

Regular Session, 2010

HOUSE BILL NO. 434

BY REPRESENTATIVE PUGH

ELECTION CODE: Makes revisions to the election code

1 AN ACT

2 To amend and reenact R.S. 18:102.1(B), 152(C)(2)(a), 152.1, 154(C), 402(G),

3 425(A)(1)(b)(introductory paragraph), 428(D), 431(A)(1)(a), 433(B)(1) and (E)(2),

4 591, 602(A), (B), and (C), 604(B)(1) and (2)(a), 1254(D), 1284(F), 1299.1, 1307(H),

5 1308(B), 1314(B)(1), (C)(1)(b) and (3), and (D)(2), 1333(A), 1352, and

6 1505.2(H)(1)(c) and (2)(a)(introductory paragraph), (b), and (f), (I)(1), and

7 (R)(3)(a)(ii) and (b) and to enact R.S. 18:1307(I), relative to the Louisiana Election

8 Code; to revise the system of laws comprising the Louisiana Election Code; to

9 provide relative to records used by the registrar of voters; to provide relative to

10 disclosure of voter information; to provide relative to courses of instruction for

11 commissioners; to provide relative to vacancies in certain offices; to provide relative

12 to propositions submitted to voters at certain elections; to provide relative to

13 applying to vote absentee by mail; to provide relative to procedures for voting

14 absentee by mail; to provide relative to absentee by mail and early voting

15 commissioners; to provide relative to voting machines; to provide for the use of

16 paper ballots; and to provide for related matters.

17 Be it enacted by the Legislature of Louisiana:

1 Section 1. R.S. 18:102.1(B), 152(C)(2)(a), 152.1, 154(C), 402(G),  
2 425(A)(1)(b)(introductory paragraph), 428(D), 431(A)(1)(a), 433(B)(1) and (E)(2), 591,  
3 602(A), (B), and (C), 604(B)(1) and (2)(a), 1254(D), 1284(F), 1299.1, 1307(H), 1308(B),  
4 1314(B)(1), (C)(1)(b) and (3), and (D)(2), 1333(A), 1352, and 1505.2(H)(1)(c) and  
5 (2)(a)(introductory paragraph), (b), and (f), (I)(1), and (R)(3)(a)(ii) and (b) are hereby  
6 amended and reenacted and R.S. 18:1307(I) is hereby enacted to read as follows:

7 §102.1. Persons with intellectual or cognitive disabilities

8 \* \* \*

9 B. The Department of Health and Hospitals shall promulgate rules and  
10 regulations in accordance with the Administrative Procedure Act to ensure that  
11 persons with intellectual or cognitive disabilities for whom the department provides  
12 care and treatment who are not subject to a full interdiction or a limited interdiction  
13 in which the right to register and vote has specifically been suspended are permitted  
14 to do so in compliance with federal and state laws and regulations. Such ~~rules and~~  
15 ~~regulations shall be proposed within ninety days of the effective date\* of this Section~~  
16 ~~and such~~ rules and regulations shall be subject to oversight by the Senate and  
17 Governmental Affairs Committee and the House and Governmental Affairs  
18 Committee in the manner provided in the Administrative Procedure Act.

19 \* \* \*

20 §152. Required records

21 \* \* \*

22 C.

23 \* \* \*

24 (2)(a) Prior to each election, the registrar shall ~~request~~ obtain a one current  
25 precinct register ~~and duplicate precinct register~~ for each precinct in the parish where  
26 an election is to be held. The Department of State shall provide the registrar with  
27 one duplicate precinct register in electronic form. Such registers shall contain both  
28 the official list of voters and the inactive list of voters. Each precinct register shall  
29 contain information for identification of the voter at the polls, a space which the

1 voter shall sign at the time he votes, a space for the initials of the commissioner at  
2 the polls, a space for the date of the election, and space for such other information  
3 as is deemed necessary.

4 \* \* \*

5 §152.1. Destruction of records of the registrar of voters

6 If original records of a registrar of voters are destroyed as a result of  
7 catastrophic loss or damage and there are no microfilm, microfiche, or scanned or  
8 electronically captured computerized images of the original records of voters, every  
9 attempt shall be made to re-create the records of voters who are not canceled.  
10 Computer records from the secretary of state's database shall be deemed the original  
11 records until such time as the records can be ~~recreated~~ re-created.

12 \* \* \*

13 §154. Records open to inspection; copying; exceptions

14 \* \* \*

15 C. Notwithstanding the provisions of this Section, neither the registrar nor  
16 the Department of State shall disclose the fact that a registered voter is entitled to  
17 assistance in voting or the social security number, driver's license number, day and  
18 month of the date of birth, or mother's maiden name of a registered voter or circulate  
19 the fact that registered voters are entitled to assistance in voting or the social security  
20 numbers, driver's license numbers, day and month of the dates of birth, or mother's  
21 maiden names of registered voters on commercial lists, except when voter  
22 registration data is transmitted to the office of motor vehicles of the Department of  
23 Public Safety and Corrections; for the purposes of verifying the accuracy and  
24 authenticity of the social security number, driver's license number, or full date of  
25 birth provided by the voter or when the full date of birth of a registered voter is  
26 transmitted to the Board of Ethics to verify the identity of a candidate for purposes  
27 of campaign finance reporting.

28 \* \* \*

1 §402. Dates of primary and general elections

2 \* \* \*

3 G. Prohibited days. No election of any kind shall be held in this state on any  
4 of the days of Rosh ~~Hashanah~~ Hashana, Yom Kippur, ~~Sukkoth~~ Sukkot, ~~Shimini~~  
5 ~~Atzereth~~ Shemini Atzeret, ~~Simchas Torah~~ Simchat Torah, the first two days and the  
6 last two days of Passover, ~~Shavuoth~~ Shavuot, ~~Fast of AV~~ Tish'a B'Av, the two days  
7 preceding Labor Day or the three days preceding Easter. If the date of any election  
8 falls on any of the above named days, the election shall be held on the same weekday  
9 of the preceding week. If the date of the election for a second party primary is  
10 advanced pursuant to this Subsection, the first party primary shall also be advanced  
11 by the same number of weeks.

12 \* \* \*

13 §425. Commissioners

14 A. Number. (1) In addition to the commissioner-in-charge, at the following  
15 elections there shall be the following number of additional commissioners at each  
16 precinct:

17 \* \* \*

18 (b) For all elections not specifically provided for in Subparagraph ~~(A)(1)(a)~~  
19 (a) of this Paragraph or in Part III of Chapter 6 of this Code:

20 \* \* \*

21 §428. Law enforcement assistance to commissioners

22 \* \* \*

23 D. Office of the district attorney. The office of the district attorney in each  
24 parish in which an election where a candidate appears on the ballot is being  
25 conducted may remain open during the hours that polling places are required to be  
26 open for voting. However, the office of the district attorney in each parish in which  
27 a special bond or tax election is being held shall not remain open during the hours

1 that polling places are required to be open for voting, unless requested by the  
2 governing authority.

3 \* \* \*

4 §431. Commissioners; courses of instruction; certificates; reports; list of certified  
5 persons furnished by parish board of election supervisors

6 A.(1)(a) At least ~~semiannually~~ annually the clerk of court shall conduct a  
7 general course of instruction for commissioners. ~~These courses~~ Each such course of  
8 instruction shall be open to the public, and the clerk shall publicize ~~the courses~~ each  
9 course in a manner reasonably calculated to encourage maximum attendance and  
10 participation. For informational purposes, the registrar may assist the clerk of court  
11 in conducting the course.

12 \* \* \*

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

15 \* \* \*

16 B. Selection. (1) The parish board of election supervisors shall meet at  
17 10:00 a.m. on the first Friday in December in each year to select a commissioner-in-  
18 charge to serve at each precinct in the parish. The meeting shall be open to the  
19 public. The board shall have previously posted a notice on the front door of the  
20 courthouse stating the location within the courthouse where the meeting is to be held.  
21 The selection of commissioners-in-charge shall be made from the certified list  
22 furnished by the clerk as required by ~~R.S. 18:433(A)(5)~~ Paragraph (A)(5) of this  
23 Section and in the manner hereafter set forth.

24 \* \* \*

25 E.

26 \* \* \*

27 (2) Disqualification. Upon a finding by the parish board of election  
28 supervisors that a commissioner-in-charge has performed his duties in a negligent  
29 manner, after appropriate hearing and opportunity for the commissioner-in-charge

1 to be heard, the board shall disqualify him from service as a commissioner-in-charge.  
 2 Such disqualification shall continue until the commissioner-in-charge has been  
 3 recertified as having again attended the entirety of the course of instruction for  
 4 commissioners-in-charge conducted pursuant to ~~R.S. 18:433(A)~~ Subsection A of this  
 5 Section. Performance of duties in a negligent manner shall include failure to  
 6 perform any of the duties of commissioner-in-charge or performance of any of the  
 7 duties of commissioner-in-charge incorrectly.

8 \* \* \*

9 §591. Vacancy in office of elective members of state boards and commissions

10 Within twenty-four hours after any member of a state board or commission  
 11 has knowledge of a vacancy in an elective office on that state board or commission,  
 12 he shall notify the governor by certified mail of the vacancy, the date on which it  
 13 occurred, and the cause thereof. Within ten days after he is notified of the vacancy,  
 14 the governor shall appoint a person who has the qualifications for the office to fill  
 15 the vacancy ~~who has the qualifications for the office~~. When the office is or will be  
 16 unoccupied because of the death of the official elected to the office, the governor  
 17 shall make such appointment within twenty days after he is notified of the vacancy.  
 18 ~~However, if~~ If the deadline for making the appointment falls on a Saturday, Sunday,  
 19 or other legal holiday, then the next day which is not a Saturday, Sunday, or legal  
 20 holiday shall be deemed to be the final day for making such appointment. If the  
 21 unexpired term is one year or less, the member so appointed shall serve for the  
 22 remainder thereof. If the unexpired term exceeds one year, the governor, within ten  
 23 days after he is notified of the vacancy, shall issue his proclamation ordering a  
 24 special election to fill the vacancy, which shall specify, in accordance with R.S.  
 25 18:402, the dates on which the primary and general elections shall be held, and in  
 26 accordance with R.S. 18:467, 467.1, and 468, the dates of the qualifying period for  
 27 the candidates in the special election. However, if the deadline for issuing the  
 28 proclamation falls on a Saturday, Sunday, or other legal holiday, then the next day  
 29 which is not a Saturday, Sunday, or legal holiday shall be deemed to be the final day

1 for issuing such proclamation. Immediately thereafter the governor shall publish the  
 2 proclamation in the official journal of each parish in which the election is to be held.  
 3 Within twenty-four hours after issuing the proclamation, the governor shall send a  
 4 copy of the proclamation to the secretary of state who shall within twenty-four hours  
 5 after receipt of the information notify all election officials having any duty to  
 6 perform in connection with the special election to fill such vacancy, including the  
 7 parish boards of election supervisors for the parish or parishes in which the vacancy  
 8 occurred. The governor may appoint a person to fill a vacancy and issue a  
 9 proclamation ordering a special election when he learns of a vacancy, whether or not  
 10 he has received notice thereof from a state board or commission member. Whenever  
 11 a special election is required, the governor's appointee shall serve only until the  
 12 successor is elected and takes office.

\* \* \*

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

15 A. When a vacancy occurs in the office of a member of a parish or municipal  
 16 governing authority or a combination thereof, a mayor, or any other local or  
 17 municipal office, except an office covered by Subsections B and C ~~hereof~~ of this  
 18 Section and except the office of judge, state legislator, or marshal of a city or  
 19 municipal court, and the office is filled by election wholly within the boundaries of  
 20 a local governmental subdivision, the governing authority of the local governmental  
 21 subdivision where the vacancy occurs shall; within ten days; appoint a person to fill  
 22 the vacancy who meets the qualifications of the office. When the office is or will be  
 23 unoccupied by reason of the death of the official elected to the office, such  
 24 appointment shall be made within twenty days. ~~However, if~~ If the deadline for  
 25 making the appointment falls on a Saturday, Sunday, or other legal holiday, then the  
 26 next day which is not a Saturday, Sunday, or legal holiday shall be deemed to be the  
 27 final day for making such appointment. The presiding officer of the governing  
 28 authority shall not be required to vote on such an appointment to be made by the  
 29 governing authority of a local governmental subdivision unless a tie vote occurs

1           thereon, in which case he shall vote to break the tie; however, in no case shall the  
2           presiding officer vote more than once on the appointment.

3           B. When a vacancy occurs in the membership of a city or parish school  
4           board, the remaining members of the board shall; within ten days; declare that the  
5           vacancy has occurred and proceed to appoint a person who meets the qualifications  
6           of the office to fill the vacancy. When the office is or will be unoccupied by reason  
7           of the death of the official elected to the office, such declaration and appointment  
8           shall be made within twenty days. ~~However, if~~ If the deadline for making the  
9           appointment falls on a Saturday, Sunday, or other legal holiday, then the next day  
10          which is not a Saturday, Sunday, or legal holiday shall be deemed to be the final day  
11          for making such appointment. For the purposes of this Subsection, in addition to the  
12          definition of "vacancy" provided in R.S. 18:581, a "vacancy" in a city or parish  
13          school board office shall be deemed to have occurred when, in the case of a city  
14          school board, a member's residence no longer lies within the jurisdiction of the board  
15          or when, in the case of a parish school board, a member changes his domicile from  
16          the district he represents or, if elected after reapportionment, is domiciled outside the  
17          district he represents at the time he is sworn into office, any declaration of retention  
18          of domicile to the contrary notwithstanding.

19          C. When a vacancy occurs in any of the following offices, the duties of the  
20          office shall be assumed by the person hereinafter designated: (1) district attorney, by  
21          the first assistant; (2) clerk of a district court, by the chief deputy; (3) coroner, by the  
22          chief deputy; (4) sheriff, by the chief criminal deputy, except that in a parish that has  
23          both a civil sheriff and a criminal sheriff, the civil sheriff by the chief civil deputy,  
24          and the criminal sheriff, by the chief criminal deputy, respectively; and (5) tax  
25          assessor, by the chief deputy assessor. If there is no such person to assume the duties  
26          when the vacancy occurs, the governing authority or authorities of the parish or  
27          parishes affected shall; within ten days; appoint a person having the qualifications  
28          of the office to assume the duties of the office. When the office is or will be  
29          unoccupied by reason of the death of the official elected to the office, such



1 appointment shall be made within twenty days. ~~However, if~~ If the deadline for  
2 making the appointment falls on a Saturday, Sunday, or other legal holiday, then the  
3 next day which is not a Saturday, Sunday, or legal holiday shall be deemed to be the  
4 final day for making such appointment.

5 \* \* \*

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

7 \* \* \*

8 B.(1) When a vacancy occurs in the office of constable or marshal of a city  
9 or municipal court and the unexpired term of the office is one year or less, the chief  
10 deputy shall assume such duties and position and shall serve for the remainder of the  
11 expired term. However, in those cases where there is no such person to assume the  
12 duties when the vacancy occurs, the appropriate governing authority shall within ten  
13 days appoint a person having the qualifications of the office to assume the duties of  
14 the office for the remainder of the unexpired term. When the office is or will be  
15 unoccupied by reason of the death of the official elected to the office, such  
16 appointment shall be made within twenty days. ~~However, if~~ If the deadline for  
17 making the appointment falls on a Saturday, Sunday, or other legal holiday, then the  
18 next day which is not a Saturday, Sunday, or legal holiday shall be deemed to be the  
19 final day for making such appointment. The appointment shall be made by the  
20 governing authority of the parish, unless the jurisdiction of the city or municipal  
21 court is wholly within the municipal city limits, in which case, such appointment  
22 shall be made within ten days by the municipal governing authority. When the office  
23 is or will be unoccupied by reason of the death of the official elected to the office,  
24 such appointment shall be made within twenty days. ~~However, if~~ If the deadline for  
25 making the appointment falls on a Saturday, Sunday, or other legal holiday, then the  
26 next day which is not a Saturday, Sunday, or legal holiday shall be deemed to be the  
27 final day for making such appointment. If the appropriate governing authority fails  
28 to fill the vacancy within ten days or twenty days, as applicable, the governor shall

1 fill the vacancy. The judge of the city or municipal court which he serves shall fix  
2 the amount of the bond.

3 (2)(a) When the unexpired term exceeds one year, the chief deputy shall  
4 assume such duties and position and shall serve until the successor is elected and  
5 takes office. If there is no such person to assume the duties when the vacancy  
6 occurs, the appropriate governing authority shall within ten days appoint a person  
7 having the qualifications of the office to assume the duties of the office until the  
8 successor is elected and takes office. When the office is or will be unoccupied by  
9 reason of the death of the official elected to the office, such appointment shall be  
10 made within twenty days. ~~However, if~~ If the deadline for making the appointment  
11 falls on a Saturday, Sunday, or other legal holiday, then the next day which is not a  
12 Saturday, Sunday, or legal holiday shall be deemed to be the final day for making  
13 such appointment. If the appropriate governing authority fails to fill the vacancy  
14 within ten days or twenty days, as applicable, the governor shall fill the vacancy.  
15 The appropriate governing authority shall, within ten days after the vacancy occurs,  
16 issue a proclamation ordering a special election to fill the vacancy and shall specify  
17 in the proclamation, in accordance with R.S. 18:402, the dates on which the primary  
18 and general elections shall be held and, in accordance with R.S. 18:467, 467.1, and  
19 468, the dates of the qualifying period for candidates in the special election.  
20 However, if the deadline for issuing the proclamation falls on a Saturday, Sunday,  
21 or other legal holiday, then the next day which is not a Saturday, Sunday, or legal  
22 holiday shall be deemed to be the final day for issuing such proclamation. If the  
23 appropriate governing authority fails to issue the proclamation within ten days after  
24 the vacancy occurs, the governor shall issue the proclamation.

25 \* \* \*

26 §1254. Slates of independent candidates; nominating petitions and qualifying by  
27 payment of qualifying fees

28 \* \* \*

1 D. Any slate of candidates for presidential elector that qualifies by payment  
2 of a qualifying fee shall be a full slate of candidates for elector, one from each  
3 congressional district and two from the state at large, and shall submit with the  
4 qualifying fee the following information for each candidate:

5 (1) The candidate's name;

6 (2) The address of his domicile;

7 (3) The office sought;

8 (4) The names of the candidate for president and the candidate for vice  
9 president whom the candidates for elector support; however, neither the candidate  
10 for president nor the candidate for vice president supported by the slate of candidates  
11 for elector shall be a candidate for that office supported by a recognized political  
12 party or by a slate of candidates for elector who have previously filed a nominating  
13 petition or qualified by the payment of a qualifying fee for that election;

14 (5) The recognized political party, if any, with which each candidate for  
15 presidential elector is affiliated;

16 (6) In not more than three words, the political principle that he represents;  
17 and

18 (7) The date of the election for which he seeks to qualify.

19 \* \* \*

20 §1284. Resolution calling election; proposition

21 \* \* \*

22 F.(1) The preparation of ~~the statement~~ of the proposition to be submitted to  
23 the voters at an election shall be the responsibility of the governing authority of the  
24 political subdivision ordering the election. ~~The statement of the proposition shall~~  
25 ~~also include a simple and unbiased concise summary in easily understood language~~  
26 ~~which sets forth the substance of the proposition~~ include the information required by  
27 this Section in simple, unbiased, concise, and easily understood language and be in  
28 the form of a question. ~~The statement of the proposition, including the summary,~~

1 shall not exceed ~~four~~ two hundred words in length. ~~Such summary shall be placed~~  
2 ~~at the beginning of the statement of the proposition.~~

3 (2) The secretary of state shall be responsible for ensuring that the ~~statement~~  
4 ~~of the proposition contains the summary as provided in Paragraph (1) of this~~  
5 ~~Subsection~~ complies with the requirements of this Section.

6 \* \* \*

7 §1299.1. ~~Statement of question~~ Question or proposition to be voted on; ~~statement~~  
8 length

9 A. The preparation of ~~the statement of any~~ a question or proposition to be  
10 submitted to the voters at an election shall be the responsibility of the governing  
11 authority or other entity calling the election or submitting the question or  
12 proposition. ~~The statement of the proposition shall also include a simple and~~  
13 ~~unbiased concise summary in easily understood language which sets forth the~~  
14 ~~substance of the proposition~~ be comprised of simple, unbiased, concise, and easily  
15 understood language and be in the form of a question. ~~The statement of the~~  
16 ~~proposition, including the summary, shall not exceed four~~ two hundred words in  
17 length. ~~Such summary shall be placed at the beginning of the statement of the~~  
18 ~~proposition.~~

19 B. The secretary of state shall be responsible for ensuring that the ~~statement~~  
20 ~~of the proposition contains the summary as provided in Subsection A~~ complies with  
21 the requirements of this Section.

22 \* \* \*

23 §1307. Application by mail

24 \* \* \*

25 H. If the applicant is eligible to vote absentee by mail pursuant to R.S.  
26 18:1303(H), his application, if such application meets the requirements of this  
27 Section, shall remain valid as long as the applicant is a program participant in the  
28 Department of State Address Confidentiality Program pursuant to Part III of Chapter  
29 1 of Title 44 of the Louisiana Revised Statutes of 1950. When the applicant ceases

1 participation in the program, the registrar shall send notice by forwardable mail to  
2 the applicant that his application will no longer be valid, and the applicant shall be  
3 required to submit a new application to the registrar that meets the requirements of  
4 this Section and provide a current address before the applicant will be eligible to vote  
5 absentee by mail again pursuant to this Section.

6 I. If the registrar of voters has reason to believe that the eligibility of a voter  
7 to vote absentee by mail pursuant to R.S. 18:1303(I) is based upon false or fraudulent  
8 information, he shall immediately notify the parish board of election supervisors.  
9 If, after appropriate hearing and opportunity for the voter to be heard, the parish  
10 board of election supervisors finds that the voter's eligibility to vote absentee by mail  
11 was based upon false or fraudulent information, the board shall inform the  
12 appropriate district attorney and the registrar of voters who shall not allow the voter  
13 to vote absentee by mail pursuant to R.S. 18:1303(I).

14 \* \* \*

15 §1308. Absentee voting by mail

16 \* \* \*

17 B. The ballot shall be marked as provided in R.S. 18:1310 and returned to  
18 the registrar by the United States Postal Service, commercial delivery service, or  
19 hand delivery. If hand delivered by other than a commercial delivery service or the  
20 United States Postal Service, the registrar shall require that the person making such  
21 delivery sign a statement prepared by the secretary of state certifying that he has the  
22 authorization and consent of the voter to hand deliver the marked ballot. No person,  
23 except the immediate family of any voter, as defined in this Code, shall hand deliver  
24 more than one marked ballot to the registrar of voters. Upon its receipt, the registrar  
25 shall post the name and precinct of the voter as required by R.S. 18:1311.

26 \* \* \*

1 §1314. Absentee by mail and early voting commissioners

2 \* \* \*

3 B. Selection for a primary or first party primary election. (1) The parish  
4 board of election supervisors shall determine the number of absentee by mail and  
5 early voting commissioners necessary to count the absentee by mail and early voting  
6 ballots in the parish. The parish board of election supervisors shall select a ~~minimum~~  
7 ~~of three~~ maximum of six such commissioners. If the parish board of election  
8 supervisors determines that the number of absentee by mail and early voting  
9 commissioners should be increased to more than six such commissioners, the parish  
10 board shall make a request to the secretary of state for the additional absentee by  
11 mail and early voting commissioners. If the secretary of state or his designee  
12 determines that there is a need for the additional absentee by mail and early voting  
13 commissioners, the parish board shall select the additional absentee by mail and  
14 early voting commissioners.

15 \* \* \*

16 C. Selection for second party primary or general election. (1)

17 \* \* \*

18 (b) If it determines that the number cannot be reduced or should be  
19 increased, those persons who served as absentee by mail and early voting  
20 commissioners and alternate absentee by mail and early voting commissioners for  
21 the parish in the primary or first party primary election shall serve in the second  
22 party primary and general election, unless replaced or disqualified in the manner  
23 provided by law for commissioners and alternate commissioners. The number of  
24 absentee by mail and early voting commissioners for a second party primary and  
25 general election shall not be less than three. If the parish board of election  
26 supervisors determines that the number of absentee by mail and early voting  
27 commissioners should be increased to more than the number of such commissioners  
28 who served in the primary or first party primary election, the parish board shall make  
29 a request to the secretary of state for the additional absentee by mail and early voting

1 commissioners. If the secretary of state or his designee determines that there is a  
2 need for the additional absentee by mail and early voting commissioners, the parish  
3 board shall select the additional absentee by mail and early voting commissioners.

4 \* \* \*

5 (3) If the parish board ~~determines~~ and the secretary of state or his designee  
6 have determined that the number of absentee by mail and early voting commissioners  
7 should be increased, the parish board shall meet at 10:00 a.m. on the fifth day before  
8 the second party primary election and the general election and shall select the  
9 additional absentee by mail and early voting commissioners and alternate absentee  
10 by mail and early voting commissioners to serve in the second party primary election  
11 and the general election for that parish from the list of certified commissioners who  
12 have not been chosen to serve in the second party primary and the general election  
13 as a commissioner-in-charge, commissioner, or, if applicable, absentee by mail and  
14 early voting commissioner in the manner provided by law for the selection of  
15 commissioners and alternate commissioners. If there are not enough certified  
16 commissioners to select the appropriate number of absentee by mail and early voting  
17 commissioners and alternate absentee by mail and early voting commissioners, the  
18 board of election supervisors may select a qualified elector of the parish to serve;  
19 however, no such elector shall serve as an absentee by mail and early voting  
20 commissioner if a certified commissioner has been selected as an alternate absentee  
21 by mail and early voting commissioner.

22 D. Selection for provisional ballot counting for a primary or general election.

23 \* \* \*

24 (2) Upon approval by the secretary of state or his designee, the parish board  
25 of election supervisors shall appoint the approved number of absentee by mail and  
26 early voting commissioners for assistance to the board in counting and tabulating the  
27 provisional ballots.

28 \* \* \*

1 §1333. Nursing home early voting program; voting by persons residing in a nursing  
2 home

3 A. For purposes of this Section, the term "nursing home" shall have the  
4 meaning ascribed to it in R.S. 40:2009.2(1) and, with respect to a person with a  
5 physical disability who resides in a hospital for an extended period of time by reason  
6 of a physical disability that makes it improbable that he will be able to vote in person  
7 at the polls on election day or during early voting, the term also shall mean a  
8 hospital. "Nursing home" for the purpose of this Section shall also mean a veterans'  
9 home, operated by the state or federal government, where a person; with a physical  
10 disability who is unable to vote in person at the polls or during early voting because  
11 of a physical disability; resides.

12 \* \* \*

13 §1352. Use of voting machines throughout state; exception for failure of voting  
14 equipment and absentee by mail and early voting

15 A. Voting machines shall be used throughout this state in all elections.

16 B. Notwithstanding Subsection A of this Section, paper ballots may be used  
17 when voting machines fail.

18 C. ; however, nothing Nothing in this Chapter shall prohibit absentee by mail  
19 and early voting as otherwise provided in this Title.

20 \* \* \*

21 §1505.2. Contributions; expenditures; certain prohibitions and limitations

22 \* \* \*

23 H.(1)

24 \* \* \*

25 (c) Notwithstanding the provisions of Subparagraph (a) of this Paragraph,  
26 the contribution limit for contributions made to an unsuccessful major office  
27 candidate, or the principal campaign committee and any subsidiary committee of  
28 such unsuccessful candidate, who does not participate in the general election and for



1 the time period for which such candidate has a deficit for expenditures made through  
2 the day of the primary election, shall be ten thousand dollars.

3 (2)(a) Notwithstanding the provisions of Paragraph (1) of this Subsection,  
4 the following contribution limits are established for contributions by political  
5 committees supporting or opposing a candidate for the following offices:

6 \* \* \*

7 (b) Notwithstanding the provisions of Paragraph (1) and Subparagraph (2)(a)  
8 of this Subsection, the following campaign contribution limits are established for  
9 contributions by political committees supporting or opposing a candidate for the  
10 following offices, the membership of which political committee exceeds two  
11 hundred ~~and~~ fifty members as of the December thirty-first of the preceding calendar  
12 year, and additionally provided that at least two hundred ~~and~~ fifty of the members  
13 have each contributed at least fifty dollars to the political committee during the  
14 preceding one-year period:

15 (i) Major office - ten thousand dollars.

16 (ii) District office - five thousand dollars.

17 (iii) Other office - two thousand dollars.

18 No contribution in excess of the limits contained in Subparagraph ~~(2)(a)~~ (a)  
19 of this ~~Subsection~~ Paragraph shall be made by any political committee until such  
20 membership certification is made on the statement of organization form required by  
21 this Chapter and timely submitted to the supervisory committee by the applicable  
22 due date. Any political committee certified under this Paragraph shall notify the  
23 supported candidate in writing at the time any contribution is made under this  
24 Paragraph.

25 \* \* \*

26 (f) Notwithstanding the provisions of Paragraph (1) and Subparagraphs  
27 (2)(a) and (b) of this Subsection, the contributions limit for contributions by political  
28 committees certified according to the provisions of Subparagraph (2)(b) of this  
29 Subsection to an unsuccessful major office candidate, or the principal campaign

1 committee and subsidiary committee of such unsuccessful candidate, who does not  
2 participate in the general election and for the time period for which such candidate  
3 has a deficit for expenditures made through the day of the primary election, shall be  
4 twenty thousand dollars.

5 \* \* \*

6 I.(1) On and after January 1, 1991, contributions received by a candidate or  
7 a political committee may be expended for any lawful purpose, but such funds shall  
8 not be used, loaned, or pledged by any person for any personal use unrelated to a  
9 political campaign, the holding of a public office or party position, or, in the case of  
10 a political committee, other than a candidate's principal campaign committee or  
11 subsidiary committee, the administrative costs or operating expenses of the political  
12 committee; except that excess campaign funds may be returned to contributors on  
13 a pro rata basis, given as a charitable contribution as provided in 26 ~~USE~~ U.S.C.  
14 170(c), given to a charitable organization as defined in 26 ~~USE~~ U.S.C. 501(c)(3),  
15 expended in support of or in opposition to a proposition, political party, or candidacy  
16 of any person, or maintained in a segregated fund for use in future political  
17 campaigns or activity related to preparing for future candidacy to elective office.  
18 However, the use of campaign funds of a candidate or his principal or subsidiary  
19 committees to reimburse a candidate for expenses related to his political campaign  
20 or his holding of a public office or party position shall not be considered personal use  
21 by the candidate. If a candidate is required by state or federal law to pay taxes on the  
22 interest earned by campaign funds of the candidate or any political committee of the  
23 candidate, the candidate may use the interest on which such tax is paid for such  
24 purpose. A payment from campaign funds shall not be considered as having been  
25 spent for personal use when the funds are used to replace articles lost, stolen, or  
26 damaged in connection with the campaign.

27 \* \* \*

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

1 R.

2 \* \* \*

3 (3)(a)

4 \* \* \*

5 (ii) The provisions of this Subsection shall not prohibit the governor from  
6 obtaining a loan for his own campaign from a state bank, a federally chartered  
7 depository institution, or a depository institution the deposits or accounts of which  
8 are insured by the Federal Deposit Insurance Corporation, ~~Federal Savings and Loan~~  
9 ~~Insurance Corporation~~, or the National Credit Union Administration, any licensed  
10 lender under the Louisiana Consumer Credit Law, or an insurance company, made  
11 in accordance with applicable law and in the ordinary course of business, provided  
12 that the governor is the sole endorser or guarantor of the loan and that the loan is  
13 made on a basis which assures repayment evidenced by a written instrument, is  
14 subject to a due date or amortization schedule, and bears the usual and customary  
15 interest rate of the lending institution.

16 (b) The provisions of Paragraphs ~~(R)(1)~~ (1) and (2) of this Subsection shall  
17 not apply if the governor is a candidate for the office of United States senator; the  
18 office of United States representative; an office which is to be filled by an election  
19 which occurs during the regular legislative session during which the contribution,  
20 loan, or transfer of funds or in-kind contribution is accepted or within sixty days after  
21 such regular legislative session adjourns; or an office other than that of governor.  
22 However, if the governor accepts a contribution, loan, or transfer of funds or in-kind  
23 contribution during a regular legislative session or within thirty days after such a  
24 regular legislative session adjourns for a state or local office to which the prohibition  
25 in this Subsection does not apply and the governor chooses not to seek said office or  
26 fails to qualify for said office, the governor shall return, in the manner prescribed by  
27 the supervisory committee, each such contribution, loan, transfer of funds, or in-kind

1 contribution which remains unexpended or unencumbered for expenses directly  
2 related to such campaign for said office.

3 \* \* \*

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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)]

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Pugh

HB No. 434

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

Present law (R.S. 18:152) provides that prior to each election, the registrar shall "request" a current precinct register and duplicate precinct register for each precinct in the parish where an election is to be held. Proposed law requires the registrar to "obtain" one current copy of the precinct register and repeals the requirement for a hard copy duplicate precinct register. Provides that the Dept. of State will provide the registrar with a duplicate precinct register in electronic form instead.

Present law (R.S. 18:154) prohibits the registrar and the Dept. of State from disclosing certain voter information, including the day and month of the date of birth of a voter. Proposed law retains present law, but provides an exception for transmitting the full date of birth of a voter to the Board of Ethics to verify the identity of a candidate for purposes of campaign finance reporting.

Present law requires the clerk of court to conduct a general course of instruction for commissioners at least semiannually. Proposed law changes this requirement to provide that the course of instruction be conducted at least annually instead of semiannually.

Present law (R.S. 18:591, 602, and 604) provides a 10-day deadline for making an appointment to fill a vacancy in the offices of elective members of state boards and commissions and certain local and municipal offices. Proposed law retains present law but additionally provides that if the vacancy is due to the death of the official, the deadline is extended to 20 days.

Present law (R.S. 19:1284 and 1299.1) provides relative to bond, debt, and tax elections and other elections where a proposition or question is put to the voters. Provides requirements for a statement of a proposition to be submitted to the voters. Provides that the statement is the responsibility of the governing authority, political subdivision, or other entity calling the election. Requires certain information to be included, including a simple, unbiased, and concise summary of the proposition. Provides that the statement of the proposition shall not exceed 400 words. Provides that the secretary of state is responsible for ensuring that the statement of the proposition contains a summary as required by present law.

Proposed law repeals references to a "statement of a proposition" and applies requirements to the proposition itself. Provides that the proposition shall not exceed 200 words, instead of 400. Requires the proposition to be stated in the form of a question. Provides that the secretary of state shall ensure that the proposition complies with proposed law. Otherwise retains present law.

Present law (R.S. 44:52 et seq.) provides for the Dept. of State Address Confidentiality Program. Provides for the confidentiality of the physical addresses of program participants who are victims of abuse, sexual assault, or stalking.

Present law (R.S. 18:1303) provides eligibility requirements for voting absentee by mail. Provides that a program participant in the Address Confidentiality Program is eligible to vote absentee by mail. Present law (R.S. 18:1308) provides procedures and requirements for applying to vote absentee by mail. Requires the submission within certain deadlines of an application containing certain required information.

Proposed law retains present law. Additionally provides that if a person applying to vote absentee by mail is a program participant in the Address Confidentiality Program pursuant to present law his application, if it meets the requirements of present law, shall remain valid as long as the applicant is a program participant in the Address Confidentiality Program. Provides that when the applicant ceases participation in the program, the registrar shall send notice by forwardable mail to the applicant that his application will no longer be valid, and the applicant shall be required to submit a new application to the registrar that meets the requirements of present law and provide a current address before the applicant will be eligible to vote absentee by mail again.

Present law (R.S. 18:1308) provides procedures for voting absentee by mail. Requires the ballot to be marked as required by present law (R.S. 18:1308) and returned to the registrar. Proposed law retains present law, but provides relative to specific methods of delivery. Provides that a marked ballot may be returned to the registrar by the U.S. Postal Service, commercial delivery service, or hand delivery. Provides that if hand delivered by other than a commercial delivery service or the U.S. 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. Provides that no person except the immediate family of any voter shall hand deliver more than one marked ballot to the registrar of voters.

Present law (R.S. 18:1314) provides relative to absentee by mail and early voting commissioners. Provides for qualifications and selection. Provides that the parish board of election supervisors shall determine the number of absentee by mail and early voting commissioners necessary for an election. Requires the board to select at least three commissioners for the primary or first party primary election. Allows the board to increase or decrease the number of absentee by mail and early voting commissioners for a second party primary or general election.

Proposed law repeals the minimum number of absentee by mail and early voting commissioners that must be selected and provides for a maximum of six such commissioners. Requires approval of the secretary of state or his designee if the board seeks to use more than six absentee by mail and early voting commissioners for an election. Requires approval of the secretary of state or his designee to increase the number of commissioners to be used at the second party primary or general election. Provides that a designee of the secretary of state may approve the number of absentee by mail and early voting commissioners used to count and tabulate provisional ballots. Otherwise retains present law.

Present law (R.S. 18:1352) provides that voting machines shall be used throughout the state in all elections, provided that nothing in present law prohibits absentee by mail and early voting. Proposed law provides that paper ballots may be used when voting machines fail. Otherwise retains present law.

Proposed law makes various technical changes.

(Amends R.S. 18:102.1(B), 152(C)(2)(a), 152.1, 154(C), 402(G), 425(A)(1)(b)(intro. para.), 428(D), 431(A)(1)(a), 433(B)(1) and (E)(2), 591, 602(A), (B), and (C), 604(B)(1) and (2)(a), 1254(D), 1284(F), 1299.1, 1307(H), 1308(B), 1314(B)(1), (C)(1)(b) and (3), and (D)(2), 1333(A), 1352, and 1505.2(H)(1)(c) and (2)(a)(intro. para.), (b), and (f), (I)(1), and (R)(3)(a)(ii) and (b); Adds R.S. 18:1307(I))

Summary of Amendments Adopted by House

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

1. Deleted the requirement that the registrar request one copy of the precinct register from the Dept. of State. Instead requires the registrar to "obtain" one current copy of the precinct register without specifying the source.