

2016 Regular Session

HOUSE BILL NO. 890

BY REPRESENTATIVE DANAHAAY

ELECTION CODE: Makes revisions to the La. Election Code

1 AN ACT

2 To amend and reenact R.S. 18:18(A)(7), 116(A)(1)(introductory paragraph) and (a),
3 (B)(1)(a) and (d) and (2)(a) and (b), and (C), 193(D), 424(B)(1), 425(B), 444(D),
4 463(A)(2)(b), 470(B), 532.1(D)(2)(a) and (E), 563(D)(2), 583(A)(2), 1285(B)(1)(a),
5 1300(C)(1), 1306(A)(3), 1307(B)(1)(a), and 1313(J)(2)(b), to enact R.S.
6 18:18(A)(10), 116(A)(3), 1309(E)(5)(b)(iii), 1310(D), and 1313(F)(11), and to repeal
7 R.S. 18:116(A)(1)(c), relative to the Louisiana Election Code; to revise the system
8 of laws comprising the Louisiana Election Code; to provide relative to the powers,
9 duties, and authority of the secretary of state; to authorize the secretary of state to
10 develop and implement a pilot program for new voting technology and equipment;
11 to provide relative to voter registration agencies; to provide relative to the duty to
12 provide voter registration services at such agencies; to prohibit certain conduct at
13 such agencies; to provide relative to qualifications to serve as a commissioner or
14 commissioner-in-charge; to allow certain students at institutions of higher learning
15 in the state to serve as commissioners under certain circumstances; to require certain
16 notice of the officers of parish executive committees; to provide relative to the notice
17 of candidacy; to provide relative to the execution of the certificate on a notice of
18 candidacy; to provide relative to qualifying fees; to provide relative to changes in
19 precinct boundaries; to require the parish governing authority to provide certain
20 information prior to adopting any such change; to require the secretary of state to

1 report certain information relative to such changes; to provide deadlines for making
 2 such changes; to provide for the effectiveness of such changes; to provide relative
 3 to anticipated vacancies; to provide relative to procedures for applying to vote
 4 absentee by mail; to provide for the deadline for filing a request for recount of
 5 absentee by mail ballots; to provide relative to voter registration; to require the
 6 registrar to transfer registration information under certain circumstances; to provide
 7 for the cancellation of a registration under certain circumstances; to provide
 8 deadlines for notice of certain elections; to provide relative to absentee by mail
 9 voting; to require certain information concerning correction procedures to appear on
 10 the ballot; to provide relative to paper ballots; to provide for replacement ballots; to
 11 provide for effectiveness; and to provide for related matters.

12 Be it enacted by the Legislature of Louisiana:

13 Section 1. R.S. 18:18(A)(7), 116(A)(1)(introductory paragraph) and (a), (B)(1)(a)
 14 and (d) and (2)(a) and (b), and (C), 424(B)(1), 425(B), 444(D), 463(A)(2)(b), 470(B),
 15 532.1(D)(2)(a) and (E), 583(A)(2), 1307(B)(1)(a), and 1313(J)(2)(b) are hereby amended
 16 and reenacted and R.S. 18:18(A)(10) and 116(A)(3) are hereby enacted to read as follows:

17 §18. Secretary of state; powers and duties

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

20 * * *

21 (7) Prescribe uniform rules, regulations, forms, and instructions as to the use
 22 of electronic voting machines, as defined by R.S. ~~18:1351(12)(b)~~ 18:1351, in the
 23 conduct of early voting, which shall be approved by the attorney general and
 24 thereafter shall be applied uniformly by each registrar of voters in the state.

25 * * *

26 (10)(a) Develop and implement a pilot program for new voting technology
 27 and equipment.

28 (b) The secretary of state shall work with two members from the House
 29 Committee on House and Governmental Affairs designated by the chairman of that

1 change of name for voter registration unless the registrant states at the time of
2 submitting the change that the change is not for voter registration purposes. The
3 transmittal procedure shall be handled in the same manner as voter registration
4 applications.

5 (2) Persons providing the services described in this Subsection shall not:

6 (a) Seek to influence an applicant's political preference or party registration.

7 (b) Display any such political preference or ~~political party or body~~
8 allegiance.

9 * * *

10 C.(1) A designated voter registration agency as provided in ~~Subsection A~~
11 Paragraph (A)(1) of this Section shall:

12 (a) Distribute a mail voter registration application form with each application
13 for ~~such~~ service or assistance and with each recertification, renewal, or change of
14 address form relating to such service or assistance unless the applicant declines in
15 writing to register to vote.

16 (b) ~~Distribute~~ Provide a form to accompany the mail voter registration
17 application form which includes:

18 (i) A statement of voter registration eligibility requirements.

19 (ii) The question "If you are not registered to vote where you live now,
20 would you like to apply to register to vote here today?":

21 (iii) If the agency provides public assistance, the statement "Applying to
22 register or declining to register to vote will not affect the amount of assistance that
23 you will be provided by this agency."

24 (iv) Boxes for the applicant to check to indicate whether the applicant ~~is~~
25 ~~presently registered~~, would like to register, or declines to register to vote with the
26 statement "IF YOU DO NOT CHECK ANY BOX, YOU WILL BE CONSIDERED
27 TO HAVE DECIDED NOT TO REGISTER TO VOTE AT THIS TIME." in close
28 proximity to the boxes and in prominent type.

1 §424. Commissioners-in-charge

2 * * *

3 B. Qualifications. A commissioner-in-charge shall possess the following
4 qualifications:

5 (1) He shall be a qualified voter in the parish in which he is to serve who is
6 ~~not entitled to assistance in voting~~ able to perform the essential duties of a
7 commissioner-in-charge as described in the informational pamphlet developed by the
8 secretary of state pursuant to R.S. 18:421(C).

9 * * *

10 §425. Commissioners

11 * * *

12 B. Qualifications and classifications. (1) The legislature finds that the state
13 has a compelling interest in providing an efficient and effective electoral process on
14 election day and ensuring that commissioners who serve at polling places can
15 perform all required duties.

16 (2) A qualified voter who is ~~not marked for assistance in voting in the~~
17 ~~precinct register, who does not require the use of the audio ballot in voting,~~ able to
18 perform the essential duties of a commissioner as described in the informational
19 pamphlet developed by the secretary of state pursuant to R.S. 18:421(C) and who is
20 not a candidate in the election may be selected as a commissioner in any precinct of
21 the ward where he is registered to vote, except pursuant to R.S. 18:434(B) and (D)
22 in which case he may be selected as a commissioner in any precinct of the parish
23 where he is registered to vote or as otherwise provided in Paragraph (4) ~~of~~
24 ~~Subsection A~~ (A)(4) of this Section.

25 (2)(a) (3)(a) No person shall be selected as a commissioner in a precinct in
26 which a member of his immediate family is a candidate for election to public office.

27 (b) No person who has been convicted of an election offense enumerated in
28 Chapter 10 of this Title shall serve as a commissioner.

1 ~~(3)~~ (4) A person shall not serve as a commissioner, except pursuant to R.S.
2 18:434(D), unless he has attended a course of instruction for commissioners, has
3 received a certificate of instruction during the term of office of the clerk who
4 conducted the school, and has provided his correct party affiliation to the clerk. A
5 commissioner who has received this certificate shall be classified as a certified
6 commissioner. A commissioner selected pursuant to R.S. 18:434(D), who has not
7 been issued such a certificate, shall be classified as an uncertified commissioner.

8 ~~(4)~~ (5) A person who is at least seventeen years of age, under the age of
9 eighteen, and is not a qualified voter but is otherwise qualified to serve as a
10 commissioner pursuant to this Subsection may be selected to serve as a
11 commissioner in any precinct of the ward where he may register to vote pursuant to
12 R.S. 18:101(A), provided that the person is enrolled in the twelfth grade of any
13 Louisiana public high school or state-approved nonpublic high school, is
14 participating at the twelfth grade level in a home study program approved by the
15 State Board of Elementary and Secondary Education, has received a diploma from
16 any Louisiana public high school or state-approved nonpublic high school, has
17 received a diploma for completion of a home study program approved by the State
18 Board of Elementary and Secondary Education, or has been issued a high school
19 equivalency diploma after successfully completing the test of General Educational
20 Development.

21 (6) Notwithstanding the provisions of Paragraph (2) of this Subsection, a
22 qualified voter of this state or a person who is registered to vote in another state who
23 is able to perform the essential duties of a commissioner as described in the
24 informational pamphlet developed by the secretary of state pursuant to R.S.
25 18:421(C), who is not a candidate in the election, and who is a student at an
26 institution of higher learning located in this state may be selected as a commissioner
27 in any precinct in the parish where the institution of higher learning is located if the

1 B. Qualifying fees. The secretary of state shall deliver all qualifying fees to
 2 the state treasurer, who shall ~~place the qualifying fees in an escrow account and from~~
 3 ~~that account shall make all refunds required by R.S. 18:501(B). After all required~~
 4 ~~refunds have been made, the treasurer shall remit all funds remaining in the escrow~~
 5 ~~account~~ to the state treasury in accordance with law.

6 * * *

7 §532.1. Changing boundaries

8 * * *

9 D.

10 * * *

11 (2)(a) Notwithstanding the provisions of Paragraph (1) of this Subsection or
 12 R.S. 18:1903 to the contrary, if after the release of the federal decennial census data
 13 a parish governing authority is unable to comply with applicable law regarding
 14 redistricting and reapportionment, including adherence to traditional redistricting
 15 principles, in the creation of its redistricting or reapportionment plan using the whole
 16 precincts submitted to the United States Bureau of the Census, the parish governing
 17 authority may divide a precinct into two or more precincts; any such division shall
 18 be by a visible feature which is a census tabulation boundary. Upon dividing a
 19 precinct, the parish governing authority shall notify the secretary of state of such
 20 precinct division in writing.

21 * * *

22 E.(1) A precinct shall not be changed, and no precinct shall be established
 23 or altered in any way, including alphabetical division by voter surname, and no
 24 annexation shall be implemented during the period commencing on the ~~fifth~~ tenth
 25 business day prior to the date the qualifying period opens and ending on the date of
 26 the general election.

27 (2) No precinct change or annexation that is made prior to the ~~fifth~~ tenth
 28 business day prior to the date the qualifying period opens shall become effective for
 29 the election unless the information required in Subsection A of this Section,

1 including notice of preclearance if required pursuant to the Voting Rights Act of
2 1965, is received by the secretary of state prior to 4:30 p.m. on the fifth tenth
3 business day prior to the date the qualifying period opens.

4 * * *

5 §583. Procedure for anticipated vacancies

6 A.

7 * * *

8 (2) It shall become certain that a vacancy will exist on the day the term of
9 office commences when the person elected to the office dies, ~~or~~ makes a declaration
10 to the secretary of state that he will not accept the office, or is disqualified by a court
11 of competent jurisdiction.

12 * * *

13 §1307. Application by mail

14 * * *

15 B.(1)(a) An application to vote by mail may be delivered to the registrar by
16 any means, including the United States Postal Service, commercial delivery service,
17 hand delivery, or facsimile. If hand delivered by other than a commercial delivery
18 service or the United States Postal Service, the registrar shall require that the person
19 making such delivery sign the application. If sent by facsimile, the person sending
20 the application by facsimile shall sign the application to indicate that he is the sender
21 and shall include the facsimile number from where the facsimile was sent. No
22 person, except the immediate family of any voter, as defined in this code, shall hand
23 deliver or send by facsimile more than one voter's application to vote by mail to the
24 registrar of voters.

25 * * *

26 §1313. Tabulation and counting of absentee by mail and early voting ballots

27 * * *

28 J.

29 * * *

1 (2)

2 * * *

3 (b) All recounts of absentee by mail and early voting ballots shall be held at
4 10:00 a.m. or following the reinspection of voting machines on the fifth day after the
5 election and at any time ordered by a court of competent jurisdiction. If the fifth day
6 after the election falls on a holiday or weekend, such recount shall be held on the
7 next working day at 10:00 a.m. or following the reinspection of voting machines.
8 Any written request for recount of absentee by mail and early voting ballots shall be
9 filed with the clerk of court. The deadline for filing a request for recount of absentee
10 by mail and early voting ballots shall be 4:30 p.m. on the last working day prior to
11 the date of the recount. Immediately upon receiving any request, the clerk of court
12 shall prominently post in his office a notice of the time and place where the absentee
13 by mail and early voting ballots will be recounted and the name of the candidate or
14 the voter in the proposition election requesting the recount.

15 * * *

16 Section 2. R.S. 18:193(D), 563(D)(2), 1285(B)(1)(a), 1300(C)(1), and 1306(A)(3)
17 are hereby amended and reenacted and R.S. 18:1309(E)(5)(b)(iii), 1310(D), and 1313(F)(11)
18 are hereby enacted to read as follows:

19 §193. Challenge and cancellation of registration; notice; procedures

20 * * *

21 D.(1) If the voter responds to the address confirmation card and has
22 permanently moved ~~outside the~~ to a different parish, the registrar shall ~~cancel~~
23 transfer the voter's registration information to the new parish of residence.

24 (2) If the voter responds to the address confirmation card and has
25 permanently moved outside the state, the registrar shall cancel the voter's
26 registration.

27 * * *

28 §563. Procedure for voting

29 * * *

1 D.

2 * * *

3 (2)(a) In order to cast a vote on a paper ballot, a voter must make a selection
4 for a candidate or for or against a proposition by completely filling in the oval to the
5 right of a selection and returning the ballot to the appropriate election official within
6 the applicable deadline set forth by law. If a voter makes selections for more than
7 the number of candidates to be elected for an office or makes selections for and
8 against the same proposition, the selections for that office or proposition will be
9 void.

10 (b) If a voter determines that his ballot is spoiled because he wants to change
11 or correct his vote on the ballot before it is cast and counted but is unable to do so,
12 he may obtain a replacement ballot upon returning the spoiled ballot to a
13 commissioner. The voter shall cast his vote as provided in Subparagraph (a) of this
14 Paragraph using the replacement ballot. The commissioner shall write the words
15 "spoiled and replaced" on the ballot and shall place it in the envelope marked
16 "Registrar of Voters".

17 * * *

18 §1285. Notice of election

19 * * *

20 B.(1)(a) Written notice of the election and the certificate required by
21 Subparagraph (b) of this Paragraph shall be transmitted to the secretary of state and
22 each clerk of court and registrar of voters in the area affected by the election. If the
23 election is to be held on a primary election date, then such notice and certificate shall
24 be received by the secretary of state at least four weeks prior to the opening of the
25 qualifying period for the primary election. If the election is not to be held on a
26 primary election date, then the notice and certificate shall be received by the
27 secretary of state on or before the ~~forty-sixth~~ fifty-fourth day prior to the election.
28 The secretary of state shall not accept any revisions to propositions, including but not

1 limited to changes in title, text, or numerical designations, after the last day for
2 submission of the notice and certificate to the secretary of state.

3 * * *

4 §1300. Procedures; notice of election; expenses

5 * * *

6 C.(1) When an election is called under the provisions of this Chapter, written
7 notice of the election shall be transmitted to the secretary of state, the commissioner
8 of elections, and each clerk of court and registrar of voters in the area affected by the
9 election. If the election is to be held on a primary election date, then such notice
10 shall be received by the secretary of state at least four weeks prior to the opening of
11 the qualifying period for the primary election. If the election is not to be held on a
12 primary election date, then such notice shall be received by the secretary of state on
13 or before the ~~forty-sixth~~ fifty-fourth day prior to the election.

14 * * *

15 §1306. Preparation and distribution of absentee by mail and early voting ballots

16 A.

17 * * *

18 (3) A ballot shall be marked by the voter with a pencil containing black lead
19 or a pen containing black or blue ink, and the instructions printed on the face of the
20 ballot shall inform the voter of this requirement. The instructions printed on the face
21 of the ballot shall also inform the voter concerning how to change or correct his vote
22 on the ballot before it is cast and counted, including through the issuance of a
23 replacement ballot if the voter is otherwise unable to change or correct his vote on
24 the ballot.

25 * * *

26 §1309. Early voting; verification

27 * * *

28 E.

29 * * *

1 (5)

2 * * *

3 (b)

4 * * *

5 (iii) If a voter determines that his ballot is spoiled because he wants to
6 change or correct his vote on the ballot before it is cast and counted but is unable to
7 do so, he may obtain a replacement ballot upon returning the spoiled ballot to the
8 registrar or deputy registrar. The voter shall cast his vote as provided in Item (i) of
9 this Subparagraph using the replacement ballot. The registrar or deputy registrar
10 shall write the words "spoiled and replaced" on the ballot and attach it to the early
11 voting confirmation sheet.

12 * * *

13 §1310. Execution of certificate; marking of ballot; casting vote; assistance

14 * * *

15 D.(1) If a voter determines that his ballot is spoiled because he wants to
16 change or correct his vote on the ballot before it is cast and counted but is unable to
17 do so, he may obtain a replacement ballot from the registrar of voters in his parish.

18 (2) Upon receiving the replacement ballot, the voter shall mark the ballot and
19 return it to the registrar as provided in this Section. The voter shall not return the
20 spoiled ballot to the registrar, but shall destroy it. If the voter sends both the spoiled
21 ballot and the replacement ballot to the registrar, each of such ballots shall be void.

22 * * *

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

24 * * *

25 F. The procedure for counting absentee by mail ballots shall be as follows:

26 * * *

27 (11) If two or more ballots for the same election have been included in the
28 same envelope, the board shall reject all such ballots.

29 * * *

1 Section 3. R.S. 18:116(A)(1)(c) is hereby repealed in its entirety.

2 Section 4.(A) This Section and Sections 1 and 3 of this Act shall become effective
3 upon signature by the governor or, if not signed by the governor, upon expiration of the time
4 for bills to become law without signature by the governor, as provided by Article III, Section
5 18 of the Constitution of Louisiana. If vetoed by the governor and subsequently approved
6 by the legislature, this Section and Sections 1 and 3 of this Act shall become effective on the
7 day following such approval.

8 (B) Section 2 of this Act shall become effective January 1, 2017.

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

HB 890 Engrossed

2016 Regular Session

Danahay

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

Present law (R.S. 18:18) provides for the powers and duties of the secretary of state and provides specific responsibilities.

Proposed law retains present law and additionally authorizes the secretary of state to develop and implement a pilot program for new voting technology and equipment. Requires the secretary of state to work with two members each from the legislative governmental affairs committees in developing the program. Requires the secretary of state to submit a description of the program and any changes to the committees.

Present law (R.S. 18:116) requires voter registration services to be provided at certain listed agencies, including public assistance agencies, offices that provide services to persons with disabilities, and armed services recruitment offices.

Present law requires that among the services that must be offered at agencies is distribution of mail voter registration application forms.

Proposed law retains present law.

Present law requires application forms to be distributed only to applicants who are qualified to register.

Proposed law repeals present law.

Proposed law adds to the list of public assistance agencies the Kinship Care Subsidy Program (KCSP) and the Child Care Assistance Program (CCAP). Specifies that services at armed services recruitment offices shall be provided according to the procedures established by the Federal Voting Assistance Program.

Present law requires a form to accompany the mail voter registration application. Provides for the content of the form, including a statement informing the person that he may file a

complaint with the secretary of state if a person has interfered with his right to register or decline to register to vote or his right to privacy.

Proposed law retains present law and additionally requires the form to include interference with the person's right to choose his own political party or other political preference as causes for a complaint.

Present law (R.S. 18:193) provides for a challenge procedure to be used by the registrar when he has reason to believe that a registrant no longer is qualified to be registered, or that a registrant has changed his residence. Requires the registrar to send the person an address confirmation card. Provides that if the voter responds to the address confirmation card and has permanently moved outside the parish, the registrar shall cancel the voter's registration.

Proposed law provides that if the voter responds and has moved to a different parish, the registrar shall transfer the voter's registration information to the new parish of residence. Provides that if the voter responds to the address confirmation card and has permanently moved outside the state, the registrar shall cancel the voter's registration. Otherwise retains present law.

Present law (R.S. 18:424) provides qualifications for a person to serve as a commissioner-in-charge. Present law (R.S. 18:425) provides qualifications for a person to serve as a commissioner. Qualifications include being a qualified voter, not being a candidate in the election, and subject to certain exceptions, having completed certain training.

Proposed law retains present law.

Present law also provides that a person who is entitled to assistance in voting cannot serve as a commissioner or a commissioner-in-charge.

Proposed law repeals present law. Provides instead that the person must be able to perform the essential duties of a commissioner-in-charge or commissioner, as applicable, as described in the informational pamphlet developed by the secretary of state pursuant to present law (R.S. 18:421(C)).

Present law provides that a person who is 17 years of age and is not a qualified voter but is otherwise qualified to serve as a commissioner pursuant to present law may be selected to serve as a commissioner in any precinct of the ward where he may register to vote, provided that the person is enrolled in the 12th grade of any La. public high school or state-approved nonpublic high school, is participating at the 12th grade level in a home study program approved by the State Board of Elementary and Secondary Education (BESE), has received a diploma from any La. public high school or state-approved nonpublic high school, has received a diploma for completion of a home study program approved by BESE, or has been issued a high school equivalency diploma after successfully completing the test of General Educational Development.

Proposed law retains present law and additionally provides that a qualified voter of this state or a person who is registered to vote in another state who is able to perform the essential duties of a commissioner as described in the informational pamphlet developed by the secretary of state pursuant to present law (R.S. 18:421(C)), who is not a candidate in the election, and who is a student at an institution of higher learning located in this state may be selected as a commissioner in any precinct in the parish where the institution of higher learning is located if the student submits to the clerk a copy of his student identification or fee bill showing current enrollment and a copy of his proof of voter registration.

Present law (R.S. 18:461) provides that, subject to certain limited exceptions, a person who desires to become a candidate in a primary election qualifies as a candidate by timely filing notice of his candidacy, accompanied either by a nominating petition or by the qualifying fee and any additional fee imposed.

Present law (R.S. 18:463) provides for the content of the notice of candidacy, including certification that the statements therein are true and correct and acknowledging a number of specific requirements of present law relative to qualifications, the Code of Governmental Ethics, the Campaign Finance Disclosure Act, and the filing of his tax returns. Requires the certificate to be executed before a notary public, be witnessed by two persons, or if the candidate is serving outside of the state in the armed forces of the U.S., be witnessed by a commissioned officer.

Proposed law retains present law.

Present law provides that if the execution of the certificate is witnessed by two persons, the two persons must be registered to vote for the office that the candidate seeks.

Proposed law repeals present law.

Proposed law removes obsolete references to refunds of qualifying fees and a related escrow account in provisions of present law (R.S. 18:470) relative to the delivery of such fees to the state treasury.

Present law (R.S. 18:532.1) authorizes parish governing authorities to change the configuration, boundaries, or designation of election precincts by ordinance, subject to certain limitations and requirements. However, provides that no election precinct shall be created, divided, abolished, or merged, or the boundaries thereof otherwise changed between Jan. first of any year of which the last digit is nine and Dec. thirty-first of any year of which the last digit is three. Provides a limited exception for merger of precincts if certain requirements are met.

Proposed law retains present law.

Present law provides an additional limited exception. Provides that if after the release of the federal decennial census data a parish governing authority is unable to comply with applicable law regarding redistricting and reapportionment, including adherence to traditional redistricting principles, in the creation of its redistricting or reapportionment plan using the whole precincts submitted to the U.S. Bureau of the Census, the parish governing authority may divide a precinct into two or more precincts according to a visible feature which is a census tabulation boundary.

Proposed law retains present law. Additionally requires the parish governing authority to notify the secretary of state of any such precinct division in writing.

Present law provides a period of time prior to an election during which no precinct shall be established or changed in any way, including alphabetical division by voter surname, and during which no annexation shall be implemented. Provides that the period of time ends on the date of the general election.

Proposed law retains present law.

Present law provides that the period commences on the fifth business day prior to the date the qualifying period opens.

Proposed law provides instead that the period commences on the tenth business day prior to the date the qualifying period opens.

Present law provides that no change to a precinct or annexation that is made prior to the commencement of this period shall become effective for the election unless certain required information is submitted to and received by the secretary of state no later than the date that the period commences.

Proposed law specifies that the information must be received by the secretary of state prior to 4:30 p.m. on the date the period commences. Otherwise retains present law.

Present law (R.S. 18:583) provides procedures for the filing of anticipated vacancies for elected offices. Requires the appropriate authority to call a special election to fill a vacancy in an office to issue a proclamation ordering a special election to be held to elect a person to fill the full term of an office when it becomes certain, after the election for the term but prior to its commencement, that a vacancy will exist on the day when the term of the office commences as provided by the constitution or by law. Provides that the proclamation ordering the special election shall state the dates, in accordance with present law (R.S. 18:402), on which the primary and general elections will be held. Provides that it shall become certain that a vacancy will exist on the day the term of office commences when the person elected to the office dies or makes a declaration to the secretary of state that he will not accept the office.

Proposed law retains present law and additionally provides that an anticipated vacancy shall become certain when the person elected to office is disqualified by a court of competent jurisdiction.

Present law (R.S. 18:1285 and 1300) provide relative to bond, debt, and tax elections and elections at which a proposition is to be submitted to the voters. Requires notice of such an election to be provided to the secretary of state. Provides requirements for such notice.

Proposed law retains present law.

Present law provides that if the election is to be held on a primary election date, the notice must be received by the 46th day prior to the election. Proposed law requires the notice to be received by the 54th day prior to the election instead of the 46th day. Otherwise retains present law.

Present law (Ch. 7 of the La. Election Code—R.S. 18:1301 et seq.) provides for voting absentee by mail. Provides that certain specified persons may vote by mail by making application to the registrar.

Present law (R.S. 18:1306) provides procedures and requirements for the preparation and distribution of absentee by mail and early voting ballots. Requires such ballots to include instructions printed on the face of the ballots to inform the voter of how to mark the ballot.

Proposed law retains present law. Additionally requires that the instructions inform the voter concerning how to change or correct his vote on the ballot before it is cast and counted, including through the use of a replacement ballot if the voter is otherwise unable to change or correct his vote on the ballot.

Present law (R.S. 18:563 and 1309) provide procedures for casting a vote using a paper ballot. Proposed law retains present law and additionally provides procedures for using a replacement ballot. Provides that if a voter determines that his ballot is spoiled because he wants to change or correct his vote on the ballot before it is cast and counted but is unable to do so, he may obtain a replacement ballot upon returning the spoiled ballot to the appropriate election official. Provides that the voter shall cast his vote as provided in present law using the replacement ballot. Requires the election official to write the words "spoiled and replaced" on the ballot and retain the spoiled ballot.

Present law (R.S. 18:1310) provides procedures for casting a vote using an absentee by mail ballot. Proposed law retains present law and additionally provides procedures for using a replacement ballot. Provides that if a voter determines that his ballot is spoiled because he wants to change or correct his vote on the ballot before it is cast and counted but is unable to do so, he may obtain a replacement ballot from the registrar of voters in his parish. Provides that upon receiving the replacement ballot, the voter shall mark the ballot and

return it to the registrar as provided in present law. Provides that the voter shall not return the spoiled ballot to the registrar, but shall destroy it. Provides that if the voter sends both the spoiled ballot and the replacement ballot to the registrar, each of such ballots shall be void.

Present law (R.S. 18:1307) provides for the content of absentee by mail applications. Provides for the form of an application. Provides methods for returning applications to the registrar, including mail, commercial delivery service, hand delivery, and facsimile.

Proposed law retains present law. However, provides that if an application is sent by facsimile, the person sending the application by facsimile shall sign the application to indicate that he is the sender and shall include the facsimile number from where the facsimile was sent.

Present law additionally provides that no person except the immediate family member of a voter may hand deliver more than one voter's application to vote by mail to the registrar. Proposed law retains present law and applies this limitation to applications sent by facsimile.

Present law (R.S. 18:1313) provides procedures and requirements for the tabulation and counting of absentee by mail ballots by the parish board of election supervisors. Provides that upon written request by certain specified persons, a recount must be conducted if the number of absentee by mail and early voting ballots cast could make a difference in the outcome of the election. Provides that all recounts of absentee by mail and early voting ballots shall be held at 10:00 a.m. or following the reinspection of voting machines on the fifth day after the election and at any time ordered by a court of competent jurisdiction. Provides that if the fifth day after the election falls on a holiday or weekend, such recount shall be held on the next working day at 10:00 a.m. or following the reinspection of voting machines. Present law requires a written request for recount of absentee by mail and early voting ballots to be filed with the clerk of court no later than the last working day prior to the date of the recount.

Proposed law retains present law but requires a request for recount to be filed by 4:30 p.m. on the last day for filing the request.

Present law provides that the parish board of election supervisors is responsible for counting and tabulation of absentee by mail and early voting ballots. Provides procedures and requirements.

Proposed law retains present law and additionally provides that if a voter sends two or more absentee by mail ballots for the same election in the same envelope the parish board shall reject all such ballots.

Effective upon signature of governor or lapse of time for gubernatorial action; except that provisions relative to changes to challenge and cancellation of registration, the deadline for notice of election, replacement ballots, and instructions on absentee by mail ballots become effective on January 1, 2017.

(Amends R.S. 18:18(A)(7), 116(A)(1)(intro. para.) and (a), (B)(1)(a) and (d) and (2)(a) and (b), and (C), 193(D), 424(B)(1), 425(B), 444(D), 463(A)(2)(b), 470(B), 532.1(D)(2)(a) and (E), 563(D)(2), 583(A)(2), 1285(B)(1)(a), 1300(C)(1), 1306(A)(3), 1307(B)(1)(a), and 1313(J)(2)(b); Adds R.S. 18:18(A)(10), 116(A)(3), 1309(E)(5)(b)(iii), 1310(D), and 1313(F)(11); Repeals R.S. 18:116(A)(1)(c))

Summary of Amendments Adopted by House

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

1. Add procedures for using a replacement paper ballot to change or correct a vote before the vote is cast and counted when voting during early voting, absentee by mail, and on election day.
2. Remove provisions requiring a parish governing authority to send certain documents to the secretary of state prior to adopting a precinct division and requiring the secretary of state to provide the parish governing authority with a report concerning the proposed precinct division.
3. Add provisions requiring the parish governing authority to notify the secretary of state in writing when a precinct division is adopted.
4. Make technical changes.