

RÉSUMÉ DIGEST

SB 220

2021 Regular Session

Cloud

Present law requires that parish registrars of voters 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 would provide for these records to be retained for at least two years from the date of the election.

Present law requires that parish registrars of voters 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 would provide for these records be kept for at least two years from the date of the election.

Present law requires every election official 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 would retain present law relative to retention of the enumerated types of materials and additionally require the retention of records and papers relating to any application, registration, or other act requisite to voting in an election.

Proposed law would require 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 would require records 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 would delete 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 would retain 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 would retain present law and provide that these ballots be kept unopened for at least two years from the date of the election.

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

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

Proposed law would require the legislative auditor to submit audit reports to the Senate Committee on Senate and Governmental Affairs, 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 would provide 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.

Proposed law concerning the registrar of voters and elections would take effect January 1, 2022.

Proposed law concerning the legislative auditor requirement to examine, audit, and review election would take effect January 1, 2024.

(Proposed to amend R.S. 18:158, 403, 1311(D)(4)(b), and 1312(D); add R.S. 24:513(D)(7))

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."