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**HOUSE COMMITTEE AMENDMENTS**

2021 Regular Session

Substitute for Original House Bill No. 599 by Representative Hodges as proposed by the House Committee on House and Governmental Affairs

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**This document reflects the content of a substitute bill but is not in a bill form; page numbers in this document DO NOT correspond to page numbers in the substitute bill itself.**

To amend and reenact R.S. 18:18(A)(7), 435(A)(4) and (B)(2), and 1351 and to enact R.S. 18:435(A)(5) and (B)(1)(c), 1309(N) and 1366, relative to elections; to provide relative to the powers and duties of the secretary of state; to provide for the appointment of poll watchers; to provide for definitions relative to voting, voting machines, and vote counting equipment; to provide requirements for voting systems; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 18:18(A)(7), 435(A)(4) and (B)(2), and 1351 are hereby amended and reenacted and 18:435(A)(5) and (B)(1)(c), 1309(N) and 1366 are hereby enacted to read as follows:

§18. Secretary of state; powers and duties

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

\* \* \*

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

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§435. Watchers; appointment and commission

A.

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(4)(a) The state central committee of a recognized political party having at least twenty-five percent of the registered voters in the state registered as being

affiliated with such political party is entitled to have political party super watchers in each parish in which a candidate affiliated with such political party is on the ballot. The designation of political party super watchers shall be made in accordance with this Section and as provided in Subparagraph (b) of this Paragraph.

(b)(i) In a parish with fewer than fifty thousand registered voters, the state central committee of such a recognized political party may designate one political party super watcher.

(ii) In a parish with fifty thousand or more but fewer than one hundred thousand registered voters, the state central committee of such a recognized political party may designate two political party super watchers.

(iii) In a parish with one hundred thousand or more but fewer than one hundred-fifty thousand registered voters, the state central committee of such a recognized political party may designate three political party super watchers.

(iv) In a parish with one hundred-fifty thousand or more but fewer than two hundred thousand registered voters, the state central committee of such a recognized political party may designate four political party super watchers.

(v) In a parish with two hundred thousand or more registered voters, the state central committee of such a recognized political party may designate five political party super watchers.

(c) Each political party super watcher shall have the qualifications, powers, and duties of watchers provided for by R.S. 18:427 and shall be admitted as a watcher in every precinct in the designated parish where a candidate affiliated with his political party is on the ballot, except that not more than one political party super watcher may serve at a single precinct at the same time.

(d) The chairman of the state central committee of the political party shall sign and be responsible for filing the list of political party super watchers.

(5) The commissioners shall regulate the number of watchers inside the polling place as provided in R.S. 18:427.

B.(1)

\* \* \*

(c) A list of political party super watchers submitted by a party for the primary election may be used for the general election only if the chairman of the state central committee of the party notifies the clerk of court in writing by 4:30 p.m. on the tenth business day before the general election that he wants to use the same list of political party super watchers.

(2) Except for a candidate, state central committee of a recognized political party filing a list of political party super watchers, or recognized political party filing for a slate of candidates for presidential elector, any person filing a list of watchers must attach a certified statement that the report required by R.S. 18:1486 has been filed with the supervisory committee in compliance with the Campaign Finance Disclosure Act.

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§1309. Early voting; verification

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N.(1) The state central committee of a recognized political party having at least twenty-five percent of the registered voters in the state registered as being affiliated with such political party is entitled to have an early voting watcher at each early voting location, as space permits, at which a candidate affiliated with the political party is on the ballot.

(2) A qualified voter of the state who is not entitled to assistance in voting and is not a candidate in the election may serve as an early voting watcher.

(3) A watcher shall be admitted within the designated early voting location during the conduct of early voting where a candidate affiliated with such political party is on the ballot and shall call any infraction of the law to the attention of the registrar of voters or deputy registrar. An early voting watcher may keep notes on the conduct of early voting, but he shall not take part in performing the procedures of Subsections D, E, and F of this Section. An early voting watcher shall not electioneer, engage in political discussions, or unnecessarily delay a voter at the polling place. An early voting watcher is subject to the authority of the registrar of voters or deputy registrar and shall not interfere with the registrar or deputy registrar

in the performance of their duties. A state central committee of a political party shall be entitled to have both a watcher and alternate watcher serve at the same early voting location, except that the early voting watcher and alternate watcher may not serve at a single voting location at the same time.

(4) The registrar of voters or deputy registrar shall regulate the number of watchers inside the early voting location as provided in R.S. 18:427.

(5) A list of early voting watchers shall be filed with the registrar of voters by hand delivery, facsimile, mail, or commercial courier before 4:30 p.m. on the fourteenth business day before the first day of early voting for the primary or general election; however, if the fourteenth business day before the first day of early voting for the primary or general election falls on a Saturday, Sunday, or other legal holiday, the list shall be filed on the next day which is not a Saturday, Sunday, or other legal holiday. For purposes of this Paragraph, "commercial courier" shall have the same meaning as provided in R.S. 13:3204(D).

(6) The chairman of the state central committee of the political party shall sign and be responsible for filing the list of early voting watchers. If candidates affiliated with the political party are on the ballot in more than one parish, a list of watchers shall be filed with the registrar of voters in each parish where the political party will have early voting watchers.

(7) A list of early voting watchers submitted for the primary election may be used for the general election only if the chairman of the state central committee of the political party notifies the registrar of voters in writing by 4:30 p.m. on the tenth business day before the start of early voting for the general election that he wants to use the same list of early voting watchers.

(8) A list of early voting watchers shall contain only one early voting watcher and one alternate watcher for each early voting location where the state central committee of the political party is entitled to have an early voting watcher. The list shall be typed or legibly written, and it shall contain the name and mailing address of each early voting watcher and alternate watcher and a designation of the early voting location where each is to serve.

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## §1351. Definitions

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

(1) "Absentee by mail and early voting counting equipment" means a device capable of counting and producing results of votes cast on paper absentee by mail and early voting ballots.

~~(4)~~(2) "Election" means and includes all elections held in Louisiana, whether primary, general, or special.

~~(5)~~ "Electronic voting machine" means a voting machine that displays a full-face ballot, whereby votes are cast by pushing a vote indicator button on the face of the machine or a voting machine that displays a paging ballot, whereby votes are cast by selecting a vote indicator by touching the screen or using available tools on the voting system.

~~(7)~~(3) "Official ballot" means the list of candidates, offices, amendments, questions, or propositions ~~prominently displayed on the front of~~ on the voting machine or paper ballot as certified by the secretary of state.

~~(8)~~(4) "Parish custodian" refers to the parish custodian of voting machines and means the persons designated as such by R.S. 18:1354.

~~(9)~~(5) "Protective counter" means a counter, tabulator, or protective device that will register each time the machine is ~~operated~~ voted during the life of the machine.

~~(10)~~(6) "Public counter" means a counter, tabulator, or ~~other~~ protective device ~~on the outside or on the face of the machine, which shall at all times that~~ incrementally records and indicate the number of times indicates each time votes have been cast on a machine at during an election.

~~(11)~~(7) "Question" means an amendment, proposition, or like matter to be voted on in an election.

(8) "Vote-capture device" means a component of a voting system including hardware, software, and firmware, that captures and counts voter selections from paper or electronic ballots that meet the security requirements of R.S. 18:1366.

~~(12)~~(9) "Vote indicator" means the device on a voting machine with which votes upon a candidate or question are indicated.

(10) "Voter verified paper record" means a paper document that the voter can review and verify before officially casting his ballot.

~~(13)~~(11) "Voting machine" means the enclosure occupied by the voter when voting, as formed by the ~~machine~~ vote-capture device, its screen and privacy shield; ~~which shall include electronic voting machines.~~ The voting machine may also include voter-facing optical scanners or any other vote-capture device or technology used to secure the vote.

~~(14)~~(12) "Voting system" means the total combination of equipment, materials, and documentation, including voting machines, voter verified paper records and paper ballots, hardware, software, and firmware, for which the secretary of state controls the source code for every election, used to:

- ~~(a) define ballots~~Define elections and ballot styles.
- (b) Configure voting equipment
- (c) Identify and validate voting equipment configurations.
- (d) Perform logic and accuracy tests
- (e) Activate ballots for voters.
- (f) Scan paper ballots.
- ~~(g) cast~~Cast and count votes
- (h) Generate reports.
- (i) Export election data including election results.
- (j) Archive election data.
- ~~(k) Produce records in support of audits, 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.~~

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§1366. Requirements for voting systems

Any new voting system procured by the secretary of state according to the provisions of R.S. 18:1362 after January 1, 2022 shall comply with all of the following:

(1) Voting machines shall not be capable of establishing a wireless connection or connecting to the internet.

(2) Access to physical ports on any voting machine shall be restricted and sealed during an election, with the exception of port used to activate the voting machine for each voter's voting session.

(3) Software or firmware updates shall be loaded onto voting machines using a non-network connection.

(4) Tabulation of fractional votes shall be prohibited.

(5) The voting system shall produce an auditable voter-verifiable paper record of the voter's ballot selections, presented in a human-readable format.

(6) The voting system shall deploy procedures for the secretary of state to verify that the software and firmware, including any updates, installed on each voting machine was not altered after it was installed on the voting machine.

(7) The voting system shall maintain an internal record of the number of ballots tabulated, including any ballots that are rescanned.

(8) The voting system servers shall be located within the state. No voting system server shall be located in another state or country.

(9) Paper ballots shall have counterfeit protection.

(10) The voting system vendor shall provide documentation to the secretary of state regarding financial disclosures, equity holdings, and ownership structure.

Section 2. This Act shall become effective on January 1, 2022.

## DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

HB Draft

2021 Regular Session

**Abstract:** Provides relative to elections.

Present law provides that the secretary of state shall administer the laws relating to custody of voting machines and voter registration and shall prescribe uniform rules, regulations, forms, and instructions as to the use of electronic voting machines in the conduct of early voting.

Proposed law removes the reference to "electronic" relative to voting machines.

Present law provides that a candidate may designate watchers to serve at every precinct on election day where the office he seeks is voted on in an election. Further provides for the procedure of designating such watchers.

Proposed law provides that each recognized political party, having at least twenty-five percent of the registered voters in the state, may designate super watchers in each parish in which a candidate affiliated with such party is on the ballot. Such watchers shall be admitted as a watcher in every precinct in the designated parish where a candidate affiliated with such political party is on the ballot. Further provides for the number of super watchers that may be designated by a recognized political party based on the number of registered voters in the parish.

Present law provides for qualifications for serving as an early voting commissioner.

Proposed law retains present law and adds a provision allowing a state central committee of a political party recognized, having at least twenty-five percent of the registered voters in the state, to have an early voting watcher at each early voting location, as space permits, at which a candidate affiliated with such political party is on the ballot. Further provides for the qualifications, powers, and duties of such watcher. Also provides for the procedure for nominating such watcher.

Present law provides definitions relative to voting, voting machines, and vote counting equipment; to provide requirements for voting systems.

Proposed law removes the definition of "electronic voting machine"; expands the definition of "official ballot"; defines "vote-capture device"; defines "voter verified paper record"; expands the definition of "voting machine; and expands the definition of "voting system".

Proposed law provides for requirements for voting systems and requires that any new voting system procured by the secretary of state after January 1, 2022 shall meet such requirements.

Effective January 1, 2022.

(Amends R.S. 18:18(A)(7), 435(A)(4) and (B)(2), and 1351; Adds 18:435(A)(5) and (B)(1)(c), 1309(N) and 1366)