

2024 Regular Session

HOUSE BILL NO. 677

BY REPRESENTATIVE BEAULLIEU

ELECTION CODE: Makes revisions to the system of laws providing for elections

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19

AN ACT

To amend and reenact R.S. 18:110(D), 154(F)(3), 173(D), 193(A) and (E), 423(H)(2), 434(F), 494(A), 512(C), 572(A)(1) and (2)(a), 574(E)(1), 1259(B)(2)(b), (4), and (6), 1280.21(C), 1406(C), the heading of Part VIII of Chapter 11 of Title 18 of the Louisiana Revised Statutes of 1950, 1551, 1553, 1554, and 1555(B), and R.S. 26:584(B)(4), to enact R.S. 18:154(F)(8), and to repeal R.S. 18:154(G) and 173(B), relative to the revision of the system of laws providing for elections; to make revisions to the Louisiana Election Code; to provide for statements requesting cancellation of voter registration; to provide for the disclosure of an application to vote absentee by mail and related information; to provide for the disclosure of voided votes; to provide for the cancellation of voter registration; to provide for notification of deaths for purposes of cancellation of voter registration; to provide for the qualification of a commissioner removed for cause; to provide for objections to candidacy; to provide for the timing for an election following a tie vote in a general election; to provide for the transmission of documentation to the secretary of state following an election; to provide for the promulgation of returns; to provide for the timing for notifications provided by the state central committee of a recognized political party; to provide for the Campaign Finance Disclosure Act; to provide for the disbursement of the surplus campaign contributions of a deceased candidate; to

1 provide relative to local option elections; to provide for the language required on a
2 petition for a local option election; and to provide for related matters.

3 Be it enacted by the Legislature of Louisiana:

4 Section 1. R.S. 18:110(D), 154(F)(3), 173(D), 193(A) and (E), 423(H)(2), 434(F),
5 494(A), 512(C), 572(A)(1) and (2)(a), 574(E)(1), 1259(B)(2)(b), (4), and (6), 1280.21(C),
6 1406(C), the heading of Part VIII of Chapter 11 of Title 18 of the Louisiana Revised Statutes
7 of 1950, 1551, 1553, 1554, and 1555(B) and are hereby amended and reenacted and R.S.
8 18:154(F)(8) is hereby enacted to read as follows:

9 §110. Removal from precinct; removal from parish

10 * * *

11 D. Any registrant may have his name cancelled from the file of eligible
12 voters by filing a signed written statement of such request with the registrar of voters
13 for the parish in which he is registered.

14 * * *

15 §154. Records open to inspection; copying; exceptions

16 * * *

17 F. Notwithstanding any provision of this Section to the contrary, the
18 registrar, the clerk of court, and the Department of State shall be prohibited from
19 disclosing the following:

20 * * *

21 (3) An application to vote absentee by mail, ~~or~~ information contained
22 therein, or the status of a voted ballot until the applicant has returned his voted ballot
23 to the registrar and the registrar has accepted the voted ballot.

24 * * *

25 (8) Votes that are void because of the death of a candidate pursuant to R.S.
26 18:410.6 and 469, withdrawal of a candidate pursuant to R.S. 18:502, resignation of
27 a public officer subject to a recall election pursuant to R.S. 18:1300.7, or
28 disqualification of a candidate pursuant to R.S. 18:1410.

29 * * *

1 §173. Deaths

2 * * *

3 D. The registrar of voters shall search obituaries for deceased persons whose
4 registrations were not canceled. The registrar of voters shall use information from
5 an obituary notice to cancel a deceased voter's registration if the notice provides
6 sufficient information to properly identify the voter ~~and the registrar has confirmed~~
7 ~~the voter's death with the office of vital records.~~

8 * * *

9 §193. Challenge and cancellation of registration; notice; procedures

10 A. When the registrar has reason to believe that a registrant no longer is
11 qualified to be registered, or that a registrant has changed his residence, he shall
12 immediately notify the person by sending the address confirmation ~~card~~ notice to the
13 registrant and place the voter on the inactive list of voters. However, a person shall
14 not be placed on the inactive list of voters if there is address information available
15 to the registrar from the United States Postal Service or its licensee which indicates
16 the voter has moved to another address within the parish.

17 * * *

18 E. A voter on the inactive list of voters who fails to respond to the address
19 confirmation notice shall remain on the inactive list of voters until his address is
20 confirmed in accordance with the procedures set forth in R.S. 18:196 or not later than
21 a period of two regularly scheduled federal general elections, at which time the
22 ~~registrar~~ Department of State shall cancel the voter's registration.

23 * * *

24 §423. Parish boards of election supervisors

25 * * *

26 H. Designees.

27 * * *

28 (2) For each day of service, the designee or alternate designee of the
29 chairman of the parish executive committee, the designee or alternate designee of the

1 chairman of the state central committee, and the member or alternate member of
 2 appointed by the governor shall be paid the same compensation as a member or
 3 appointee, and the designating member or appointee shall not be compensated for
 4 that day. Any compensation paid to the designee or alternate designee of the
 5 chairman of the parish executive committee, designee or alternate designee of the
 6 chairman of the state central committee, or member or alternate member appointed
 7 by the governor shall be counted against the compensation of the designating
 8 member or governor's member, which shall not exceed the number of days as
 9 provided in Subsection E of this Section.

* * *

11 §434. Commissioners and alternate commissioners; selection; commission;
 12 disqualification; replacement

* * *

14 F. Removal for cause. Any commissioner selected under the provisions of
 15 this Section may be removed for cause by the parish board of election supervisors
 16 at any time after his selection and before the closing of the polls on election day. Any
 17 commissioner removed for cause under the provisions of this Subsection shall not
 18 serve as a commissioner in any election ~~for twelve months~~ after his removal.

* * *

20 §494. Effect of sustaining an objection to candidacy

21 A. Disqualification. ~~When~~ Except as provided in Subsection B of this
 22 Section, when an objection to candidacy is sustained on ~~the ground that the~~
 23 ~~defendant failed to qualify for the primary election in the manner prescribed by law,~~
 24 ~~that the defendant failed to qualify for the primary election within the time~~
 25 ~~prescribed by law, or that the defendant does not meet the qualifications for the~~
 26 ~~office he seeks, any of the grounds provided for in R.S. 18:492, the final judgment~~
 27 shall disqualify the defendant as a candidate in the primary election for ~~the office for~~
 28 ~~which he failed to qualify properly.~~ that office.

* * *

1 §512. Election of candidates in a general election

2 * * *

3 C. Effect of a tie vote. If, as a result of a tie vote in a general election, the
4 number of candidates who would be elected to an office exceeds the number of
5 persons to be elected to the office, the candidates who received the same number of
6 votes for that office in the general election are not elected. The election for officers
7 thus not elected shall be returned to the people on the ~~third Saturday after the date~~
8 ~~on which the results in the election at which the tie vote occurred were promulgated~~
9 fourth Saturday after the election date at which the tie vote occurred.

10 * * *

11 §572. Transmission of election returns; voting machine keys; machine certificates

12 A.(1) After the results are printed from the voting machines and all election
13 paperwork is complete, the commissioner-in-charge shall immediately:

14 ~~(a) Mail to the secretary of state the envelope marked "Secretary of State's~~
15 ~~Envelope".~~

16 ~~(b) Deliver~~ deliver to the clerk of court in a clear plastic zipper bag the
17 following:

18 (a) The envelope marked "Secretary of State's Envelope".

19 ~~(i)~~ (b) The completed and signed key envelope for the voting machines.

20 ~~(ii)~~ (c) The original of the machine certificates.

21 ~~(iii)~~ (d) The original affidavit of payroll and nondisclosure for the
22 commissioners.

23 ~~(iv)~~ (e) One copy of the official election results report from the voting
24 machines.

25 ~~(v)~~ (f) A copy of each completed notation of irregularities form.

26 ~~(vi)~~ (g) All election result cartridges, if applicable.

27 ~~(vii)~~ (h) For a federal election, the return provisional ballot envelope
28 containing all voted provisional ballots and unused provisional ballots and
29 envelopes.

1 ~~(viii)~~ (i) A duplicate record of each challenge.

2 (2)(a) Upon receipt of the items listed in ~~Subparagraph (1)(b)~~ Paragraph (1)
3 of this Subsection, the clerk of court shall affix the time of receipt upon the election
4 documents which contain election results. The clerk of court shall make a copy of
5 the election results available to the press and public.

6 * * *

7 §574. Compilation and promulgation of returns

8 * * *

9 E.(1) On or before the fourteenth day after the primary or general election,
10 if no action has been timely filed contesting the election to the office of a state
11 candidate, the secretary of state shall promulgate the returns for state candidates,
12 proposed constitutional amendments, and recall elections by publishing in the
13 official journal of the state the names of the state candidates for each office in the
14 election, the text of the proposed constitutional amendment, and recall elections and
15 the number of votes received by each such candidate, proposed constitutional
16 amendment, and recall elections as shown by the returns transmitted by the clerks
17 of court from the compiled statements by the parish boards of election supervisors.
18 In a parish containing a municipality with a population of three hundred thousand or
19 more, the promulgation shall be from the returns transmitted by the parish board of
20 election supervisors. On or before the fourteenth day after the primary or general
21 election, if no action has been timely filed contesting the election to office of a
22 candidate other than a state candidate, the secretary of state shall promulgate the
23 returns for the election for candidates other than state candidates by ~~transmitting to~~
24 ~~the clerk of court for the parish wherein the state capital is located~~ publishing on the
25 secretary of state's website a notice containing the results of the elections for
26 candidates other than state candidates. ~~The clerk of court shall post this notice in a~~
27 ~~prominent place in his office.~~

28 * * *

29 §1259. Arrangement of ballot; designation of party candidates

30 * * *

1 B.

2 * * *

3 (2) Directly to the left of the names of the presidential and vice presidential
4 candidates shall appear:

5 * * *

6 (b) If nominated by a nominating petition or by the filing of notices of
7 candidacy, the political ~~principal~~ principle which the candidates support, as stated
8 on the nominating petition or on the notices of candidacy, if any, and the words
9 "Nominating Petition" or the abbreviation "Nom. Petition" shall appear if nominated
10 by petition.

11 * * *

12 (4) Immediately below the word "Electors" the names of the presidential
13 electors nominated in support of the nominees for president and vice president of that
14 party or political ~~principal~~ principle shall appear.

15 * * *

16 (6) In preparing the ballots, the secretary of state shall arrange the names of
17 the candidates of recognized political parties alphabetically, according to the names
18 of the parties, followed by the names of the candidates nominated by nominating
19 petitions and by the filing of notices of candidacy, listed alphabetically by
20 designation of political ~~principal~~ principle.

21 * * *

22 §1280.21. Presidential preference primary election

23 * * *

24 C. The state central committee shall notify the Department of State that its
25 bylaws allow for such voting by non-affiliated electors no later than ~~seven~~ sixty days
26 prior to the opening of qualifying for the presidential preference primary. Such
27 notification shall be considered valid and effective for subsequent presidential
28 preference primaries unless the state central committee notifies the Department of
29 State that its bylaws no longer allow for such voting by non-affiliated electors no

1 later than ~~seven~~ sixty days prior to the opening of qualifying for a presidential
2 preference primary.

3 * * *

4 §1406. Petition; answer; notification

5 * * *

6 C. The defendant shall be served with citation directing him to appear in
7 court no later than 10:00 a.m. on the fourth day after suit was filed, subject, however,
8 to the provisions of ~~R.S. 18:1408(D)~~ R.S. 18:1408. The defendant is not required to
9 answer the petition, but if he answers, he shall do so prior to trial.

10 * * *

11 PART VIII. SPECIAL PROVISIONS FOR DECEASED

12 CANDIDATES ~~WITH DEFICITS~~

13 §1551. Exception

14 Notwithstanding any contrary provision of this Chapter, the provisions of this
15 Part shall apply to ~~circumstances existing~~ when a candidate dies leaving a deficit or
16 surplus which would have otherwise required reports to be filed if the candidate were
17 not deceased.

18 * * *

19 §1553. Reports; contents; due dates

20 The reports shall be filed at the same time, shall contain the same
21 information, and shall be certified correct in the same manner as reports required by
22 this Chapter for candidates ~~with deficits~~.

23 §1554. Contribution limitations; excess funds

24 A. Notwithstanding the provisions of R.S. 18:1505.2(H), the contribution
25 limit for contributions to a deceased candidate who has a deficit, or the principal
26 campaign committee of such a deceased candidate, shall be ten thousand dollars per
27 calendar year until there is no deficit.

28 B. Any contributions received in excess of the deficit shall be returned to the
29 contributors on a pro rata basis.

1 C. Excess funds in the campaign account of a deceased candidate who dies
2 leaving a surplus shall be expended as provided in R.S. 18:1505.2(I) within two
3 years of the candidate's death.

4 §1555. Penalties

5 * * *

6 B. If a violation of ~~this Part~~ R.S. 18:1554 occurs, the supervisory committee
7 shall notify the personal representative of the deceased candidate that each
8 contribution received after the violation shall be returned to the contributor and that
9 no further contributions, except contributions from a family member of the deceased
10 candidate, may be solicited or received to resolve the deficit. For purposes of this
11 Subsection, "family member" shall mean the spouse of the deceased, children of the
12 deceased and their spouses, parents of the deceased, parents of the spouse of the
13 deceased, grandparents of the deceased, siblings of the deceased and their spouses,
14 and siblings of the parents of the deceased and their spouses.

15 Section 2. R.S. 26:584(B)(4) is hereby amended and reenacted to read as follows:

16 §584. Form of petition for election

17 * * *

18 B. The petition shall then list all of the following five propositions:
19 "(1) Shall the sale of beverages of alcoholic content containing not more than
20 six percent alcohol by volume be permitted by package only and not for consumption
21 on the premises?"
22 "(2) Shall the sale of beverages of alcoholic content containing not more than
23 six percent alcohol by volume for consumption on the premises be permitted?"
24 "(3) Shall the sale of beverage alcohol containing one-half of one percent
25 alcohol by volume and above for consumption on the premises be permitted?"
26 "(4) Shall the sale of beverages of alcoholic content containing one-half of
27 one percent alcohol by volume and above ~~be permitted by~~ the package only and not
28 for consumption on the premises be permitted?"

1 (5) Shall the sale of beverages of high and low alcoholic content be
2 permitted only on the premises of restaurant establishments which have been issued
3 an "R" permit as defined by law?"

4 * * *

5 Section 3. R.S. 18:154(G) and 173(B) are hereby repealed in their entirety.

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

HB 677 Engrossed

2024 Regular Session

Beaulieu

Abstract: Makes revisions to the system of laws providing for elections.

Voter registration and applications; disclosures

Present law (R.S. 18:110) provides for a registered voter to have his name cancelled from the file of eligible voters by filing a written statement with registrar of voters.

Proposed law retains present law and requires that the written statement be signed by the registrant.

Present law (R.S. 18:154) provides that the records of each registrar are public records and at all times during office hours shall be open to inspection, with exceptions. Proposed law retains present law.

Present law prohibits disclosure by the Dept. of State, registrar of voters, or clerk of court of an application to vote absentee by mail, or information contained therein, until the applicant has returned his voted ballot to the registrar.

Proposed law additionally prohibits disclosure of the status of a voted ballot, and prohibits disclosure of all such information until the registrar accepts the voted ballot.

Present law (R.S. 18:154(G)) prohibits disclosure by the Dept. of State of votes that are void because of the death of a candidate, withdrawal of a candidate, resignation of a public officer subject to a recall election, or disqualification of a candidate.

Proposed law additionally prohibits the registrar of voters and clerk of court from disclosing the same.

Present law (R.S. 18:193) provides that a voter on the inactive list of voters who fails to respond to an address confirmation notice shall remain on the inactive list of voters until his address is confirmed or not later than a period of two regularly scheduled federal general elections, at which time the registrar shall cancel the voter's registration.

Proposed law retains present law except to provide that the Dept. of State, rather than the registrar, shall cancel the voter's registration.

Present law (R.S. 18:173) requires the secretary of the Dept. of Health to send to the Dept. of State a report including certain identifying information of any person 16 years or older who died in each parish within the preceding calendar month. Further provides for the Dept.

of State or registrar of voters to cancel the registration of deceased persons based upon the information received from the Dept. of Health. Proposed law retains present law.

Present law (R.S. 18:173(B)) also requires the parish health officer to send notice to the registrar of voters of the death of each person in the parish during the preceding month. Proposed law repeals present law.

Present law requires the registrar of voters to search obituaries for deceased persons whose registrations were not cancelled. Requires the registrar to use information from an obituary notice to cancel a deceased voter's registration if the notice provides sufficient information to properly identify the voter and requires the registrar to confirm the voter's death with the office of vital records. Proposed law retains present law except to repeal the requirement the registrar confirm the voter's death with the office of vital records.

Election commissioners; qualifications

Present law (R.S. 18:434) provides that an election commissioner may be removed for cause by the parish board of election supervisors at any time after his selection and before the closing of the polls on election day. Proposed law retains present law.

Present law provides that a commissioner removed for cause shall not serve as a commissioner in any election for 12 months after his removal.

Proposed law instead provides that a commissioner removed for cause shall not serve as a commissioner in any future election.

Candidates

Present law (R.S. 18:491 and 492) requires the Supervisory Committee on Campaign Finance Disclosures and the Board of Ethics to object to a person's candidacy for elected office on certain grounds. Present law (R.S. 18:494) further provides for the disqualification of the candidate when an objection to candidacy is sustained.

Proposed law clarifies that a candidate may be disqualified when an objection is sustained on any of the grounds for which the Supervisory Committee on Campaign Finance Disclosures or the Board of Ethics is required to file an objection.

Elections

Present law (R.S. 18:512) provides that if there is a tie vote in a general election, the election shall be returned to the people on the third Saturday after the date on which the results in the election were promulgated.

Proposed law instead provides that the election following a tie vote shall occur on the fourth Saturday after the general election date at which the tie vote occurred.

On the day of an election, after the results are printed from the voting machines and all election paperwork is complete, present law (R.S. 18:572) requires the commissioner-in-charge at each polling location to immediately mail to the secretary of state the envelope marked "Secretary of State's Envelope" and separately deliver to the clerk of court certain items and documents in a clear plastic zipper bag.

Proposed law instead requires the commissioner-in-charge to include the envelope marked "Secretary of State's Envelope" in the clear plastic zipper bag along with the other items and documents required by present law and deliver it to the clerk of court.

Present law (R.S. 18:574) requires the secretary of state to promulgate the returns for the election for candidates other than state candidates by transmitting the returns to the East

Baton Rouge Parish clerk of court, who shall then post the notice in a prominent place in his office.

Proposed law instead requires the secretary of state to promulgate the returns for the election for candidates other than state candidates by publishing them on the secretary of state's website.

For a presidential preference primary election, present law (R.S. 18:1280.21) authorizes the state central committee of a recognized political party to allow in its bylaws for electors who are not affiliated with any political party to cast a vote on the ballot of the political party. Proposed law retains present law.

Present law further requires the state central committee to notify the Dept. of State of such authorization no later than seven days prior to the opening of qualifying for the presidential preference primary. Further provides that such notification shall be valid and effective for subsequent presidential preference primaries unless the state central committee notifies the Dept. of State that its bylaws no longer allow for such voting by non-affiliated electors no later than seven days prior to the opening of qualifying for a presidential preference primary.

Proposed law retains present law except to require the state central committee to provide such notifications the Dept. of State no later than 60 days, rather than seven days, prior to the opening of qualifying.

Campaign Finance

Present law (R.S. 18:1491.1) requires political committees to file disclosure reports of contributions and expenditures with the Board of Ethics on a certain schedule. Also requires political committees to file a statement of organization within 10 days of its organization or its knowledge of the receipt or expenditure of contributions in excess of \$500 and annually between Jan. 1 and Jan. 31. Proposed law retains present law.

Present law (R.S. 18:1551, et seq.) provides for the administration of the campaign account of a deceased candidate when the candidate dies leaving a deficit. Provides that the personal representative of the estate of the deceased candidate shall be responsible for the filing of required reports. Proposed law retains present law and provides for the same for the administration of the campaign account of a deceased candidate when account contains a surplus.

Present law (R.S. 18:1505.2) provides that excess campaign funds may be returned to contributors on a pro rata basis, given as a charitable contribution, given to a charitable organization, or expended in support of or in opposition to a proposition, political party, or candidacy of any person.

Proposed law expressly provides that the excess funds in a campaign account of a deceased candidate shall be expended as provided in present law within two years of the candidate's death.

Local option elections

Present law (R.S. 26:581, et. seq.) provides that upon the petition of not less than 25% of the qualified electors residing in any ward, election district, or any incorporated municipality, the governing authority shall order a referendum election to be held to determine whether or not the business of selling alcoholic beverages shall be conducted and licensed therein. Further sets forth the form and contents of the petition and the language to be included on the ballot.

The language prescribed by present law to be included on the petition and on the ballot are inconsistent. Proposed law makes the language on the petition consistent with the language on the ballot.

(Amends R.S. 18:110(D), 154(F)(3), 173(D), 193(A) and (E), 423(H)(2), 434(F), 494(A), 512(C), 572(A)(1) and (2)(a), 574(E)(1), 1259(B)(2)(b), (4), and (6), 1280.21(C), 1406(C), the heading of Part VIII of Ch.11 of Title 18 of the La. Revised Statutes of 1950, 1551, 1553, 1554, and 1555(B), and R.S. 26:584(B)(4); Adds R.S. 18:154(F)(8); Repeals R.S. 18:154(G) and 173(B))

Summary of Amendments Adopted by House

The Committee Amendments Proposed by House Committee on House and Governmental Affairs to the original bill:

1. Remove a provision imposing civil penalties on political committees for failure to file or timely file a statement of organization.