

## RÉSUMÉ DIGEST

**ACT 381 (HB 581)**

**2021 Regular Session**

**Mike Johnson**

Existing law (R.S. 18:134) provides that on election days the principal office of the registrar shall remain open until 9:00 p.m.

New law provides that the principal office shall remain open as provided in existing law or until all precinct results have been submitted to the clerk of court and the absentee by mail and early voting results have been submitted to the registrar of voters, whichever is earlier.

Existing law (R.S. 18:154) prohibits the registrar, the clerk of court, the Dept. of State, and the office of motor vehicles from circulating or otherwise disclosing a voter's personal information on a commercial list. Provides for exceptions.

New law allows the Dept. of State or registrar of voters to provide the email address of a candidate to the Supervisory Committee on Campaign Finance Disclosure for purposes of contacting the candidate regarding campaign finance reporting. Prohibits the supervisory committee from sharing this information.

Existing law (R.S. 18:423) provides that in a parish where the parish board of election supervisors tabulates and counts absentee by mail and early voting ballots, a member of the board may be compensated not more than eight days for a presidential or regularly scheduled congressional general election or seven days for any other primary or general election.

New law authorizes eight days of compensation for congressional primary elections.

Existing law (R.S. 18:469) provides that when a person who qualified as a candidate and has opposition in a primary election for a public office dies after the close of the qualifying period and before the time for closing the polls on the day of the primary election, the qualifying period for candidates in the primary election for that office shall reopen for candidates. Provides that if the qualifying period reopens within a specified period before a primary election, all the votes cast in the primary election for that public office are void, unless there were no additional candidates who qualified.

Prior law provided that votes cast were void if qualifying reopened within 30 days before the primary election. New law provides that the votes are void if the ballots have already been printed when qualifying reopens.

Existing law (R.S. 18:573) provides that the registrar shall utilize the procedures provided in the Code to determine the validity of the registration of each challenged voter who did not submit an address confirmation card. Requires the registrar to take certain actions when an address confirmation card was received that stated an address different from the address on file in the registrar's office for a registrant.

Prior law required the registrar to change or cancel the registration. New law provides that a registrar shall change the registrant's address to the address on the address confirmation card if the change of address is in the parish; transfer the registrant's registration to another parish if the address is in another parish; or cancel the registration if the address is in another state.

Prior law (R.S. 18:1280.21) required that a statewide presidential preference primary election be held on the first Saturday in March.

New law requires that such an election be held on the last Saturday in March. Changes the date for the opening of qualifying for presidential candidates from the first Wednesday in Dec. to the third Wednesday in Dec.

Existing law (R.S. 18:1285 and 1300) prohibits the secretary of state from accepting any revisions to ballot propositions after the last day for submission of the notice and certificate to the secretary of state.

New law provides an exception and provides that revisions may be accepted if ballots have not been printed, the revision corrects a typographical error, and the revision has been approved by the governing authority that called the proposition election.

Existing law (R.S. 18:1309) provides for early voting to be held at the registrar's office or at a location in or near the courthouse and at branch office locations designated by the registrar.

Prior law limited the number of branch office early voting locations in a parish to one. New law removes this limitation.

Existing law authorizes the secretary of state to develop and implement a program for conducting early voting at additional locations in each parish. With respect to the hours and days of early voting at a location selected pursuant to the program:

- (1) Prior law authorized the registrar, subject to the approval of the secretary of state, to set the *days* of early voting. New law removes prior law.
- (2) Existing law authorizes the registrar, subject to the approval of the secretary of state, to set the *hours* of early voting. Prior law required secretary of state approval 25 days prior to the election. New law requires such approval 30 days prior to a primary election and 21 days prior to a general election.

Existing law (R.S. 18:1309.1) requires the parish custodian to notify each candidate to contact the registrar of voters for the time and place at which the voting machines will be prepared for early voting.

New law requires the registrar of voters to post at his office adequate notice of the date, time, and place at which the voting machines will be prepared for early voting and to post the information on his office's website, if possible.

Existing law (R.S. 18:1313.1) provides that recounts of absentee by mail and early voting ballots and the inspection of the flaps removed from paper ballots are held at a specified time or following the reinspection of voting machines on the 5th day after the election and at any time ordered by a court of competent jurisdiction.

Prior law provided that the specified time for such recounts and inspections was 10:00 a.m. New law provides that the time is to be set by the secretary of state in conjunction with the registrar and clerk of court.

Prior law provided that the deadline for requesting such a recount or inspection was 4:30 p.m. on the last working day prior to the date of the recount. New law provides that the deadline is 4:30 p.m. on the 3rd calendar day after the election.

Existing law (R.S. 18:1315) provides that if a challenge of an absentee by mail or early voting ballot is sustained, the parish board of election supervisors shall notify the voter of the challenge and the cause therefor by mail addressed to the voter at his place of residence.

Prior law required that such notice be given within three days. New law requires that such notice be given within four business days.

Prior law (R.S. 18:1363) authorized the parish board of election supervisors to request, from the secretary of state, an increase or decrease in the number of voting machines needed for an election or at a specific precinct.

New law authorizes the parish custodian of voting machines to make such a request.

Existing law provides that if there is a shortage of voting machines, the secretary of state may reallocate voting machines among precincts to ensure that each polling place is allocated at least one voting machine. Prior to any reduction in allocation of voting machines the secretary of state shall immediately notify election officials in each affected parish.

New law changes the recipient of such notice from the parish board of election supervisors to the parish custodian of voting machines.

Existing law (R.S. 18:1376) provides for a delay in clearing of voting machines and election results cartridges if an action contesting an election is instituted within the required period of time. Prior law required the secretary of state to direct clearing of such machines and cartridges when the trial judge certified that the court had obtained all the information from the machines or cartridges necessary for the trial of the action. Required such certification within six days after the suit was filed. New law requires the secretary of state to direct such clearing after all necessary data is copied to removable memory devices.

Existing law (R.S. 18:1491.6 and 1495.4) requires political committees and candidates to file campaign finance reports containing specified information during the period from midnight of the 20th day prior to an election and through midnight of election day. Prior law required reports to be filed within 48 hours of the acceptance of a contribution or loan or of making an expenditure. New law requires that such reports be filed within two business days of such events.

Effective upon signature of governor (June 17, 2021).

New law prohibits knowingly, willfully, or intentionally transmitting or otherwise providing false or misleading information concerning an election from a source disguised to appear to be or while impersonating the secretary of state, a registrar of voters, a clerk of court, or other election official.

Effective January 1, 2022.

Existing law (R.S. 18:198) provides that whenever a registrar has reason to believe that a registrant has changed his residence within the parish or that a change has occurred in the registrant's mailing address within the parish, the registrar shall mail the address confirmation card. Prior law provided that if a registrant failed to return the address confirmation card, the registrar was required to follow the procedures for challenge and cancellation of registration.

New law provides that the registrant has 30 days to return the address confirmation card, after which the registrar shall place the registrant on the inactive list of voters.

Existing law (R.S. 18:435) provides that a list of watchers shall be filed with the clerk of court. Prior law required such filing before 4:30 p.m. on the tenth day before the primary or general election.

New law changes deadline to the 10th business day before the primary or general election.

Effective February 1, 2022.

(Amends R.S. 18:134(E), 154(C)(2), 198(D), 423(J)(1), 435(B)(1)(a), 469(D)(1), 573(E)(2), 1280.21(A), 1280.22(B)(1), 1285(B)(1)(a), 1300(C)(2), 1308(B), 1309(B) and (M)(1)(a), 1309.1(A), 1313.1(L)(2)(b) and (3), 1315(C), 1363, 1373(A)(1), 1376(B)(2), 1461.7(A)(5), 1491.6(C)(3), and 1495.4(C)(3); Adds R.S. 18:1461.7(A)(6))