

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.

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AN ACT

To amend and reenact 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)(introductory paragraph) and (2), to enact R.S. 18:18(A)(9), 154(C)(1)(g), 1402(D), and 1461.2(A)(9), and to repeal R.S. 18:115(A)(3) and 1309(E)(1), relative to the Louisiana Election Code; to revise the system of laws comprising the Louisiana Election Code; to provide for the powers and duties of the secretary of state; to provide relative to voter registration; to provide relative to application for voter registration; to provide relative to the duties of a registrar of voters; to provide for electronic voter registration; to provide relative to the determination of eligibility of an applicant for voter registration; to provide relative to requirements and procedures for voting; to provide relative to the records of a registrar of voters and the Department of State; to provide for the confidentiality of certain voter information; to provide relative to the duties of a clerk of court; to provide relative to judgments of interdiction; to provide relative to publication of the inactive list of voters; to provide relative to commissioners and commissioners-in-charge; to provide relative to courses of instruction for commissioners and commissioners-in-charge; to provide for the duties of commissioners and commissioners-in-charge; to provide relative to the terms of commissioners-in-charge; to provide relative to the authority of a parish board of election supervisors; to provide relative to procedures

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

18 Be it enacted by the Legislature of Louisiana:

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

26 §112. Endorsement of changes

27 Whenever any change is made with respect to the registration of any person,  
 28 the date of the change and all pertinent information concerning the change shall be  
 29 entered by the registrar in the registrant's information on the state voter registration  
 30 computer system ~~and, if, If~~ the original application is available in hard copy in the

1 registrar's office, ~~on~~ the document indicating the change shall be attached to the  
2 original application for registration and any other official registration records.

3 \* \* \*

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

5 \* \* \*

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

9 \* \* \*

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

11 \* \* \*

12 G.~~(4)~~ Notwithstanding any provision of this Section to the contrary, neither  
13 the registrar nor the Department of State shall disclose the following:

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

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

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

20 \* \* \*

21 §172. Judgment of interdiction for mental incompetence

22 The clerk of a court having jurisdiction over an interdiction shall record in  
23 a conveyance book each judgment of full interdiction or a limited interdiction for  
24 mental incompetence which specifically suspends the right to register and vote and  
25 which has become definitive ~~and the name, date of birth, sex, and address of the~~  
26 ~~person so interdicted.~~ This recordation shall be made immediately after the  
27 judgment becomes definitive. By the tenth day of each calendar month, the clerk  
28 shall transmit to the registrar of voters for his parish a certified copy of the judgment.  
29 If the registrar of voters for the parish in which the judgment was rendered  
30 determines that the person interdicted is registered to vote in a parish other than the

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

1 parish in which the judgment was rendered, the registrar of voters for the parish in  
2 which the judgment was rendered shall transmit a copy of the judgment to the  
3 registrar of voters for the parish where the person interdicted is registered to vote.

4 \* \* \*

5 §425. Commissioners

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

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

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

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

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

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

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

23 \* \* \*

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

26 A.

27 \* \* \*

28 (2)(a) A certificate issued under the provisions of this Subsection to any  
29 person who attends and satisfactorily completes a course of instruction shall be valid  
30 ~~for the unexpired portion~~ through December thirty-first of the year of expiration of

1 the term of office of the clerk who conducted the school. ~~However, if an election is~~  
 2 ~~scheduled to be held in the parish within one month after the end of the term of~~  
 3 ~~office of the clerk who conducted the school, the certificate shall remain valid~~  
 4 ~~through the next regularly scheduled general course of instruction for~~  
 5 ~~commissioners.~~

\* \* \*

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

\* \* \*

15 §433. Commissioners-in-charge; course of instruction; selection; commission;  
 16 disqualification; replacement

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

\* \* \*

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

\* \* \*

29 B. Selection. (1) The parish board of election supervisors shall meet at  
 30 10:00 a.m. on the ~~first~~ second Friday in ~~December~~ January ~~in~~ of each year to select

1 a commissioner-in-charge to serve at each precinct in the parish. The meeting shall  
 2 be open to the public. The board shall have previously posted a notice on the front  
 3 door of the courthouse stating the location within the courthouse where the meeting  
 4 is to be held. The selection of commissioners-in-charge shall be made from the  
 5 certified list furnished by the clerk as required by ~~R.S. 18:433(A)(5)~~ Paragraph  
 6 (A)(5) of this Section and in the manner hereafter set forth.

7 \* \* \*

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

12 \* \* \*

13 §463. Notice of candidacy; campaign finance disclosure; political advertising;  
 14 penalties

15 \* \* \*

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



1 special primary election to be held at the same time shall close at ~~5:00~~ 4:30 p.m. on  
 2 the Thursday after the opening of the qualifying period.

3 §469. Reopening of qualifying period; effect

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

14 B. When, at the close of the qualifying period, no candidate has qualified for  
 15 an office or the number of candidates who have qualified for an office is fewer than  
 16 the number of positions to be filled in that office, the qualifying period shall be  
 17 reopened, but only for the office or offices for which no candidates qualified or for  
 18 which an insufficient number of candidates qualified, on the first Wednesday after  
 19 the close of the qualifying period and shall close at ~~5:00~~ 4:30 p.m. on the Friday  
 20 thereafter or, if that day is a legal holiday, at ~~5:00~~ 4:30 p.m. on the next day which  
 21 is not a legal holiday. The provisions of this Subsection shall not be applicable to  
 22 election of members of any state central committee or any parish executive  
 23 committee of any recognized political party as provided in R.S. 18:443 and R.S.  
 24 18:444.

25 \* \* \*

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

27 ~~A. Procedure for withdrawal.~~ Prior to the close of the polls on election day,  
 28 a candidate in a primary or general election may withdraw from the election by filing  
 29 notice of his withdrawal, signed by the candidate and duly acknowledged by him  
 30 before an officer authorized to administer oaths, with the secretary of state, who shall



1 forward a copy of the notice of withdrawal filed by a local or municipal candidate  
2 to the president of the board of election supervisors and the clerk of court of the  
3 parish in which the candidate has qualified.

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

12 \* \* \*

13 §513. Certification of candidates elected

14 \* \* \*

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

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

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

27 ~~(c) Following the general election if the candidate is elected at the general~~  
28 ~~election.~~

29 ~~(2) If the secretary of state cannot immediately determine which office and~~  
30 ~~term of office to which a newly elected official has been elected, the secretary of~~

1           ~~state shall not certify any candidate for the postponed election until the general~~  
 2           ~~election has been held. Following the general election, the secretary of state shall~~  
 3           ~~promptly certify the name of any candidate elected at the postponed election to the~~  
 4           ~~appropriate official named in Subsection A of this Section. The certification shall~~  
 5           ~~be made within thirty days of the date that every candidate to be elected at the~~  
 6           ~~election pursuant to the reapportionment or redistricting plan has been elected.~~

\* \* \*

8           §561. Poll lists

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

\* \* \*

14          §571. Counting and tabulating the votes

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

\* \* \*

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

27                 (7) Place the duplicate ~~payroll~~ affidavit, all duplicate records of challenges,  
 28                 all duplicate precinct register corrections, all voter identification affidavits, any  
 29                 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  
30 reimbursement for attending the reinspection at the rate established in R.S.

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

6 \* \* \*

7 §1253. Nominating by political parties; certificates of nomination

8 \* \* \*

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

21 \* \* \*

22 §1254. Slates of independent candidates; nominating petitions and qualifying by  
 23 payment of qualifying fees

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

1 notice of candidacy and notarized affidavit of each candidate for elector signifying  
2 his acceptance of the nomination. An independent candidate for presidential elector  
3 may be registered to vote with or without a declaration of party affiliation.

4 \* \* \*

5 §1255. Filing nominating petitions

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

13 \* \* \*

14 §1308. Absentee voting by mail

15 A.

16 \* \* \*

17 (2)

18 \* \* \*

19 (g) For mailed ballots, the envelope mailed to the voter shall contain ~~four~~  
20 ~~envelopes, two of which shall be the ballot envelopes and two of which shall be a~~  
21 ~~return envelopes~~ envelope. Each The return envelope shall bear the official title and  
22 mailing address of the registrar, ~~whether it contains a primary or general election~~  
23 ~~ballot~~, and the name, return address, and precinct or district number of the voter.  
24 The voter shall return his voted primary election ballot and special ballot for the  
25 general election to the registrar in the appropriate ~~envelopes~~ envelope. The registrar  
26 of voters shall mail a regular general election absentee ballot to a member of the  
27 United States Service or to persons residing overseas only if the regular general  
28 election absentee ballot includes one or more elections that were not included on the  
29 special ballot sent, as provided herein, to such voter. The envelope for the special

1 ballot shall contain language on the outside of the envelope that clearly designates  
2 which envelope is to be used for return of the general election ballot.

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

14 \* \* \*

15 §1308.2. Voting absentee by mail for candidates for presidential nominee,  
16 presidential candidates, and congressional candidates

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

25 \* \* \*

26 §1309. Early voting application and early voting

27 \* \* \*

28 I. Upon approval of the secretary of state, a registrar of voters may utilize  
29 commissioners selected and trained by the registrar of voters to assist the registrar  
30 during the early voting period in the conduct of early voting by his office. A

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

12 \* \* \*

13 §1309.3. Assistance in voting during early voting

14 \* \* \*

15 D.(1)

16 \* \* \*

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

22 \* \* \*

23 §1313. Tabulation and counting of absentee by mail and early voting ballots

24 A. The parish board of election supervisors shall be responsible for the  
 25 counting and tabulation of all absentee by mail and early voting ballots in the parish.  
 26 The board may utilize ~~absentee by mail and early voting~~ parish board commissioners  
 27 to count the absentee by mail and early voting ballots in the parish. If the board  
 28 determines that ~~absentee by mail and early voting~~ parish board commissioners are  
 29 necessary to count and tabulate the absentee by mail and early voting ballots, it shall  
 30 select ~~absentee by mail and early voting~~ parish board commissioners in accordance

1 with the provisions of R.S. 18:1314. If a majority of the members of the board are  
 2 not present to count the absentee by mail and early voting ballots and no ~~absentee by~~  
 3 ~~mail and early voting~~ parish board commissioners were previously selected, the  
 4 members present may select a sufficient number of ~~absentee by mail and early voting~~  
 5 parish board commissioners on election day to assist in the counting of absentee by  
 6 mail and early voting ballots.

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

12 C.

13 \* \* \*

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

27 \* \* \*

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

30 \* \* \*





1 a request for inspection shall be the last working day prior to the date of the  
 2 inspection. Immediately upon receiving any request, the clerk of court shall  
 3 prominently post in his office a notice of the time and place where the inspection will  
 4 occur and the name of the candidate requesting the inspection. The candidate  
 5 requesting the inspection shall be responsible for all reasonable costs associated with  
 6 such inspection which shall be payable to the clerk of court. The costs shall be paid  
 7 at the time the written request for the inspection is filed with the clerk of court and  
 8 shall be paid in cash or by certified or cashier's check on a state or national bank or  
 9 credit union, United States postal money order, or money order issued by a state or  
 10 national bank or credit union.

11 \* \* \*

12 §1314. ~~Absentee by mail and early voting~~ Parish board commissioners

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

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

29 (2) The parish board of election supervisors shall meet at 10:00 a.m. on the  
 30 fifth day before a primary election and shall select the ~~absentee by mail and early~~

1 ~~voting~~ parish board commissioners and alternate ~~absentee by mail and early voting~~  
 2 parish board commissioners for the parish in the manner provided by law for the  
 3 selection of commissioners and alternate commissioners. If there are not enough  
 4 certified commissioners to select the appropriate number of ~~absentee by mail and~~  
 5 ~~early voting~~ parish board commissioners and alternate ~~absentee by mail and early~~  
 6 ~~voting~~ parish board commissioners, the board of election supervisors may select a  
 7 qualified elector of the parish to serve; however, no such elector shall serve as ~~an~~  
 8 ~~absentee by mail and early voting~~ a parish board commissioner if a certified  
 9 commissioner has been selected as an alternate ~~absentee by mail and early voting~~  
 10 parish board commissioner.

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

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

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

1 is a need for the additional ~~absentee by mail and early voting~~ parish board  
2 commissioners, the parish board shall select the additional ~~absentee by mail and~~  
3 ~~early voting~~ parish board commissioners.

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

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

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

1            ~~herein in this Section~~ for selection of ~~absentee by mail and early voting~~ parish board  
 2            commissioners for the general election.

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

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

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

28            (2) Upon approval by the secretary of state or his designee, the parish board  
 29            of election supervisors shall appoint the approved number of ~~absentee by mail and~~

1 ~~early voting~~ parish board commissioners for assistance to the board in counting and  
 2 tabulating the provisional ballots.

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

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

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

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

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

1 shall prohibit ~~an absentee by mail and early voting~~ a parish board commissioner from  
2 serving in another parish pursuant to this Subsection.

3 \* \* \*

4 §1373. Notice of preparation of machines for election; preparation of machines for  
5 election; testing and adjusting; examination by candidate or his  
6 representative; securing and sealing machines

7 A.

8 \* \* \*

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

18 \* \* \*

19 §1402. Proper parties

20 \* \* \*

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





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  
30 shall be considered an update to any existing registration for that person. However,

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

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

13 \* \* \*

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

15 §18. Secretary of state; powers and duties

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

18 \* \* \*

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

21 \* \* \*

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

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

24 Section 6.(A) This Section, Section 1, and Section 5 of this Act shall become  
 25 effective upon signature of this Act by the governor or, if not signed by the governor, upon  
 26 expiration of the time for bills to become law without signature by the governor, as provided  
 27 by Article III, Section 18 of the Constitution of Louisiana. If this Act is vetoed by the  
 28 governor and subsequently approved by the legislature, this Section, Section 1, and Section  
 29 5 of this Act shall become effective on the day following such approval.

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

\_\_\_\_\_  
SPEAKER OF THE HOUSE OF REPRESENTATIVES

\_\_\_\_\_  
PRESIDENT OF THE SENATE

\_\_\_\_\_  
GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: \_\_\_\_\_