S. 18:1308) provides that no person except the immediate family of the voter shall hand deliver more than one marked absentee ballot to the registrar.

Proposed law retains present law and specifies that the provision applies per election.

Present law (R.S. 18:1309) provides that the registrar may designate one additional early voting branch office.

Proposed law allows a registrar to designate more than one additional early voting branch office.

Present law provides that in a parish where early voting is conducted at an additional location, the registrar may fix the hours and days during which early voting shall be conducted at the additional location during the early voting period if such hours and days of voting are approved by the secretary of state no later than 25 days prior to the election.

Proposed law changes present law to require the days of early voting at an additional location to be approved by the secretary of state at least 30 days prior to a primary election and 21 days prior to a general election.

Present law (R.S. 18:1309.1) requires the parish custodian to notify each candidate to contact the registrar of voters for the time and place at which the voting machines will be prepared for early voting.

Proposed law requires the registrar of voters to post at his office adequate notice of the date, time, and place at which the voting machines will be prepared for early voting and to post the information on his office's website, if possible.

Present law (R.S. 18:1313.1) provides that all recounts of absentee by mail and early voting ballots shall be held at 10:00 a.m. or following the reinspection of voting machines on the 5th day after the election and at any time ordered by a court of competent jurisdiction. If the 5th day after the election falls on a holiday or weekend, such recount shall be held on the next working day at 10:00 a.m. The deadline for filing a request for recount of absentee by mail and early voting ballots shall be 4:30 p.m. on the last working day prior to the date of the recount.

Proposed law changes 10:00 a.m. to a time set by the secretary of state. Further provides that if the 5th day after the election falls on a holiday or weekend, such recount shall be held on the next working day at a time set by the secretary of state. Also changes the deadline for filing a request for recount of absentee by mail and early voting ballots from 4:30 p.m. on the last working day prior to the date of the recount to 4:30 p.m. on the 3rd calendar day after the election.

Present law provides that the inspections of the flaps removed from the valid absentee by mail and early voting ballots shall be held at 10:00 a.m. or following the recount of absentee by mail and early voting ballots on the 5th day after the election and at any time ordered by a court of competent jurisdiction. If the 5th day after the election falls on a holiday or weekend, such inspection shall be held on the next working day at 10:00 a.m. or following the recount of absentee by mail and early voting ballots. The deadline for filing a request for inspection shall be the last working day prior to the date of the inspection.

Proposed law changes 10:00 a.m. to a time set by the secretary of state. Further provides that if the 5th day after the election falls on a holiday or weekend, such inspection shall be held on the next

working day at a time set by the secretary of state. Also changes the deadline for filing a request for such inspection from 4:30 p.m. on the last working day prior to the date of the recount to 4:30 p.m. on the 3rd calendar day after the election.

Present law (R.S. 18:1315) provides that if a challenge of an absentee by mail or early voting ballot is sustained, the board shall notify the voter in writing of the challenge and the cause therefor. The notice of the challenge and the cause therefor shall be given within three days by mail, addressed to the voter at his place of residence.

Proposed law changes the deadline to provide such notice from three days to four business days.

Present law (R.S. 18:1363) provides that the parish board of election supervisors may submit a written request to the secretary of state for to increase or decrease the number of voting machines needed for an election or at a specific precinct.

Proposed law changes parish board of election supervisors to parish custodian of voting machines.

Present law provides that the secretary of state may reallocate voting machines among precincts in order to ensure that each polling place is allocated at least one voting machine. Prior to any reduction in allocation of voting machines the secretary of state shall immediately notify the parish board of election supervisors in each affected parish.

Proposed law changes parish board of election supervisors to parish custodian of voting machines.

Present law (R.S. 18:1373) provides that the secretary of state shall notify each parish custodian of the time and place at which he will begin preparing and testing the voting machines for an election. At the time of qualifying, each candidate is notified to contact the parish custodian for the time and place at which the preparation and testing of the machines will be conducted.

Proposed law provides that candidates shall contact the registrar of voters instead of the parish custodian for the time and place at which the preparation and testing of the early voting machines will be conducted. Further provides that candidates shall contact the appropriate election official instead of the parish custodian for the time and place at which the preparation and testing of the machines will be conducted for election day voting.

Present law (R.S. 18:1376) provides that if an action contesting an election is not instituted within the required period of time, then on the day after the lapse of the time for filing such an action the secretary of state shall direct that the voting machines and any election result cartridges be cleared. If an action contesting such an election is timely filed, the secretary of state shall direct that the voting machines and any election result cartridges be cleared when the trial judge certifies to him that the court has obtained all the information from the machines or cartridges necessary for the trial of the action.

Proposed law changes the time which the voting machine and any election result cartridges can be cleared, if an action contesting such an election is timely filed. Provides that they may be cleared

after all data from each voting machine and election result cartridge used in the contested election is copied to removable memory devices.

Present law (R.S. 18:1491.6) requires reports submitted pursuant to present law to be filed within 48 hours after the time the contribution or loan is received or expenditure made.

Proposed law changes 48 hours to two business days.

Present law (R.S. 18:1495.4) requires reports submitted pursuant to present law to be filed within 48 hours after the time the contribution or loan is received or expenditure made.

Proposed law changes 48 hours to two business days to provide clarity of the deadline.

Effective upon signature of governor or lapse of time for gubernatorial action.

Present law (R.S. 18:1461.7) provides for election related offenses and penalties.

Proposed law additionally provides that it is an election offense for a person to knowingly, willfully, or intentionally transmit or otherwise provide false or misleading information concerning an election from a source disguised to appear to be or while impersonating the secretary of state, a registrar of voters, a clerk of court, or other election official.

Effective Jan. 1, 2022.

Present law (R.S. 18:198) provides that whenever a registrar has reason to believe that a registrant has changed his residence within the parish or that a change has occurred in the registrant's mailing address within the parish, the registrar shall mail the address confirmation card. If a registrant fails to return the address confirmation card, the registrar then shall follow the procedures for challenge and cancellation of registration.

Proposed law provides that the registrant has 30 days to return the address confirmation card before the registrar can place the registrant on the inactive list of voters. Further provides the registrant shall remain on the inactive list of voters in accordance with the procedures set forth in R.S. 18:196 or until his voter registration is cancelled, not later than a period of two regularly scheduled federal general elections.

Present law (R.S. 18:435) provides that a list of watchers shall be filed with the clerk of court before 4:30 p.m. on the tenth day before the primary or general election. Further provides that if the tenth day before the primary or the general election falls on a weekend or other legal holiday, the list shall be filed on the next day which is not a weekend or other legal holiday.

Proposed law changes deadline to file the list from the 10th day to the 10th business day before the primary or general election or the next day which is not a Saturday, Sunday, or other legal holiday and otherwise retains present law.

Effective Feb. 1, 2022.

(Amends R.S. 18:134(E), 154(C)(2), 198(D), 423(J)(1), 435(B)(1)(a), 469(D)(1), 573(E)(2), 1280.21(A), 1280.22(B)(1), 1285(B)(1)(a), 1300(C)(2), 1308(B), 1309(B) and (M)(1)(a), 1309.1(A), 1313.1(L)(2)(b) and (3), 1315(C), 1363, 1373(A)(1), 1376(B)(2), 1461.7(A)(5), 1491.6(C)(3), and 1495.4(C)(3); Adds R.S. 18:1461.7(A)(6))

### Summary of Amendments Adopted by House

The Committee Amendments Proposed by House Committee on House and Governmental Affairs to the original bill:

1. Change the proposed election offense regarding "spoofing" from falsifying election information obtained from contacting a telephone number of an election official or impersonating an election official to transmitting or otherwise providing false or misleading election information from a source disguised to be an election official's or while impersonating an election official.
2. Provide that the registrar of voters post information on his website regarding when and where the early voting machines will be prepared, if possible.
3. Remove proposed change to the notice of candidacy forms regarding availability of campaign finance materials.
4. Change the proposed deadline to file the list of watchers with the clerk from the seventh business day to the tenth business day.