

Regular Session, 2013

ACT No. 383

HOUSE BILL NO. 341

BY REPRESENTATIVE TIM BURNS

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

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23

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.

* * *

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.

* * *

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

* * *

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

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

11 * * *

12 §465. Nominating petitions

13 * * *

14 E. Certification. (1)(a) A nominating petition shall be submitted to the
15 registrars of voters in the parishes where the signers reside. A nominating petition
16 shall be submitted to the registrars in such parishes not less than thirty days before
17 the qualifying period ends for candidates in the primary election ~~or special election~~
18 ~~called pursuant to R.S. 18:402(E)~~ or, in the case of presidential electors, in the
19 presidential election, except that in a special election called pursuant to R.S.
20 ~~18:402(E)~~, 601(A)(2), or 1279, a nominating petition shall be submitted by the
21 candidate to the registrars of voters in such parishes not less than fourteen days
22 before the qualifying period ends for candidates in the special election.

23 * * *

24 §468. Close of the qualifying period

25 A. The qualifying period for candidates in a primary election shall close at
26 ~~5:00~~ 4:30 p.m. on the Friday after the opening of the qualifying period for candidates
27 in the primary election or, if that Friday is a legal holiday, at ~~5:00~~ 4:30 p.m. on the
28 next day which is not a legal holiday.

29 B. Notwithstanding the provisions of Subsection A of this Section, the
30 qualifying period for candidates in a gubernatorial primary election and those in any

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.~~

7 * * *

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.

13 * * *

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:

18 * * *

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
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30

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

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

* * *

I.

* * *

(2)

* * *

(d) The candidate requesting the recount shall be responsible for all reasonable costs associated with such recount which shall be payable to the clerk of court. 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, United States postal money order, or money order issued by a state or national bank or credit union.

(3) A candidate or his representative, in the presence of a majority of the parish board of election supervisors, shall 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. All such inspections shall be held at 10:00 a.m. or following the recount of absentee by mail and early voting ballots on the fifth day after the election and at any time ordered by a court of competent jurisdiction. If the fifth day after the election falls on a holiday or weekend, such inspection shall be held on the next working day at 10:00 a.m. or following the recount of absentee by mail and early voting ballots. Any written request for inspection shall be filed with the clerk of court. The deadline for filing

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

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

* * *

6 §1461.2. Election offenses affecting registration and election fraud or forgery;
 7 penalties

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

* * *

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

* * *

14 §1462. Acts prohibited during early voting or on election day; electioneering;
 15 intimidation; exceptions; enforcement; penalties

16 A. The Legislature of Louisiana recognizes that the right to vote is a right
 17 that is essential to the effective operation of a democratic government. Due to a past,
 18 longstanding history of election problems, such as multiple voting, votes being
 19 recorded for persons who did not vote, votes being recorded for deceased persons,
 20 voting by non-residents, vote buying, and voter intimidation, the legislature finds
 21 that the state has a compelling interest in securing a person's right to vote in an
 22 environment which is free from intimidation, harassment, confusion, obstruction, and
 23 undue influence. The legislature, therefore, enacts this Subsection to provide for a
 24 six hundred foot campaign-free zone around polling places to provide to each voter
 25 such an environment in which to exercise his right to vote. Except as otherwise
 26 specifically provided by law, it shall be unlawful for any person, between the hours
 27 of 6:00 a.m. and 9:00 p.m., to perform or cause to be performed any of the following
 28 acts within any polling place being used in an election on election day or ~~within any~~
 29 ~~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
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: _____