

RÉSUMÉ DIGEST

ACT 480 (SB 221)

2021 Regular Session

Hewitt

Prior law defines both voting machines and electronic voting machines.

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

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

Prior law provided that paper ballots may be used when voting machines fail.

New law retains prior 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.

Prior law provided 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.

New 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.

New law further provides for these promulgated rules and regulations to comply with new 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.

Prior law provided 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 prior law.

New 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.

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

New 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.

Prior law provided that the expenses of the services of the experts assisting the secretary of state with the examination of voting systems cannot exceed \$500.

New law removes the limitation on expert expenses.

Prior law provided 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 prior law.

New law retains prior law and further requires the voting system or component used to be certified by the secretary of state in accordance with new law.

Prior law provided 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 prior law that may require tests and examinations of operations of the voting system or system components.

New 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 new law that mandate testing and examination of the voting system or system components.

New 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.

New 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.

New 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.

Prior law provided 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.

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

New 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.

New law requires the secretary of state 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.

Prior law provided 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.

New law repeals prior law.

Effective upon signature of the governor (July 1, 2021).

(Amends R.S. 18:18(A)(7), 1351,1352, 1353(B), (C)(intro para) and (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)