
DIGEST

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HB No. 341

Abstract: Revises the system of laws comprising the La. Election Code.

Present law (R.S. 18:18) provides for the powers and duties of the secretary of state. Provides that he shall administer the laws relating to custody of voting machines and voter registration and provides specific duties. Proposed law retains present law and additionally provides that the secretary of state shall provide for the voluntary registration of individuals or entities that conduct voter registration drives in the state.

Present law (R.S. 18:112) provides that whenever any change is made with respect to the registration of any person, the date of the change and all pertinent information concerning the change shall be entered by the registrar in the registrant's information on the state voter registration computer system. Additionally provides that if the original application is available in hard copy in the registrar's office, the information relative to the change shall be entered on the original application for registration and any other official registration records. Proposed law provides that instead of entering this information on the original application and other records, a document indicating the change shall be attached to the original application and other records. Otherwise retains present law.

Present law provides for the registration of voters. Provides for application for registration at the office of the registrar, through Dept. of Public Safety and Corrections, through a designated voter registration agency, or by mail. Requires an applicant to establish his identity, age, and residency. Provides for the form of an application for registration. Provides for the content of the form. Provides procedures for verifying information submitted by an applicant in an application for registration by mail. Provides for mailing of a notification of missing information and for a notice of registration. Provides procedures for changes in registration.

Present law (R.S. 18:115.1) provides that a person who has a valid La. driver's license or La. special identification card may apply to register to vote or make changes to his existing registration by completing and submitting an electronic voter registration application on the secretary of state's website. Provides for the content of the electronic voter registration application. Provides for immediate verification of the driver's license number or special identification card number submitted by the applicant. Provides that if a verification is made, the secretary of state shall electronically forward the information provided in the application to the appropriate registrar of voters to determine the eligibility of the applicant in accordance with present law.

Present law provides that an electronic voter registration application accepted by the secretary of state shall be considered an application for registration by mail and provides for a verification mailing procedure to determine the eligibility of the applicant. Proposed law repeals present law. Provides that provisions of present law (R.S. 18:115(F)) that require a person to vote in person the first time after registering by mail shall apply to a person who has registered to vote electronically and who has not previously voted in the parish in which he is registered.

Present law (R.S. 18:116) requires voter registration services to be provided at the following voter registration agencies:

- (1) Public assistance agencies that administer or provide services under the food stamp, Medicaid, the supplemental food for Women, Infants and Children, and the Family Independence Temporary Assistance Program programs, or their successors, and any other public assistance agencies the secretary of state shall designate by rule.
- (2) State offices that provide state-funded programs primarily engaged in providing services to persons with disabilities.
- (3) Recruitment offices of the Armed Forces of the U.S.

Present law requires the secretary of state to designate by rule other offices as voter registration agencies which may include but are not limited to the following:

- (1) State or local governmental offices such as public libraries, public schools, including the office of a secondary school guidance counselor, offices of municipal clerks, and government revenue offices.
- (2) Federal and nongovernmental offices with the offices' agreement.

Proposed law retains present law.

Present law (R.S. 18:115(A)(3) and 116(E)) provides specific procedures for determining the eligibility of applicants who submit voter registration applications through voter registration agencies. Generally, provides that if the information on such an application establishes that the applicant meets the requirements for registration, the registrar shall register the applicant and mail notice of registration to the applicant's residence. Provides that if the information contained on the application form is insufficient to register the applicant, the registrar of voters shall mail a notice to the applicant at the address provided on the application form informing the applicant that he has 10 days from the date on which the notice was mailed to provide the necessary information. Provides that if the applicant fails to provide the necessary information within that time, the applicant shall not be registered and the registrar shall so advise the applicant. Proposed law repeals present law. Provides that the eligibility of applicants who submit applications through voter registration agencies shall be determined according to present law (R.S. 18:115(B)) procedures applicable to applicants who apply by mail for voter registration, which procedures include an initial verification mailing.

Present law (R.S. 18:154) prohibits the registrar and the Dept. of State from disclosing certain voter information, including the driver's license number, social security number, and day and month of the date of birth of a voter. Proposed law retains present law and additionally prohibits the disclosure of the short message service number of a registered voter and an application or information contained therein of an applicant to vote absentee by mail until the applicant has returned his voted ballot to the registrar.

Present law provides that a person who is interdicted shall not be permitted to register and vote. Requires reporting and provides procedures for suspension of voting rights based on interdiction. Present law (R.S. 18:172) requires the clerk of court having jurisdiction over an interdiction to record in a conveyance book each judgment of full interdiction or a limited interdiction for mental incompetence which specifically suspends the right to register and vote which has become definitive. Requires the clerk to additionally record the name, date of birth, sex, and address of the person so interdicted. Requires the clerk to transmit a certified copy of the judgment to the registrar.

Proposed law repeals the requirement that the clerk record the name, date of birth, sex, and address of the person interdicted. Otherwise retains present law.

Present law provides for changes to and challenge and cancellation of voter registration. Provides procedures for confirming the address of a registrant when the registrar has reason to believe that the registrant no longer is qualified to be registered or that the registrant has changed his residence. Provides for sending an address confirmation card and placing the registrant on the inactive list of voters. Provides that the registrant remains on the list until he responds to the address confirmation card; until he votes or signs a petition in accordance with present law; or until two regularly scheduled federal elections are conducted, at which time his registration is cancelled. Proposed law retains present law.

Present law (R.S. 18:193) provides that the list of inactive voters shall be published 90 days prior to each regularly scheduled federal primary election in the official journal of the parish governing authority or in a newspaper calculated to provide maximum notice in the parish. Proposed law repeals present law.

Present law (R.S. 18:431) requires the clerk of court to conduct a general course of instruction for commissioners. Requires the clerk to issue a certificate to each person who attends the course of instruction and achieves a satisfactory score on the test issued by the secretary of state for that course. Proposed law retains present law.

Present law provides that a certificate issued by the clerk is valid for the unexpired portion of the term of office of the clerk who conducted the course. Proposed law provides instead that the certificate is valid through Dec. 31st of the year of expiration of the term of office of the clerk who conducted the course.

Present law requires the clerk to conduct the general course of instruction during the period beginning Aug. 1st through the end of Nov. of each year. Proposed law provides that the period

lasts through the end of Dec. instead of Nov. Otherwise retains present law.

Present law requires the clerk to file with the parish board of election supervisors and secretary of state a certified list containing the name of each person to whom he has issued a certificate, together with the social security number, the party affiliation, the mailing address, and the ward in which each such person is registered to vote. Proposed law retains present law.

Present law requires the clerk to file the list on or before the last day of Nov. Proposed law provides instead that the list must be filed on or before the last day of Dec.

Present law (R.S. 18:433 and 434) provides a random procedure for selecting commissioners and commissioners-in-charge for precincts from lists of qualified candidates. Provides, however, that the parish board of election supervisors may select one of the commissioners needed at a precinct and a commissioner-in-charge for a precinct from a list without using the random selection process. Proposed law retains present law.

Present law provides that the parish board must vote unanimously to select a commissioner or commissioner-in-charge without using the random selection process. Proposed law provides instead that this selection may be made by the parish board by majority vote.

Present law (R.S. 18:427 and 435) provides for poll watchers. Provides for qualifications, powers, duties, appointment, and commission of watchers. Provides that a watcher shall be admitted within all parts of the polling place during the election and the counting and tabulation of votes and that he shall call any infraction of the law to the attention of the commissioners. Provides that each candidate is entitled to have one watcher at every precinct where the office he seeks is voted on in a primary or general election. Requires a list of watches to be filed with the clerk of court prior to the election. Proposed law retains present law.

Present law requires the list of watchers to be filed before 5:00 p.m. on the 10th day before the primary or general election. Proposed law instead requires the list to be filed before 4:30 p.m. on the 22nd day before the election.

Present law (R.S. 18:463) requires the Supervisory Committee on Campaign Finance Disclosure to deliver informational packets containing reporting forms and instructions to all officials with whom candidates qualify for a primary election. Provides that the informational packet shall include a notice to the candidate that questions concerning the Campaign Finance Disclosure Act should be addressed to the supervisory committee, not the official with whom the candidate qualifies. If a candidate qualifies in person, requires such informational packets to be distributed to each candidate upon receipt of the candidate's notice of candidacy by the official with whom the candidate qualifies for office. Provides that if a candidate qualifies by submitting his notice of candidacy by certified mail, commercial carrier, or agent, such informational packets shall be mailed to the candidate. Proposed law retains present law.

Present law provides that the informational packets are mailed to the candidate at the address of his domicile as set forth in the notice of candidacy within 48 hours after receipt of the notice of

candidacy. Proposed law provides instead that the information packets are mailed to the candidate at his mailing address if one is provided. Provides that the address of his domicile is used if no mailing address is provided. Provides further that the informational packets shall be mailed within two business days after receipt of the notice of candidacy instead of within 48 hours.

Present law (R.S. 18:463) relative to candidates and the notice of candidacy, requires a person who desires to become a candidate in a primary election to qualify by timely filing a notice of candidacy accompanied by either a nominating petition or the qualifying fee and any additional fees. Provides relative to the content of a notice of candidacy. Provides that no changes to the information contained in a notice of candidacy shall be made after the close of qualifying, except to correct an error made by the qualifying official who entered the information contained in the notice of candidacy into the database of the Dept. of State.

Proposed law retains present law but provides that a candidate who has filed a notice of candidacy may change the information contained therein by filing a new notice of candidacy and paying the qualifying fee required by present law during the qualifying period. Provides that a candidate who is serving in the armed forces of the United States who is stationed or deployed outside of the U.S. shall not be required to pay the qualifying fee.

Present law (R.S. 18:465) provides requirements and procedures for nominating petitions. Requires a nominating petition to be filed with the official with whom the candidate qualifies and to accompany the notice of candidacy. Provides that a person may only be nominated as a candidate by persons who are registered to vote on the office he seeks who sign a petition no more than 120 days before the opening of the qualifying period. Provides the number of signatures required for each office. Requires nominating petitions to be certified by the registrar of voters in the parish where the signers reside. Proposed law retains present law.

Present law requires nominating petitions to be filed with the appropriate registrars at least 14 days before the qualifying period ends for special elections involving a vacancy in state legislative office or in the office of representative in congress. Requires nominating petitions to be filed at least 30 days before the end of the qualifying period for all other elections. Proposed law applies the 14-day deadline to nominating petitions for all special elections to fill a newly created office or vacancy in office, not only those involving state legislative office or the office of representative in congress. Otherwise retains present law.

Present law (R.S. 18:468) provides for the opening and closing of the qualifying period for elections. Provides for the qualifying period to be reopened under certain circumstances. In each case, provides that the qualifying period ends at 5:00 p.m. on a specified day. Present law provides that the qualifying period ends at 4:30 p.m. instead of 5:00 p.m. Otherwise retains present law.

Present law (R.S. 18:501) allows a candidate to withdraw from an election prior to the close of the polls on election day by filing notice of his withdrawal, signed by the candidate and duly acknowledged by him before an officer authorized to administer oaths, with the secretary of state,

who shall forward a copy of the notice of withdrawal filed by a local or municipal candidate to the president of the board of election supervisors and the clerk of court of the parish in which the candidate has qualified. Proposed law retains present law.

Present law provides that if the withdrawal is filed prior to the 56th day before the election, 50% of the qualifying fee paid by the candidate shall be refunded by the state treasurer from the escrow account in which these deposits were credited. Provides that if the withdrawal is filed on or after the 56th day before the election, the deposit shall not be refunded. However, provides that if the 56th day falls on or before the seventh day following the last day for qualifying, the candidate shall have until the seventh day following the last day for qualifying to receive such a refund. Proposed law repeals present law.

Present law (R.S. 18:513) requires the secretary of state to certify the election of each candidate elected to public office. Specifies the appropriate official to whom the secretary of state shall make such certification. Provides that the certification must be made within 30 days after the date of the general election for candidates elected for a full term. Provides that the certification shall be made promptly for candidates elected for an unexpired term. Proposed law retains present law.

Present law provides that when a reapportionment or redistricting plan fails to receive preclearance pursuant to federal law by the deadline set forth in present law (R.S. 18:1941 or R.S. 18:1942) and there is a postponement of the election, the secretary of state shall promptly certify the name of any candidate elected at the postponed election to the appropriate official named in present law, when the secretary of state can immediately determine which office and term of office to which such newly elected official has been elected as follows:

- (1) Following the close of qualifying and prior to the primary election if the candidate is declared elected without opposition.
- (2) Following the primary election and prior to the general election if the candidate is elected at the primary election.
- (3) Following the general election if the candidate is elected at the general election.

Provides that if the secretary of state cannot immediately determine which office and term of office to which a newly elected official has been elected, the secretary of state shall not certify any candidate for the postponed election until the general election has been held. Provides further that following the general election, the secretary of state shall promptly certify the name of any candidate elected at the postponed election to the appropriate official named in present law.

Proposed law provides instead that when an election is postponed because a reapportionment or redistricting plan fails to receive preclearance, the secretary shall make the certification within 30 days of the date that every candidate to be elected at the election pursuant to the reapportionment or redistricting plan has been elected.

Present law (R.S. 18:561) provides that the commissioners at each polling place shall keep duplicate poll lists, numbered consecutively from one to the end. Provides that the commissioners shall enter the name of every person who votes at the polling place on the poll lists. Proposed law specifies that two commissioners at each polling place shall keep the duplicate poll lists and that each such commissioner shall enter the names. Otherwise retains present law.

Present law (R.S. 18:571) provides procedures for counting and tabulating votes on election day. Requires the commissioners to complete in duplicate the payroll affidavit. Provides that the payroll affidavit shall contain the name, address, and social security number of each commissioner and the commissioner-in-charge who served at the polling place and shall be signed by each commissioner and the commissioner-in-charge. Proposed law deletes the term "payroll" in references to the affidavit. Requires the affidavit to contain the last four digits of the social security number instead of the entire number. Requires the affidavit to contain an acknowledgment that the law prohibits disclosure of confidential voter information listed in the precinct register. Provides that the affidavit shall be signed by each commissioner, and the original affidavit shall be placed in the bag that is delivered to the clerk of court. Otherwise retains present law.

Present law (R.S. 18:573) provides for the opening of voting machines three days after the election and the verification of election results on each machine. Allows candidates and their representatives to be present during this process and to inspect the machines. Provides that upon written request to the clerk of court, a candidate may reinspect a machine on the fifth day after the election. Provides that the candidate requesting reinspection is responsible for all reasonable costs associated with such reinspection.

Proposed law retains present law and additionally provides that reinspection costs shall be payable to the clerk of court. Provides that the costs shall be paid at the time the written request for reinspection of voting machines is filed with the clerk of court and shall be paid in cash or by certified or cashier's check on a state or national bank or credit union, U.S. postal money order, or money order issued by a state or national bank or credit union.

Present law (R.S. 18:1253) provides for nominations for candidates for presidential electors made by recognized political parties. Provides for the filing of a certificate of nomination with the secretary of state. Provides that if the required information is not certified to the secretary of state prior to 5:00 p.m. on the first Tues. in Sept. of the presidential election year, the national chairman of the political party, after notifying the chairman of the state central committee of that political party, shall certify a slate of electors to support such nominees by 5:00 p.m. on the first Fri. following the deadline. Proposed law changes the initial deadline from 5:00 p.m. on the first Tues. in Sept. to 5:00 p.m. on the third Tues. in August. Otherwise retains present law.

Present law (R.S. 18:1254) provides for the nomination of a slate of independent candidates for presidential elector. Provides for the filing of a nominating petition or qualifying fee along with a notice of candidacy. Provides that the period for filing such qualifying fee shall begin on the first Tues. in Aug. and shall end at 5:00 p.m. on the first Fri. following the first Tues. in Sept. of

each year in which a presidential election is to be held. Proposed law changes the deadline for filing the qualifying fee as follows: changes the beginning of the period from the first Tues. in Aug. to the third Tues. in July and changes the end of the period from 5:00 p.m. on the first Fri. following the first Tues. in Sept. to 5:00 p.m. on the first Fri. following the third Tues. in Aug.

Present law (R.S. 18:1306) provides for the preparation and distribution of absentee by mail ballots and voting paraphernalia. Provides for the design and content of ballots. Provides deadlines for delivering ballots and voting paraphernalia to registrars. Present law (R.S. 18:1308.2) provides for absentee ballots and other voting materials for federal elections. Provides deadlines for delivering such ballots and other materials to registrars. Proposed law retains present law.

Present law provides that the absentee by mail ballot for presidential elections shall contain only presidential candidates and that the absentee by mail ballot envelope for presidential elections shall be marked "Presidential Ballot Only". Proposed law repeals present law.

Present law (R.S. 18:1309) provides for early voting. Provides that upon approval of the secretary of state, a registrar of voters may utilize commissioners selected and trained by the registrar of voters to assist the registrar during the early voting period in the conduct of early voting by his office. Requires a registrar, in seeking the approval of the secretary of state, to indicate the number of commissioners that is required for such assistance. Provides that a commissioner who assists the registrar in the conduct of early voting shall be paid in accordance with present law (R.S. 18:426.1(3)) for each day of such assistance.

Proposed law retains present law and additionally provides that a commissioner who is to assist the registrar during early voting shall take an oath of office as a deputy registrar for the early voting period and shall complete an affidavit prepared by the secretary of state that contains the name, address, and last four digits of the social security number of the early voting commissioner and an acknowledgment that the law prohibits the disclosure of confidential voter information listed in the precinct register or early voting list kept by the registrar. Provides that the affidavit shall be retained in the office of the registrar of voters.

Present law (R.S. 18:1313) provides relative to the counting and tabulation of absentee by mail and early voting ballots. Provides that the parish board of election supervisors shall be responsible for the counting and tabulation of all absentee by mail and early voting ballots in the parish and provides procedures therefor. Provides that absentee by mail and early voting ballots shall be counted at the office of the registrar of voters or at a public facility within the parish designated by the parish board of election supervisors on election day at a time fixed by the parish board of election supervisors, which time shall be set no later than 8:00 p.m. Proposed law retains present law.

Present law provides that the time set by the parish board for the counting of absentee by mail and early voting ballots shall be set no earlier than 1:00 p.m. Proposed law repeals present law.

Proposed law specifies that the special absentee ballots cast by members of the U.S. Service or

persons who reside outside of the U.S. shall be counted by hand.

Proposed law replaces references in present law to "absentee by mail and early voting commissioners" with "parish board commissioners".

Present law provides that if the number of absentee by mail and early voting ballots cast for all candidates for an office could make a difference in the outcome of the election for such office, upon the written request of a candidate for such office, the parish board shall recount the absentee by mail ballots by hand or scanning equipment and early voting ballots electronically, unless paper ballots were used for early voting and in such case, the ballots shall be recounted by hand for such office. Provides procedures and deadlines for such recount and for making requests for recount. Provides that the candidate requesting the recount shall be responsible for all reasonable costs associated with such recount.

Proposed law retains present law and additionally provides that recount costs shall be payable to the clerk of court. Provides that the costs shall be paid at the time the written request for the recount is filed with the clerk of court and shall be paid in cash or by certified or cashier's check on a state or national bank or credit union, U.S. postal money order, or money order issued by a state or national bank or credit union

Present law (R.S. 18:1306) requires absentee by mail or early voting ballot envelopes to contain a perforated extension or flap below the sealing line. Requires the flap to bear a certificate prescribed by the secretary of state and approved by the attorney general which contains the full name and place of residence of the voter in La., including state, parish, ward, precinct, city, and street; the statement of the voter certifying that he applied for the ballot, marked the enclosed ballot(s) himself or that they were marked for him according to his instructions and in his presence; the statement of the voter that he is entitled to vote at the precinct he names; authorization to the parish board of election supervisors to open the envelope and count his ballot; his mother's maiden name; an affidavit followed by a line for the handwritten signature of the voter, certifying that the statements made by him are true and correct and that the voter is aware of the penalties for knowingly making a false statement therein, which penalties shall be stated on the certificate; spaces for the state and parish or county where it is executed, if executed outside the voter's parish of registration; and a line for the handwritten signature of one witness.

Present law (R.S. 18:1313) provides that the parish board uses the information on the absentee by mail or early voting envelope flaps in counting and tabulating absentee by mail and early voting ballots. Requires the board to remove the flaps from absentee by mail and early voting ballots that the board has found to be valid, place the flaps in an envelope with valid early voting applications and certificates, and seal the envelope. Provides that a candidate or his representative, in the presence of a majority of the parish board of election supervisors, shall upon request be allowed to inspect the flaps removed from the valid absentee by mail ballots and the flaps removed from the valid early voting ballots when paper ballots are used for early voting. Provides procedures and deadlines for such inspection. Provides that the candidate requesting the inspection shall be responsible for all reasonable costs associated with such inspection.

Proposed law retains present law and additionally provides that costs associated with such inspection shall be payable to the clerk of court. Provides that the costs shall be paid at the time the written request for the inspection is filed with the clerk of court and shall be paid in cash or by certified or cashier's check on a state or national bank or credit union, U.S. postal money order, or money order issued by a state or national bank or credit union.

Present law (R.S. 18:1373) provides relative to preparation of voting machines, including testing and adjusting of machines. Provides for notice and procedures. Provides for observation and examination by a candidate, his representative, or a citizen of the parish. Proposed law adds to the list of persons who may be present for the preparation of voting machines a member of the parish board of election supervisors. Otherwise retains present law.

Proposed law provides that no person shall knowingly, willfully, or intentionally for purposes other than fulfilling the person's duties relative to registration of voters as provided by law, copy or reproduce a voter registration application that has been submitted by an applicant. Provides that whoever violates proposed law shall be fined not more than \$2,000 or be imprisoned, with or without hard labor, for not more than two years, or both, for the first offense. Provides that on a second offense, or any subsequent offense, the penalty shall be a fine of not more than \$5,000 or imprisonment at hard labor for not more than five years, or both.

Present law (R.S. 18:1402) provides that the official before whom the candidate qualified is a proper party against whom a suit objecting to candidacy shall be instituted. Provides that the secretary of state is a proper party against whom a suit contesting an election shall be instituted. Provides that the secretary of state shall be made a party defendant to any action contesting an election for public office or an election for the recall of a public officer, any action objecting to the calling of a special election, and any action contesting the certification of a recall petition. Proposed law retains present law.

Present law provides that when named as a defendant in an action contesting an election or in an action contesting the certification of a recall petition costs of court shall not be assessed against the secretary of state. Proposed law repeals present law and provides that costs of court shall not be assessed against the secretary of state when named as a defendant in any action contesting an election, objecting to candidacy, objecting to the calling of a special election, or contesting the certification of a recall petition.

Proposed law makes various technical changes.

Effective upon signature of governor or lapse of time for gubernatorial action, except that provisions relative to voter registration online and through voter registration agencies are effective on Aug. 1, 2013, and provisions relative to registration of individuals and entities who conduct voter registration drives are effective Jan. 1, 2014.

(Amends R.S. 18:112, 115.1(F), 116(E), 154(G), 172, 193(F), 425(A)(1), 431(A)(2)(a) and (4), 433(A)(1) and (5), (B)(1) and (6), and (D), 434(B)(6), 435(B), 463(D) and (E), 465(E)(1)(a), 468, 469(A) and (B), 501, 513(C), 561, 571(A)(6) and (7), 573(A)(3), 1253(E), 1254(A),

1308(A)(2)(g) and (h)(i), 1308.2(A)(1), 1309(I), 1309.3(D)(1)(b), 1313(A), (B), (C)(2), (F)(11), and (I)(2)(d) and (3), 1314, 1373(A)(5), 1402(C), and 1462(A)(intro. para.) and (2); Adds R.S. 18:18(A)(9), 154(C)(1)(g), 1402(D), and 1461.2(A)(9); Repeals R.S. 18:115(A)(3) and 1309(E)(1)