2022 Regular Session

HOUSE BILL NO. 646

BY REPRESENTATIVE STEFANSKI

ELECTION CODE: Makes revisions to the Louisiana Election Code

AN ACT

To amend and reenact R.S. 18:59.4(D)(2) and (E)(2)(c), 115(F)(1)(introductory paragraph) and (a) and (2)(a)(iii), 154(C)(2)(c) and (D)(1) and (2), 423(C), (E), and (H), 433(A)(1) and (5), (B)(1), and (D), 434(D)(2), 435(B)(1)(b), 602(E)(2)(b), 604(B)(2)(b), 621(B), 1278(B), 1279, 1300.2(C)(1), 1300.7(B), 1306(B)(1), 1308(A)(2)(j)(ii), 1309(J), 1313(H)(13) and (K)(2)(a), and 1313.1(I)(5) and (L)(2)(a), to enact R.S. 18:154(C)(2)(f), and to repeal R.S. 18:1532, relative to the Louisiana Election Code; to revise the system of laws comprising the Louisiana Election Code; to provide relative to the Louisiana Voter Registration Administrators' Certification Program; to provide relative to registration by mail; to provide relative to records of the registrars of voters; to provide relative to the replacement of a commissioner; to provide relative to watchers; to provide relative to vacancies in certain offices; to provide relative to petitions for a recall election; to provide relative to preparation, distribution, and tabulation of absentee by mail and early voting ballots; to provide relative to absentee voting by mail; to provide relative to early voting; to provide relative to parish boards of election supervisors; to provide relative to courses of instruction of commissioners; to remove the requirement for election day expenditure reports; to provide for effective dates; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

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Section 1. R.S. 18:59.4(D)(2) and (E)(2)(c), 115(F)(1)(introductory paragraph) and (a) and (2)(a)(iii), 154(C)(2)(c) and (D)(1) and (2), 434(D)(2), 435(B)(1)(b), 602(E)(2)(b), 604(B)(2)(b), 621(B), 1278(B), 1279, 1300.2(C)(1), 1300.7(B), 1306(B)(1), 1308(A)(2)(j)(ii), 1309(J), 1313(H)(13) and (K)(2), and 1313.1(I)(5) and (L)(2)(a) are hereby amended and reenacted and R.S. 18:154(C)(2)(f) is hereby enacted to read as follows:

§59.4. The Louisiana Voter Registration Administrators' Certification Program; requirements; compensation

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D.

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(2) The Voter Registration Administrators' Certification Program requires the following: a minimum of twelve courses of twelve hours in length for a total of one hundred forty-four hours to be completed within five years, <u>except that if a gubernatorially declared state of emergency impacts the election process, the course work shall be completed within six years;</u> maintenance of a yearly rating of "excellent" as determined through the standards specified in R.S. 18:55(A); five years work experience related to the administration of elections and voter registration; and completion of all continuing education course hours required to maintain certification. If these requirements are not met, the registrar of voters, chief deputy registrar, or confidential assistant, as the case may be, will lose certification and certification compensation until certification requirements are once again attained.

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(c) A registrar of voters, chief deputy registrar, or confidential assistant to a registrar of voters shall complete the requirements of Subsections D and E of this

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Section in order to receive the seven percent compensation enhancement. If a registrar of voters, chief deputy registrar, or confidential assistant to a registrar of voters does not complete the certification program as provided in Subsections D and E of this Section, his salary shall remain as provided in R.S. 18:55 or 59. If, after certification, a registrar of voters, chief deputy registrar, or confidential assistant to a registrar of voters does not receive certification renewal within each three-year period, or within a four-year period if a gubernatorially declared state of emergency impacts the election process, his salary shall revert back to the salary scale provided for in R.S. 18:55 or 59. Notwithstanding the provisions of R.S. 18:57, the failure to maintain certification shall result in the loss of the compensation enhancement provided for in this Section.

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§115. Registration by mail

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F.(1) Any registered voter who has registered by mail and has not previously voted in the parish in which he is registered shall vote in accordance with one of the following:

(a) ~~During early voting in the office of the registrar of voters, or~~ In person at any location where early voting is conducted in the parish in which he is registered to vote.

* * *

(2) The provisions of Paragraph (1) of this Subsection shall not apply in the case of the following:

(a)

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(iii) Any person who is otherwise entitled to vote and who has submitted to the registrar of voters current proof of disability from a physician, optometrist, physician assistant as defined in R.S. 37:1360.22, or a nurse practitioner as defined in R.S. 37:913 along with a certification from the physician, optometrist, physician

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assistant as defined in R.S. 37:1360.22, or a nurse practitioner as defined in R.S. 37:913 which indicates that by reason of the person's disability the person is unable to appear in person to vote either during early voting or at the polling place on election day, and if the person submitted the proof of disability to registrar by mail, who included in his submission to the registrar a copy of his Louisiana driver's license, his Louisiana special identification card issued pursuant to R.S. 40:1321, or other generally recognized picture identification card that contains the name and signature of the person, or a form on which the person has listed the names and addresses of at least two persons residing in his precinct who could make oath, if required, to the effect that the person is physically disabled.

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§154. Records open to inspection; copying; exceptions

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

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(f) Notwithstanding the provisions of Paragraph (1) of this Subsection, the Department of State or registrar of voters may transmit a registered voter's full date of birth and mother's maiden name to the Louisiana Department of Health to amend

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the voter's birth certificate. The Louisiana Department of Health shall not disclose information transmitted to it pursuant to this Subparagraph.

D.(1) Notwithstanding the provisions of this Section, the registrar shall not disclose the name and address of a law enforcement officer~~, other than on a general list,~~ if he has received certification from the law enforcement agency employing the officer that the officer is engaging in hazardous activities to the extent that it is necessary for his name and address to be kept confidential.

(2) Notwithstanding the provisions of this Section, the Department of State shall not disclose the name and address of a law enforcement officer, ~~other than on a general list,~~ if the secretary of state has received certification from the law enforcement agency employing the officer that the officer is engaging in hazardous activities to the extent that it is necessary for his name and address to be kept confidential.

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§434. Commissioners and alternate commissioners; selection; commission; disqualification; replacement

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D. Replacement of a commissioner.

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(2) If a commissioner fails to appear at the polling place at least thirty minutes before the time when the polls are to open on election day, or if a commissioner is selected as commissioner-in-charge, the commissioner-in-charge shall select an alternate commissioner to serve in place of the absent commissioner. An alternate commissioner who replaces an absent commissioner in a primary election shall replace the absent commissioner in the general election. If there are no alternate commissioners or an insufficient number of alternate commissioners available, the commissioner-in-charge shall select a person to serve as commissioner from the list containing the names of those who have received certificates of instruction that was furnished him by the parish board of election supervisors

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pursuant to ~~R.S. 18:431(A)(5)~~ R.S. 18:431(B)(4). If no person on that list is available to serve as commissioner, the commissioner-in-charge shall select any person present at the polls who possesses the qualifications of a commissioner as set forth in R.S. 18:425(B). If there is no such qualified person available, the commissioner-in-charge shall select a watcher.

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§435. Watchers; appointment and commission

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B.(1)

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(b) A list of watchers submitted by a candidate for the primary election may be used for the general election only if the candidate notifies the clerk of court in writing by 4:30 p.m. on the tenth business day before the general election that he wants to use the same list of watchers.

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§602. Vacancies in certain local and municipal offices; exceptions

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(b) Immediately thereafter the governing authority, the school board, or the ~~governor~~ secretary of state, as the case may be, shall publish the proclamation in the official journal of each parish in which the election is to be held.

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§604. Marshal of city or municipal court; temporary absence; vacancy

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(b) The appropriate governing authority or the ~~governor~~ secretary of state, as the case may be, shall publish the proclamation in the official journal of the parish in which the election is to be held and also shall immediately send a copy of the proclamation by certified or registered mail to the clerk of the district court for the parish in which the vacancy occurred.

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§621. Vacancy in office of judge

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B. Immediately after issuance of the proclamation, the ~~governor~~ secretary of state shall publish the proclamation in the official journal of each parish in which the election is to be held. Within twenty-four hours after its issuance, the governor shall send a copy of the proclamation to the secretary of state. Within twenty-four hours after he receives the copy, the secretary of state shall notify all election officials having any duty to perform in connection with a special election to fill such vacancy, including the parish boards of election supervisors for the parish or parishes in which the vacancy occurred.

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§1278. Vacancies; United States senator

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B. If a vacancy occurs in the office of United States senator and the unexpired term is more than one year, an appointment to fill the vacancy shall be temporary. Any senator so appointed shall serve until his successor is elected at a special election and takes office. Within ten days after receiving official notice of the vacancy, the governor shall issue a proclamation for special election to fill the vacancy for the unexpired term. The date of the special election shall be established by the governor in accordance with the provisions of R.S. 18:402(E). The dates of the qualifying period shall be established by the governor in accordance with R.S.

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18:467, 467.1, and 468. ~~Immediately after issuance of the proclamation, which shall include the dates of the primary and general elections and the dates of the qualifying period, the governor shall publish the proclamation in the official journal of each parish in which the election is to be held.~~ Within twenty-four hours after its issuance, the governor shall send a copy of the proclamation to the secretary of state. Within twenty-four hours after he receives the copy, the secretary of state shall notify all election officials having any duty to perform in connection with a special election to fill such vacancy, including the parish boards of election supervisors for the parish or parishes in which the vacancy occurred. Immediately thereafter the secretary of state shall publish the proclamation in the official journal of each parish in which the election is to be held. The election shall be conducted and the returns shall be certified as in regular elections for United States senator.

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§1279. Vacancies; representatives in congress

When a vacancy occurs in the office of representative in congress, the governor shall determine the dates on which the special elections shall be held and the dates of the qualifying period and shall issue a proclamation ordering a special election and specifying the dates on which the primary and general elections will be held and the dates of the qualifying period for the election. ~~Immediately thereafter he shall publish the proclamation in the official journal of each parish in which the election is to be held.~~ Within twenty-four hours after issuing the proclamation, the governor shall send a copy of the proclamation to the secretary of state, who shall within twenty-four hours of receipt of the information notify all election officials having any duty to perform in connection with a special election to fill such vacancy, including the parish boards of election supervisors for the parish or parishes in which the vacancy occurred. Immediately thereafter the secretary of state shall publish the proclamation in the official journal of each parish in which the election is to be held. The election shall be conducted in the same manner and at the same places and the returns shall be certified as in regular congressional elections. If at a primary or

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general election in a congressional district one representative in congress is to be elected for a full term and another to fill a vacancy, the ballots containing the names of the candidates shall, as a part of the title of the office, designate the term for which the candidates are respectively nominated.

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§1300.2. Petition for recall election; campaign finance disclosure

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C.(1) Prior to the entering of any signatures on a petition, the chairman designated to represent the petitioners shall file with the secretary of state a copy of the recall petition which will be used and copies of a picture identification that contain the name and signature of the chairman and vice chairman, respectively, or copies of current utility bills, bank statements, government checks, paychecks, or other government documents that show the name and address of the chairman and vice chairman, respectively. Upon receipt of the recall petition, the secretary of state shall endorse thereon the fact and the date of filing. A copy shall be transmitted by the secretary of state to the registrar of voters for each parish in which the recall election is to be held. The chairman shall list on the petition every parish that is wholly or partially within the voting area where the recall election is to be held. The petition shall be considered filed when it is received in the office of the secretary of state~~, or at the time it is postmarked by the United States Postal Service or is receipted on a return receipt request form, if it is subsequently received in the office of the secretary of state~~. Upon receipt of the recall petition, the secretary of state shall produce a report of the number of qualified electors in the voting area wherein the recall election is sought effective on the date of receipt of the recall petition and shall notify the registrar of voters in each parish in the voting area of the number of qualified electors of the voting area in the parish for issuance of the certification.

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§1300.7. Governor to order election; proclamation; publication

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B. ~~Immediately after the issuance of the proclamation, the governor shall publish the proclamation in the official journal of each parish in which the election is to be held.~~ Within twenty-four hours after issuing the proclamation, the governor shall send a copy of the petition and proclamation, by registered or certified mail, to the clerk of the district court for each parish in which the election is to be held. If the election is to be held in Orleans Parish, the city of New Orleans, the copy of the petition and proclamation shall be mailed to the clerk of the criminal district court. A copy of the petition and proclamation also shall be sent to the secretary of state. Within twenty-four hours after he receives the copies, the secretary of state shall notify all other election officials having any duty to perform in connection with a recall election, including the parish board of election supervisors for the parish or parishes in which the election is held. Immediately after receipt of the proclamation, the secretary of state shall publish the proclamation in the official journal of each parish in which the election is to be held.

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

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B.(1) The secretary of state shall prepare absentee by mail ballot envelopes, absentee by mail instructions, certificates, and other absentee by mail balloting paraphernalia consistent with the provisions of this Chapter, subject to approval of the attorney general as to content. The specifications of the absentee by mail ballot envelopes shall be determined by the secretary of state. Notwithstanding the provisions of R.S. 18:1316 relating to distinguishing marks on absentee by mail ballots, absentee by mail voting instructions on absentee by mail ballots to be transmitted by facsimile in accordance with R.S. 18:1308(A)(1)(b) shall inform the voter of the types of marks which may be used on the ballot to indicate his vote. When a court of competent jurisdiction, a registrar of voters, the secretary of state, or other competent authority determines that there exists a literate linguistic minority equal to more than five percent of the total population of any parish, the secretary of

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state, with approval of the attorney general as to content, shall prepare and furnish absentee by mail and early voting ballots, absentee by mail and early voting instructions, and certificates in the minority language in sufficient quantity to provide to each absentee by mail and early voter requesting voting material in that language.

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§1308. Absentee voting by mail

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(ii) The secretary of state as the chief election officer of the state shall take all actions reasonably necessary to allow registered voters who are unable to vote during early voting or at the polling place on election day due to out-of-parish or out-of-state work responsibilities relating to a declared emergency to vote, whether by mail, facsimile, or other means of transmission of the ballot.

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§1309. Early voting; verification

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J.(1) Upon approval of the secretary of state, a registrar of voters may utilize commissioners selected and trained by the registrar of voters to assist the registrar during the early voting period in the conduct of early voting by his office. A registrar of voters shall, in seeking the approval of the secretary of state, indicate to the secretary the number of commissioners that is required for such assistance. A commissioner who assists the registrar in the conduct of early voting shall take an oath of office as a deputy registrar for the early voting period and shall complete an affidavit prepared by the secretary of state that contains the name, address, and last

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four digits of the social security number of the early voting commissioner and an acknowledgment that the law prohibits the disclosure of confidential voter information listed in the precinct register or early voting list kept by the registrar. The affidavit shall be retained in the office of the registrar of voters. A commissioner who assists the registrar in the conduct of early voting shall be paid in accordance with R.S. 18:426.1(A)(3) and B, if applicable, for each day of such assistance.

(2) For an election held within one year following the date of the issuance of a gubernatorial declaration of an emergency, if a registrar of voters determines that there is a parishwide shortage of early voting commissioners because a significant number of early voting commissioners have been temporarily displaced due to such emergency, the registrar of voters may submit a written request to the secretary of state, on or before the fourteenth day prior to the start of early voting, for additional early voting commissioners from other parishes to assist the registrar in the conduct of early voting. A registrar of voters shall, in seeking the approval of the secretary of state, indicate to the secretary the number of early voting commissioners that is required for such assistance and an explanation of the need for additional early voting commissioners. If the secretary of state determines that there is a need for additional early voting commissioners and that the allocation of additional commissioners is feasible, the secretary of state shall approve the request and notify the registrar of voters of the parish affected by the emergency. The registrar of voters of the affected parish shall select early voting commissioners to serve in the affected parish based on availability and proximity. The registrar of voters of the affected parish shall ensure that the selected early voting commissioners have received adequate training on the voting machines that are used in the affected parish and on any procedures necessary for the conduct of the election. A commissioner who assists the registrar of voters in the conduct of early voting shall take an oath of office as a deputy registrar of voters for the early voting period and shall complete an affidavit prepared by the secretary of state that contains the name,

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address, and last four digits of the social security number of the early voting commissioner and an acknowledgment that the law prohibits the disclosure of confidential voter information listed in the precinct register or early voting list kept by the registrar. The affidavit shall be retained in the office of the registrar of voters. A commissioner who assists the registrar in the conduct of early voting shall be paid in accordance with R.S. 18:426.1(A)(3) and (B), if applicable, for each day of such assistance. The selected early voting commissioners, upon approval by the secretary of state, shall be entitled to appropriate reimbursement for travel expenses.

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

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H. The procedure for counting early voting machine ballots and paper ballots voted during early voting shall be as follows:

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(13) The absentee by mail and early voting votes cast for a candidate and those cast for and against a proposition shall be counted and the total number of absentee by mail and early voting votes cast for a candidate and those cast for and against a proposition ~~shall be announced in the order the offices and candidates and propositions are listed on the ballot. The members of the board shall enter~~ shall be entered by the members of the board as the total number of votes on the final absentee by mail and early voting vote report, and the members of the board shall certify the results. A copy of the final absentee by mail and early voting vote report shall be posted by a member of the board after the polls close at the location where the tabulation and counting was conducted and the office of the registrar of voters.

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(2)(a)(i) Notwithstanding the provisions of Paragraph (1) of this Subsection, if the number of absentee by mail and early voting ballots cast for all candidates for

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an office could make a difference in the outcome of the election for such office, upon the written request of a candidate for such office, the board shall recount the absentee by mail ballots by hand or scanning equipment and early voting ballots electronically, unless paper ballots were used for early voting and in such case, the ballots shall be recounted by hand for such office. The registrar shall preserve the envelope or container and its contents inviolate and, except upon the board recounting the absentee by mail ballots, shall not allow the absentee by mail and early voting ballots to be inspected by anyone until the recounting of the absentee by mail and early voting ballots by the board.

(ii) Notwithstanding the provisions of Paragraph (1) of this Subsection, if the number of absentee by mail and early voting ballots cast for and against a proposition could make a difference in the outcome of the election, upon the written request of a person who voted in the proposition election, the board shall recount the absentee by mail ballots by hand or scanning equipment and early voting ballots electronically, unless paper ballots were used for early voting and in such case, the ballots shall be recounted by hand for such election. The registrar shall preserve the envelope or container and its contents inviolate and, except upon the board recounting the absentee by mail ballots, shall not allow the absentee by mail and early voting ballots to be inspected by anyone until the recounting of the absentee by mail and early voting ballots by the board.

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§1313.1. Preparation, verification, tabulation, and counting of absentee by mail and early voting ballots

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I. The procedure for counting early voting machine ballots on election day shall be as follows:

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(5) The absentee by mail and early voting votes cast for a candidate and those cast for and against a proposition shall be counted and the total number of

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absentee by mail and early voting votes cast for a candidate and those cast for and against a proposition ~~shall be announced in the order the offices and candidates and propositions are listed on the ballot. The members of the board shall enter~~ shall be entered by the members of the board as the total number of votes on the final absentee by mail and early voting vote report, and the members of the board shall certify the results. A copy of the final absentee by mail and early voting vote report shall be posted by a member of the board after the polls close at the location where the tabulation and counting was conducted and the office of the registrar of voters.

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(2)(a)(i) Notwithstanding the provisions of Paragraph (1) of this Subsection, if the number of absentee by mail and early voting ballots cast for all candidates for an office could make a difference in the outcome of the election for such office, upon the written request of a candidate for such office, the board shall recount the absentee by mail ballots by hand or scanning equipment and early voting ballots electronically, unless paper ballots were used for early voting and in such case, the ballots shall be recounted by hand for such office. The registrar shall preserve the envelope or container and its contents inviolate and, except upon the board recounting the absentee by mail ballots, shall not allow the absentee by mail and early voting ballots to be inspected by anyone until the recounting of the absentee by mail and early voting ballots by the board.

(ii) Notwithstanding the provisions of Paragraph (1) of this Subsection, if the number of absentee by mail and early voting ballots cast for and against a proposition could make a difference in the outcome of the election, upon the written request of a person who voted in the proposition election, the board shall recount the absentee by mail ballots by hand or scanning equipment and early voting ballots electronically, unless paper ballots were used for early voting and in such case, the ballots shall be recounted by hand for such election. The registrar shall preserve the

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envelope or container and its contents inviolate and, except upon the board recounting the absentee by mail ballots, shall not allow the absentee by mail and early voting ballots to be inspected by anyone until the recounting of the absentee by mail and early voting ballots by the board.

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Section 2. R.S. 18:423(C), (E), and (H) and 433(A)(1) and (5), (B)(1), and (D) are hereby amended and reenacted to read as follows:

§423. Parish boards of election supervisors

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C. Composition. (1) In each parish, the board of election supervisors shall be composed of the registrar of voters, the clerk of court, the chairman of the parish executive committee of each recognized political party or his designee, or an alternate designee if the designee cannot serve, ~~who~~ both of whom shall be ~~a member~~ members of the parish executive committee of the same recognized political party, and one member, or an alternate member if the member cannot serve, appointed by the governor.

(2) In a parish where a parish executive committee of a recognized political party has not been formed or where there is a vacancy in the office of chairman, the chairman of the state central committee of that political party may appoint a voter and an alternate voter who ~~is~~ are registered in the parish as being affiliated with the political party to serve on the parish board of election supervisors.

(3) None of the following members of the parish board of election supervisors shall be an employee of the clerk of court or the registrar of voters in the parish or an immediate family member of the clerk of court or his designee or the registrar of voters or his designee:

(a) The designee or alternate designee of the chairman of a parish executive committee.

(b) The appointee or alternate appointee of the chairman of a state central committee.

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(c) The appointee or alternate appointee of the governor.

* * *

E. Compensation. Each member of the parish board of election supervisors shall receive fifty dollars for each day, not to exceed six days, actually spent in the performance of his duties in preparing for and supervising each election held in the parish, except that each member of the board may be compensated for not more than seven days for a presidential or regularly scheduled congressional primary or general election. In addition, each member of the board who is not a public official shall receive fifty dollars for each day spent in court as a subpoenaed witness in litigation concerning the performance of his duties as a member of the parish board of election supervisors in connection with an election.

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H. Designees. (1) The clerk of court and the registrar of voters may each appoint a designee to serve in his place on the parish board of election supervisors when he is absent from any meetings of the board. Any designee of the registrar of voters shall be a sworn deputy registrar. For each day of such service the designee of the clerk of court or the registrar of voters shall be paid the same compensation as a member, and the designating member shall not be compensated for that day. Any compensation paid to the designee shall be counted against the designating member's compensation, which shall not exceed ~~six days~~ the number of days as provided in Subsection E of this Section.

(2) For each day of service the designee or alternate designee of the chairman of the parish executive committee, the designee or alternate designee of the chairman of the state central committee, and the member or alternate member of the governor shall be paid the same compensation as a member or appointee, and the designating member or appointee shall not be compensated for that day. Any compensation paid to the designee or alternate designee of the chairman of the parish executive committee, designee or alternate designee of the chairman of the state central committee, or member or alternate member appointed by the governor shall

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be counted against the compensation of the designating member or governor's member, which shall not exceed the number of days as provided in Subsection E of this Section.

* * *

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

A. Course of instruction. (1) The clerk of court shall conduct a course of instruction for commissioners-in-charge during the period beginning August first through the end of December of each year. However, if the governor declares a state of emergency between August first and December thirty-first of any year, the deadline to complete the course is January thirty-first of the year following the gubernatorially declared state of emergency. The course shall be open to any certified commissioner who meets the qualifications set forth in R.S. 18:424(B).

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(5) On or before ~~December thirty-first of each year,~~ the deadline specified in Paragraph (1) of this Subsection but after the date of the course of instruction, the clerk of court shall file with the parish board of election supervisors a certified list containing the name of each person to whom he has issued a certificate, together with the social security number, the party affiliation, the mailing address, and the ward in which each such person is registered to vote. As soon as possible thereafter, the clerk of court shall enter the list in the state voter registration computer system.

* * *

B. Selection. (1)(a) The parish board of election supervisors shall meet at 10:00 a.m. ~~on~~ by the second Friday in January of each year to select a commissioner-in-charge to serve at each precinct in the parish. The meeting shall be open to the public. The board shall have previously posted a notice on the front door of the courthouse stating the location within the courthouse where the meeting is to be held. The selection of commissioners-in-charge shall be made from the certified list

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furnished by the clerk as required by Paragraph (A)(5) of this Section and in the manner hereafter set forth.

(b) If the course of instruction for commissioners-in-charge is delayed due to a gubernatorially declared state of emergency as provided by Paragraph (A)(1) of this Section, the parish board of election supervisors shall meet at 10:00 a.m. on or before the fifth day after completion of the course of instruction.

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D. Term of office. A commissioner-in-charge shall serve a term of office of one year, commencing on the third Monday in January of the year of selection or, if applicable, on the date of his selection during a meeting held in accordance with Subparagraph (B)(1)(b) of this Section, provided that the commissioner-in-charge remains on the list of certified commissioners during his term of office.

* * *

Section 3. R.S. 18:1532 is hereby repealed in its entirety.

Section 4.(A) Section 1, Section 3, and this Section of this Act shall become effective upon signature of this Act 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 this Act is vetoed by the governor and subsequently approved by the legislature, Section 1, Section 3, 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 August 1, 2022.

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 646 Original 2022 Regular Session Stefanski

Abstract: Makes revisions to the La. Election Code.

Present law (R.S. 18:54.9) creates the La. Voter Registration Administrators' Certification Program to formalize and recognize the professional standards of registrars of voters, chief deputy registrars, and confidential assistants to registrars of voters in the state. Present law provides that one of the requirements of certification is 144 hours of course work to be completed within five years. Requires certification renewal every three years.

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Proposed law retains present law except to provide that if a gubernatorially declared disaster impacts the election process, the time period for completing the course work is six years and the certification renewal is required every four years.

Present law (R.S. 18:115) authorizes a person to register by mail to vote. Requires a person who registered by mail and who has not previously voted in the parish to vote either:

(1) During early voting in the office of the registrar of voters.

(2) In person at the precinct in which he is registered to vote.

Proposed law provides that a person who registered by mail may vote during early voting at any location where early voting is conducted rather than requiring that he vote at the registrar's office.

Present law provides exceptions to these limitations on where such a person may vote; provides that a person with a disability is exempt if he provides proof of the disability and a certification that because of the disability he cannot vote in person and he meets other requirements.

Present law requires that the proof of a disability and certification that the person cannot vote in person be provided by a physician. Proposed law provides additionally that an optometrist, physician assistant, or nurse practitioner may provide such proof and certification.

Present law (R.S. 18:154) provides that the records of each registrar of voters are public records; however prohibits disclosure of the fact that a registered voter is entitled to assistance in voting and the following information of a registered voter:

(1) The social security number.

(2) The driver's license number.

(3) The day and month of the date of birth.

(4) The mother's maiden name.

(5) The electronic mail address of, except a registered voter who has qualified as a candidate for public office.

(6) The short message service number.

Present law provides exceptions to the prohibition on the disclosure of such information. One such exception authorizes disclosure of the email address of a candidate to the Bd. of Ethics so that the board can contact the candidate about campaign finance reporting.

Proposed law further authorizes the board to contact candidates regarding the Code of Governmental Ethics.

Proposed law provides an additional exception; authorizes the Dept. of State or registrar of voters to transmit the full date of birth and mother's maiden name of a registered voter to the La. Dept. of Health to amend the voter's birth certificate.

Present law specifically prohibits disclosing the name and address of a law enforcement officer if he is engaging in hazardous activities to the extent that it is necessary for his name and address to be kept confidential. However, present law authorizes the disclosure of names and addresses of such officers on a general list.

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Proposed law removes the general list exception to the prohibition.

Present law (R.S. 18:423) creates a board of election supervisors for each parish to supervise the preparation for and the conduct of all elections held in the parish. Provides that the board is comprised of the registrar of voters, the clerk of court, the chairman of the parish executive committee of each recognized political party or his designee who shall be a member of the parish executive committee of the same recognized political party, and one member appointed by the governor.

Proposed law authorizes each person appointing or designating a member to serve on the board to appoint or designate an alternate appointee or designee if the appointee or designee cannot serve.

Present law provides that each member of the parish board of election supervisors shall receive $50 for each day, not to exceed six days, spent preparing for and supervising an election; provides that for a presidential or regularly scheduled congressional general election, the members receive compensation for seven days.

Proposed law makes the provision for seven days of compensation applicable to regularly scheduled congressional *primary* elections as well. Provides that the limits on the number of days a member may be compensated applies collectively to each position on the board, regardless of the designees or alternate appointees or designees that serve in the position.

Present law (R.S. 18:433) requires the clerk of court to conduct a course of instruction for commissioners-in-charge during the period beginning Aug. 1st through the end of Dec. of each year.

Proposed law provides that the clerk of court has until Jan. 31st to conduct the course if a gubernatorially declared state of emergency occurs during the otherwise required period.

Present law (R.S. 18: 602, 604, 621, 1278, 1279, and 1307) provides for special elections to fill vacancies in various elective offices and for recall elections. Provides that the governor or a local governing authority issue a proclamation calling such a special election. Requires that the proclamation be published in the official journal of each parish in which the election is to be held.

Proposed law provides that the secretary of state, rather than the governor, is responsible for publishing the proclamation in the appropriate official journals.

Present law (R.S. 18:1300.2) provides a process for citizens to petition for an election to recall a public officer. Provides that the petition is considered filed when it is received in the office of the secretary of state, or at the time it is postmarked by the U.S. Postal Service or is receipted on a return receipt request form.

Proposed law removes provisions for considering postmark or return receipt dates as the date of filing; provides that the petition is filed when it is received by the secretary of state. Further provides that upon receipt of the petition, the secretary of state shall produce a report of the number of qualified electors in the jurisdiction of the office being recalled and shall notify the registrar of voters of the number of qualified electors for issuance of the certification. (Present law requires the registrar to certify various information regarding the petition, including the number of qualified electors who signed the petition.)

Present law (R.S. 18:1306) requires the secretary of state to prepare absentee by mail ballot envelopes, instructions, certificates, and other balloting paraphernalia, subject to approval of the attorney general as to content.

Proposed law provides that the specifications of the absentee by mail ballot envelopes shall be determined by the secretary of state.

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Present law (R.S. 18:1308) provides relative to voting by mail and by electronic transmission of ballots. Provides relative to the duties of the secretary of state regarding such voting, including a requirement that he take all actions reasonably necessary to allow registered voters who are unable to vote during early voting or at the polling place on election day due to out-of-state work responsibilities relating to a declared emergency to vote.

Proposed law retains present law and expands the duty of the secretary of state to include voters who are out of their home *parish* due to work responsibilities relating to a declared emergency.

Present law (R.S. 18:1309) provides relative to early voting, including provisions for utilizing commissioners selected and trained by the registrar of voters.

Proposed law for an election within one year of a declared emergency, authorizes a registrar of voters who determines that there is a parishwide shortage of early voting commissioners because a significant number of early voting commissioners have been temporarily displaced due to the declared emergency to send a request to the secretary of state for additional early voting commissioners from other parishes. Provides that the secretary of state shall approve the request if he determines that there is a need for additional early voting commissioners and that the allocation of additional commissioners is feasible. Provides otherwise with respect to such commissioners. Provides that they may be reimbursed for travel expenses if reimbursement is approved by the secretary of state.

Present law (R.S. 18:1313 and 1313.1) provides relative to the tabulation of absentee by mail and early voting ballots.

Proposed law removes a requirement that the results of such tabulation be announced in the order the offices and candidates and propositions are listed on the ballot. Adds a requirement that the results be posted at the location where the tabulation was conducted and at the registrar's office.

Present law provides for recounts, upon request by a candidate, of absentee by mail and early voting ballots.

Proposed law requires that the registrar preserve such ballots and prohibit their inspection until they have been recounted.

Present law (R.S. 18:1532) requires candidates and political committees to file election day expenditure reports with the Supervisory Committee on Campaign Finance Disclosure that include the total amount of expenditure made on election day for the following:

(1) Television advertising.

(2) Radio advertising.

(3) Newspaper advertising.

(4) Services by election day workers.

(5) Contributions or expenditures to organizations for election day activities or services in support of a candidate or candidates or in opposition to a candidate or candidates.

(6) Automated calls using a prerecorded or artificial voice as part of the calling.

Proposed law repeals present law.

Effective in part upon governor's signature or lapse of time for gubernatorial action. Effective in part Aug. 1, 2022.

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(Amends R.S. 18:59.4(D)(2) and (E)(2)(c), 115(F)(1)(intro. para.) and (a) and (2)(a)(iii), 154(C)(2)(c) and (D)(1) and (2), 423(C), (E), and (H), 433(A)(1) and (5), (B)(1), and (D), 434(D)(2), 435(B)(1)(b), 602(E)(2)(b), 604(B)(2)(b), 621(B), 1278(B), 1279, 1300.2(C)(1), 1300.7(B), 1306(B)(1), 1308(A)(2)(j)(ii), 1309(J), 1313(H)(13) and (K)(2)(a), and 1313.1(I)(5) and (L)(2)(a); Adds R.S. 18:154(C)(2)(f); Repeals R.S. 18:1532)

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