

2022 Regular Session

HOUSE BILL NO. 256

BY REPRESENTATIVE HODGES

ELECTIONS: Provides relative to elections

1 AN ACT

2 To amend and reenact R.S. 18:435(A)(4) and (B)(2) and 1351(13) and (14) and to enact R.S.
3 18:435(A)(5) and (B)(1)(c), 1309(N), and 1366(9), (10), and (11), relative to
4 elections; to provide for the appointment of poll watchers by political parties; to
5 provide for definitions relative to voting, voting machines, and vote counting
6 equipment; to provide requirements for voting systems; to provide for an effective
7 date; and to provide for related matters.

8 Be it enacted by the Legislature of Louisiana:

9 Section 1. R.S. 18:435(A)(4) and (B)(2) and 1351(13) and (14) are hereby amended
10 and reenacted and 18:435(A)(5) and (B)(1)(c), 1309(N), and 1366(9), (10), and (11) are
11 hereby enacted to read as follows:

12 §435. Watchers; appointment and commission

13 A.

14 * * *

15 (4)(a) The state central committee of a recognized political party having at
16 least twenty-five percent of the registered voters in the state registered as being
17 affiliated with such political party is entitled to have political party super watchers
18 in each parish in which a candidate affiliated with such political party is on the
19 ballot. The designation of political party super watchers shall be made in accordance
20 with this Section and as provided in Subparagraph (b) of this Paragraph.

1 on the tenth business day before the general election that he wants to use the same
2 list of political party super watchers.

3 (2) Except for a candidate, a state central committee of a recognized political
4 party filing a list of political party super watchers, or recognized political party filing
5 for a slate of candidates for presidential elector, any person filing a list of watchers
6 must attach a certified statement that the report required by R.S. 18:1486 has been
7 filed with the supervisory committee in compliance with the Campaign Finance
8 Disclosure Act.

9 * * *

10 §1309. Early voting; verification

11 * * *

12 N.(1) The state central committee of a recognized political party having at
13 least twenty-five percent of the registered voters in the state registered as being
14 affiliated with such political party is entitled to have an early voting watcher at each
15 early voting location, as space permits, at which a candidate affiliated with the
16 political party is on the ballot.

17 (2) A qualified voter of the state who is not entitled to assistance in voting
18 and is not a candidate in the election may serve as an early voting watcher.

19 (3) A watcher shall be admitted within the designated early voting location
20 during the conduct of early voting where a candidate affiliated with such political
21 party is on the ballot and shall call any infraction of the law to the attention of the
22 registrar of voters or deputy registrar. An early voting watcher may keep notes on
23 the conduct of early voting, but he shall not take part in performing the procedures
24 of Subsections D, E, and F of this Section. An early voting watcher shall not
25 electioneer, engage in political discussions, or unnecessarily delay a voter at the
26 polling place. An early voting watcher is subject to the authority of the registrar of
27 voters or deputy registrar and shall not interfere with the registrar or deputy registrar
28 in the performance of his duties. A state central committee of a political party may
29 have both a watcher and alternate watcher serve at the same early voting location,

1 except that the early voting watcher and alternate watcher may not serve at a single
2 voting location at the same time.

3 (4) The registrar of voters or deputy registrar shall regulate the number of
4 watchers inside the early voting location as provided in R.S. 18:427.

5 (5) A list of early voting watchers shall be filed with the registrar of voters
6 by hand delivery, facsimile, mail, or commercial courier before 4:30 p.m. on the
7 fourteenth business day before the first day of early voting for the primary or general
8 election; however, if the fourteenth business day before the first day of early voting
9 for the primary or general election falls on a Saturday, Sunday, or other legal
10 holiday, the list shall be filed on the next day which is not a Saturday, Sunday, or
11 other legal holiday. For purposes of this Paragraph, "commercial courier" shall have
12 the same meaning as provided in R.S. 13:3204(D).

13 (6) The chairman of the state central committee of the political party shall
14 sign and be responsible for filing the list of early voting watchers. If candidates
15 affiliated with the political party are on the ballot in more than one parish, a list of
16 watchers shall be filed with the registrar of voters in each parish where the political
17 party will have early voting watchers.

18 (7) A list of early voting watchers submitted for the primary election may
19 be used for the general election only if the chairman of the state central committee
20 of the political party notifies the registrar of voters in writing by 4:30 p.m. on the
21 tenth business day before the start of early voting for the general election that he
22 wants to use the same list of early voting watchers.

23 (8) A list of early voting watchers shall contain only one early voting
24 watcher and one alternate watcher for each early voting location where the state
25 central committee of the political party is entitled to have an early voting watcher.
26 The list shall be typed or legibly written, and it shall contain the name and mailing
27 address of each early voting watcher and alternate watcher and a designation of the
28 early voting location where each is to serve.

29 * * *

1 §1351. Definitions

2 As used in this Chapter, unless otherwise specified, the following terms shall
3 have the meanings herein ascribed to each:

4 * * *

5 (13) "Voting machine" means the enclosure occupied by the voter when
6 voting, as formed by the voter-facing vote-capture device, including its screen and
7 privacy shield. The voting machine may also include voter-facing optical scanners
8 or any other vote-capture device or technology used to secure the vote. Tabulation
9 of the vote may occur on the voting machine or on another component of the voting
10 system.

11 (14) "Voting system" means the total combination of equipment, hardware,
12 firmware, software, materials, and documentation, including voting machines, voter
13 verified paper records and paper ballots, hardware, software, and firmware for which
14 the secretary of state controls the source code for every election, used to:

- 15 (a) Define elections and ballot styles.
- 16 (b) Configure voting equipment.
- 17 (c) Identify and validate voting equipment configurations.
- 18 (d) Perform logic and accuracy tests.
- 19 (e) Activate ballots for voters.
- 20 (f) Scan paper ballots.
- 21 (g) Cast and count votes.
- 22 (h) Generate reports.
- 23 (i) Export election data including election results.
- 24 (j) Archive election data.
- 25 (k) Produce records in support of audits. ~~cast and count votes or to perform~~
26 ~~any of the support functions to enable the casting or counting of votes.~~

27 * * *

1 §1366. Requirements for voting systems

2 Any new voting system procured by the secretary of state in accordance with
3 the provisions of R.S. 18:1362 shall satisfy all of the following:

4 * * *

5 (9) The voting system shall deploy procedures for the secretary of state to
6 verify that the software and firmware, including any updates, installed on each voting
7 machine was not altered after it was installed on the voting machine.

8 (10) The voting system shall maintain an internal record of the number of
9 ballots tabulated, including any ballots that are rescanned.

10 (11) Paper ballots shall have counterfeit protection.

11 Section 2. This Act shall become effective on January 1, 2023.

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 256 Original

2022 Regular Session

Hodges

Abstract: Provides relative to elections.

Present law provides that a candidate may designate watchers to serve at every precinct on election day where the office he seeks is voted on in an election. Further provides for the procedure of designating such watchers. Authorizes a candidate to appoint a super watcher who shall be admitted to every precinct in the parish where the candidate is on the ballot.

Proposed law authorizes each recognized political party having at least 25% of the registered voters in the state to designate super watchers in each parish in which a candidate affiliated with the party is on the ballot. Further provides for the number of super watchers that may be designated by a recognized political party based on the number of registered voters in the parish.

Proposed law authorizes each political party having at least 25% of the registered voters in the state to have an early voting watcher at each early voting location, as space permits, at which a candidate affiliated with such political party is on the ballot. Further provides for the qualifications, powers, and duties of such watcher. Also provides for the procedure for nominating such watcher.

Present law provides definitions relative to voting, voting machines, and vote counting equipment. Provides requirements for voting systems.

Proposed law modifies the definitions of "voting machine" and "voting system".

Present law provides requirements for voting systems as follows:

- (1) The voting system shall produce an auditable voter-verified paper record.

- (2) All voting system equipment shall have only essential functionality and shall not connect to the internet.
- (3) The installation of software or firmware on the voting system shall be strictly limited to software or firmware deemed by the secretary of state to be essential to the voting system and shall be performed by employees of the secretary of state only.
- (4) The secretary of state shall be responsible for all ballot programming and shall limit the use of third-party vendors to support services only.
- (5) Access to physical ports on any voting machine shall be restricted and sealed at all times using serialized tamper-evident seals except for ports used to activate the voting machine for each voter's voting session or as required for testing, repair, or ballot preparation or tabulation.
- (6) The voting system vendor shall provide documentation to the secretary of state regarding financial disclosure, equity holdings, and management structure and must disclose any percentage of ownership by a foreign entity either in whole or in part, including any subsidiary or affiliate.
- (7) The tabulation of fractional votes shall be prohibited.
- (8) The voting system servers shall be located within the state.

Proposed law adds the following additional requirements for voting systems:

- (1) The voting system shall deploy procedures for the secretary of state to verify that the software and firmware, including any updates, installed on each voting machine was not altered after it was installed on the voting machine.
- (2) The voting system shall maintain an internal record of the number of ballots tabulated, including any ballots that are rescanned.
- (3) Paper ballots shall have counterfeit protection.

Effective Jan. 1, 2023.

(Amends R.S. 18:435(A)(4) and (B)(2) and 1351(13) and (14); Adds R.S. 18:435(A)(5) and (B)(1)(c), 1309(N), and 1366(9), (10), and (11))