

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

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

19 Be it enacted by the Legislature of Louisiana:

20 Section 1. R.S. 18:112, 154(G), 172, 425(A)(1), 431(A)(2)(a) and (4), 433(A)(1) and
21 (5), (B)(1), and (D), 463(D) and (E), 465(E)(1)(a), 468, 469(A) and (B), 501, 513(C), 561,
22 571(A)(6) and (7), 573(A)(3), 1253(E), 1254(A), 1255(A), 1308(A)(2)(g) and (h)(i),
23 1308.2(A)(1), 1309(I), 1309.3(D)(1)(b), 1313(A), (B), (C)(2), (F)(11), and (I)(2)(d) and (3),
24 1314, 1373(A)(5), 1402(C), and 1462(A)(introductory paragraph) and (2) are hereby
25 amended and reenacted and R.S. 18:154(C)(1)(g), 1402(D), and 1461.2(A)(9) are hereby
26 enacted to read as follows:

27 §112. Endorsement of changes

28 Whenever any change is made with respect to the registration of any person,
29 the date of the change and all pertinent information concerning the change shall be

1 entered by the registrar in the registrant's information on the state voter registration
2 computer system ~~and, if.~~ If the original application is available in hard copy in the
3 registrar's office, ~~on the~~ document indicating the change shall be attached to the
4 original application for registration and any other official registration records.

5 * * *

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

7 * * *

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

11 * * *

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

13 * * *

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

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

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

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

22 * * *

23 §172. Judgment of interdiction for mental incompetence

24 The clerk of a court having jurisdiction over an interdiction shall record in
25 a conveyance book each judgment of full interdiction or a limited interdiction for
26 mental incompetence which specifically suspends the right to register and vote and
27 which has become definitive ~~and the name, date of birth, sex, and address of the~~
28 ~~person so interdicted.~~ This recordation shall be made immediately after the
29 judgment becomes definitive. By the tenth day of each calendar month, the clerk

1 shall transmit to the registrar of voters for his parish a certified copy of the judgment.

2 If the registrar of voters for the parish in which the judgment was rendered

3 determines that the person interdicted is registered to vote in a parish other than the

4 parish in which the judgment was rendered, the registrar of voters for the parish in

5 which the judgment was rendered shall transmit a copy of the judgment to the

6 registrar of voters for the parish where the person interdicted is registered to vote.

7 * * *

8 §425. Commissioners

9 A. Number. (1) In addition to the commissioner-in-charge, at the following

10 elections there shall be the following number of additional commissioners at each

11 precinct:

12 (a) For the gubernatorial primary and general elections, the congressional

13 primary and general elections, and the primary and general elections for municipal

14 officers in a parish containing a municipality with a population of four hundred

15 seventy-five thousand or more held every four years beginning in 1994:

16 (i) Four commissioners for precincts with more than three hundred active

17 registered voters.

18 (ii) Three commissioners for precincts with three hundred active registered

19 voters or less.

20 (b) For all elections not specifically provided for in ~~Subparagraph (A)(1)(a)~~

21 Subparagraph (a) of this Paragraph or in Part III of Chapter 6 of this Code:

22 (i) Three commissioners for precincts with more than three hundred active

23 registered voters.

24 (ii) Two commissioners for precincts with three hundred active registered

25 voters or less.

26 * * *

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~~ of each year to select
10 a 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 D. Term of office. A commissioner-in-charge shall serve a term of office of
18 one year, commencing on the ~~first day of~~ third Monday in January of the year
19 ~~following~~ of selection, provided that the commissioner-in-charge remains on the list
20 of certified commissioners during his term of office.

21 * * *

22 §463. Notice of candidacy; campaign finance disclosure; political advertising;
23 penalties

24 * * *

25 D. Not later than the Friday before the opening of the qualifying period for
26 any primary election, the Supervisory Committee on Campaign Finance Disclosure
27 shall deliver a sufficient number of informational packets containing reporting forms
28 and instructions to all officials with whom candidates will qualify for such primary
29 election. The informational packet shall include a notice to the candidate that

1 questions concerning the Campaign Finance Disclosure Act should be addressed to
 2 the Supervisory Committee on Campaign Finance Disclosure, not the official with
 3 whom the candidate qualifies. If a candidate qualifies in person, such informational
 4 packets shall be distributed to each candidate upon receipt of the candidate's notice
 5 of candidacy by the official with whom the candidate qualifies for office. If a
 6 candidate qualifies by submitting his notice of candidacy by certified mail,
 7 commercial carrier, or agent, such informational packets shall be mailed to the
 8 candidate at his mailing address or, if no mailing address is provided, the address of
 9 his domicile as set forth in the notice of candidacy within ~~forty-eight hours~~ two
 10 business days after receipt of the notice of candidacy.

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

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

21 * * *

22 §465. Nominating petitions

23 * * *

24 E. Certification. (1)(a) A nominating petition shall be submitted to the
 25 registrars of voters in the parishes where the signers reside. A nominating petition
 26 shall be submitted to the registrars in such parishes not less than thirty days before
 27 the qualifying period ends for candidates in the primary election ~~or special election~~
 28 ~~called pursuant to R.S. 18:402(E)~~ or, in the case of presidential electors, in the
 29 presidential election, except that in a special election called pursuant to R.S.

1 18:~~402(E)~~, 601(A)(2), or 1279, a nominating petition shall be submitted by the
2 candidate to the registrars of voters in such parishes not less than fourteen days
3 before the qualifying period ends for candidates in the special election.

4 * * *

5 §468. Close of the qualifying period

6 A. The qualifying period for candidates in a primary election shall close at
7 ~~5:00~~ 4:30 p.m. on the Friday after the opening of the qualifying period for candidates
8 in the primary election or, if that Friday is a legal holiday, at ~~5:00~~ 4:30 p.m. on the
9 next day which is not a legal holiday.

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

14 §469. Reopening of qualifying period; effect

15 A. When a person who qualified as a candidate and has opposition in a
16 primary election for a public office dies after the close of the qualifying period and
17 before the time for closing the polls on the day of the primary election, the qualifying
18 period for candidates in the primary election for that office shall reopen for
19 candidates on the day after the death and shall close at ~~5:00~~ 4:30 p.m. on the third
20 day after the death or, if that day is a legal holiday, at ~~5:00~~ 4:30 p.m. on the next day
21 which is not a legal holiday. The name of the deceased candidate shall not be printed
22 on the primary election ballot. If the primary election ballot was printed with the
23 deceased candidate's name on it, any votes received by the deceased candidate shall
24 be void and shall not be counted for any purpose whatsoever.

25 B. When, at the close of the qualifying period, no candidate has qualified for
26 an office or the number of candidates who have qualified for an office is fewer than
27 the number of positions to be filled in that office, the qualifying period shall be
28 reopened, but only for the office or offices for which no candidates qualified or for
29 which an insufficient number of candidates qualified, on the first Wednesday after

1 the close of the qualifying period and shall close at ~~5:00~~ 4:30 p.m. on the Friday
 2 thereafter or, if that day is a legal holiday, at ~~5:00~~ 4:30 p.m. on the next day which
 3 is not a legal holiday. The provisions of this Subsection shall not be applicable to
 4 election of members of any state central committee or any parish executive
 5 committee of any recognized political party as provided in R.S. 18:443 and R.S.
 6 18:444.

7 * * *

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

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

16 ~~B. Refund of qualifying fees.~~ If the withdrawal is filed prior to the fifty-
 17 sixth day before the election, fifty percent of the qualifying fee paid by the candidate
 18 shall be refunded by the state treasurer from the escrow account in which these
 19 deposits were credited. If the withdrawal is filed on or after the fifty-sixth day
 20 before the election, the deposit shall not be refunded. However, if the fifty-sixth day
 21 falls on or before the seventh day following the last day for qualifying, the candidate
 22 shall have until the seventh day following the last day for qualifying to receive such
 23 a refund.

24 * * *

25 §513. Certification of candidates elected

26 * * *

27 C. Certification of candidates elected to a reduced term due to a postponed
 28 election. (†) When a reapportionment or redistricting plan fails to receive
 29 preclearance pursuant to the Voting Rights Act of 1965 by the deadline set forth in

1 R.S. 18:1941 or R.S. 18:1942 and there is a postponement of the election, the
2 secretary of state shall promptly certify the name of any each candidate elected at the
3 postponed election to the appropriate official named in Subsection A of this Section;
4 ~~when the secretary of state can immediately determine which office and term of~~
5 ~~office to which such newly elected official has been elected as follows:~~

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

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

10 (c) ~~Following the general election if the candidate is elected at the general~~
11 ~~election.~~

12 (2) ~~If the secretary of state cannot immediately determine which office and~~
13 ~~term of office to which a newly elected official has been elected, the secretary of~~
14 ~~state shall not certify any candidate for the postponed election until the general~~
15 ~~election has been held. Following the general election, the secretary of state shall~~
16 ~~promptly certify the name of any candidate elected at the postponed election to the~~
17 ~~appropriate official named in Subsection A of this Section. The certification shall~~
18 ~~be made within thirty days of the date that every candidate to be elected at the~~
19 ~~election pursuant to the reapportionment or redistricting plan has been elected.~~

20 * * *

21 §561. Poll lists

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

26 * * *

1 §571. Counting and tabulating the votes

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

5 * * *

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

14 (7) Place the duplicate ~~payroll~~ affidavit, all duplicate records of challenges,
15 all duplicate precinct register corrections, all voter identification affidavits, any
16 physicians' certificates, and any address confirmation cards in the envelope marked
17 "Registrar of Voters", seal it and attach it to the precinct register, and seal the
18 precinct register.

19 * * *

20 §573. Evidence of election results

21 A.

22 * * *

23 (3) Each voting machine shall be relocked or otherwise secured and, if
24 applicable, resealed after the candidates or their representatives have had a
25 reasonable opportunity to inspect the machine, which shall not be less than thirty
26 minutes after the time designated for opening the machines by the clerk of court in
27 the notice posted in his office. The clerk of court, in the presence of a majority of
28 the parish board of election supervisors, shall reopen any voting machine for
29 reinspection by a candidate or his representative after receipt of a written request for

1 reinspection by the candidate. All reinspections shall be held at 10:00 a.m. on the
 2 fifth day after the election and at any time ordered by a court of competent
 3 jurisdiction. If the fifth day after the election falls on a holiday or weekend, such
 4 reinspection shall be held at 10:00 a.m. on the next working day. Any written
 5 request for reinspection of voting machines shall be filed with the clerk of court. The
 6 deadline for filing a request for reinspection shall be the last working day prior to the
 7 date of the reinspection. Immediately upon receiving any request, the clerk of court
 8 shall prominently post in his office a notice of the time and place where the voting
 9 machines will be reopened and the name of the candidate requesting that the
 10 machines be reopened. The candidate requesting the reinspection shall be
 11 responsible for all reasonable costs associated with such reinspection, which shall
 12 be payable to the clerk of court. The costs shall be paid at the time the written
 13 request for reinspection of voting machines is filed with the clerk of court and shall
 14 be paid in cash or by certified or cashier's check on a state or national bank or credit
 15 union, United States postal money order, or money order issued by a state or national
 16 bank or credit union. The parish board of election supervisors shall be entitled to
 17 reimbursement for attending the reinspection at the rate established in R.S.
 18 18:423(E); however, such reimbursement shall not be counted toward the six-day
 19 limitation provided in R.S. 18:423(E). If it is necessary to reopen a voting machine
 20 which has been relocked or otherwise secured and, if applicable, resealed to conduct
 21 a reinspection thereof, the clerk of court shall relock or otherwise secure and, if
 22 applicable, reseal the machine after the reinspection is completed.

* * *

§1253. Nominating by political parties; certificates of nomination

* * *

26 E. If the nominees for the offices of president and vice president nominated
 27 by a national convention of a recognized political party, together with a slate of
 28 candidates for the offices of presidential electors to support such nominees, are not
 29 properly certified to the secretary of state by the state central committee of that party

1 prior to ~~5:00~~ 4:30 p.m. on the first third Tuesday in ~~September~~ August of each year
 2 in which a presidential election is to be held, the national chairman of the political
 3 party, after notifying the chairman of the state central committee of that political
 4 party, shall certify a slate of electors to support such nominees by ~~5:00~~ 4:30 p.m. on
 5 the first Friday following the first third Tuesday in ~~September~~ August. Such
 6 certificate filed with the secretary of state shall be accompanied by the notarized
 7 affidavit of each candidate for elector signifying that the certificate constitutes his
 8 acceptance of the nomination.

9 * * *

10 §1254. Slates of independent candidates; nominating petitions and qualifying by
 11 payment of qualifying fees

12 A. A slate of independent candidates for presidential elector may be
 13 nominated by nominating petition or may qualify by the payment of a qualifying fee
 14 of five hundred dollars. Such qualifying fee shall be paid in accordance with the
 15 provisions of R.S. 18:464(A). The period for filing such qualifying fee shall begin
 16 on the first third Tuesday in ~~August~~ July and shall end at ~~5:00~~ 4:30 p.m. on the first
 17 Friday following the first third Tuesday in ~~September~~ August of each year in which
 18 a presidential election is to be held. Each qualifying fee shall be accompanied by the
 19 notice of candidacy and notarized affidavit of each candidate for elector signifying
 20 his acceptance of the nomination. An independent candidate for presidential elector
 21 may be registered to vote with or without a declaration of party affiliation.

22 * * *

23 §1255. Filing nominating petitions

24 A. All nominating petitions of presidential electors shall be filed with the
 25 secretary of state during the period beginning on the first third Tuesday in ~~August~~
 26 July and ending at ~~5:00~~ 4:30 p.m. on the first Friday following the first third Tuesday
 27 in ~~September~~ August of each year in which a presidential election is to be held. The
 28 secretary of state shall endorse on the nominating petitions the date and time of

1 filing. Any nominating petitions submitted other than during such period shall be
2 null and void and shall not be accepted by the secretary of state.

3 * * *

4 §1308. Absentee voting by mail

5 A.

6 * * *

7 (2)

8 * * *

9 (g) For mailed ballots, the envelope mailed to the voter shall contain ~~four~~
10 ~~envelopes, two of which shall be the ballot envelopes and two of which shall be a~~
11 ~~return envelopes~~ envelope. ~~Each~~ The return envelope shall bear the official title and
12 mailing address of the registrar, ~~whether it contains a primary or general election~~
13 ~~ballot~~, and the name, return address, and precinct or district number of the voter.
14 The voter shall return his voted primary election ballot and special ballot for the
15 general election to the registrar in the appropriate ~~envelopes~~ envelope. The registrar
16 of voters shall mail a regular general election absentee ballot to a member of the
17 United States Service or to persons residing overseas only if the regular general
18 election absentee ballot includes one or more elections that were not included on the
19 special ballot sent, as provided herein, to such voter. The envelope for the special
20 ballot shall contain language on the outside of the envelope that clearly designates
21 which envelope is to be used for return of the general election ballot.

22 (h)(i) For electronically transmitted ~~presidential-preference primary;~~
23 ~~presidential, congressional primary, and congressional general election~~ ballots, the
24 registrar shall transmit the ballot or ballots, certificate, and waiver of the right to a
25 secret ballot to the voter for each ballot mailing. The waiver of the right to a secret
26 ballot shall contain the following statement: "My ballot was transmitted
27 electronically to me and I am voluntarily waiving my right to a secret ballot." The
28 statement shall also contain a space for the voter's handwritten signature, the date,
29 and the voter's social security number. The voter shall return by mail his voted ballot

1 or ballots, completed certificate, and signed waiver of the right to a secret ballot for
2 each ballot mailing. The registrar and his staff shall take the steps necessary to keep
3 each voted ballot that was transmitted electronically as confidential as practicable.

4 * * *

5 §1308.2. Voting absentee by mail for candidates for presidential nominee,
6 presidential candidates, and congressional candidates

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

15 * * *

16 §1309. Early voting application and early voting

17 * * *

18 I. Upon approval of the secretary of state, a registrar of voters may utilize
19 commissioners selected and trained by the registrar of voters to assist the registrar
20 during the early voting period in the conduct of early voting by his office. A
21 registrar of voters shall, in seeking the approval of the secretary of state, indicate to
22 the secretary the number of commissioners that is required for such assistance. A
23 commissioner who assists the registrar in the conduct of early voting shall take an
24 oath of office as a deputy registrar for the early voting period and shall complete an
25 affidavit prepared by the secretary of state that contains the name, address, and last
26 four digits of the social security number of the early voting commissioner and an
27 acknowledgment that the law prohibits the disclosure of confidential voter
28 information listed in the precinct register or early voting list kept by the registrar.
29 The affidavit shall be retained in the office of the registrar of voters. A

1 commissioner who assists the registrar in the conduct of early voting shall be paid
2 in accordance with R.S. 18:426.1(3) for each day of such assistance.

3 * * *

4 §1309.3. Assistance in voting during early voting

5 * * *

6 D.(1)

7 * * *

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

13 * * *

14 §1313. Tabulation and counting of absentee by mail and early voting ballots

15 A. The parish board of election supervisors shall be responsible for the
16 counting and tabulation of all absentee by mail and early voting ballots in the parish.
17 The board may utilize ~~absentee by mail and early voting parish board~~ parish board commissioners
18 to count the absentee by mail and early voting ballots in the parish. If the board
19 determines that ~~absentee by mail and early voting parish board~~ parish board commissioners are
20 necessary to count and tabulate the absentee by mail and early voting ballots, it shall
21 select ~~absentee by mail and early voting parish board~~ parish board commissioners in accordance
22 with the provisions of R.S. 18:1314. If a majority of the members of the board are
23 not present to count the absentee by mail and early voting ballots and no ~~absentee by~~
24 ~~mail and early voting parish board~~ parish board commissioners were previously selected, the
25 members present may select a sufficient number of ~~absentee by mail and early voting~~
26 parish board commissioners on election day to assist in the counting of absentee by
27 mail and early voting ballots.

28 B. Absentee by mail and early voting ballots shall be counted at the office
29 of the registrar of voters or at a public facility within the parish designated by the

1 parish board of election supervisors at a time fixed by the parish board of election
2 supervisors which time shall be ~~set no earlier than 1:00 p.m. and~~ on election day no
3 later than 8:00 p.m. ~~on election day.~~

4 C.

5 * * *

6 (2) Any person authorized by the secretary of state may provide security or
7 technical assistance including advice, analysis, diagnosis, or repair for voting
8 machines at the location where absentee by mail and early voting votes are being
9 counted and tabulated. Such security or technical assistance shall be provided only
10 upon the request of the parish board of election supervisors or a team of ~~absentee by~~
11 ~~mail and early voting~~ parish board commissioners, and may be made in person at the
12 location where absentee by mail and early voting votes are being counted and
13 tabulated, or by telephone, or both. Any authorized person providing such security
14 or technical assistance may enter and leave the location where absentee by mail and
15 early voting votes are being counted and tabulated before the closing of the polls and
16 during the process of counting and tabulation. No such person shall disclose any
17 information with respect to the counting and tabulation of absentee by mail and early
18 voting ballots prior to the close of the polls on election day.

19 * * *

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

22 * * *

23 (11)(a) The absentee by mail and early voting votes cast for a candidate and
24 those cast for and against a proposition shall be counted and the total number of
25 absentee by mail and early voting votes cast for a candidate and those cast for and
26 against a proposition shall be announced in the order the offices and candidates and
27 propositions are listed on the ballot. The members of the board shall enter the total
28 number of votes on the final absentee by mail and early voting vote report and shall
29 certify the results.

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

3 * * *

4 I.

5 * * *

6 (2)

7 * * *

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

14 (3) A candidate or his representative, in the presence of a majority of the
15 parish board of election supervisors, shall be allowed to inspect the flaps removed
16 from the valid absentee by mail ballots and the flaps removed from the valid early
17 voting ballots when paper ballots are used for early voting. All such inspections
18 shall be held at 10:00 a.m. or following the recount of absentee by mail and early
19 voting ballots on the fifth day after the election and at any time ordered by a court
20 of competent jurisdiction. If the fifth day after the election falls on a holiday or
21 weekend, such inspection shall be held on the next working day at 10:00 a.m. or
22 following the recount of absentee by mail and early voting ballots. Any written
23 request for inspection shall be filed with the clerk of court. The deadline for filing
24 a request for inspection shall be the last working day prior to the date of the
25 inspection. Immediately upon receiving any request, the clerk of court shall
26 prominently post in his office a notice of the time and place where the inspection will
27 occur and the name of the candidate requesting the inspection. The candidate
28 requesting the inspection shall be responsible for all reasonable costs associated with
29 such inspection which shall be payable to the clerk of court. The costs shall be paid

1 at the time the written request for the inspection is filed with the clerk of court and
2 shall be paid in cash or by certified or cashier's check on a state or national bank or
3 credit union, United States postal money order, or money order issued by a state or
4 national bank or credit union.

5 * * *

6 §1314. ~~Absentee by mail and early voting~~ Parish board commissioners

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

11 B. Selection for primary election. (1) The parish board of election
12 supervisors shall determine the number of ~~absentee by mail and early voting~~ parish
13 board commissioners necessary to count the absentee by mail and early voting
14 ballots in the parish. The parish board of election supervisors shall select a
15 maximum of six such commissioners. If the parish board of election supervisors
16 determines that the number of ~~absentee by mail and early voting~~ parish board
17 commissioners should be increased to more than six, the parish board shall make a
18 request to the secretary of state for the additional ~~absentee by mail and early voting~~
19 parish board commissioners. If the secretary of state or his designee determines that
20 there is a need for the additional ~~absentee by mail and early voting~~ parish board
21 commissioners, the parish board shall select the ~~absentee by mail and early voting~~
22 parish board commissioners.

23 (2) The parish board of election supervisors shall meet at 10:00 a.m. on the
24 fifth day before a primary election and shall select the ~~absentee by mail and early~~
25 ~~voting~~ parish board commissioners and alternate ~~absentee by mail and early voting~~
26 parish board commissioners for the parish in the manner provided by law for the
27 selection of commissioners and alternate commissioners. If there are not enough
28 certified commissioners to select the appropriate number of ~~absentee by mail and~~
29 ~~early voting~~ parish board commissioners and alternate ~~absentee by mail and early~~

1 ~~voting~~ parish board commissioners, the board of election supervisors may select a
2 qualified elector of the parish to serve; however, no such elector shall serve as an
3 ~~absentee by mail and early voting~~ a parish board commissioner if a certified
4 commissioner has been selected as an alternate ~~absentee by mail and early voting~~
5 parish board commissioner.

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

10 C. Selection for general election. (1)(a) The parish board of election
11 supervisors shall determine if the number of ~~absentee by mail and early voting~~ parish
12 board commissioners necessary to count the absentee by mail and early voting
13 ballots in the general election can be reduced or should be increased from the number
14 which counted absentee by mail and early voting ballots in the primary election.

15 (b) If it determines that the number cannot be reduced or should be
16 increased, those persons who served as ~~absentee by mail and early voting~~ parish
17 board commissioners and alternate ~~absentee by mail and early voting~~ parish board
18 commissioners for the parish in the primary election shall serve in the general
19 election, unless replaced or disqualified in the manner provided by law for
20 commissioners and alternate commissioners. If the parish board of election
21 supervisors determines that the number of ~~absentee by mail and early voting~~ parish
22 board commissioners should be increased to more than the number of such
23 commissioners who served in the primary election, the parish board shall make a
24 request to the secretary of state for the ~~absentee by mail and early voting~~ parish
25 board commissioners. If the secretary of state or his designee determines that there
26 is a need for the additional ~~absentee by mail and early voting~~ parish board
27 commissioners, the parish board shall select the additional ~~absentee by mail and~~
28 ~~early voting~~ parish board commissioners.

1 (2)(a) If the parish board determines that the number of ~~absentee by mail and~~
2 ~~early voting~~ parish board commissioners can be reduced, it shall notify each person
3 who served as ~~an absentee by mail and early voting~~ a parish board commissioner or
4 alternate ~~absentee by mail and early voting~~ parish board commissioner in the primary
5 election of its decision to reduce the number of ~~absentee by mail and early voting~~
6 parish board commissioners and of the date and time of the meeting to select the
7 ~~absentee by mail and early voting~~ parish board commissioners for the general
8 election. The parish board shall meet at 10:00 a.m. on the fifth day before a general
9 election and shall select the ~~absentee by mail and early voting~~ parish board
10 commissioners and alternate ~~absentee by mail and early voting~~ parish board
11 commissioners to serve in the general election for the parish.

12 (b)(i) The parish board shall prepare a list containing the names of all
13 persons who served as ~~absentee by mail and early voting~~ parish board commissioners
14 in the primary election. The ~~absentee by mail and early voting~~ parish board
15 commissioners and alternate ~~absentee by mail and early voting~~ parish board
16 commissioners for the general election shall be selected from that list in the manner
17 provided by law for the selection of commissioners and alternate commissioners.
18 The ~~absentee by mail and early voting~~ parish board commissioners so chosen shall
19 then serve as needed for the general election.

20 (ii) If the list does not contain sufficient names to select the number of
21 ~~absentee by mail and early voting~~ parish board commissioners and alternate ~~absentee~~
22 ~~by mail and early voting~~ parish board commissioners determined by the board to be
23 needed for the general election, the board shall fill any remaining alternate
24 commissioner positions from a list of those persons who were selected as alternate
25 ~~absentee by mail and early voting~~ parish board commissioners for the primary
26 election, such list to be prepared and the selection made in the same manner provided
27 ~~herein~~ in this Section for selection of ~~absentee by mail and early voting~~ parish board
28 commissioners for the general election.

1 (3) If the parish board and the secretary of state or his designee determine
2 that the number of ~~absentee by mail and early voting~~ parish board commissioners
3 should be increased, the parish board shall meet at 10:00 a.m. on the fifth day before
4 a general election and shall select the additional ~~absentee by mail and early voting~~
5 parish board commissioners and alternate ~~absentee by mail and early voting~~ parish
6 board commissioners to serve in the general election for that parish from the list of
7 certified commissioners who have not been chosen to serve in the general election
8 as a commissioner-in-charge, commissioner, or, if applicable, ~~absentee by mail and~~
9 ~~early voting~~ parish board commissioner in the manner provided by law for the
10 selection of commissioners and alternate commissioners. If there are not enough
11 certified commissioners to select the appropriate number of ~~absentee by mail and~~
12 ~~early voting~~ parish board commissioners and alternate ~~absentee by mail and early~~
13 ~~voting~~ parish board commissioners, the board of election supervisors may select a
14 qualified elector of the parish to serve; however, no such elector shall serve as an
15 ~~absentee by mail and early voting~~ parish board commissioner if a certified
16 commissioner has been selected as an alternate ~~absentee by mail and early voting~~
17 parish board commissioner.

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

19 (1) The parish board of election supervisors shall determine if ~~absentee by mail and~~
20 ~~early voting~~ parish board commissioners are necessary to assist the board in counting
21 and tabulating provisional ballots in the parish. If necessary, the parish board of
22 election supervisors shall select the number of ~~absentee by mail and early voting~~
23 parish board commissioners and present the number of ~~absentee by mail and early~~
24 ~~voting~~ parish board commissioners to the secretary of state for approval, either in
25 writing or by telephone.

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

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

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

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

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

16 F. For an election held within one year following the date of the issuance of
 17 any gubernatorial proclamation declaring a state of emergency, if a parish board of
 18 election supervisors determines that there is a parishwide shortage of ~~absentee by~~
 19 ~~mail and early voting~~ parish board commissioners because a significant number of
 20 ~~absentee by mail and early voting~~ parish board commissioners have been temporarily
 21 displaced due to such emergency, the board may submit a written request to the
 22 secretary of state for additional ~~absentee by mail and early voting~~ parish board
 23 commissioners from other parishes in the same manner as provided in R.S.
 24 18:425(A)(4). Approval, selection, training, and reimbursement of expenses of such
 25 ~~absentee by mail and early voting~~ parish board commissioners shall be in the same
 26 manner as provided in R.S. 18:425(A)(4). Nothing in Subsection A of this Section
 27 shall prohibit ~~an absentee by mail and early voting~~ a parish board commissioner from
 28 serving in another parish pursuant to this Subsection.

29 * * *

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

1 §1373. Notice of preparation of machines for election; preparation of machines for
2 election; testing and adjusting; examination by candidate or his
3 representative; securing and sealing machines

4 A.

5 * * *

6 (5) After the machines have been prepared and tested by the secretary of
7 state and examined by each candidate; or representative, ~~or citizen, or parish board~~
8 member who is present, the parish custodian shall enclose the registration books or
9 lists and other paraphernalia and shall forthwith seal each machine with a numbered
10 seal. At that time, the parish custodian, in the presence of the candidates; or their
11 representatives, parish board members, and any citizens who are present, shall certify
12 to the numbers of the machines; that all of the public, candidate, and question
13 counters are set at zero; and as to the number registered on the protective counter of
14 the machine.

15 * * *

16 §1402. Proper parties

17 * * *

18 C. The secretary of state, in his official capacity, shall be made a party
19 defendant to any action contesting an election for public office or an election for the
20 recall of a public officer. The secretary of state, in his official capacity, shall be
21 made defendant to any action objecting to the calling of a special election. The
22 secretary of state, in his official capacity, shall be made a party defendant to any
23 action contesting the certification of a recall petition. ~~When named as a defendant~~
24 ~~in an action contesting an election, costs of court shall not be assessed against the~~
25 ~~secretary of state. When named as a defendant in an action contesting the~~
26 ~~certification of a recall petition, costs of court shall not be assessed against the~~
27 ~~secretary of state.~~

28 D. Costs of court shall not be assessed against the secretary of state when
29 named as a defendant in any action contesting an election, objecting to candidacy,

1 objecting to the calling of a special election, or contesting the certification of a recall
2 petition.

3 * * *

4 §1461.2. Election offenses affecting registration and election fraud or forgery;
5 penalties

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

7 * * *

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

11 * * *

12 §1462. Acts prohibited during early voting or on election day; electioneering;
13 intimidation; exceptions; enforcement; penalties

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

1 hundred feet of the entrance to any polling place being used in an election on
2 election day or ~~any place wherein~~ during early voting ~~is being conducted~~:

3 * * *

4 (2) To remain within any such polling place ~~or place wherein early voting~~
5 ~~is being conducted~~ or within a radius of six hundred feet of the entrance of any such
6 polling place, except when exercising the right to vote, after having been directed by
7 an election commissioner ~~or~~, law enforcement officer, registrar, or deputy registrar
8 to leave the premises or area of a polling place ~~or after having been directed by a~~
9 ~~registrar or deputy registrar to leave the place wherein early voting is being~~
10 ~~conducted.~~

11 * * *

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

14 §115.1. Electronic registration

15 * * *

16 F. ~~Except as otherwise specifically provided, an electronic voter registration~~
17 ~~application electronically forwarded by the secretary of state shall be considered, for~~
18 ~~purposes of this Title, an application for registration by mail. The provisions of R.S.~~
19 18:115(F) shall apply to a person who has registered to vote pursuant to this Section
20 and who has not previously voted in the parish in which he is registered.

21 * * *

22 §116. Voter registration agencies

23 * * *

24 E.~~(1)~~ Upon receipt of the completed registration form, the registrar shall, ~~if~~
25 ~~the information thereon establishes that the applicant meets the requirements for~~
26 ~~registration, register the applicant and mail notice of registration to the applicant's~~
27 ~~residence, as provided on the application~~ determine the eligibility of the applicant as
28 provided in R.S. 18:115(B). Any completed voter registration application
29 transmitted to and received by a registrar by a designated voter registration agency

1 shall be considered an update to any existing registration for that person. However,
 2 if a registrar accepts any application for registration, change of name, or change of
 3 address that has been received by a designated voter registration agency while the
 4 registration records are closed for a particular election as required by R.S. 18:135(A),
 5 none of the changes shall be effective until at least the day after the particular
 6 election has been held. In the case of a change of address, the change shall be
 7 effective in accordance with the provisions of R.S. 18:110(B).

8 ~~(2) If the information contained on the application form is insufficient to~~
 9 ~~register the applicant, the registrar of voters shall mail a notice to the applicant at the~~
 10 ~~address provided on the application form informing the applicant that he has ten days~~
 11 ~~from the date on which the notice was mailed to provide the necessary information.~~
 12 ~~If the applicant fails to provide the necessary information within that time, the~~
 13 ~~applicant shall not be registered and the registrar shall so advise the applicant.~~

14 * * *

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

16 §18. Secretary of state; powers and duties

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

19 * * *

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

22 * * *

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

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

25 Section 6.(A) This Section, Section 1, and Section 5 of this Act shall become
 26 effective upon signature of this Act by the governor or, if not signed by the governor, upon
 27 expiration of the time for bills to become law without signature by the governor, as provided
 28 by Article III, Section 18 of the Constitution of Louisiana. If this Act is vetoed by the

1 governor and subsequently approved by the legislature, this Section, Section 1, and Section
 2 5 of this Act shall become effective on the day following such approval.

3 (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. 18:463) 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 period for filing nominating petitions of presidential electors 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. 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 (D), 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.

House Floor Amendments to the engrossed bill.

1. Adds provisions changing the period for filing nominating petitions of presidential electors 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 the first Fri. following the first Tues. in Sept. to the first Fri. following the third Tues. in Aug.
2. Removes provisions of proposed law providing for selection of commissioners and commissioners-in-charge by majority vote of the parish board of election supervisors instead of by unanimous vote.
3. Removes provisions of proposed law changing the deadline for filing a list of watchers from the 10th day before the election to the 22nd day before the election.
4. Makes various technical changes.