2021 Regular Session

HOUSE BILL NO. 581

BY REPRESENTATIVES MIKE JOHNSON AND STEFANSKI

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

ELECTION CODE: Makes revisions to the Louisiana Election Code

AN ACT

To amend and reenact R.S. 18:134(E), 154(C)(2), 198(D), 423(J)(1), 435(B)(1)(a), 469(D)(1), 573(E)(2), 1280.21(A), 1280.22(B)(1), 1285(B)(1)(a), 1300(C)(2), 1308(B), 1309(B) and (M)(1)(a), 1309.1(A), 1313.1(L)(2)(b) and (3), 1315(C), 1363, 1373(A)(1), 1376(B)(2), 1461.7(A)(5), 1491.6(C)(3), and 1495.4(C)(3) and to enact R.S. 18:1461.7(A)(6), relative to the Louisiana Election Code; to revise the Louisiana Election Code; to provide relative to elections procedures and requirements; to provide relative to registrar of voters office; to provide relative to records of the registrar of voters; to provide relative to confidentiality of certain records relative to candidates; to provide relative to voter registration; to provide relative to a change of address of a voter; to provide relative to compensation of parish boards of election supervisors; to provide relative to procedures for reopening qualifying; to provide relative to a challenge of a voter; to provide relative to cancellation of voter registration; to provide relative to the date of a presidential preference primary; to provide relative to qualifying period for presidential candidates; to provide relative to changes to a notice of elections; to provide relative to delivery of absentee ballots; to provide relative to additional early voting branch offices; to provide relative to notice of preparation of voting machines; to provide relative to the date of preparation of voting machines; to provide relative to deadline for a challenge of ballots; to provide relative to clearing of voting machines and

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results; to provide relative to election offenses; to provide relative to campaign finance reports; to provide relative to watchers; to provide relative to the recount of absentee by mail and early voting ballots; to provide relative to allocation of voting machines; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 18:134(E), 154(C)(2), 423(J)(1), 469(D)(1), 573(E)(2), 1280.21(A), 1280.22(B)(1), 1285(B)(1)(a), 1300(C)(2), 1308(B), 1309(B) and (M)(1)(a), 1309.1(A), 1313.1(L)(2)(b) and (3), 1315(C), 1363, 1373(A)(1), 1376(B)(2), 1491.6(C)(3), and 1495.4(C)(3) are hereby amended and reenacted to read as follows:

§134. Office hours

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E.(1) On election days the principal office of the registrar shall remain open from 7:00 a.m. until 9:00 p.m.<u>,or until all precinct results have been submitted to the clerk of court and the absentee by mail and early voting results have been submitted to the registrar of voters, whichever is earlier.</u> The registrar or a deputy registrar designated by him shall remain in the office during that time.

(2) Notwithstanding the provisions of Paragraph (1) of this Subsection, on days when a regularly scheduled congressional primary election is held, the principal office of the registrar shall remain open from 6:00 a.m. until 9:00 p.m.<u>, or until all precinct results have been submitted to the clerk of court and the absentee by mail and early voting results have been submitted to the registrar of voters, whichever is earlier.</u> The registrar or a deputy registrar designated by him shall remain in the office during that time.

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§154. Records open to inspection; copying; exceptions

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(2)(a) The provisions of Paragraph (1) of this Subsection shall not apply to voter registration data transmitted to the office of motor vehicles of the Department of Public Safety and Corrections, for the purposes of verifying the accuracy and authenticity of the social security number, driver's license number, or full date of birth provided by the voter. The office of motor vehicles shall not disclose information concerning a registered voter transmitted pursuant to this Subparagraph, except that it may transmit such information to the United States Social Security Administration for the purposes of verifying the accuracy and authenticity of the social security number provided by the voter.

(b) Notwithstanding the provisions of Paragraph (1) of this Subsection, the Department of State or registrar of voters may transmit the full date of birth and last four digits of the social security number, if available, of a registered voter to the Supervisory Committee on Campaign Finance Disclosure to verify the identity of a candidate for purposes of campaign finance reporting. The supervisory committee shall not disclose information transmitted to it pursuant to this Subparagraph.

(c) Notwithstanding the provisions of Paragraph (1) of this Subsection, the Department of State or registrar of voters may transmit the email address, if available, of a candidate to the Supervisory Committee on Campaign Finance Disclosure for purposes of contacting the candidate regarding campaign finance reporting. The supervisory committee shall not disclose information transmitted to it pursuant to this Subparagraph.

(d) Notwithstanding the provisions of Paragraph (1) of this Subsection, the Department of State or registrar of voters may provide to a clerk of court the full date of birth of a registered voter for the preparation of a general venire selection in accordance with R.S. 18:175. The clerk of court shall not disclose the full date of birth of a registered voter provided pursuant to this Subparagraph.

~~(d)~~(e) The provisions of Paragraph (1) of this Subsection shall not apply to voter registration information or data transmitted to a state or the Electronic Registration Information Center for purposes of determining whether a voter is

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registered to vote in more than one state and for the maintenance of the state voter registration computer system.

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§423. Parish boards of election supervisors

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J.(1) Notwithstanding Subsection E of this Section, in a parish where the parish board of election supervisors tabulates and counts absentee by mail and early voting ballots in accordance with R.S. 18:1313.1, a member of the board may be compensated not more than eight days for a presidential or regularly scheduled congressional primary or general election or seven days for any other primary or general election.

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§469. Reopening of qualifying period; effect

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D.(1) If the qualifying period for candidates reopens ~~within thirty days~~ before a primary election~~,~~ and the ballots have been printed, all the votes cast in the primary election for that public office are void, unless the qualifying period for the office reopened and closed without additional candidates qualifying for the office. If additional candidates qualify for the office and the votes for the primary will be void for that reason, the clerk of court with whom any of the additional candidates qualified shall immediately publish in the official journal of the parish a notice to the electorate that the election for that office has been voided because new candidates qualified. Such notice shall include the dates for the rescheduled primary and general elections. If the election district includes all or part of more than one parish, the clerk of court shall notify the secretary of state, who shall notify the clerk of court of each of the parishes, and the clerk of court shall publish such notice. If the additional candidates have qualified with the secretary of state, he shall publish such notice in the official state journal.

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§573. Evidence of election results

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E. Transmission and disposition of original challenges, duplicate voters' affidavits, and address confirmation cards.

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(2) The registrar shall utilize the procedures set forth in Part V of Chapter 4 of this Code to determine the validity of the registration of each challenged voter who did not submit an address confirmation card. In any instance where an address confirmation card was received that stated an address different from the address on file in the registrar's office for a registrant, the registrar shall ~~change or cancel the registration.~~ change the registrant's address to the address on the address confirmation card if the change of address is in the parish; transfer the registrant's registration to another parish if the address on the address confirmation card is in another parish; or cancel the registration if the address on the address confirmation card is in another state. If an address confirmation card was received that affirmed the address on file in the registrar's office, the registrar shall reinstate the registrant to the official list of voters if he appears on the inactive list of voters. If the address confirmation card was a result of a valid challenge, the registrar shall so inform the district attorney and shall transmit to him the address confirmation card of that person.

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§1280.21. Presidential preference primary election

A. A statewide presidential preference primary election shall be held on the ~~first~~ last Saturday in March in ~~2016~~ 2024 and every fourth year thereafter for the purpose of allowing the electors of each political party in the state which has forty thousand or more registered members to express their preference for a person to be the nominee of the party for president of the United States.

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§1280.22. Candidates; procedure for qualifying

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B.(1) The qualifying period for presidential candidates shall open on the ~~first~~ third Wednesday in December and shall close at 4:30 p.m. on the following Friday. During the qualifying period, presidential candidates shall file notices of candidacy with the secretary of state.

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§1285. Notice of election

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B.(1)(a) Written notice of the election and the certificate required by Subparagraph (b) of this Paragraph shall be transmitted to the secretary of state and each clerk of court and registrar of voters in the area affected by the election. If the election is to be held on a primary election date, then such notice and certificate shall be received by the secretary of state at least four weeks prior to the opening of the qualifying period for the primary election. If the election is not to be held on a primary election date, then the notice and certificate shall be received by the secretary of state on or before the fifty-fourth day prior to the election. The secretary of state shall not accept any revisions to propositions, including but not limited to changes in title, text, or numerical designations, after the last day for submission of the notice and certificate to the secretary of state~~.~~, unless prior to the printing of the ballots the revision will correct a typographical error and the revision has been approved by the governing authority that called the proposition election.

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§1300. Procedures; notice of election; expenses

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(2) The secretary of state shall not accept any revisions to propositions or questions, including but not limited to changes in title, text, or numerical

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designations, after the last day for submission of the notice to the secretary of state~~.~~, unless prior to the printing of the ballots the revision will correct a typographical error and the revision has been approved by the governing authority that called the proposition election. The secretary of state shall not include any proposition or question on any ballot of any election if such notice is not timely received by the secretary of state.

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§1308. Absentee voting by mail

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B. The ballot shall be marked as provided in R.S. 18:1310 and returned to the registrar by the United States Postal Service, a commercial courier, or hand delivery. If delivered by other than the voter, a commercial courier, or the United States Postal Service, the registrar shall require that the person making such delivery sign a statement, prepared by the secretary of state, certifying that he has the authorization and consent of the voter to hand deliver the marked ballot. For purposes of this Subsection, "commercial courier" shall have the same meaning as provided in R.S. 13:3204(D). No person except the immediate family of the voter, as defined in this Code, shall hand deliver more than one marked ballot per election to the registrar. Upon its receipt, the registrar shall post the name and precinct of the voter as required by R.S. 18:1311.

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§1309. Early voting; verification

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B.(1) For the purpose of facilitating early voting, the registrar may designate, in addition to the location for early voting provided in Subsection A of this Section, one or more branch ~~office~~ offices wherein early voting may be conducted. Any such branch office shall be located in a public building, and the days during which early voting may be conducted therein shall be fixed by the registrar, with the approval of the secretary of state, at least thirty days prior to a primary election and twenty-one

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days prior to a general election, as provided in Subsection A of this Section, and the registrar shall post at his office adequate notice of the days on which early voting will be held at ~~a~~ each branch office. However, if a branch office of a registrar is destroyed, inaccessible, or unsafe during or following a gubernatorially declared state of emergency, the registrar may utilize a temporary building as a branch office to discharge his duties until an office that meets the requirements of this Section becomes available. Such temporary office shall be located within the parish, or if there is no appropriate location within the parish due to the emergency, then in an immediately adjacent parish, or if there is no appropriate location in any immediately adjacent parish due to the emergency, then in the nearest parish in which there is an appropriate location.

(2) The registrar shall provide or post the voters' bill of rights and informational posters, if required, the statement of proposed constitutional amendments on the ballot, and a ~~certified screenshot as a~~ sample ballot prepared by the secretary of state in a conspicuous place at the principal entrance to the early voting polling place, where they shall remain posted throughout early voting.

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M.(1)(a) In a parish where early voting is conducted at an additional location pursuant to R.S. 18:1309.2, the registrar may fix the ~~hours and~~ days during which early voting shall be conducted at the additional location during the early voting period, with the approval of the secretary of state, at least thirty days prior to a primary election and twenty-one days prior to a general election. ~~if such hours and days of voting are approved by the secretary of state no later than twenty-five days prior to the election.~~

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§1309.1. Preparation of machines for early voting; examination by candidate or his representative; sealing machines

A. At the time of qualifying, the parish custodian shall notify each candidate to contact the registrar of voters for the time and place at which the voting machines

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will be prepared for early voting. The registrar of voters shall post at his office adequate notice of the date, time, and place at which the voting machines will be prepared for early voting and shall post the same information on his officer's website, if possible. The candidate or his representative may be present to observe the preparation of the machines by the registrar of voters with the assistance of the secretary of state's technicians and to observe the testing and sealing of the machines by the registrar of voters in the presence of the parish board of election supervisors. Each candidate or his representative shall be afforded a reasonable opportunity to view the test vote tape for each machine to see that they are in the proper condition for use in the election, which opportunity shall not be less than thirty minutes beginning at the time designated by the registrar of voters to begin preparation of the machines for sealing. However, no candidate, representative, or citizen shall interfere with the registrar of voters, secretary of state's technicians, parish board of election supervisors, or any employee or technician or assume any of their duties.

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§1313.1. Preparation, verification, tabulation, and counting of absentee by mail and early voting ballots; parishes with one thousand or more absentee by mail ballots

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(b) All recounts of absentee by mail and early voting ballots shall be held at ~~10:00 a.m.~~ a time set by the secretary of state, in conjunction with the registrar of voters and the clerk of court, 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. 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.~~ a time set by the

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secretary of state, in conjunction with the registrar of voters and the clerk of court, or following the reinspection of voting machines. Any written request for recount of absentee by mail and early voting ballots shall be filed with the clerk of court. The deadline for filing a request for recount of absentee by mail and early voting ballots shall be 4:30 p.m. on the ~~last working day prior to the date of the recount.~~ third calendar day after the election. Immediately upon receiving any request, the clerk of court shall prominently post in his office a notice of the time and place where the absentee by mail and early voting ballots will be recounted and the name of the candidate or the voter in the proposition election requesting the recount.

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(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.~~ a time set by the secretary of state, in conjunction with the registrar of voters and the clerk of court, 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.~~ a time set by the secretary of state, in conjunction with the registrar of voters and the clerk of court, 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 a request for inspection shall be ~~the last working day prior to the date of the inspection.~~ 4:30 p.m. on the third calendar day after the election. Immediately upon receiving any request, the clerk of court shall prominently post in his office a notice of the time and place where the inspection will occur and the name of the candidate requesting the inspection. The candidate requesting the inspection shall be responsible for all reasonable costs associated with such inspection, which shall be payable to the clerk of court. The costs shall be paid at the time the written request

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

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§1315. Challenge of absentee by mail or early voting ballot

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C.(1) During the counting of absentee by mail and early voting ballots, at least a majority of the members of the board shall hear and determine the validity of any ballot challenged in accordance with the provisions of Subsection A or B of this Section.

(2) If a challenge in accordance with the provisions of Subsection A of this Section is sustained, the vote shall not be counted, the ballot or early voting confirmation sheet shall be placed in the special absentee by mail and early voting ballot envelope or container, and the board shall notify the voter in writing of the challenge and the cause therefor. This notification shall be on a form provided by the secretary of state and shall be signed by at least a majority of the members of the board. The notice of the challenge and the cause therefor shall be given within ~~three~~ <u>four business</u> days by mail, addressed to the voter at his place of residence. The board shall retain a copy of the notification. However, if the challenge is based upon a change of residence within the parish or is based upon a change of residence outside the parish that has occurred within the last three months, the ballot shall be counted provided that the voter confirmed his current address as shown by the affidavit of the absentee by mail ballot envelope flap or early voting confirmation sheet or, if the voter is on the inactive list of voters, as shown by the information provided on an address confirmation card.

(3)(a) If a challenge in accordance with the provisions of Subsection B of this Section is sustained, the vote shall not be counted, the board shall write "rejected" and the cause therefor across the ballot envelope or early voting

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confirmation sheet, and shall place the ballots and early voting confirmation sheets so rejected in the special absentee by mail and early voting ballot envelope or container. The board shall notify the voter in writing of the challenge and the cause therefor. The notification shall be on a form provided by the secretary of state and shall be signed by at least a majority of the members of the board. The notice of the challenge and the cause therefor shall be given within ~~three~~ four business days by mail addressed to the voter at his place of residence. The board shall retain a copy of the notification.

(b) If a ballot is rejected pursuant to the provisions of R.S. 18:1316, the vote shall not be counted, the board shall write "rejected" and the cause therefor on a separate slip of paper and attach it to the ballot, and shall place the ballots so rejected in the special absentee by mail and early voting ballot envelope or container.

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§1363. Number of machines; allocation to precincts; exception; reserve machines

A. In determining the number of voting machines to be purchased and allocated for each voting precinct in each parish or municipality, the minimum number to be allocated shall be as follows:

(1) One machine for each precinct where three hundred or less voters were registered to vote thirty days prior to the election.

(2) Two machines for each precinct where more than three hundred but not more than one thousand voters were registered to vote thirty days prior to the election.

(3) Three machines for each precinct where more than one thousand voters but not more than fourteen hundred voters were registered to vote thirty days prior to the election.

(4) Four machines for each precinct where more than fourteen hundred voters were registered to vote thirty days prior to the election.

B. The parish ~~board of election supervisors~~ custodian of voting machines may reduce the number of voting machines to be allocated and used in elections

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called under the provisions of Chapter 6-A or 6-B of this Code when the election is not held at the same time as the election of any public official. In such case, the parish ~~board of election supervisors shall notify the parish~~ custodian of voting machines ~~and~~ shall notify the secretary of state at least four weeks prior to such election of the number of machines to be prepared and delivered for the polling places.

C. The number of voting machines to be allocated and used in an election, including the election of any public official, where more than one polling place is within the same location and the parish board of election supervisors has consolidated polling places in that location may be reduced for that election in accordance with the provisions of R.S. 18:425.1.

D. The parish ~~board of election supervisors~~ custodian of voting machines may reduce the number of voting machines to be allocated and used in an election called under the provisions of Part III of Chapter 6 of this Title where the only other election on the ballot is for the election of political party committee members. Not less than twenty-nine days prior to such an election, the parish ~~board of election supervisors shall notify the parish~~ custodian of voting machines ~~and~~ shall notify the secretary of state of the number of voting machines to be prepared and delivered to each polling place.

E. If any voting machines remain unallocated for an election, the secretary of state first shall reserve a sufficient number, not to exceed five percent of the total available, for use at precincts where a machine is disabled, damaged, or unavailable during election day. The remaining machines shall be allocated by the parish custodian, after consultation with the secretary of state, to the various precincts. As far as practicable the machines shall be distributed so that the precincts having equal or nearly equal numbers of registered voters shall have the same number of machines. If the secretary of state and a parish custodian agree that the use of the remaining machines is unnecessary for the proper and orderly conduct of the election, it shall not be necessary to allocate and use such machines.

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F. Notwithstanding the provisions of this Section, if the secretary of state determines that a voting machine shortage exists in a parish, the secretary of state shall first reallocate and move any available voting machines of like type in excess of the requirements of Subsection A of this Section to the parish where the shortage exists. However, if a shortage continues to exist after relocation, the secretary of state may reduce the allocation of voting machines for each precinct and polling place in order to ensure that each polling place is allocated at least one voting machine. Prior to any reduction in allocation of voting machines the secretary of state shall immediately notify the parish ~~board of election supervisors~~ custodian of voting machines in each affected parish of the reduction of the allocation of voting machines and the parish ~~board of election supervisors~~ custodian of voting machines shall take whatever action is necessary consistent with the Louisiana Election Code to accommodate the reduced allocation. In addition, the secretary of state shall notify in writing the standing committees of each house of the legislature which have oversight over elections of the shortage and the reasons therefor.

G. The parish ~~board of election supervisors~~ custodian of voting machines may submit a written request to the secretary of state for additional voting machines for overcrowded precincts. The written request shall be submitted on or before the twenty-ninth day prior to the election and shall include the number of additional voting machines requested and an explanation of the need for additional voting machines. If the secretary of state determines that there is a need for additional voting machines and that the provision of additional voting machines is feasible, he may allocate additional voting machines.

H. The parish ~~board of election supervisors~~ custodian of voting machines may submit a written request to the secretary of state to reduce the number of voting machines to be allocated and used in an election other than an election provided for in Subsection B or D of this Section. The written request shall be submitted on or before the twenty-ninth day prior to a primary election and at least four weeks prior to a general election and shall include the proposed reduced number of voting

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machines and an explanation of the need for the reduction in the number of voting machines. If the secretary of state determines that the reduction in the number of voting machines is feasible, he may reduce the number of voting machines.

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

A.(1) The secretary of state shall notify each parish custodian of the time and place at which he will begin preparing and testing the voting machines for an election. The qualifying official shall at the time of qualifying provide each candidate in the election with a chronological table of procedures for the election that instructs the candidate to contact the ~~parish custodian~~ registrar of voters for the time and place at which the preparation and testing of the early voting machines will be conducted and the appropriate election official for the time and place at which the preparation and testing of the machines will be conducted and when the machines will be sealed and states that the candidate or his representative may be present to observe the preparation and testing of the machines by the secretary of state's technicians.

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§1376. Release of voting machines; return to warehouse; retention of totals; clearing machines and election result cartridges

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(2) If an action contesting an election is not instituted within the period of time prescribed in R.S. 18:1405(B), then on the day after the lapse of the time for filing such an action the secretary of state shall direct that the voting machines and any election result cartridges be cleared. If an action contesting such an election is timely filed, the secretary of state shall direct that the voting machines and any

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election result cartridges be cleared ~~when the trial judge certifies to him that the court has obtained all the information from the machines or cartridges necessary for the trial of the action. The trial judge shall so certify no later than the end of the sixth day after the day on which the suit was filed.~~ after all data from each voting machine and election result cartridge used in the contested election is copied to removable memory devices.

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§1491.6. Reports required; reporting times and periods

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C. During the period beginning at midnight of the twentieth day prior to a primary election and extending through midnight of primary election day, and during the period beginning at midnight of the twentieth day prior to a general election and extending through midnight of general election day, each committee shall file a report with the supervisory committee of:

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(3) Each report required by this Subsection shall be filed within ~~forty-eight hours after the time the contribution or loan is received or expenditure made.~~ two business days of the contribution or loan being received or expenditure being made. If such time falls other than during regular working hours, the report shall be filed as soon as possible after the opening of the office of the supervisory committee on the next working day after the time at which the report is otherwise due.

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§1495.4. Reports required; reporting times and periods; extension

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C. During the period beginning at midnight of the twentieth day prior to a primary election and extending through midnight of primary election day, and during the period beginning at midnight of the twentieth day prior to a general election and

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extending through midnight of general election day, each candidate shall file a report with the supervisory committee of:

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(3) Each report required by this Subsection shall be filed within ~~forty-eight hours after the time the contribution or loan is received or expenditure made.~~ two business days of the contribution or loan being received or expenditure being made. If such time falls other than during regular working hours, the report shall be filed as soon as possible after the opening of the office of the supervisory committee on the next working day after the time at which the report is otherwise due.

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Section 2. R.S. 18:1461.7(A)(5) is hereby amended and reenacted and R.S. 18:1461.7(A)(6) is hereby enacted to read as follows:

§1461.7. Miscellaneous election offenses; penalties

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

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(5) Transmit or otherwise provide false or misleading information concerning an election from a source disguised to appear to be or while impersonating the secretary of state, a registrar of voters, a clerk of court, or other election official.

(6) Breach any mandatory provision of this Title.

Section 3. R.S. 18:198(D) and 435(B)(1)(a) are hereby amended and reenacted to read as follows:

§198. Change of residence or change in address; inquiry by registrar; change of records

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D. If the registrant fails to return the card~~,~~ within thirty days after the date on which the card was mailed, ~~the registrar then shall follow the procedures set forth in R.S. 18:193 with respect to challenge.~~ the registrar shall place the registrant on the inactive list of voters. The registrant shall remain on the inactive list of voters in

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accordance with the procedures set forth in R.S. 18:196 or not later than a period of two regularly scheduled federal general elections, at which time the registrar shall cancel the registration of the registrant.

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§435. Watchers; appointment and commission

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B.(1)(a) A list of watchers shall be filed with the clerk of court by hand delivery, facsimile, mail, or commercial courier before 4:30 p.m. on the tenth business day before the primary or general election; however, if the tenth business day before the primary or general election falls on a Saturday, Sunday, or other legal holiday, the list shall be filed on the next day which is not a Saturday, Sunday, or other legal holiday. For purposes of this Paragraph, "commercial courier" shall have the same meaning as provided in R.S. 13:3204(D). If the office that the candidate seeks is voted on in more than one parish, a list of watchers shall be filed with the clerk of court in each parish where the candidate will have watchers.

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

(B) Section 2 of this Act shall become effective on January 1, 2022.

(C) Section 3 of this Act shall become effective on February 1, 2022.

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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 581 Reengrossed 2021 Regular Session Mike Johnson

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

Present law (R.S. 18:134) provides that on election days the principal office of the registrar shall remain open from 7:00 a.m. until 9:00 p.m. Further provides that on days when a regularly scheduled congressional primary election is held, the principal office of the registrar shall remain open from 6:00 a.m. until 9:00 p.m.

Proposed law retains present law and provides that the principal office shall remain open as provided in present law or until all precinct results have been submitted to the clerk of court and the absentee by mail and early voting results have been submitted to the registrar of voters, whichever is earlier.

Present law (R.S. 18:154) provides that the registrar, the clerk of court, the Dept. of State, and the office of motor vehicles are prohibited from circulating or otherwise disclosing a voter's personal information on a commercial list.

Proposed law allows the Dept. of State or registrar of voters to provide the email address of a candidate to the Supervisory Committee on Campaign Finance Disclosure for purposes of contacting the candidate regarding campaign finance reporting. Further prohibits the Supervisory Committee on Campaign Finance Disclosure from sharing this information.

Present law (R.S. 18:423) provides that in a parish where the parish board of election supervisors tabulates and counts absentee by mail and early voting ballots, a member of the board may be compensated not more than eight days for a presidential or regularly scheduled congressional general election or seven days for any other primary or general election.

Proposed law retains present law and adds congressional primary elections.

Present law (R.S. 18:469) provides that when a person who qualified as a candidate and has opposition in a primary election for a public office dies after the close of the qualifying period and before the time for closing the polls on the day of the primary election, the qualifying period for candidates in the primary election for that office shall reopen for candidates. Further provides that if the qualifying period for candidates reopens within 30 days before a primary election, all the votes cast in the primary election for that public office are void, unless there were no additional candidates who qualified.

Proposed law removes the 30 day period and adds a provision that all votes cast in the a primary election are voided if the ballots have already been printed.

Present law (R.S. 18:573) provides that the registrar shall utilize the procedures provided in the Code to determine the validity of the registration of each challenged voter who did not submit an address confirmation card. Further provides that when an address confirmation card was received that stated an address different from the address on file in the registrar's office for a registrant, the registrar shall change or cancel the registration.

Proposed law retains present law and elaborates on when a registrar shall change or cancel the registration. Proposed law provides that a registrar shall change the registrant's address to the address on the address confirmation card if the change of address is in the parish; transfer the registrant's registration to another parish if the address on the address

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confirmation card is in another parish; or cancel the registration if the address on the address confirmation card is in another state.

Present law (R.S. 18:1280.21) provides that a statewide presidential preference primary election shall be held on the first Saturday in March in 2016 and every fourth year thereafter.

Proposed law changes the date of a statewide presidential preference primary election to the last Saturday in March beginning in 2024.

Present law (R.S. 18:1280.22) provides that the qualifying period for presidential candidates shall open on the first Wednesday in Dec. and shall close at 4:30 p.m. on the following Friday.

Proposed law changes the opening date of the qualifying period for presidential candidates to the third Wednesday in Dec.

Present law (R.S. 18:1285) provides that the secretary of state shall not accept any revisions to propositions, including but not limited to changes in title, text, or numerical designations, after the last day for submission of the notice and certificate to the secretary of state.

Proposed law provides an exception that revisions may be accepted if ballots have not been printed and the revision will correct a typographical error that has been approved by the governing authority that called the proposition election.

Present law (R.S. 18:1300) provides that the secretary of state shall not accept any revisions to propositions or questions after the last day for submission of the notice to the secretary of state.

Proposed law provides an exception that revisions may be accepted if ballots have not been printed and the revision will correct a typographical error that has been approved by the governing authority that called the proposition election.

Present law (R.S. 18:1308) provides that no person except the immediate family of the voter shall hand deliver more than one marked absentee ballot to the registrar.

Proposed law retains present law and specifies that the provision applies per election.

Present law (R.S. 18:1309) provides that the registrar may designate one additional early voting branch office.

Proposed law allows a registrar to designate more than one additional early voting branch office.

Present law provides that in a parish where early voting is conducted at an additional location, the registrar may fix the hours and days during which early voting shall be conducted at the additional location during the early voting period if such hours and days of voting are approved by the secretary of state no later than 25 days prior to the election.

Proposed law changes present law to require the days of early voting at an additional location to be approved by the secretary of state at least 30 days prior to a primary election and 21 days prior to a general election.

Present law (R.S. 18:1309.1) requires the parish custodian to notify each candidate to contact the registrar of voters for the time and place at which the voting machines will be prepared for early voting.

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Proposed law requires the registrar of voters to post at his office adequate notice of the date, time, and place at which the voting machines will be prepared for early voting and to post the information on his office's website, if possible.

Present law (R.S. 18:1313.1) 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 5th day after the election and at any time ordered by a court of competent jurisdiction. If the 5th 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. The deadline for filing a request for recount of absentee by mail and early voting ballots shall be 4:30 p.m. on the last working day prior to the date of the recount.

Proposed law changes 10:00 a.m. to a time set by the secretary of state. Further provides that if the 5th day after the election falls on a holiday or weekend, such recount shall be held on the next working day at a time set by the secretary of state. Also changes the deadline for filing a request for recount of absentee by mail and early voting ballots from 4:30 p.m. on the last working day prior to the date of the recount to 4:30 p.m. on the 3rd calendar day after the election.

Present law provides that the inspections of the flaps removed from the valid absentee by mail and early voting ballots shall be held at 10:00 a.m. or following the recount of absentee by mail and early voting ballots on the 5th day after the election and at any time ordered by a court of competent jurisdiction. If the 5th 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. The deadline for filing a request for inspection shall be the last working day prior to the date of the inspection.

Proposed law changes 10:00 a.m. to a time set by the secretary of state. Further provides that if the 5th day after the election falls on a holiday or weekend, such inspection shall be held on the next working day at a time set by the secretary of state. Also changes the deadline for filing a request for such inspection from 4:30 p.m. on the last working day prior to the date of the recount to 4:30 p.m. on the 3rd calendar day after the election.

Present law (R.S. 18:1315) provides that if a challenge of an absentee by mail or early voting ballot is sustained, the board shall notify the voter in writing of the challenge and the cause therefor. The notice of the challenge and the cause therefor shall be given within three days by mail, addressed to the voter at his place of residence.

Proposed law changes the deadline to provide such notice from three days to four business days.

Present law (R.S. 18:1363) provides that the parish board of election supervisors may submit a written request to the secretary of state for to increase or decrease the number of voting machines needed for an election or at a specific precinct.

Proposed law changes parish board of election supervisors to parish custodian of voting machines.

Present law provides that the secretary of state may reallocate voting machines among precincts in order to ensure that each polling place is allocated at least one voting machine. Prior to any reduction in allocation of voting machines the secretary of state shall immediately notify the parish board of election supervisors in each affected parish.

Proposed law changes parish board of election supervisors to parish custodian of voting machines.

Present law (R.S. 18:1373) provides that the secretary of state shall notify each parish custodian of the time and place at which he will begin preparing and testing the voting

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machines for an election. At the time of qualifying, each candidate is notified to contact the parish custodian for the time and place at which the preparation and testing of the machines will be conducted.

Proposed law provides that candidates shall contact the registrar of voters instead of the parish custodian for the time and place at which the preparation and testing of the early voting machines will be conducted. Further provides that candidates shall contact the appropriate election official instead of the parish custodian for the time and place at which the preparation and testing of the machines will be conducted for election day voting.

Present law (R.S. 18:1376) provides that if an action contesting an election is not instituted within the required period of time, then on the day after the lapse of the time for filing such an action the secretary of state shall direct that the voting machines and any election result cartridges be cleared. If an action contesting such an election is timely filed, the secretary of state shall direct that the voting machines and any election result cartridges be cleared when the trial judge certifies to him that the court has obtained all the information from the machines or cartridges necessary for the trial of the action.

Proposed law changes the time which the voting machine and any election result cartridges can be cleared, if an action contesting such an election is timely filed. Provides that they may be cleared after all data from each voting machine and election result cartridge used in the contested election is copied to removable memory devices.

Present law (R.S. 18:1491.6) requires reports submitted pursuant to present law to be filed within 48 hours after the time the contribution or loan is received or expenditure made.

Proposed law changes 48 hours to two business days.

Present law (R.S. 18:1495.4) requires reports submitted pursuant to present law to be filed within 48 hours after the time the contribution or loan is received or expenditure made.

Proposed law changes 48 hours to two business days to provide clarity of the deadline.

Effective upon signature of governor or lapse of time for gubernatorial action.

Present law (R.S. 18:1461.7) provides for election related offenses and penalties.

Proposed law additionally provides that it is an election offense for a person to knowingly, willfully, or intentionally transmit or otherwise provide false or misleading information concerning an election from a source disguised to appear to be or while impersonating the secretary of state, a registrar of voters, a clerk of court, or other election official.

Effective Jan. 1, 2022.

Present law (R.S. 18:198) provides that whenever a registrar has reason to believe that a registrant has changed his residence within the parish or that a change has occurred in the registrant's mailing address within the parish, the registrar shall mail the address confirmation card. If a registrant fails to return the address confirmation card, the registrar then shall follow the procedures for challenge and cancellation of registration.

Proposed law provides that the registrant has 30 days to return the address confirmation card before the registrar can place the registrant on the inactive list of voters. Further provides the registrant shall remain on the inactive list of voters in accordance with the procedures set forth in R.S. 18:196 or until his voter registration is cancelled, not later than a period of two regularly scheduled federal general elections.

Present law (R.S. 18:435) provides that a list of watchers shall be filed with the clerk of court before 4:30 p.m. on the tenth day before the primary or general election. Further provides

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that if the tenth day before the primary or the general election falls on a weekend or other legal holiday, the list shall be filed on the next day which is not a weekend or other legal holiday.

Proposed law changes deadline to file the list from the 10th day to the 10th business day before the primary or general election or the next day which is not a Saturday, Sunday, or other legal holiday and otherwise retains present law.

Effective Feb. 1, 2022.

(Amends R.S. 18:134(E), 154(C)(2), 198(D), 423(J)(1), 435(B)(1)(a), 469(D)(1), 573(E)(2), 1280.21(A), 1280.22(B)(1), 1285(B)(1)(a), 1300(C)(2), 1308(B), 1309(B) and (M)(1)(a), 1309.1(A), 1313.1(L)(2)(b) and (3), 1315(C), 1363, 1373(A)(1), 1376(B)(2), 1461.7(A)(5), 1491.6(C)(3), and 1495.4(C)(3); Adds R.S. 18:1461.7(A)(6))

Summary of Amendments Adopted by House

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

1. Change the proposed election offense regarding "spoofing" from falsifying election information obtained from contacting a telephone number of an election official or impersonating an election official to transmitting or otherwise providing false or misleading election information from a source disguised to be an election official's or while impersonating an election official.

2. Provide that the registrar of voters post information on his website regarding when and where the early voting machines will be prepared, if possible.

3. Remove proposed change to the notice of candidacy forms regarding availability of campaign finance materials.

4. Change the proposed deadline to file the list of watchers with the clerk from the seventh business day to the tenth business day.

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