
The legislative instrument and the following digest, which constitutes no part of the legislative instrument, were prepared by Matthew R. DeVille.

CONFERENCE COMMITTEE REPORT DIGEST

SB 221

2021 Regular Session

Hewitt

Keyword and summary of the bill as proposed by the Conference Committee

VOTERS/VOTING. Provides relative to voting systems. (gov sig)

Report adopts House amendments to:

1. Make technical corrections.
2. Provide for compliance with the Louisiana Procurement Code.
3. Provide for membership of the Voting System Commission.
4. Provide for the purpose of the Voting System Commission.
5. Provide for the Voting System Commission to issue a recommendation to the secretary of state regarding the acquisition of new voting systems.
6. Require the secretary of state to take into consideration the recommendation of the Voting System Commission when developing a request for proposal for the acquisition of new voting systems.

Report rejects House amendments which would have:

1. Required the initial report of the Voting System Commission be completed no later than ninety days after its initial meeting.
2. Required the secretary of state to develop and adopted reasonable certification standards solely pertaining to the durability, accuracy, efficiency, and capacity of voting systems for use in the state prior to the solicitation of bids.
3. Required attorney general approval of promulgated rules and regulations promulgated by the secretary of state regarding the procurement, preparation, and use of voting systems.

Report amends the bill to:

1. Make technical changes.
2. Define the terms cast ballot, official ballot, vote-capture device, voter-facing scanner,

voter-verified paper record, voting machine, and voting system.

3. Provide for the use of paper ballots for use in voting absentee by mail, early voting, provisional ballots, and election day voting after the procurement of a new voting system.
4. Require the secretary of state to promulgate uniform rules and regulations with respect to matters pertaining to the certification standards and requirements of voting systems.
5. Require attorney general approval for uniformity and compliance prior to final promulgation of proposed rules and regulations.
6. Require rules and regulations promulgated by the secretary of state with respect to matters pertaining to the certification standards and requirements, procurement, preparation, and use of voting systems to comply with statutory requirements for the acquisition of new voting systems in addition to standards and procedures for usability, accessibility, durability, accuracy, efficiency, and capacity of voting systems and control and auditability of paper records.
7. Provide for the secretary of state to contract with qualified experts who are independent to assist him in the performance of state certification examination for voting systems.
8. Remove a limit on the expenses of experts contracted by the secretary of state for assistance with the state certification examination for voting systems.
9. Require the approval and certification by the secretary of state of any voting system or system component used at any election.
10. Require the secretary of state to take into consideration the recommendations of the Voting System Commission during the procurement of new voting systems.
11. Provide for membership of the Voting System Commission to include two Louisiana registered voters appointed by the attorney general and two Louisiana registered voters appointed by the governor, one of whom shall represent the disabled community.
12. Require the Voting System Commission to consider only a paper ballot system that utilizes a voter-verified paper record to replace the state's inventory of direct electronic voting machines.
13. Require that the report of the Voting System be sent to the Senate Committee on Senate and Governmental Affairs and the House Committee on House and Governmental Affairs.

14. Require that the first report of the Voting System Commission be submitted by January 31, 2022, and submitted annually thereafter.
15. Establish statutory requirements for the acquisition of new voting systems that they shall produce an auditable voter-verified paper record, shall not connect to the internet or tabulate fractional votes, shall have restricted access to physical ports, and that vendors shall be required to disclose any percentage of foreign ownership.
16. Require the secretary of state to submit details of any proposed expenditure of monies from the Help Louisiana Vote Fund for approval by the Joint Legislative Committee on the Budget.

Digest of the bill as proposed by the Conference Committee

Present law defines both voting machines and electronic voting machines.

Proposed law consolidates this definition to "voting machine" only and removes references to "electronic voting machines" in present law.

Proposed law further provides for definitions of cast ballot, vote-capture device, voter-facing scanner, and voter-verified paper record.

Present law provides that paper ballots may be used when voting machines fail.

Proposed law retains present law and further provides that paper ballots may be used for voting absentee by mail, early voting, provisional voting, and election day voting after the procurement of a new voting system by the state.

Present law provides that the secretary of state may prescribe rules and regulations regarding the preparation and use of voting systems that shall be approved by the attorney general.

Proposed law requires the secretary of state to promulgate rules and regulations with respect to matters pertaining to the certification standards and requirements, procurement and preparation of voting systems in accordance with the Administrative Procedure Act and subject to legislative oversight which shall be approved by the attorney general.

Proposed law further provides for these promulgated rules and regulations to comply with proposed law establishing requirements for the acquisition of new voting systems and standards and procedures for voting system usability, accessibility, durability, accuracy, efficiency, and capacity and the control and the control and auditability of voter-verified paper records.

Present law provides that the secretary of state may examine any voting system or system component upon the request of a representative of the system's maker or supplier, and certify the system for use in the state if it meets criteria established in present law.

Proposed law provides that the secretary is required to examine and certify any voting system or system component upon request and must develop and adopt appropriate certification standards prior to soliciting bids for any new voting system.

Present law provides that the secretary of state may employ experts to assist with the examination of voting systems or system components.

Proposed law requires the secretary of state to contract such experts, specifies their necessary qualifications, and provides for the minimum number of experts required and maximum number of experts allowed.

Present law provides that the expenses of the services of the experts assisting the secretary of state with the examination of voting systems cannot exceed five hundred dollars.

Proposed law removes the limitation on expert expenses.

Present law provides that no voting system or component shall be used at any election which has not been approved by the secretary of state as provided in present law.

Proposed law retains present law and further requires the voting system or component used to be certified by the secretary of state in accordance with proposed law.

Present law provides all voting systems or system components shall be procured by the secretary of state on the basis of a competitive request for proposal or solicitation of public bids in accordance with specifications in present law that may require tests and examinations of operations of the voting system or system components.

Proposed law provides that the secretary of state must procure all voting systems or system components taking into consideration recommendations developed by a voting system commission established in proposed law that mandate testing and examination of the voting system or system components.

Proposed law creates the Voting System Commission to analyze available voting systems and issue a report to the secretary of state providing recommendations on which type of paper ballot voting system to solicit bids or requests for proposals.

Proposed law requires that the Voting System Commission consider only a paper ballot system that utilizes a voter-verified paper record to replace the state's current inventory of direct electronic voting machines.

Proposed law creates the Voting System Proposal Evaluation Committee to investigate and test the voting systems that meet the qualifications established by the Voting System Commission and determine which voting system to suggest the secretary of state purchase in coordination with the office of state procurement.

Present law provides that the secretary of state shall determine the sufficiency of voting machines and absentee by mail and early voting counting equipment necessary to conduct an election at his discretion.

Proposed law requires the secretary of state to evaluate the sufficiency of this equipment annually in consultation with the Voting System Commission.

Proposed law establishes requirements that any new voting system procured by the secretary of state shall produce an auditable voter-verified paper records, that any voting system equipment shall have only essential functionality and shall not connect to the internet, that restrict access to physical ports on voting machines, that require disclosure of foreign ownership of any voting system vendor, that prohibit the tabulation of fractional votes, and that require voting system servers to be located within the state.

Proposed law requires the secretary of state to submit the details of any proposed expenditure of monies from the Help Louisiana Vote Fund for the acquisition of any element or component of a voting system to the Joint Legislative Committee on the Budget for review and approval prior to making the expenditure.

Present law provides that the secretary of state may utilize any procedure necessary to accommodate the use of paging direct record electronic voting machines for voting where possible.

Proposed law repeals present law.

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

(Amends R.S. 18:18(A)(7), 1351,1352, 1353(B), (C)(intro para) and (C)(2), and (D), 1361, 1362(A),1364(A), and 1400.21(C); adds R.S. 18:1362.1,1362.2, and 1366 and 36:744(O) and (P); repeals R.S. 18:553.1, 1351(5), and 1365)