AN ACT

To amend and reenact R.S. 18:18(A)(7), 23(A)(introductory paragraph) and (B),
116(A)(1)(introductory paragraph) and (a), (B)(1)(a) and (d) and (2)(a) and (b), and
(C), 193(D), 424(B)(1), 425(B), 444(D), 463(A)(2)(b), 470(B), 532.1(D)(2)(a) and
(E), 563(D)(2), 583(A)(2), 1285(B)(1)(a), 1300(C)(1), 1306(A)(3), 1307(B)(1)(a),
1309(E)(5)(b)(iii), 1310(D), and 1313(F)(11), and to repeal R.S. 18:105(B) and (C)
and 116(A)(1)(c), relative to the Louisiana Election Code; to revise the system of
laws comprising the Louisiana Election Code; to provide relative to the powers,
duties, and authority of the secretary of state; to authorize the secretary of state to
develop and implement a pilot program for new voting technology and equipment;
to provide relative to voter registration agencies; to provide relative to the duty to
provide voter registration services at such agencies; to prohibit certain conduct at
such agencies; to provide relative to qualifications to serve as a commissioner or
commissioner-in-charge; to allow certain students at institutions of higher learning

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in the state to serve as commissioners under certain circumstances; to require certain
notice of the officers of parish executive committees; to provide relative to the notice
of candidacy; to provide relative to the execution of the certificate on a notice of
candidacy; to provide relative to qualifying fees; to provide relative to changes in
precinct boundaries; to require the parish governing authority to provide certain
information prior to adopting any such change; to require the secretary of state to
report certain information relative to such changes; to provide deadlines for making
such changes; to provide for the effectiveness of such changes; to provide relative
to anticipated vacancies; to provide relative to procedures for applying to vote
absentee by mail; to provide for the deadline for filing a request for recount of
absentee by mail ballots; to provide relative to voter registration; to require the
registrar to transfer registration information under certain circumstances; to provide
for the cancellation of a registration under certain circumstances; to provide relative
to procedures and requirements for establishing eligibility; to provide relative to
retirement or resignation of a registrar; to provide for the membership of the State
Board of Election Supervisors; to provide deadlines for notice of certain elections;
to provide relative to absentee by mail voting; to require certain information
concerning correction procedures to appear on the ballot; to provide relative to paper
ballots; to provide for replacement ballots; to provide for effectiveness; and to
provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 18:18(A)(7), 23(A)(introductory paragraph) and (B),
116(A)(1)(introductory paragraph) and (a), (B)(1)(a) and (d) and (2)(a) and (b), and (C),
424(B)(1), 425(B), 444(D), 463(A)(2)(b), 470(B), 532.1(D)(2)(a) and (E), 583(A)(2),
1307(B)(1)(a), and 1313(J)(2)(b) are hereby amended and reenacted and R.S. 18:18(A)(10),
23(A)(8), 65, and 116(A)(3) are hereby enacted to read as follows:

§18. Secretary of state; powers and duties

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

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

* * *

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

(b) The secretary of state shall work with two members from the House Committee on House and Governmental Affairs designated by the chairman of that committee and two members from the Senate Committee on Senate and Governmental Affairs designated by the chairman of that committee in developing the program. After the development of the program, the secretary of state shall submit the details of the program to the House Committee on House and Governmental Affairs and the Senate Committee on Senate and Governmental Affairs. The secretary of state shall also submit to the committees the details of any subsequent change to the program.

* * *

§23. State Board of Election Supervisors

A. The State Board of Election Supervisors is created and established in the Department of State as provided in R.S. 36:802. The board shall be composed of the following seven persons:

* * *

(8) One member of the Police Jury Association of Louisiana or its successor, who shall be elected by the membership thereof to serve a four-year term concurrent with that of the governor. A vacancy shall be filled in the same manner for the remainder of the unexpired term.

B. Five members of the board shall constitute a quorum for the transaction of business, and all actions of the board shall require the affirmative vote of at least five members.

* * *
§65. Retirement or resignation of a registrar

A. A registrar who retires or resigns shall file a notice of retirement or resignation with the secretary of state.

B. A notice of retirement or resignation of a registrar shall be in writing, shall be dated, may specify a prospective date on which the retirement or resignation is to be effective, and shall be signed by the registrar and duly acknowledged by him before an officer authorized to administer oaths.

C. Upon receiving a notice of retirement or resignation from a registrar, the secretary of state shall immediately transmit a copy of the notice to the governing authority for the parish of the registrar who filed the notice.

D. A notice of retirement or resignation of a registrar shall not be effective until the original notice of retirement or resignation is received by the secretary of state and shall become irrevocable upon such receipt by the secretary of state.

§116. Voter registration agencies

A.(1) Voter registration services shall be provided at the following offices, hereby designated as voter registration agencies:

(a) Public assistance offices and agencies that administer or provide services under the food stamp Supplemental Nutrition Assistance Program (SNAP), Medicaid program, the supplemental food for Women, Infants and Children (WIC) program, and the Family Independence Temporary Assistance Program (FITAP) programs, the Kinship Care Subsidy Program (KCSP), and the Child Care Assistance Program (CCAP) or their successors, and any other public assistance agencies, if any, which the secretary shall designate by rule successor programs.

(3) Voter registration services shall be provided at recruitment offices of the Armed Forces of the United States according to the procedures established by the Federal Voting Assistance Program.

B.(1) At each designated voter registration agency, the following services shall be provided during regular office hours:
(a) Distribution of a mail voter registration application form to any applicant who is qualified to register.

* * *

(d) Acceptance of any change of address or change of name submitted by a registrant to an agency which shall serve as a notification of change of address or change of name for voter registration unless the registrant states at the time of submitting the change that the change is not for voter registration purposes. The transmittal procedure shall be handled in the same manner as voter registration applications.

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

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

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

* * *

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

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

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

(i) A statement of voter registration eligibility requirements.

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

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

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

(iv) (v) The statements "If you would like help in filling out the voter registration form, we will help you. The decision whether to seek or accept help is yours. You may fill out the application form in private."

(vi) (v) The statement "If you believe that someone has interfered with your right to register or to decline to register to vote, or your right to privacy in deciding whether to register or in applying to register to vote, or your right to choose your own political party or other political preference, you may file a complaint with the secretary of state." and the current address and telephone number of the secretary of state.

(2) Any designated voter registration agency as provided in Subparagraphs A(1)(a) and (b) of this Section shall also include on the form which accompanies the voter registration application form the statement "Applying to register or declining to register to vote will not affect the amount of assistance that you will be provided by this agency."

(2) (2) If an applicant fails to check any box on the form required by this Subsection, the applicant shall be deemed to have declined to apply to register to vote.

(3) (3) Each applicant who decides to register to vote shall be provided the same degree of assistance with regard to the completion of the registration application form as is provided by the office with regard to the completion of its own forms, unless the applicant refuses such assistance.

(4) (4) If a designated voter registration agency as provided in Subparagraph (A)(1)(b) of this Section provides services to a person with a disability at the person's home, the agency shall provide the same services described in this Section at the person's home.
(6)(5) No information relating to a declination to apply to register to vote may be used for any purpose other than voter registration and shall not be subject to public inspection.

§424. Commissioners-in-charge

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

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

§425. Commissioners

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

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

(2)(a) (3)(a) No person shall be selected as a commissioner in a precinct in which a member of his immediate family is a candidate for election to public office.
(b) No person who has been convicted of an election offense enumerated in Chapter 10 of this Title shall serve as a commissioner.

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

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

(6) Notwithstanding the provisions of Paragraph (2) of this Subsection, a qualified voter of this state or a person who is registered to vote in another state who is able to perform the essential duties of a commissioner as described in the informational pamphlet developed by the secretary of state pursuant to R.S. 18:421(C), who is not a candidate in the election, and who is a student at an institution of higher learning located in this state may be selected as a commissioner in any precinct in the parish where the institution of higher learning is located if the
student submits to the clerk a copy of his student identification or fee bill showing
current enrollment and a copy of his proof of voter registration.

§444. Parish executive committees

D. Officers. At the first meeting of the parish executive committee of a
recognized political party, the newly-elected members of the committee shall elect
the officers provided for by the rules and regulations of the state central committee
of that political party, which shall be uniform for all parish executive committees.
The chairman of each parish executive committee shall submit the name of each
officer to the secretary of state within five business days of the election of the
officers and shall submit any change in the officers to the secretary of state within
five business days of the change.

§463. Notice of candidacy; campaign finance disclosure; political advertising;
penalties

A. 

(2) 

(b) The certificate shall be executed before a notary public or shall be
witnessed by two persons who are registered to vote on the office the candidate
seeks. If the candidate is serving outside the state with the armed forces of the
United States, his notice of candidacy shall be witnessed by a commissioned officer
in the armed forces of the United States.

§470. Disposition of notices of candidacy; qualifying fees; nomination petitions

B. Qualifying fees. The secretary of state shall deliver all qualifying fees to
the state treasurer, who shall place the qualifying fees in an escrow account and from

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that account shall make all refunds required by R.S. 18:501(B). After all required refunds have been made, the treasurer shall remit all funds remaining in the escrow account to the state treasury in accordance with law.

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§532.1. Changing boundaries

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D.

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

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

(2) No precinct change or annexation that is made prior to the fifth tenth business day prior to the date the qualifying period opens shall become effective for the election unless the information required in Subsection A of this Section, including notice of preclearance if required pursuant to the Voting Rights Act of
1965, is received by the secretary of state prior to 4:30 p.m. on the fifth tenth business day prior to the date the qualifying period opens.

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§583. Procedure for anticipated vacancies

A.

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

* * *

§1307. Application by mail

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B.(1)(a)(i) An application to vote by mail may be delivered to the registrar by any means, including the United States Postal Service, commercial delivery service, hand delivery, or facsimile.

(ii) If hand delivered by other than a commercial delivery service or the United States Postal Service, the registrar shall require that the person making such delivery sign the application. No person, except the immediate family of any voter, as defined in this code, shall hand deliver more than one voter's application to vote by mail to the registrar of voters.

(iii) If sent by facsimile, the person sending the application by facsimile shall sign the application to indicate that he is the sender and shall include the facsimile number from where the facsimile was sent. No person, except the immediate family of any voter, shall send by facsimile more than one voter's application to vote by mail to the registrar of voters. However, the provisions of this Item shall not apply to an application by a person who is entitled to vote pursuant to the Uniformed and Overseas Citizens Absentee Voting Act.

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

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J.

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(2)

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(b) All recounts of absentee by mail and early voting ballots shall be held at 10:00 a.m. or following the reinspection of voting machines on the fifth day after the election and at any time ordered by a court of competent jurisdiction. If the fifth day after the election falls on a holiday or weekend, such recount shall be held on the next working day at 10:00 a.m. or following the reinspection of voting machines.

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

* * *

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

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

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D.(1) If the voter responds to the address confirmation card and has permanently moved outside the parish, the registrar shall move the voter's registration information to the new parish of residence.
(2) If the voter responds to the address confirmation card and has permanently moved outside the state, the registrar shall cancel the voter’s registration.

§563. Procedure for voting

D.

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

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

§1285. Notice of election

B.(1)(a) Written notice of the election and the certificate required by Subparagraph (b) of this Paragraph shall be transmitted to the secretary of state and each clerk of court and registrar of voters in the area affected by the election. If the election is to be held on a primary election date, then such notice and certificate shall be received by the secretary of state at least four weeks prior to the opening of the
qualifying period for the primary election. If the election is not to be held on a primary election date, then the notice and certificate shall be received by the secretary of state on or before the forty-sixth fifty-fourth day prior to the election. The secretary of state shall not accept any revisions to propositions, including but not limited to changes in title, text, or numerical designations, after the last day for submission of the notice and certificate to the secretary of state.

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§1300. Procedures; notice of election; expenses

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

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

A.

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

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§1309. Early voting; verification

E.  

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

D.  

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

F.  

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

* * *

Section 3. R.S. 18:105(B) and (C) and 116(A)(1)(c) are hereby repealed in their
entirety.

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

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

SPEAKER OF THE HOUSE OF REPRESENTATIVES

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PRESIDENT OF THE SENATE

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GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: ____________________________

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