

## DIGEST

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SB 220 Reengrossed

2021 Regular Session

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Present law provides that parish registrars of voters shall keep and maintain all records relating to absentee by mail and early voting for at least six months from the date of a primary or general election, unless otherwise directed by a court order from pending litigation relative to the election, for offices other than president of the United States, vice president of the United States, presidential elector, United States senator, or United States representative.

Proposed law provides for these records to be retained for at least two years from the date of the election.

Present law provides that parish registrars of voters shall keep and maintain all applications for registration and registration records received for purposes of voting in an election for the offices of president of the United States, vice president of the United States, presidential elector, United States senator, or United States representative for at least 22 months from the date of the election.

Proposed law provides for these records be kept for at least two years from the date of the election.

Present law provides every election official shall retain all records and papers in his possession relating to the qualifying of candidates, selection of commissioners, alternate commissioners, and watchers, and the conduct or results of a primary or general election for at least six months after the date of the election, unless otherwise provided by present law.

Proposed law retains present law relative to retention of the enumerated types of materials and additionally requires the retention of records and papers relating to any application, registration, or other act requisite to voting in an election.

Proposed law requires that all records and papers required to be retained by an election official be kept for at least two years after the date of the election.

Present law provides all records and papers in the possession of an election official relating to any application, registration, or other act requisite to voting in an election involving the offices of president of the United States, vice president of the United States, United States senator, United States representative, or presidential elector shall be maintained for a period of 22 months from the date of the election.

Proposed law provides records shall be maintained for at least two years from the date of the election.

Present law provides that election records and papers required to be preserved shall be public records open to inspection by anyone.

Proposed law deletes present law.

Present law provides that absentee by mail and early voting ballots submitted by a voter who casts a vote in person at the precinct shall be marked as rejected, kept unopened for six months, and destroyed.

Proposed law retains present law and provides for these records to be kept unopened for at least two years from the date of the election.

Present law provides that all mail ballots received on or after election day shall not be counted and shall be endorsed with the day and hour of receipt, kept unopened for six months, then destroyed.

Proposed law retains present law and provides that these ballots be kept unopened for at least two years from the date of the election.

Present law provides relative to the powers, functions, and duties of the legislative auditor.

Proposed law requires the legislative auditor to examine, audit, or review local, state, and federal elections that are held pursuant to the La. Election Code.

Proposed law allows the auditor to set the scope, frequency, and methodology of the examinations and provides that the auditor may utilize a performance-based or risk-based approach for the examinations of elections.

Proposed law requires the legislative auditor to submit audit reports to the Senate Committee on Senate and Governmental Affairs and the House Committee on House and Governmental Affairs and the secretary of state and to present reports to those committees, meeting separately or jointly, not later than 30 days after issuing the report.

Proposed law provides that, notwithstanding any contrary provision of law, no local government shall be assessed actual expenses incurred by the legislative auditor as a result of an election audit.

(Amends R.S. 18:158, 403, 1311(D)(4)(b), and 1312(D); Adds R.S. 24:513(D)(7))

Summary of Amendments Adopted by Senate

Committee Amendments Proposed by Senate Committee on Senate and Governmental Affairs to the original bill

1. Makes technical changes to title and enacting clause.
2. Requires parish registrars of voters to preserve all records relative to absentee by mail and early voting ballots for a period of at least two years from the date of the election.
3. Requires each election official to preserve all records and papers relating to candidate qualifying, the selection of commissioners, alternate commissioners, and watchers, and any application, registration, or other act requisite to voting for at least two years from the date of the election.

Senate Floor Amendments to engrossed bill

1. Remove requirement that retained election materials be public records open to inspection by anyone.
2. Provides that no local government shall be assessed actual expenses incurred by the legislative auditor as a result of an election audit.

Summary of Amendments Adopted by House

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

1. All relative to examinations of elections by the legislative auditor:
  - a. Add voter registration services as an item that may be examined.
  - b. Require that original records remain in custody of the election official.
  - c. Remove requirement that audit reports be submitted annually and deadlines for submission.
  - d. Require that reports be submitted to the secretary of state.
  - e. Change deadline for presentation of reports to legislative committees.
  - f. Delay effective date of proposed law.