

VETOED
[Click here for
Veto Message](#)

BY SENATOR CLOUD AND REPRESENTATIVES AMEDEE, CREWS, DESHOTEL,
EDMONDS, GAROFALO, HORTON, ORGERON, CHARLES OWEN
AND WRIGHT

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24

AN ACT

To amend and reenact R.S. 18:158, 403, 1311(D)(4)(b), and 1312(D) and to enact R.S.
24:513(D)(7), relative to the legislative auditor; to provide relative to examinations,
audits, and reviews of elections; to provide for the submission and presentation of
reports to certain legislative committees; to provide for the retention of election
records subject to examination by the legislative auditor; to provide for terms,
conditions, and procedures; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 18:158, 403, 1311(D)(4)(b), and 1312(D) are hereby amended and
reenacted to read as follows:

§158. Retention of absentee by mail and early voting ballots and records; retention
of registration records for federal elections

A. The registrar of voters in each parish shall keep and maintain all records
relating to absentee by mail and early voting ~~as provided in Chapter 7 of this Title~~
for a period of at least two years from the date of the election.

B. The registrar of voters in each parish shall keep and maintain for a period
of ~~twenty-two months~~ **at least two years** from the date of the election all
applications for registration and registration records received for purposes of voting
in an election involving the office of President of the United States, Vice President
of the United States, presidential elector, United States Senator, or United States
Representative.

* * *

§403. Election records and papers; preservation; public record

~~A. Except as otherwise provided by law, every~~ **Each** election official shall

1 retain and preserve, for at least ~~six months~~ **two years** after the date of a primary or
 2 general election, all records and papers which come into his possession relating to
 3 the qualifying of candidates, the selection of commissioners, alternate
 4 commissioners, and watchers, ~~and~~ the conduct or results of a primary or general
 5 election, **and any application, registration, or other act requisite to voting in an**
 6 **election**. ~~These records and papers shall be public records open to inspection by~~
 7 ~~anyone.~~

8 ~~B. In an election involving the office of the president of the United States,~~
 9 ~~vice president of the United States, presidential elector, United States senator, or~~
 10 ~~United States representative, all records and papers which come into the possession~~
 11 ~~of an election official relating to any application, registration, or other act requisite~~
 12 ~~to voting in such election shall be kept and maintained for a period of twenty-two~~
 13 ~~months from the date of the election.~~

14 * * *

15 §1311. List of absentee by mail and early voters; posting; delivery of alphabetized
 16 list to precincts; supplements; absentee by mail voter report

17 * * *

18 D. * * *

19 (4) * * *

20 (b) If the voter has voted in person at the precinct, the registrar shall write
 21 across the ballot the words "rejected, voted at precinct" and shall include such ballot
 22 with all other mail ballots received on or after election day, to be kept unopened for
 23 ~~six months, and destroyed~~ **at least two years from the date of the election**.

24 * * *

25 §1312. Retention of ballots at registrar's office

26 * * *

27 D. Except as otherwise provided in R.S. 18:1308.1(C) and 1311(D)(1) and
 28 (5), all mail ballots received on or after election day shall not be counted, but shall
 29 be endorsed with the day and hour of receipt, shall be kept unopened for ~~six months,~~
 30 ~~and then shall be destroyed~~ **at least two years from the date of the election**. Any

1 absentee ballot received by mail or facsimile not the first received from the voter
2 shall be treated as provided in this Subsection.

3 * * *

4 Section 2. R.S. 24:513(D)(7) is hereby enacted to read as follows:

5 §513. Powers and duties of legislative auditor; audit reports as public records;
6 assistance and opinions of attorney general; frequency of audits;
7 subpoena power

8 * * *

9 D. In addition, the legislative auditor shall perform the following duties and
10 functions:

11 * * *

12 (7)(a)(i) The legislative auditor shall examine, audit, or review local,
13 state, and federal elections that are held pursuant to the provisions of the
14 Louisiana Election Code, R.S. 18:1 et seq., and shall prescribe the scope,
15 frequency, and methodology of the examinations in accordance with his
16 authority provided in R.S. 24:511 et seq. The scope of the examinations may
17 include an overview of the election processes and controls, election best
18 practices, fraud prevention, ballot security, signature matching, and voter
19 registration services provided at voter registration agencies pursuant to R.S.
20 18:116.

21 (ii) Any original record examined, audited, or reviewed by the legislative
22 auditor pursuant to this Paragraph shall remain under the physical control and
23 custody of the election official who is the custodian of the record.

24 (b) For the purposes of this Paragraph, the legislative auditor may
25 utilize a performance-based or risk-based approach in accordance with
26 appropriate auditing standards for the examinations of elections.

27 (c) The legislative auditor shall submit any audit report to the Senate
28 Committee on Senate and Governmental Affairs, the House Committee on
29 House and Governmental Affairs, and the secretary of state as required by R.S.
30 24:516. The report shall contain an overview of the election processes and

1 controls. The legislative auditor shall present the report to the Senate
 2 Committee on Senate and Governmental Affairs and the House Committee on
 3 House and Governmental Affairs, meeting separately or jointly, not later than
 4 thirty days after issuing the audit report.

5 (d) Notwithstanding any provision of law to the contrary, no local
 6 government shall be assessed actual expenses incurred by the legislative auditor
 7 as a result of an election audit conducted in accordance with the provisions of
 8 this Paragraph.

9 * * *

10 Section 3.(A) Section 1 and this Section of this Act shall become effective on
 11 January 1, 2022.

12 (B) Section 2 of this Act shall become effective on January 1, 2024.

 PRESIDENT OF THE SENATE

 SPEAKER OF THE HOUSE OF REPRESENTATIVES

 GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____

VETO MESSAGE

"Please be advised that I have vetoed Senate Bill 220 of the 2021 Regular Session.

This bill requires the legislative auditor to annually audit state, local, and federal elections. The legislative auditor is already tasked with performing an audit of the Secretary of State on a routine schedule, at least once every seven years. This bill is an amalgamation of legislative overreach and an expansion of government in that the constitution names the Secretary of State the chief election officer of the state and requires him to administer all election laws. The legislative auditor has had the ability, for decades, to perform an audit of the legal compliance of statutory election law by the Secretary of State and has chosen not to, while still performing financial audits of the State Department as required. While costs should not be the only consideration in discussing election integrity, it certainly is a consideration in this instance when there has been no legitimate allegation that statutory election processes have not been followed. Discussion of the fiscal note for this bill focused only on the added cost for the legislative auditor. It failed to discuss the fact that the cost of every audit performed on local elections would be borne by the Secretary of State. For the legislature to encroach on the constitutional authority of the Secretary of State as part of the

Executive branch and mandate the legislative auditor audit state, local, and federal elections annually not only poses a separation of powers issue but also adds an additional layer of bureaucracy in the elections process."