

Regular Session, 2013

HOUSE BILL NO. 341

BY REPRESENTATIVE TIM BURNS

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

ELECTION CODE: Makes revisions to the La. Election Code

1 AN ACT
2 To amend and reenact R.S. 18:112, 115.1(F), 116(E), 154(G), 172, 425(A)(1), 431(A)(2)(a)
3 and (4), 433(A)(1) and (5), (B)(1) and (6), and (D), 434(B)(6), 435(B), 463(D) and
4 (E), 465(E)(1)(a), 468, 469(A) and (B), 501, 513(C), 561, 571(A)(6) and (7),
5 573(A)(3), 1253(E), 1254(A), 1255(A), 1308(A)(2)(g) and (h)(i), 1308.2(A)(1),
6 1309(I), 1309.3(D)(1)(b), 1313(A), (B), (C)(2), (F)(11), and (I)(2)(d) and (3), 1314,
7 1373(A)(5), 1402(C), and 1462(A)(introductory paragraph) and (2), to enact R.S.
8 18:18(A)(9), 154(C)(1)(g), 1402(D), and 1461.2(A)(9), and to repeal R.S.
9 18:115(A)(3) and 1309(E)(1), relative to the Louisiana Election Code; to revise the
10 system of laws comprising the Louisiana Election Code; to provide for the powers
11 and duties of the secretary of state; to provide relative to voter registration; to
12 provide relative to application for voter registration; to provide relative to the duties
13 of a registrar of voters; to provide for electronic voter registration; to provide relative
14 to the determination of eligibility of an applicant for voter registration; to provide
15 relative to requirements and procedures for voting; to provide relative to the records
16 of a registrar of voters and the Department of State; to provide for the confidentiality
17 of certain voter information; to provide relative to the duties of a clerk of court; to
18 provide relative to judgments of interdiction; to provide relative to publication of the
19 inactive list of voters; to provide relative to commissioners and commissioners-in-
20 charge; to provide relative to courses of instruction for commissioners and
21 commissioners-in-charge; to provide for the selection of commissioners and

1 commissioners-in-charge; to provide for the duties of commissioners and
2 commissioners-in-charge; to provide relative to the terms of commissioners-in-
3 charge; to provide relative to the authority of a parish board of election supervisors;
4 to provide relative to watchers; to provide relative to procedures and requirements
5 for candidate qualifying; to provide for changes in information in a notice of
6 candidacy; to provide relative to nominating petitions; to provide relative to the
7 certification of nominating petitions; to provide for the qualifying period in certain
8 elections; to provide relative to withdrawal from an election; to provide relative to
9 the refund of qualifying fees; to provide relative to the certification of candidates
10 elected in an election; to provide for deadlines for such certification for certain
11 elections; to provide relative to the payment of certain costs associated with an
12 election; to provide relative to procedures and requirements for voting absentee by
13 mail; to provide relative to the transmission of absentee by mail materials; to provide
14 relative to absentee by mail ballots; to provide relative to the counting and tabulation
15 and recounting of absentee by mail and early voting ballots; to provide relative to the
16 preparation of voting machines; to provide relative to absentee by mail and early
17 voting commissioners; to provide relative to assistance in voting; to prohibit certain
18 conduct involving information in voter registration applications; to provide criminal
19 penalties; to provide relative to the prohibition of certain conduct in certain areas
20 around polling places; to provide relative to court costs in certain actions; to provide
21 for effectiveness; and to provide for related matters.

22 Be it enacted by the Legislature of Louisiana:

23 Section 1. R.S. 18:112, 154(G), 172, 425(A)(1), 431(A)(2)(a) and (4), 433(A)(1) and
24 (5), (B)(1) and (6), and (D), 434(B)(6), 435(B), 463(D) and (E), 465(E)(1)(a), 468, 469(A)
25 and (B), 501, 513(C), 561, 571(A)(6) and (7), 573(A)(3), 1253(E), 1254(A), 1255(A),
26 1308(A)(2)(g) and (h)(i), 1308.2(A)(1), 1309(I), 1309.3(D)(1)(b), 1313(A), (B), (C)(2),
27 (F)(11), and (I)(2)(d) and (3), 1314, 1373(A)(5), 1402(C), and 1462(A)(introductory
28 paragraph) and (2) are hereby amended and reenacted and R.S. 18:154(C)(1)(g), 1402(D),
29 and 1461.2(A)(9) are hereby enacted to read as follows:

1 §112. Endorsement of changes

2 Whenever any change is made with respect to the registration of any person,
3 the date of the change and all pertinent information concerning the change shall be
4 entered by the registrar in the registrant's information on the state voter registration
5 computer system ~~and, if.~~ If the original application is available in hard copy in the
6 registrar's office, on the document indicating the change shall be attached to the
7 original application for registration and any other official registration records.

8 * * *

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

10 * * *

11 C.(1) Notwithstanding any provision of this Section to the contrary, neither
12 the registrar nor the Department of State shall circulate on a commercial list or
13 otherwise disclose the following:

14 * * *

15 (g) The short message service number of a registered voter.

16 * * *

17 G.~~(1)~~ Notwithstanding any provision of this Section to the contrary, neither
18 the registrar nor the Department of State shall disclose the following:

19 ~~(a)~~ (1) Any information of a type exempted from disclosure pursuant to any
20 other Subsection of this Section received from another state pursuant to a cooperative
21 agreement authorized by R.S. 18:18(D).

22 ~~(b)~~ (2) Any geographical coding of addresses of registered voters.

23 (3) An application to vote absentee by mail, or information contained
24 therein, until the applicant has returned his voted ballot to the registrar.

25 * * *

26 §172. Judgment of interdiction for mental incompetence

27 The clerk of a court having jurisdiction over an interdiction shall record in
28 a conveyance book each judgment of full interdiction or a limited interdiction for
29 mental incompetence which specifically suspends the right to register and vote and

1 which has become definitive ~~and the name, date of birth, sex, and address of the~~
2 ~~person so interdicted.~~ This recordation shall be made immediately after the
3 judgment becomes definitive. By the tenth day of each calendar month, the clerk
4 shall transmit to the registrar of voters for his parish a certified copy of the judgment.
5 If the registrar of voters for the parish in which the judgment was rendered
6 determines that the person interdicted is registered to vote in a parish other than the
7 parish in which the judgment was rendered, the registrar of voters for the parish in
8 which the judgment was rendered shall transmit a copy of the judgment to the
9 registrar of voters for the parish where the person interdicted is registered to vote.

* * *

§425. Commissioners

A. Number. (1) In addition to the commissioner-in-charge, at the following
elections there shall be the following number of additional commissioners at each
precinct:

(a) For the gubernatorial primary and general elections, the congressional
primary and general elections, and the primary and general elections for municipal
officers in a parish containing a municipality with a population of four hundred
seventy-five thousand or more held every four years beginning in 1994:

(i) Four commissioners for precincts with more than three hundred active
registered voters.

(ii) Three commissioners for precincts with three hundred active registered
voters or less.

(b) For all elections not specifically provided for in Subparagraph (A)(1)(a)
or in Part III of Chapter 6 of this Code:

(i) Three commissioners for precincts with more than three hundred active
registered voters.

(ii) Two commissioners for precincts with three hundred active registered
voters or less.

* * *

1 §431. Commissioners; courses of instruction; certificates; reports; list of certified
2 persons furnished by parish board of election supervisors

3 A.

4 * * *

5 (2)(a) A certificate issued under the provisions of this Subsection to any
6 person who attends and satisfactorily completes a course of instruction shall be valid
7 ~~for the unexpired portion through December thirty-first of the year of expiration of~~
8 ~~the term of office of the clerk who conducted the school. However, if an election is~~
9 ~~scheduled to be held in the parish within one month after the end of the term of~~
10 ~~office of the clerk who conducted the school, the certificate shall remain valid~~
11 ~~through the next regularly scheduled general course of instruction for~~
12 ~~commissioners.~~

13 * * *

14 (4) From the reports received from the clerk, the parish board of election
15 supervisors shall prepare a list containing the names, addresses, and party affiliations
16 of all persons registered to vote in each ward to whom certificates of instruction have
17 been issued during the term of office of the clerk of court who issued the certificate.
18 The clerks of court shall schedule ~~one of the a general courses~~ course of instruction
19 for commissioners on some date following the last date for qualifying for office, but
20 at least five days prior to the date for selection of commissioners.

21 * * *

22 §433. Commissioners-in-charge; course of instruction; selection; commission;
23 disqualification; replacement

24 A. Course of instruction. (1) The clerk of court shall conduct a course of
25 instruction for commissioners-in-charge during the period beginning August first
26 through the end of ~~November~~ December of each year. The course shall be open to
27 any certified commissioner who meets the qualifications set forth in R.S. 18:424(B).

28 * * *

1 (5) On or before the last day of ~~November~~ December of each year, but after
2 the date of the course of instruction, the clerk of court shall file with the parish board
3 of election supervisors and the secretary of state a certified list containing the name
4 of each person to whom he has issued a certificate, together with the social security
5 number, the party affiliation, the mailing address, and the ward in which each such
6 person is registered to vote.

7 * * *

8 B. Selection. (1) The parish board of election supervisors shall meet at
9 10:00 a.m. on the ~~first~~ second Friday in ~~December~~ January in each year to select a
10 commissioner-in-charge to serve at each precinct in the parish. The meeting shall
11 be open to the public. The board shall have previously posted a notice on the front
12 door of the courthouse stating the location within the courthouse where the meeting
13 is to be held. The selection of commissioners-in-charge shall be made from the
14 certified list furnished by the clerk as required by ~~R.S. 18:433(A)(5)~~ Paragraph
15 (A)(5) of this Section and in the manner hereafter set forth.

16 * * *

17 (6) ~~The~~ By majority vote, the parish board of election supervisors may opt
18 to select the commissioner-in-charge for any precinct from the lists of all persons
19 qualified to serve as a commissioner-in-charge in the entire parish without utilizing
20 the selection process set forth in Paragraphs (2) through (5) of this Subsection. ~~The~~
21 ~~parish board of election supervisors must vote unanimously to make such a selection.~~

22 * * *

23 D. Term of office. A commissioner-in-charge shall serve a term of office of
24 one year, commencing on the ~~first day of~~ third Monday in January of the year
25 following ~~of~~ selection, provided that the commissioner-in-charge remains on the list
26 of certified commissioners during his term of office.

27 * * *

CODING: Words in ~~struck through~~ type are deletions from existing law; words underscored are additions.

1 §434. Commissioners and alternate commissioners; selection; commission;
2 disqualification; replacement

3 * * *

4 B. Method of selection. The number of commissioners required for each
5 precinct for the election and the same number of alternate commissioners shall be
6 selected for each precinct from the certified list furnished by the parish board as
7 required in R.S. 18:431(A)(4) in the following manner:

8 * * *

9 (6) ~~The~~ By majority vote, the parish board of election supervisors may opt
10 to select one of the commissioners needed in each precinct from the lists of all
11 persons qualified to serve as a commissioner in the entire parish, without utilizing
12 the selection process set forth in Paragraphs (2) through (5) of this Subsection. ~~The~~
13 ~~parish board of election supervisors must vote unanimously for each precinct for~~
14 ~~which it makes such a selection.~~

15 * * *

16 §435. Watchers; appointment and commission

17 * * *

18 B. Lists of watchers. A list of watchers shall be filed with the clerk of court
19 before ~~5:00~~ 4:30 p.m. on the ~~tenth~~ twenty-second day before the primary or general
20 election; however, if the ~~tenth~~ twenty-second day before the primary or general
21 election falls on a Saturday, Sunday, or other legal holiday, the list shall be filed on
22 the next day which is not a Saturday, Sunday, or other legal holiday. Except for a
23 candidate or recognized political party filing for a slate of candidates for presidential
24 elector, any person filing a list of watchers must attach a certified statement that the
25 report required by R.S. 18:1486 has been filed with the supervisory committee in
26 compliance with the Campaign Finance Disclosure Act. If any candidate submits a
27 list for the primary election and does not submit a list for the general election, the list
28 submitted in the primary election shall be treated as his list submitted for the general
29 election. A list of watchers shall contain only one watcher and one alternate watcher

1 for each precinct where the candidate or person submitting the list is entitled to have
2 a watcher. The list shall be typed or legibly written, and it shall contain the name
3 and mailing address of each watcher and a designation of the precinct where he is to
4 serve.

5 * * *

6 §463. Notice of candidacy; campaign finance disclosure; political advertising;
7 penalties

8 * * *

9 D. Not later than the Friday before the opening of the qualifying period for
10 any primary election, the Supervisory Committee on Campaign Finance Disclosure
11 shall deliver a sufficient number of informational packets containing reporting forms
12 and instructions to all officials with whom candidates will qualify for such primary
13 election. The informational packet shall include a notice to the candidate that
14 questions concerning the Campaign Finance Disclosure Act should be addressed to
15 the Supervisory Committee on Campaign Finance Disclosure, not the official with
16 whom the candidate qualifies. If a candidate qualifies in person, such informational
17 packets shall be distributed to each candidate upon receipt of the candidate's notice
18 of candidacy by the official with whom the candidate qualifies for office. If a
19 candidate qualifies by submitting his notice of candidacy by certified mail,
20 commercial carrier, or agent, such informational packets shall be mailed to the
21 candidate at his mailing address or, if no mailing address is provided, the address of
22 his domicile as set forth in the notice of candidacy within ~~forty-eight hours~~ two
23 business days after receipt of the notice of candidacy.

24 E.(1) A candidate who has filed a notice of candidacy may change the
25 information contained therein by filing a new notice of candidacy and paying the
26 qualifying fee required by R.S. 18:464 during the qualifying period; however, a
27 candidate who is serving in the armed forces of the United States who is stationed
28 or deployed outside of the United States shall not be required to pay the qualifying
29 fee.

1 (2) No changes to the information contained in a notice of candidacy shall
2 be made after the close of qualifying, except to correct an error made by the
3 qualifying official who entered the information contained in the notice of candidacy
4 into the database of the Department of State.

5 * * *

6 §465. Nominating petitions

7 * * *

8 E. Certification. (1)(a) A nominating petition shall be submitted to the
9 registrars of voters in the parishes where the signers reside. A nominating petition
10 shall be submitted to the registrars in such parishes not less than thirty days before
11 the qualifying period ends for candidates in the primary election ~~or special election~~
12 ~~called pursuant to R.S. 18:402(E)~~ or, in the case of presidential electors, in the
13 presidential election, except that in a special election called pursuant to R.S.
14 18:402(E), 601(A)(2), or 1279, a nominating petition shall be submitted by the
15 candidate to the registrars of voters in such parishes not less than fourteen days
16 before the qualifying period ends for candidates in the special election.

17 * * *

18 §468. Close of the qualifying period

19 A. The qualifying period for candidates in a primary election shall close at
20 ~~5:00~~ 4:30 p.m. on the Friday after the opening of the qualifying period for candidates
21 in the primary election or, if that Friday is a legal holiday, at ~~5:00~~ 4:30 p.m. on the
22 next day which is not a legal holiday.

23 B. Notwithstanding the provisions of Subsection A of this Section, the
24 qualifying period for candidates in a gubernatorial primary election and those in any
25 special primary election to be held at the same time shall close at ~~5:00~~ 4:30 p.m. on
26 the Thursday after the opening of the qualifying period.

27 §469. Reopening of qualifying period; effect

28 A. When a person who qualified as a candidate and has opposition in a
29 primary election for a public office dies after the close of the qualifying period and

1 before the time for closing the polls on the day of the primary election, the qualifying
 2 period for candidates in the primary election for that office shall reopen for
 3 candidates on the day after the death and shall close at ~~5:00~~ 4:30 p.m. on the third
 4 day after the death or, if that day is a legal holiday, at ~~5:00~~ 4:30 p.m. on the next day
 5 which is not a legal holiday. The name of the deceased candidate shall not be printed
 6 on the primary election ballot. If the primary election ballot was printed with the
 7 deceased candidate's name on it, any votes received by the deceased candidate shall
 8 be void and shall not be counted for any purpose whatsoever.

9 B. When, at the close of the qualifying period, no candidate has qualified for
 10 an office or the number of candidates who have qualified for an office is fewer than
 11 the number of positions to be filled in that office, the qualifying period shall be
 12 reopened, but only for the office or offices for which no candidates qualified or for
 13 which an insufficient number of candidates qualified, on the first Wednesday after
 14 the close of the qualifying period and shall close at ~~5:00~~ 4:30 p.m. on the Friday
 15 thereafter or, if that day is a legal holiday, at ~~5:00~~ 4:30 p.m. on the next day which
 16 is not a legal holiday. The provisions of this Subsection shall not be applicable to
 17 election of members of any state central committee or any parish executive
 18 committee of any recognized political party as provided in R.S. 18:443 and R.S.
 19 18:444.

20 * * *

21 §501. Procedure for withdrawal; ~~refund of qualifying fees~~

22 ~~A. Procedure for withdrawal.~~ Prior to the close of the polls on election day,
 23 a candidate in a primary or general election may withdraw from the election by filing
 24 notice of his withdrawal, signed by the candidate and duly acknowledged by him
 25 before an officer authorized to administer oaths, with the secretary of state, who shall
 26 forward a copy of the notice of withdrawal filed by a local or municipal candidate
 27 to the president of the board of election supervisors and the clerk of court of the
 28 parish in which the candidate has qualified.

1 ~~B. Refund of qualifying fees. If the withdrawal is filed prior to the fifty-~~
2 ~~sixth day before the election, fifty percent of the qualifying fee paid by the candidate~~
3 ~~shall be refunded by the state treasurer from the escrow account in which these~~
4 ~~deposits were credited. If the withdrawal is filed on or after the fifty-sixth day~~
5 ~~before the election, the deposit shall not be refunded. However, if the fifty-sixth day~~
6 ~~falls on or before the seventh day following the last day for qualifying, the candidate~~
7 ~~shall have until the seventh day following the last day for qualifying to receive such~~
8 ~~a refund.~~

9 * * *

10 §513. Certification of candidates elected

11 * * *

12 C. Certification of candidates elected to a reduced term due to a postponed
13 election. ~~(1)~~ When a reapportionment or redistricting plan fails to receive
14 preclearance pursuant to the Voting Rights Act of 1965 by the deadline set forth in
15 R.S. 18:1941 or R.S. 18:1942 and there is a postponement of the election, the
16 secretary of state shall promptly certify the name of any each candidate elected at the
17 postponed election to the appropriate official named in Subsection A of this Section;
18 ~~when the secretary of state can immediately determine which office and term of~~
19 ~~office to which such newly elected official has been elected as follows:~~

20 ~~(a) Following the close of qualifying and prior to the primary election if the~~
21 ~~candidate is declared elected without opposition.~~

22 ~~(b) Following the primary election and prior to the general election if the~~
23 ~~candidate is elected at the primary election.~~

24 ~~(c) Following the general election if the candidate is elected at the general~~
25 ~~election.~~

26 ~~(2) If the secretary of state cannot immediately determine which office and~~
27 ~~term of office to which a newly elected official has been elected, the secretary of~~
28 ~~state shall not certify any candidate for the postponed election until the general~~
29 ~~election has been held. Following the general election, the secretary of state shall~~

1 promptly certify the name of any candidate elected at the postponed election to the
2 appropriate official named in Subsection A of this Section. The certification shall
3 be made within thirty days of the date that every candidate to be elected at the
4 election pursuant to the reapportionment or redistricting plan has been elected.

5 * * *

6 §561. Poll lists

7 ~~The Two~~ Two commissioners at each polling place shall keep duplicate poll lists,
8 numbered consecutively from one to the end. ~~The commissioners~~ Each such
9 commissioner shall enter the name of every person who votes at the polling place on
10 the poll lists.

11 * * *

12 §571. Counting and tabulating the votes

13 A. At the termination of voting in a primary or general election, the
14 commissioners shall announce that voting is terminated. The commissioners in the
15 presence of the watchers shall immediately:

16 * * *

17 (6) Complete in duplicate ~~the payroll~~ an affidavit. ~~The payroll~~ affidavit shall
18 be prepared by the secretary of state and shall contain the name, address, and last
19 four digits of the social security number of each commissioner ~~and the~~
20 ~~commissioner-in-charge who served at the polling place and shall be signed by each~~
21 ~~commissioner and the commissioner-in-charge~~ and an acknowledgment that the law
22 prohibits disclosure of confidential voter information listed in the precinct register.
23 The affidavit shall be signed by each commissioner, and the original affidavit shall
24 be placed in the bag that is delivered to the clerk of court.

25 (7) Place the duplicate ~~payroll~~ affidavit, all duplicate records of challenges,
26 all duplicate precinct register corrections, all voter identification affidavits, any
27 physicians' certificates, and any address confirmation cards in the envelope marked

1 "Registrar of Voters", seal it and attach it to the precinct register, and seal the
2 precinct register.

3 * * *

4 §573. Evidence of election results

5 A.

6 * * *

7 (3) Each voting machine shall be relocked or otherwise secured and, if
8 applicable, resealed after the candidates or their representatives have had a
9 reasonable opportunity to inspect the machine, which shall not be less than thirty
10 minutes after the time designated for opening the machines by the clerk of court in
11 the notice posted in his office. The clerk of court, in the presence of a majority of
12 the parish board of election supervisors, shall reopen any voting machine for
13 reinspection by a candidate or his representative after receipt of a written request for
14 reinspection by the candidate. All reinspections shall be held at 10:00 a.m. on the
15 fifth day after the election and at any time ordered by a court of competent
16 jurisdiction. If the fifth day after the election falls on a holiday or weekend, such
17 reinspection shall be held at 10:00 a.m. on the next working day. Any written
18 request for reinspection of voting machines shall be filed with the clerk of court. The
19 deadline for filing a request for reinspection shall be the last working day prior to the
20 date of the reinspection. Immediately upon receiving any request, the clerk of court
21 shall prominently post in his office a notice of the time and place where the voting
22 machines will be reopened and the name of the candidate requesting that the
23 machines be reopened. The candidate requesting the reinspection shall be
24 responsible for all reasonable costs associated with such reinspection, which shall
25 be payable to the clerk of court. The costs shall be paid at the time the written
26 request for reinspection of voting machines is filed with the clerk of court and shall
27 be paid in cash or by certified or cashier's check on a state or national bank or credit
28 union, United States postal money order, or money order issued by a state or national
29 bank or credit union. The parish board of election supervisors shall be entitled to

1 reimbursement for attending the reinspection at the rate established in R.S.
2 18:423(E); however, such reimbursement shall not be counted toward the six-day
3 limitation provided in R.S. 18:423(E). If it is necessary to reopen a voting machine
4 which has been relocked or otherwise secured and, if applicable, resealed to conduct
5 a reinspection thereof, the clerk of court shall relock or otherwise secure and, if
6 applicable, reseal the machine after the reinspection is completed.

7 * * *

8 §1253. Nominating by political parties; certificates of nomination

9 * * *

10 E. If the nominees for the offices of president and vice president nominated
11 by a national convention of a recognized political party, together with a slate of
12 candidates for the offices of presidential electors to support such nominees, are not
13 properly certified to the secretary of state by the state central committee of that party
14 prior to ~~5:00~~ 4:30 p.m. on the ~~first~~ third Tuesday in ~~September~~ August of each year
15 in which a presidential election is to be held, the national chairman of the political
16 party, after notifying the chairman of the state central committee of that political
17 party, shall certify a slate of electors to support such nominees by ~~5:00~~ 4:30 p.m. on
18 the first Friday following the ~~first~~ third Tuesday in ~~September~~ August. Such
19 certificate filed with the secretary of state shall be accompanied by the notarized
20 affidavit of each candidate for elector signifying that the certificate constitutes his
21 acceptance of the nomination.

22 * * *

23 §1254. Slates of independent candidates; nominating petitions and qualifying by
24 payment of qualifying fees

25 A. A slate of independent candidates for presidential elector may be
26 nominated by nominating petition or may qualify by the payment of a qualifying fee
27 of five hundred dollars. Such qualifying fee shall be paid in accordance with the
28 provisions of R.S. 18:464(A). The period for filing such qualifying fee shall begin
29 on the ~~first~~ third Tuesday in ~~August~~ July and shall end at ~~5:00~~ 4:30 p.m. on the first

1 Friday following the first ~~third~~ Tuesday in ~~September~~ August of each year in which
2 a presidential election is to be held. Each qualifying fee shall be accompanied by the
3 notice of candidacy and notarized affidavit of each candidate for elector signifying
4 his acceptance of the nomination. An independent candidate for presidential elector
5 may be registered to vote with or without a declaration of party affiliation.

6 * * *

7 §1255. Filing nominating petitions

8 A. All nominating petitions of presidential electors shall be filed with the
9 secretary of state during the period beginning on the first Tuesday in August and
10 ending at ~~5:00~~ 4:30 p.m. on the first Friday following the first Tuesday in September
11 of each year in which a presidential election is to be held. The secretary of state shall
12 endorse on the nominating petitions the date and time of filing. Any nominating
13 petitions submitted other than during such period shall be null and void and shall not
14 be accepted by the secretary of state.

15 * * *

16 §1308. Absentee voting by mail

17 A.

18 * * *

19 (2)

20 * * *

21 (g) For mailed ballots, the envelope mailed to the voter shall contain ~~four~~
22 ~~envelopes, two of which shall be the ballot envelopes and two of which shall be a~~
23 ~~return envelopes~~ envelope. ~~Each~~ The return envelope shall bear the official title and
24 mailing address of the registrar, ~~whether it contains a primary or general election~~
25 ~~ballot~~, and the name, return address, and precinct or district number of the voter.
26 The voter shall return his voted primary election ballot and special ballot for the
27 general election to the registrar in the appropriate ~~envelopes~~ envelope. The registrar
28 of voters shall mail a regular general election absentee ballot to a member of the
29 United States Service or to persons residing overseas only if the regular general

1 election absentee ballot includes one or more elections that were not included on the
2 special ballot sent, as provided herein, to such voter. The envelope for the special
3 ballot shall contain language on the outside of the envelope that clearly designates
4 which envelope is to be used for return of the general election ballot.

5 (h)(i) For electronically transmitted ~~presidential-preference primary,~~
6 ~~presidential, congressional primary, and congressional general election~~ ballots, the
7 registrar shall transmit the ballot or ballots, certificate, and waiver of the right to a
8 secret ballot to the voter for each ballot mailing. The waiver of the right to a secret
9 ballot shall contain the following statement: "My ballot was transmitted
10 electronically to me and I am voluntarily waiving my right to a secret ballot." The
11 statement shall also contain a space for the voter's handwritten signature, the date,
12 and the voter's social security number. The voter shall return by mail his voted ballot
13 or ballots, completed certificate, and signed waiver of the right to a secret ballot for
14 each ballot mailing. The registrar and his staff shall take the steps necessary to keep
15 each voted ballot that was transmitted electronically as confidential as practicable.

16 * * *

17 §1308.2. Voting absentee by mail for candidates for presidential nominee,
18 presidential candidates, and congressional candidates

19 A.(1) At least forty-six days before each presidential election, the secretary
20 of state shall deliver to each registrar a sufficient quantity of absentee by mail
21 ballots, envelopes, certificates, and instructions, including those to be electronically
22 transmitted, for the election of the president of the United States to be used only by
23 members of the United States Service and persons residing outside the United States
24 who are registered to vote. The absentee by mail ballot shall be prepared according
25 to law ~~and shall contain only presidential candidates. The absentee by mail ballot~~
26 ~~envelope shall be marked "Presidential Ballot Only".~~

27 * * *

1 §1309. Early voting application and early voting

2 * * *

3 I. Upon approval of the secretary of state, a registrar of voters may utilize
4 commissioners selected and trained by the registrar of voters to assist the registrar
5 during the early voting period in the conduct of early voting by his office. A
6 registrar of voters shall, in seeking the approval of the secretary of state, indicate to
7 the secretary the number of commissioners that is required for such assistance. A
8 commissioner who assists the registrar in the conduct of early voting shall take an
9 oath of office as a deputy registrar for the early voting period and shall complete an
10 affidavit prepared by the secretary of state that contains the name, address, and last
11 four digits of the social security number of the early voting commissioner and an
12 acknowledgment that the law prohibits the disclosure of confidential voter
13 information listed in the precinct register or early voting list kept by the registrar.
14 The affidavit shall be retained in the office of the registrar of voters. A
15 commissioner who assists the registrar in the conduct of early voting shall be paid
16 in accordance with R.S. 18:426.1(3) for each day of such assistance.

17 * * *

18 §1309.3. Assistance in voting during early voting

19 * * *

20 D.(1)

21 * * *

22 (b) If the ~~statement is filed~~ voter is submitting the information required by
23 this Paragraph by mail, the voter shall include a copy of his Louisiana driver's
24 license, his Louisiana special identification card issued pursuant to R.S. 40:1321, or
25 other generally recognized picture identification card that contains the name and
26 signature of the voter.

27 * * *

1 §1313. Tabulation and counting of absentee by mail and early voting ballots

2 A. The parish board of election supervisors shall be responsible for the
3 counting and tabulation of all absentee by mail and early voting ballots in the parish.
4 The board may utilize ~~absentee by mail and early voting~~ parish board commissioners
5 to count the absentee by mail and early voting ballots in the parish. If the board
6 determines that ~~absentee by mail and early voting~~ parish board commissioners are
7 necessary to count and tabulate the absentee by mail and early voting ballots, it shall
8 select ~~absentee by mail and early voting~~ parish board commissioners in accordance
9 with the provisions of R.S. 18:1314. If a majority of the members of the board are
10 not present to count the absentee by mail and early voting ballots and no ~~absentee by~~
11 ~~mail and early voting~~ parish board commissioners were previously selected, the
12 members present may select a sufficient number of ~~absentee by mail and early voting~~
13 parish board commissioners on election day to assist in the counting of absentee by
14 mail and early voting ballots.

15 B. Absentee by mail and early voting ballots shall be counted at the office
16 of the registrar of voters or at a public facility within the parish designated by the
17 parish board of election supervisors at a time fixed by the parish board of election
18 supervisors which time shall be ~~set no earlier than 1:00 p.m. and on election day no~~
19 later than 8:00 p.m. ~~on election day.~~

20 C.

21 * * *

22 (2) Any person authorized by the secretary of state may provide security or
23 technical assistance including advice, analysis, diagnosis, or repair for voting
24 machines at the location where absentee by mail and early voting votes are being
25 counted and tabulated. Such security or technical assistance shall be provided only
26 upon the request of the parish board of election supervisors or a team of ~~absentee by~~
27 ~~mail and early voting~~ parish board commissioners, and may be made in person at the
28 location where absentee by mail and early voting votes are being counted and
29 tabulated, or by telephone, or both. Any authorized person providing such security

1 or technical assistance may enter and leave the location where absentee by mail and
2 early voting votes are being counted and tabulated before the closing of the polls and
3 during the process of counting and tabulation. No such person shall disclose any
4 information with respect to the counting and tabulation of absentee by mail and early
5 voting ballots prior to the close of the polls on election day.

6 * * *

7 F. The procedure for counting absentee by mail or early voting ballots shall
8 be as follows:

9 * * *

10 (11)(a) The absentee by mail and early voting votes cast for a candidate and
11 those cast for and against a proposition shall be counted and the total number of
12 absentee by mail and early voting votes cast for a candidate and those cast for and
13 against a proposition shall be announced in the order the offices and candidates and
14 propositions are listed on the ballot. The members of the board shall enter the total
15 number of votes on the final absentee by mail and early voting vote report and shall
16 certify the results.

17 (b) The special absentee ballots cast by members of the United States
18 Service or persons who reside outside of the United States shall be counted by hand.

19 * * *

20 I.

21 * * *

22 (2)

23 * * *

24 (d) The candidate requesting the recount shall be responsible for all
25 reasonable costs associated with such recount which shall be payable to the clerk of
26 court. The costs shall be paid at the time the written request for the recount is filed
27 with the clerk of court and shall be paid in cash or by certified or cashier's check on
28 a state or national bank or credit union, United States postal money order, or money
29 order issued by a state or national bank or credit union.

1 (3) A candidate or his representative, in the presence of a majority of the
2 parish board of election supervisors, shall be allowed to inspect the flaps removed
3 from the valid absentee by mail ballots and the flaps removed from the valid early
4 voting ballots when paper ballots are used for early voting. All such inspections
5 shall be held at 10:00 a.m. or following the recount of absentee by mail and early
6 voting ballots on the fifth day after the election and at any time ordered by a court
7 of competent jurisdiction. If the fifth day after the election falls on a holiday or
8 weekend, such inspection shall be held on the next working day at 10:00 a.m. or
9 following the recount of absentee by mail and early voting ballots. Any written
10 request for inspection shall be filed with the clerk of court. The deadline for filing
11 a request for inspection shall be the last working day prior to the date of the
12 inspection. Immediately upon receiving any request, the clerk of court shall
13 prominently post in his office a notice of the time and place where the inspection will
14 occur and the name of the candidate requesting the inspection. The candidate
15 requesting the inspection shall be responsible for all reasonable costs associated with
16 such inspection which shall be payable to the clerk of court. The costs shall be paid
17 at the time the written request for the inspection is filed with the clerk of court and
18 shall be paid in cash or by certified or cashier's check on a state or national bank or
19 credit union, United States postal money order, or money order issued by a state or
20 national bank or credit union.

* * *

22 §1314. ~~Absentee by mail and early voting~~ Parish board commissioners

23 A. Qualifications. ~~An absentee by mail and early voting~~ A parish board
24 commissioner shall be a registered voter of the parish in which he is selected to serve
25 and shall have the other qualifications of a commissioner as otherwise provided by
26 law.

27 B. Selection for primary election. (1) The parish board of election
28 supervisors shall determine the number of ~~absentee by mail and early voting~~ parish
29 board commissioners necessary to count the absentee by mail and early voting

1 ballots in the parish. The parish board of election supervisors shall select a
2 maximum of six such commissioners. If the parish board of election supervisors
3 determines that the number of ~~absentee by mail and early voting~~ parish board
4 commissioners should be increased to more than six, the parish board shall make a
5 request to the secretary of state for the additional ~~absentee by mail and early voting~~
6 parish board commissioners. If the secretary of state or his designee determines that
7 there is a need for the additional ~~absentee by mail and early voting~~ parish board
8 commissioners, the parish board shall select the ~~absentee by mail and early voting~~
9 parish board commissioners.

10 (2) The parish board of election supervisors shall meet at 10:00 a.m. on the
11 fifth day before a primary election and shall select the ~~absentee by mail and early~~
12 ~~voting~~ parish board commissioners and alternate ~~absentee by mail and early voting~~
13 parish board commissioners for the parish in the manner provided by law for the
14 selection of commissioners and alternate commissioners. If there are not enough
15 certified commissioners to select the appropriate number of ~~absentee by mail and~~
16 ~~early voting~~ parish board commissioners and alternate ~~absentee by mail and early~~
17 ~~voting~~ parish board commissioners, the board of election supervisors may select a
18 qualified elector of the parish to serve; however, no such elector shall serve as ~~an~~
19 ~~absentee by mail and early voting~~ a parish board commissioner if a certified
20 commissioner has been selected as an alternate ~~absentee by mail and early voting~~
21 parish board commissioner.

22 (3) ~~Absentee by mail and early voting~~ Parish board commissioners and
23 alternate ~~absentee by mail and early voting~~ parish board commissioners shall be
24 issued commissions, take the oath of office, be replaced, and be disqualified, all in
25 the manner provided by law for commissioners and alternate commissioners.

26 C. Selection for general election. (1)(a) The parish board of election
27 supervisors shall determine if the number of ~~absentee by mail and early voting~~ parish
28 board commissioners necessary to count the absentee by mail and early voting

1 ballots in the general election can be reduced or should be increased from the number
2 which counted absentee by mail and early voting ballots in the primary election.

3 (b) If it determines that the number cannot be reduced or should be
4 increased, those persons who served as ~~absentee by mail and early voting~~ parish
5 board commissioners and alternate ~~absentee by mail and early voting~~ parish board
6 commissioners for the parish in the primary election shall serve in the general
7 election, unless replaced or disqualified in the manner provided by law for
8 commissioners and alternate commissioners. If the parish board of election
9 supervisors determines that the number of ~~absentee by mail and early voting~~ parish
10 board commissioners should be increased to more than the number of such
11 commissioners who served in the primary election, the parish board shall make a
12 request to the secretary of state for the ~~absentee by mail and early voting~~ parish
13 board commissioners. If the secretary of state or his designee determines that there
14 is a need for the additional ~~absentee by mail and early voting~~ parish board
15 commissioners, the parish board shall select the additional ~~absentee by mail and~~
16 ~~early voting~~ parish board commissioners.

17 (2)(a) If the parish board determines that the number of ~~absentee by mail and~~
18 ~~early voting~~ parish board commissioners can be reduced, it shall notify each person
19 who served as an ~~absentee by mail and early voting~~ a parish board commissioner or
20 alternate ~~absentee by mail and early voting~~ parish board commissioner in the primary
21 election of its decision to reduce the number of ~~absentee by mail and early voting~~
22 parish board commissioners and of the date and time of the meeting to select the
23 ~~absentee by mail and early voting~~ parish board commissioners for the general
24 election. The parish board shall meet at 10:00 a.m. on the fifth day before a general
25 election and shall select the ~~absentee by mail and early voting~~ parish board
26 commissioners and alternate ~~absentee by mail and early voting~~ parish board
27 commissioners to serve in the general election for the parish.

28 (b)(i) The parish board shall prepare a list containing the names of all
29 persons who served as ~~absentee by mail and early voting~~ parish board commissioners

1 in the primary election. The ~~absentee by mail and early voting~~ parish board
2 commissioners and alternate ~~absentee by mail and early voting~~ parish board
3 commissioners for the general election shall be selected from that list in the manner
4 provided by law for the selection of commissioners and alternate commissioners.
5 The ~~absentee by mail and early voting~~ parish board commissioners so chosen shall
6 then serve as needed for the general election.

7 (ii) If the list does not contain sufficient names to select the number of
8 ~~absentee by mail and early voting~~ parish board commissioners and alternate ~~absentee~~
9 ~~by mail and early voting~~ parish board commissioners determined by the board to be
10 needed for the general election, the board shall fill any remaining alternate
11 commissioner positions from a list of those persons who were selected as alternate
12 ~~absentee by mail and early voting~~ parish board commissioners for the primary
13 election, such list to be prepared and the selection made in the same manner provided
14 herein for selection of ~~absentee by mail and early voting~~ parish board commissioners
15 for the general election.

16 (3) If the parish board and the secretary of state or his designee determine
17 that the number of ~~absentee by mail and early voting~~ parish board commissioners
18 should be increased, the parish board shall meet at 10:00 a.m. on the fifth day before
19 a general election and shall select the additional ~~absentee by mail and early voting~~
20 parish board commissioners and alternate ~~absentee by mail and early voting~~ parish
21 board commissioners to serve in the general election for that parish from the list of
22 certified commissioners who have not been chosen to serve in the general election
23 as a commissioner-in-charge, commissioner, or, if applicable, ~~absentee by mail and~~
24 ~~early voting~~ parish board commissioner in the manner provided by law for the
25 selection of commissioners and alternate commissioners. If there are not enough
26 certified commissioners to select the appropriate number of ~~absentee by mail and~~
27 ~~early voting~~ parish board commissioners and alternate ~~absentee by mail and early~~
28 ~~voting~~ parish board commissioners, the board of election supervisors may select a
29 qualified elector of the parish to serve; however, no such elector shall serve as an

1 ~~absentee by mail and early voting~~ parish board commissioner if a certified
2 commissioner has been selected as an alternate ~~absentee by mail and early voting~~
3 parish board commissioner.

4 D. Selection for provisional ballot counting for a primary or general election.

5 (1) The parish board of election supervisors shall determine if ~~absentee by mail and~~
6 ~~early voting~~ parish board commissioners are necessary to assist the board in counting
7 and tabulating provisional ballots in the parish. If necessary, the parish board of
8 election supervisors shall select the number of ~~absentee by mail and early voting~~
9 parish board commissioners and present the number of ~~absentee by mail and early~~
10 ~~voting~~ parish board commissioners to the secretary of state for approval, either in
11 writing or by telephone.

12 (2) Upon approval by the secretary of state or his designee, the parish board
13 of election supervisors shall appoint the approved number of ~~absentee by mail and~~
14 ~~early voting~~ parish board commissioners for assistance to the board in counting and
15 tabulating the provisional ballots.

16 (3) ~~Absentee by mail and early voting~~ Parish board commissioners for
17 provisional ballot counting shall meet the qualifications set forth in Subsection A of
18 this Section and shall be issued commissions, take the oath of office, be replaced,
19 and be disqualified, all in the same manner as provided for by law for commissioners
20 and alternate commissioners.

21 E. Compensation. ~~An absentee by mail and early voting~~ A parish board
22 commissioner who serves on election day or during the counting and tabulating of
23 provisional ballots shall receive fifty dollars or one hundred dollars for each day he
24 serves as provided below:

25 (1) He shall receive one hundred dollars for elections for which the secretary
26 of state has approved such compensation. The secretary of state may provide such
27 approval upon application by the parish board of election supervisors when it is
28 reasonably expected that a large number of persons will vote prior to election day.

1 (2) He shall receive fifty dollars for elections other than those provided for
2 in Paragraph (1) of this Subsection.

3 F. For an election held within one year following the date of the issuance of
4 any gubernatorial proclamation declaring a state of emergency, if a parish board of
5 election supervisors determines that there is a parishwide shortage of ~~absentee by~~
6 ~~mail and early voting~~ parish board commissioners because a significant number of
7 ~~absentee by mail and early voting~~ parish board commissioners have been temporarily
8 displaced due to such emergency, the board may submit a written request to the
9 secretary of state for additional ~~absentee by mail and early voting~~ parish board
10 commissioners from other parishes in the same manner as provided in R.S.
11 18:425(A)(4). Approval, selection, training, and reimbursement of expenses of such
12 ~~absentee by mail and early voting~~ parish board commissioners shall be in the same
13 manner as provided in R.S. 18:425(A)(4). Nothing in Subsection A of this Section
14 shall prohibit an ~~absentee by mail and early voting~~ a parish board commissioner from
15 serving in another parish pursuant to this Subsection.

16 * * *

17 §1373. Notice of preparation of machines for election; preparation of machines for
18 election; testing and adjusting; examination by candidate or his
19 representative; securing and sealing machines

20 A.

21 * * *

22 (5) After the machines have been prepared and tested by the secretary of
23 state and examined by each candidate; or representative, ~~or citizen,~~ or parish board
24 member who is present, the parish custodian shall enclose the registration books or
25 lists and other paraphernalia and shall forthwith seal each machine with a numbered
26 seal. At that time, the parish custodian, in the presence of the candidates; or their
27 representatives, parish board members, and any citizens who are present, shall certify
28 to the numbers of the machines; that all of the public, candidate, and question

1 counters are set at zero; and as to the number registered on the protective counter of
2 the machine.

3 * * *

4 §1402. Proper parties

5 * * *

6 C. The secretary of state, in his official capacity, shall be made a party
7 defendant to any action contesting an election for public office or an election for the
8 recall of a public officer. The secretary of state, in his official capacity, shall be
9 made defendant to any action objecting to the calling of a special election. The
10 secretary of state, in his official capacity, shall be made a party defendant to any
11 action contesting the certification of a recall petition. ~~When named as a defendant~~
12 ~~in an action contesting an election, costs of court shall not be assessed against the~~
13 ~~secretary of state. When named as a defendant in an action contesting the~~
14 ~~certification of a recall petition, costs of court shall not be assessed against the~~
15 ~~secretary of state.~~

16 D. Costs of court shall not be assessed against the secretary of state when
17 named as a defendant in any action contesting an election, objecting to candidacy,
18 objecting to the calling of a special election, or contesting the certification of a recall
19 petition.

20 * * *

21 §1461.2. Election offenses affecting registration and election fraud or forgery;
22 penalties

23 A. No person shall knowingly, willfully, or intentionally:

24 * * *

25 (9) For purposes other than fulfilling the person's duties relative to
26 registration of voters as provided by law, copy or reproduce a voter registration
27 application that has been submitted by an applicant.

28 * * *

1 §1462. Acts prohibited during early voting or on election day; electioneering;
2 intimidation; exceptions; enforcement; penalties

3 A. The Legislature of Louisiana recognizes that the right to vote is a right
4 that is essential to the effective operation of a democratic government. Due to a past,
5 longstanding history of election problems, such as multiple voting, votes being
6 recorded for persons who did not vote, votes being recorded for deceased persons,
7 voting by non-residents, vote buying, and voter intimidation, the legislature finds
8 that the state has a compelling interest in securing a person's right to vote in an
9 environment which is free from intimidation, harassment, confusion, obstruction, and
10 undue influence. The legislature, therefore, enacts this Subsection to provide for a
11 six hundred foot campaign-free zone around polling places to provide to each voter
12 such an environment in which to exercise his right to vote. Except as otherwise
13 specifically provided by law, it shall be unlawful for any person, between the hours
14 of 6:00 a.m. and 9:00 p.m., to perform or cause to be performed any of the following
15 acts within any polling place being used in an election on election day or ~~within any~~
16 ~~place wherein~~ during early voting ~~is being conducted~~, or within a radius of six
17 hundred feet of the entrance to any polling place being used in an election on
18 election day or ~~any place wherein~~ during early voting ~~is being conducted~~:

19 * * *

20 (2) To remain within any such polling place ~~or place wherein early voting~~
21 ~~is being conducted~~ or within a radius of six hundred feet of the entrance of any such
22 polling place, except when exercising the right to vote, after having been directed by
23 an election commissioner ~~or~~, law enforcement officer, registrar, or deputy registrar
24 to leave the premises or area of a polling place ~~or after having been directed by a~~
25 ~~registrar or deputy registrar to leave the place wherein early voting is being~~
26 ~~conducted~~.

27 * * *

28 Section 2. R.S. 18:115.1(F) and 116(E) are hereby amended and reenacted to read
29 as follows:

1 §115.1. Electronic registration

2 * * *

3 F. ~~Except as otherwise specifically provided, an electronic voter registration~~
4 ~~application electronically forwarded by the secretary of state shall be considered, for~~
5 ~~purposes of this Title, an application for registration by mail. The provisions of R.S.~~
6 18:115(F) shall apply to a person who has registered to vote pursuant to this Section
7 and who has not previously voted in the parish in which he is registered.

8 * * *

9 §116. Voter registration agencies

10 * * *

11 E.~~(1)~~ Upon receipt of the completed registration form, the registrar shall, ~~if~~
12 ~~the information thereon establishes that the applicant meets the requirements for~~
13 ~~registration, register the applicant and mail notice of registration to the applicant's~~
14 ~~residence, as provided on the application determine the eligibility of the applicant as~~
15 provided in R.S. 18:115(B). Any completed voter registration application
16 transmitted to and received by a registrar by a designated voter registration agency
17 shall be considered an update to any existing registration for that person. However,
18 if a registrar accepts any application for registration, change of name, or change of
19 address that has been received by a designated voter registration agency while the
20 registration records are closed for a particular election as required by R.S. 18:135(A),
21 none of the changes shall be effective until at least the day after the particular
22 election has been held. In the case of a change of address, the change shall be
23 effective in accordance with the provisions of R.S. 18:110(B).

24 ~~(2) If the information contained on the application form is insufficient to~~
25 ~~register the applicant, the registrar of voters shall mail a notice to the applicant at the~~
26 ~~address provided on the application form informing the applicant that he has ten days~~
27 ~~from the date on which the notice was mailed to provide the necessary information.~~

1 ~~If the applicant fails to provide the necessary information within that time, the~~
2 ~~applicant shall not be registered and the registrar shall so advise the applicant.~~

3 * * *

4 Section 3. R.S. 18:18(A)(9) is hereby enacted to read as follows:

5 §18. Secretary of state; powers and duties

6 A. The secretary of state shall administer the laws relating to custody of
7 voting machines and voter registration, and for the purpose he shall:

8 * * *

9 (9) Provide for the voluntary registration of individuals or entities that
10 conduct voter registration drives in the state of Louisiana.

11 * * *

12 Section 4. R.S. 18:115(A)(3) is hereby repealed in its entirety.

13 Section 5. R.S. 18:1309(E)(1) is hereby repealed in its entirety.

14 Section 6.(A) This Section, Section 1, and Section 5 of this Act shall become
15 effective upon signature of this Act by the governor or, if not signed by the governor, upon
16 expiration of the time for bills to become law without signature by the governor, as provided
17 by Article III, Section 18 of the Constitution of Louisiana. If this Act is vetoed by the
18 governor and subsequently approved by the legislature, this Section, Section 1, and Section
19 5 of this Act shall become effective on the day following such approval.

20 (B) Section 3 of this Act shall become effective on January 1, 2014.

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)]

Tim Burns

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. 18:431) 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 watchers 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 informational 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 deadline for the state central committee of the party to certify the nominees and electors from 5:00 p.m. on the first Tues. in Sept. to 4:30 p.m. on the third Tues. in August. Changes the deadline for the national chairman of the party to certify a slate of electors from 5:00 p.m. on the first Fri. following the state central committee's deadline to 4:30 p.m. on the first Fri. following the state central committee's deadline. 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 4:30 p.m. on the first Fri. following the third Tues. in Aug.

Present law (R.S. 18:1255) provides that all nominating petitions of presidential electors shall be filed with the secretary of state during the period beginning on the first Tues. in Aug. and ending 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. Requires the secretary of state to endorse on the nominating petitions the date and time of filing. Provides that any nominating petitions submitted other than during such period shall be null and void and shall not be accepted by the secretary of state. Proposed law changes the deadline for filing nominating petitions from 5:00 p.m. to 4:30 p.m. Otherwise retains present law.

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. 18:1308) provides procedures and requirements for voting absentee by mail. Requires the registrar to mail the necessary instructions, certificates, ballots, and envelopes to an applicant. Provides that the envelope mailed to the voter shall contain four envelopes, two of which shall be the ballot envelopes and two of which shall be return envelopes. Proposed law removes the specified number of ballot envelopes that must be mailed and provides that one return envelope must be mailed. Otherwise retains 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 therefore. 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, 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), 1255(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))

Summary of Amendments Adopted by House

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

1. Removes provisions of proposed law that would have repealed the requirement to publish the inactive list of voters prior to regularly scheduled federal primary elections.
2. Adds provisions changing certain deadlines relative to qualifying for presidential elections from 5:00 p.m. on certain days to 4:30 p.m. on those days.
3. Relative to absentee by mail voting materials, removes from present law the specified number of ballot envelopes that must be mailed to an applicant and removes a proposed change to that number.