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State of Louisiana

ELECTION CODE

Title 18
of the
LOUISIANA REVISED STATUTES
As Amended Through the
1994 Regular and Extraordinary Sessions



Published by

W. Fox McKeithen

Secretary of State

from

House of Representatives Database

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RETURN TO RESOURCE CENTER
INTERNATIONAL FOUNDATION
FOR ELECTORAL SYSTEMS
1101 15th STREET, NW 3rd FLOOR
WASHINGTON, DC 20005

Published by

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TABLE OF CONTENTS

CHAPTER 1. GENERAL PROVISIONS	1
§ 1. Short title; citation	1
§ 2. Definitions	1
§ 3. Petitions submitted to registrars of voters	2
CHAPTER 2. STATE ADMINISTRATION	2
PART I. COMMISSIONER OF ELECTIONS	2
§ 16. Department of elections and registration; commissioner of elections	2
§ 17. Commissioner of elections; election; term; vacancy; compensation	2
§ 18. Commissioner of elections; powers and duties	2
§ 19. First assistant	3
§ 20. Director of registration	3
§ 21. Contracts for storage of voting machines; public bid; negotiation	3
§ 22. Contracts for a signature digitization/verification system	4
PART II. STATE BOARD OF ELECTION SUPERVISORS	4
§ 23. State Board of Election Supervisors	4
§ 24. Powers and duties; authority to intervene in actions	5
§ 25. Annual reports	5
§ 26. <i>Repealed</i>	5
§ 27. Political activities prohibited	5
PART III. STATE VOTER REGISTRATION COMPUTER SYSTEM	5
§ 31. State voter registration computer system; parish computer system	5
PART IV. LOUISIANA ELECTIONS INTEGRITY	6
§ 41. Louisiana Elections Integrity; administration of Part	6
§ 42. Rule making power	6
§ 43. Investigations and hearings; certain elections	6
§ 44. Contesting election; referral for prosecution	7
§ 45. Limitations on powers and duties of board	8
§ 46. Annual reports	8
§ 47. Staff; assistance to board	8
CHAPTER 3. REGISTRARS OF VOTERS	9
§ 51. Registrar for each parish; appointment; tenure; books and records; commission; bond and oath	9
§ 52. Qualification of registrars	9
§ 53. Tenure; removal from office; may not be own immediate successor	9
§ 54. Qualification; date; duplicate oath; bond; approval of bond	9
§ 55. Compensation of registrar of voters; amount and manner of payment; reduction during tenure prohibited	10
§ 56. Salary supplement	11
§ 57. Reduction of compensation while holding office or employment prohibited	11
§ 58. Powers and duties of registrars; volunteer deputy registrar course of instruction	12
§ 59. Deputies, confidential assistants, and other permanent office employees; temporary employees; appointment and compensation	12
§ 59.1. Payment of state portion of salaries and expenses of registrars and their personnel by commissioner of elections	15
§ 59.2. Number of employee positions established; increase; decrease; volunteer deputy registrars	15

§ 59.3.	Registrar of voters and unclassified employees; increased salary mandated; additional increase authorized	16
§ 59.4.	<i>Repealed</i>	16
§ 60.	Removal of deputies and employees	16
§ 61.	Deputy acting for registrar; administration of oaths	16
§§ 61.1,		
61.2.	<i>Repealed</i>	16
§ 62.	Political activities prohibited	17
§ 63.	Ineligibility to hold elective or appointive public office	17
§ 64.	Attorney general as legal adviser to registrar	17
CHAPTER 4. REGISTRATION OF VOTERS		17
PART I. REGISTRATION		17
§ 101.	Registration to vote; qualifications; more than one residence; presidential elections	17
§ 102.	Ineligible persons	18
§ 102.1.	Persons suffering from mental retardation	18
§ 103.	Personal appearance of applicant required; exceptions	18
§ 104.	Application for registration; form	20
§ 105.	Establishment of identity; proof of naturalization of foreign born applicant	21
§ 106.	Physical disability; inability to write English; language minority groups; execution of documents; assistance	21
§ 107.	Party affiliation not required for registration; change in party affiliation	22
§ 108.	Prior registration; surrender of certificate or notice of registration before new registration; change of place of registration	22
§ 109.	Notice of registration and change in registration	22
§ 110.	Removal from precinct; removal from parish	23
§ 111.	Change of name	23
§ 112.	Endorsement of changes	24
§ 113.	Denial of registration; remedies of applicant	24
§ 114.	Registration at driver's license facilities	24
§ 115.	Registration by mail	26
§ 116.	Voter registration agencies	27
§ 117.	Training for accepting voter registration applications	29
PART II. OFFICES, OFFICE HOURS, CLOSE OF REGISTRATION		29
§ 131.	Place of registration; office and mobile registration unit defined	29
§ 132.	Offices furnished registrar; supplies; expenses	29
§ 133.	Branch offices; mobile registration units; mandatory registration drives	29
§ 133.1.	Temporary branch office; deputy registrar; appointment; compensation	30
§ 134.	Office hours	30
§ 135.	Close of registration	30
PART III. RECORDS BY REGISTRARS		31
§ 151.	Custody of records	31
§ 152.	Required records	31
§ 153.	Tax rolls	32
§ 154.	Records open to inspection; copying; exception	32
§ 155.	Refusal or neglect to grant right of inspection; remedies	33
§ 156.	Alteration, defacing, destruction, or removal of records	33
§ 157.	Delivery of precinct registers to election authorities	33
§ 158.	Retention of absentee ballots and records; retention of registration records for federal elections	33
PART IV. REPORTS TO REGISTRARS		34
§ 171.	Report of convictions of felony	34
§ 171.1.	Conviction of felony in federal court; notification	34
§ 172.	Judgment of interdiction for mental incompetence	35

§ 173.	Deaths	35
§ 174.	Changes of name; remarriage	35
§ 175.	Voting list from computer center	35
§ 176.	Cancellation of registration and challenge of unlawful registration on the basis of reports	36
PART V. CANVASS, CANCELLATION		36
§ 191.	Permanent registration	36
§ 192.	Annual canvass; costs	36
§ 193.	Challenge and cancellation of registration; notice; procedures	37
§ 194.	<i>Repealed</i>	38
§ 195.	Challenge of registrants in the United States Service or temporarily residing outside United States	38
§ 196.	Inactive list of voters; procedure for voting	39
§ 197.	Registration; cancellation	40
§ 198.	Change of residence or change in address; inquiry by registrar; change of records	40
§ 199.	New registration necessary after cancellation	40
§ 200.	Definition of affidavit	40
§ 201.	Change of address caused by action of a parish or municipal governing authority; use of information furnished by U.S. Postal Service	40
PART VI. MISCELLANEOUS PROVISIONS		41
§ 221.	Mandatory duties of registrar; ministerial character; compelling performance by mandamus or other process; appeal	41
CHAPTER 5. PRIMARY AND GENERAL ELECTIONS		42
PART I. GENERAL PROVISIONS		42
§ 401.	Purpose and nature of primary and general elections	42
§ 402.	Dates of primary and general elections	42
§ 403.	Election records and papers; preservation; public record	44
§ 404.	<i>Repealed</i>	44
PART I-A. SPECIAL PROVISIONS FOR CERTAIN ELECTIONS		
HELD IN 1992		44
§ 411.	Applicability of Part	44
§ 412.	Commissioners; courses of instruction	44
§ 413.	Opening and closing of qualifying period	45
§ 414.	Disposition of notices of candidacy; qualifying fees; nomination petitions	45
§ 415.	Campaign Finance Disclosure Act reporting forms	45
§ 416.	Refund of qualifying fees	45
§ 417.	Proposition elections; procedures	45
PART II. ELECTION OFFICIALS		45
SUBPART A. GENERAL PROVISIONS		45
§ 421.	Secretary of state; first assistant and other employees of the secretary of state	45
§ 422.	Clerks of court; deputy clerks and other employees of the clerk	46
§ 423.	Parish boards of election supervisors	46
§ 424.	Commissioners-in-charge	47
§ 425.	Commissioners	47
§ 425.1.	Consolidation of polling places; reduction of voting machines and election officials	48
§ 426.	Alternate commissioners; qualifications, powers, and duties; oath and compensation	49
§ 427.	Watchers	49
§ 428.	Law enforcement assistance to commissioners	49

SUBPART B. INSTRUCTION AND SELECTION OF COMMISSIONERS AND WATCHERS	50
§ 431. Commissioners; courses of instruction; certificates; reports; list of certified persons furnished by parish board of election supervisors	50
§ 431.1. Examinations for courses of instruction	51
§ 432. <i>Repealed</i>	52
§ 433. Commissioners-in-charge; course of instruction, selection; commission; disqualification; replacement	52
§ 434. Commissioners and alternate commissioners; selection; commission; disqualification; replacement	54
§ 435. Watchers; appointment and commission	56
§ 436. Election officials at certain special elections	57
PART III. POLITICAL PARTIES	57
§ 441. Recognition	57
§ 442. Organization	57
§ 443. State central committee	57
§ 443.1. State central committee; composition and apportionment	58
§ 443.2. State central committee of a recognized political party with twenty-five percent or less voter registration; election; composition and apportionment	59
§ 444. Parish executive committees	60
§ 445. Parish executive committees; formation in parishes where no committee has been elected	61
§ 446. Candidates for membership on political party committees; method of qualifying for a primary election	62
PART IV. CANDIDATES	62
SUBPART A. GENERAL PROVISIONS	62
§ 451. Qualifications of candidates	62
§ 452. Classification of candidates	63
§ 453. Dual candidacy	63
SUBPART B. QUALIFYING FOR A PRIMARY ELECTION	63
§ 461. Manner of qualifying for a primary election	63
§ 462. Officials with whom candidates qualify	63
§ 463. Notice of candidacy; financial statements; political advertising; penalties	64
§ 464. Qualifying fees; additional fees imposed by political party committees; financial statements	64
§ 465. Nominating petitions	66
§ 466. Time for qualifying in a primary election	68
§ 467. Opening of qualifying period	68
§ 467.1. Opening of qualifying period in event of change of date for primary election	68
§ 468. Close of the qualifying period	69
§ 469. Reopening of qualifying period; effect	69
§ 470. Disposition of notices of candidacy; qualifying fees; nomination petitions	70
§ 470.1. List of candidates	70
§ 471. Acts performed with or by clerk of court	70
SUBPART C. QUALIFYING FOR A GENERAL ELECTION	70
§ 481. Candidates who qualify for a general election	70
§ 482. Number of candidates who may qualify for a general election	71
§ 483. Effect of tie vote in a primary election	71
SUBPART D. OBJECTIONS TO CANDIDACY	71
§ 491. Standing to object to candidacy	71
§ 492. Grounds for an objection to candidacy	71
§ 493. Time for objecting to candidacy	71
§ 494. Effect of sustaining an objection to candidacy	71

SUBPART E. WITHDRAWAL OF CANDIDATES	72
§ 501. Procedure for withdrawal; refund of qualifying fees	72
§ 502. Effect of withdrawal	72
SUBPART F. ELECTION OF CANDIDATES	72
§ 511. Election of candidates in a primary election	72
§ 512. Election of candidates in a general election	73
§ 513. Certification of candidates elected	73
§ 514. Parish with municipality population of four hundred seventy-five thousand or more; municipal and parochial officers; date of taking office	74
PART V. VOTERS AND VOTING	74
SUBPART A. GENERAL PROVISIONS	74
§ 521. Qualifications of voters	74
§ 522. Number of candidates for whom a voter may vote	75
SUBPART B. PLACES FOR VOTING	75
§ 531. Places for voting in primary and general elections	75
§ 532. Establishment of precincts	75
§ 532.1. Changing precinct boundaries	77
§ 533. Establishment and location of polling places	79
§ 534. Change of polling places	80
§ 535. Notice of location of precincts and polling places	80
§ 536. Notice of change of location of polling place	80
§ 537. Enforcement, venue; penalty	81
SUBPART C. TIME FOR VOTING	81
§ 541. Opening and closing of the polls	81
§ 542. Termination of voting	81
SUBPART D. PREPARATION FOR VOTING	81
§ 551. Ballots	81
§ 552. Election materials	83
§ 553. Inspection and preparation of voting machines at polling places	83
SUBPART E. PROCEDURE FOR VOTING	84
§ 561. Poll lists	84
§ 562. Prerequisites to voting	84
§ 563. Procedure for voting	85
§ 564. Assistance in voting	85
§ 565. Challenge of voters	86
PART VI. ELECTION RETURNS	86
§ 571. Counting and tabulating the votes	86
§ 572. Transmission of election returns; voting machine keys; machine certificates ...	87
§ 573. Evidence of election results	87
§ 574. Compilation and promulgation of returns	89
§ 575. Official results of a primary or general election	90
§ 576. Election night returns	90
PART VII. FILLING OF VACANCIES	90
SUBPART A. GENERAL PROVISIONS	90
§ 581. Definitions	90
§ 582. Applicability	91
§ 583. Procedure for anticipated vacancies	91
§ 584. <i>Repealed</i>	91
§ 585. Procedure for vacancies	91
SUBPART B. STATE OFFICES	92
§ 591. Vacancy in office of elective members of state boards and commissions	92

SUBPART C. LOCAL AND MUNICIPAL OFFICES	92
§ 601. Vacancy in office of state legislators	92
§ 602. Vacancies in certain local and municipal offices; exceptions	92
§ 603. Persons designated to assume duties of vacant offices; salary and emoluments; power to appoint	94
§ 604. Marshal of city or municipal court; temporary absence; vacancy	94
SUBPART D. OFFICE OF JUDGE	95
§ 621. Vacancy in office of judge	95
SUBPART E. RESIGNATION OF ELECTED PUBLIC OFFICER	95
§ 651. Applicability	95
§ 652. Resignations	95
§ 653. Transmission of resignations	96
§ 654. Effect of filing of resignations	96
SUBPART F. JUDGMENT DECLARING OFFICE VACANT	96
§ 671. Judgment declaring office vacant	96
§ 672. Filing of complaint	96
§ 673. Official's opinion	96
§ 674. Procedure	96
§ 675. Subpart not exclusive	97
CHAPTER 6. NATIONAL ELECTIONS	97
PART I. PRESIDENTIAL ELECTORS	97
§ 1251. Election; time of electing	97
§ 1252. Qualifications	97
§ 1253. Nominating by political parties; certificates of nomination	97
§ 1254. States of independent candidates; nominating petitions and qualifying by payment of qualifying fees	98
§ 1255. Filing nominating petitions	99
§ 1256. Withdrawal of candidate	99
§ 1257. Objections to certificates of nomination, nominating petitions, and notices of candidacy for those qualifying by payment of fee	99
§ 1258. Vacancy in nomination; procedure; death of candidate	99
§ 1259. Arrangement of ballot; designation of party candidates	99
§ 1260. Votes for presidential electors	100
§ 1261. Determination of election results; tie vote; issuance of certificate	100
§ 1262. Credentials of electors	101
§ 1263. Meeting of electors	101
§ 1264. Vacancies; procedure	101
§ 1265. Compensation	101
PART II. UNITED STATES CONGRESS	101
§ 1271. Applicable laws	101
§ 1272. United States senators, representatives in Congress; time of electing	101
§ 1273. Opening and closing of qualifications for candidates for United States senators and representatives in Congress	102
§ 1274. Declaration of candidacy by congressional candidates	102
§ 1275. United States senator and representative in Congress; qualifications	102
§ 1276. Congressional districts	102
§ 1276.1. <i>Repealed</i>	105
§ 1276.2. <i>Repealed</i>	105
§ 1276.3. <i>Repealed</i>	105
§ 1277. Certification of votes cast for United States senator and representative in Congress	105
§ 1278. Vacancies; United States senator	105
§ 1279. Vacancies; representatives in Congress	105

§ 1280.	Contests	106
PART III. PRESIDENTIAL PREFERENCE PRIMARY		
§ 1280.21.	Presidential preference primary election	106
§ 1280.22.	Candidates; procedure for qualifying	106
§ 1280.23.	Conduct of election	107
§ 1280.24.	Arrangement of ballot	107
§ 1280.25.	Voting according to party affiliation	107
§ 1280.26.	<i>Repealed</i>	107
§ 1280.27.	Delegates to political party conventions; selection; oaths; voting; allocation among presidential nominees	107
CHAPTER 6-A. BOND, DEBT, AND TAX ELECTIONS		
§ 1281.	Statement of purpose	107
§ 1282.	Political subdivision defined	107
§ 1283.	Elections	108
§ 1284.	Resolution calling election; proposition	108
§ 1285.	Notice of election	108
§ 1286.	Polling places; election officers	109
§ 1286.1.	Authority to consolidate polling places; reduce number of election officials	110
§ 1287.	Election officers; substitutes	110
§ 1288.	Election officers; oaths	110
§ 1289.	Penalty for violations	110
§ 1290.	Qualification of voters	110
§ 1291.	Voting	111
§ 1292.	Canvass of returns	111
§ 1293.	Proces verbal	111
§ 1294.	Contests	111
§ 1295.	Special election to increase interest rate	111
§ 1296.	<i>Repealed</i>	112
CHAPTER 6-B. ELECTIONS AT WHICH A PROPOSITION OR QUESTION IS TO BE SUBMITTED TO THE VOTERS		
§ 1299.	Applicability	112
§ 1299.1.	Statement of question or proposition to be voted on; statement length	112
§ 1300.	Procedures; notice of election; expenses	112
CHAPTER 6-C. RECALL ELECTIONS		
§ 1300.1.	Recall authorized	113
§ 1300.2.	Petition for recall election	113
§ 1300.3.	Certification of registrar of voters; addition or withdrawal of signatures; form of names	114
§ 1300.4.	Signature to recall petition	114
§ 1300.5.	Chairman and vice chairman designated in petition	114
§ 1300.6.	Acts prohibited; penalty	114
§ 1300.7.	Governor to order election; proclamation; publication	115
§ 1300.8.	Voting areas	115
§ 1300.9.	Recall elections, conduct in accordance with Election Code	115
§ 1300.10.	Commissioners of election	115
§ 1300.11.	Preparation of ballots; marking of ballots	115
§ 1300.12.	Results of election	116
§ 1300.13.	Declaration of vacancy	116
§ 1300.14.	Failure of recall	116
§ 1300.15.	Recall proceedings involving governor or Secretary of State	116
§ 1300.16.	Penalty	116
§ 1300.17.	Right to contest preserved	116

CHAPTER 7. ABSENTEE VOTING	116
§ 1301. Applicability	116
§ 1302. Definitions	117
§ 1303. Persons entitled to vote in compliance with this Chapter	117
§ 1304. Disabled voters; permanent disability	119
§ 1305. Voting at polls prohibited	119
§ 1306. Preparation and distribution of absentee ballots	119
§ 1307. Application by mail	121
§ 1307.1. Application by person serving on sequestered jury	122
§ 1307.2. Procedure for absentee voting by member of sequestered jury	122
§ 1308. Absentee voting by mail	122
§ 1308.1. Absentee voting by person serving on sequestered jury	123
§ 1308.2. Absentee voting by mail for presidential candidates	124
§ 1309. Absentee application and voting in person	124
§ 1310. Execution of certificate; marking of ballot; assistance	125
§ 1311. List of absentee voters; posting; delivery of alphabetized list to precincts; supplements	125
§ 1312. Retention of ballots at registrar's office	126
§ 1313. Tabulation and counting of absentee ballots	127
§ 1314. Absentee commissioners	128
§ 1315. Challenge of absentee ballot	129
§ 1316. Rejection of ballot having distinguishing marks	130
§ 1317. Death of voter prior to opening of polls	130
§ 1318. Applicability of election laws	131
 CHAPTER 7-A. SPECIAL PROGRAM FOR PHYSICALLY HANDICAPPED VOTERS	 131
PART I. GENERAL PROVISIONS	131
§ 1321. Special voter programs, authority to establish	131
PART II. REGISTRATION PROGRAM	131
§ 1325. <i>Repealed</i>	131
PART III. SPECIAL PROGRAM FOR HANDICAPPED VOTERS	131
§ 1331. Persons entitled to vote in compliance with this Chapter	131
§ 1332. Disabled voters; physical disability rendering voter incapable of voting in person, voting absentee by mail; requirements	131
§ 1333. Voting by persons confined to a nursing home	132
§ 1334. Electioneering in connection with absentee voting; enforcement; penalty	134
§ 1335. Liberal construction of Chapter	134
 CHAPTER 8. VOTING AND VOTING MACHINES	 135
PART I. GENERAL PROVISIONS	135
§ 1351. Definitions	135
§ 1352. Use of voting machines throughout state; exception for absentee voting	135
§ 1353. Commissioner of elections; powers and duties	135
§ 1354. Parish custodian of voting machines; powers and duties; appointment of deputy custodians	136
§ 1355. Construction and equipment of machines; requirements	137
§ 1356. <i>Repealed</i>	138
PART II. ACQUISITION AND ALLOCATION OF VOTING MACHINES ...	138
§ 1361. Approval of machines; certificate; expenses of examination	138
§ 1362. Method of acquiring voting machines; parts and supplies	138
§ 1363. Number of machines; allocation to precincts; exception; reserve machines	138

PART III. PREPARATION, DELIVERY, AND USE OF	
VOTING MACHINES	139
§ 1371. Delivery and return of machines and supplies; contract; time of delivery	139
§ 1372. Preparation of machines for election; testing and adjusting	139
§ 1373. Notice of preparation of machines for election; examination by candidate or his representative; locking and sealing machines	139
§ 1374. Equipment of polling places; location of machines	140
§ 1375. Duplicate keys	140
§ 1376. Release of voting machines; return to warehouse; retention of totals; clearing machines	140
PART IV. EXPENSES	141
§ 1381. <i>Repealed</i>	141
§ 1382. Apportionment of expenses	141
PART V. ALTERNATIVE VOTING SYSTEMS	141
SUBPART A. ABSENTEE COUNTING EQUIPMENT	141
§ 1391. Absentee ballot counting equipment; authorization	141
§ 1392. Selection of absentee counting equipment	141
§ 1393. Placement and sufficiency of equipment	142
§ 1394. Ballots; marking ballots	142
§ 1395. Voting; execution of certificates	142
§ 1396. Tabulation and counting of absentee ballots; procedures; absentee precinct ..	143
§ 1397. Miscellaneous provisions	143
SUBPART B. VOTING MACHINES	143
§ 1398. Printer-type mechanical voting machines; electronic voting machines; authorization	143
§ 1399. Voting machines; inspection; counting and tabulation; election returns	143
CHAPTER 8-A. ELECTION EXPENSES	144
§ 1400.1. Election costs paid by secretary of state; governing authorities; reimbursement	144
§ 1400.2. Election costs paid by commissioner of elections; governing authorities; reimbursement	145
§ 1400.3. Election expenses incurred by clerks of court and registrars of voters; payment by commissioner of elections; payment by governing authorities ..	146
§ 1400.4. Elections costs for parish boards of election supervisors; payment of compensation; reimbursement; expenses	147
§ 1400.5. Costs and expenses of a presidential preference primary election	148
§ 1400.6. Costs and expenses of primary and general elections	149
CHAPTER 9. CONTESTS AND CHALLENGES	149
PART I. PROCEDURE FOR OBJECTIONS TO CANDIDACY AND	
ELECTION CONTESTS	149
§ 1401. Objections to candidacy and contests of elections; parties authorized to institute actions	149
§ 1402. Proper parties	149
§ 1403. Jurisdiction	149
§ 1404. Venue	150
§ 1405. Time for commencement of action	150
§ 1406. Petition; answer; notification	150
§ 1407. Appointment of agent for service of process	151
§ 1408. Service of process; sending notice and copies; documents to be filed	151
§ 1409. Trial; decision; appeal	151
§ 1410. Judgments in objection to candidacy or election contest; transmittal of certified copy to secretary of state and commissioner of elections	152
§ 1411. Depositions	152

§ 1412.	Pleadings alleging fraud in conduct of election; delivery to attorney general and district attorney	152
§ 1413.	Computation of time	153
§ 1414.	Code of Civil Procedure	153
PART II.	COURT DETERMINATION OF ELECTION CONTESTS	153
§ 1431.	Fraudulent or illegal votes; uncounted votes; determination of election result ..	153
§ 1432.	Remedies	153
§ 1433.	Revote in precincts where voting machine malfunctions if result cannot be otherwise ascertained	153
§ 1433.1.	Revote in elections where precinct contained multiple election districts if result cannot be otherwise ascertained	154
§ 1434.	Waiver of objections to voter qualifications when voter is not challenged at the election	154
PART III.	RECOUNT OF ABSENTEE BALLOTS	154
§ 1451.	Recount of absentee ballots authorized	154
§ 1452.	Costs of recount	154
§ 1453.	Recount procedure	154
CHAPTER 10.	ELECTION OFFENSES	155
§ 1461.	Election offenses; penalties	155
§ 1462.	Acts prohibited on election day; electioneering; exception; enforcement; penalty	156
§ 1463.	Political material; legislative finding of compelling state interest; identification of source of materials; materials containing false allegations of affiliation ..	157
§ 1464.	Excessive charge for political advertisements prohibited; penalty	158
§ 1465.	Prohibited use of public funds	158
§ 1466.	Person defined	158
§ 1467.	Conviction in fraudulent vote cases; prohibition from employment in elections	158
§ 1468.	Contributions in return for endorsement; prohibition	158
§ 1469.	Bribery of a candidate; crime defined; penalty	159
§ 1470.	Political advertising; prohibition	159
§ 1471.	Temporary restraining order; notice; hearing	159
CHAPTER 11.	ELECTION CAMPAIGN FINANCE	159
PART I.	GENERAL PROVISIONS	159
§ 1481.	Short title	159
§ 1482.	Statement of purpose	159
§ 1483.	Definitions	160
§ 1484.	Disclosure reports; persons required to file	163
§ 1485.	Filing; receipt by supervisory committee	164
§ 1486.	Proposition elections; required reports	164
§ 1487.	Reports, name and address	164
PART II.	POLITICAL COMMITTEES	164
§ 1491.1.	Registration of political committees	164
§ 1491.2.	Statement of dissolution	165
§ 1491.3.	Principal campaign committees; subsidiary committees; consolidation of reports	166
§ 1491.4.	Campaign treasurers; campaign depositories; expenditures by check; petty cash fund	167
§ 1491.5.	Maintenance of records; valuation of in-kind contributions and expenditures ..	168
§ 1491.6.	Reports required; reporting times and periods	169
§ 1491.7.	Reports; contents	171
§ 1491.8.	Small campaigns; affidavit in lieu of reports	173

PART III. CANDIDATES	173
§ 1495.1. Report through committee	173
§ 1495.2. Campaign treasurers; campaign depositories; expenditures by check; petty cash fund	173
§ 1495.3. Maintenance of records; valuation of in-kind contributions and expenditures ..	174
§ 1495.4. Reports required; reporting times and periods	176
§ 1495.5. Reports; contents	177
§ 1495.6. Small campaigns; affidavit in lieu of reports	179
PART IV. OTHER PERSONS REQUIRED TO REPORT	179
§ 1501.1. Reports by persons not candidates or committees	179
PART V. PROHIBITED PRACTICES AND LIMITATIONS; PENALTIES ...	179
§ 1505.1. Failure to submit report; failure to file report timely or properly	179
§ 1505.2. Contributions; expenditures; certain prohibitions and limitations	180
§ 1505.3. Subterfuge to avoid compliance with Chapter	183
§ 1505.4. Civil penalties; failure to file; timely and accurate filing	184
§ 1505.5. Civil penalties; violations of Chapter	184
§ 1505.6. Criminal penalties	185
PART VI. ENFORCEMENT	185
§ 1511.1. Supervisory Committee on Campaign Finance Disclosure/Board of Ethics for Elected Officials; functions; compensation; immunity	185
§ 1511.2. Supervisory Committee; rule-making authority; advisory opinions	185
§ 1511.3. Filing of reports; forms; notice	186
§ 1511.4. Supervisory committee; investigations	186
§ 1511.5. Procedure for enforcement; civil	187
§ 1511.6. Procedures for enforcement; criminal	187
§ 1511.7. Venue	188
§ 1511.8. Secrecy of proceedings	188
§ 1511.9. Immunity from prosecution; prohibition	189
§ 1511.10. False complaints	189
§ 1511.11. Precedence of actions; limitation of actions	189
§ 1511.12. Legislative intent	189
PART VII. ELECTION DAY EXPENDITURES	189
§ 1531. Transportation of voters	189
§ 1532. Disclosure of expenditures for election day	190
CHAPTER 12. REGISTRARS OF VOTERS EMPLOYEES' RETIREMENT SYSTEM	190
§§ 1651- 1844. <i>Redesignated</i>	190
CHAPTER 13. CENSUS DATA FOR REAPPORTIONMENT	191
§ 1901. Purpose	191
§ 1902. State liaison	191
§ 1903. Precincts; boundary changes	191
§ 1904. Cooperation of state agencies and officials	191
§ 1905. Cooperation of local governments and officials	192
§ 1906. Tabulation for reapportionment; legislature	192
CHAPTER 13-A. LOCAL REAPPORTIONMENT	192
§ 1921. Applicability	192
§ 1922. Time for reapportionment; submission under Voting Rights Act	192
§ 1923. Failure to comply; misfeasance; sanctions	192

CHAPTER 13-B. LOCAL SUBMISSIONS PURSUANT TO THE VOTING RIGHTS ACT	192
§ 1941. Voting Rights Act submission by political subdivisions; copy to secretary of state	192
CHAPTER 14. REAPPORTIONMENT MAPS	193
§ 1951. Maps of reapportioned districts; Department of Transportation and Development	193

TITLE 18. LOUISIANA ELECTION CODE

CHAPTER 1. GENERAL PROVISIONS

§1. Short title; citation

A. Title 18 shall constitute and be known as the "Louisiana Election Code", and its Chapters, Parts, Subparts, and Sections may be cited officially as Chapters, Parts, and Sections of either the Louisiana Election Code or Title 18 of the Louisiana Revised Statutes of 1950. In the latter case, the Sections shall be cited in the manner provided in R.S. 1:1.

B. The Louisiana Election Code shall regulate the conduct of elections and political subdivisions shall be prohibited from adopting any law, resolution, or ordinance relative to elections and the conduct thereof, including campaign finance, except as otherwise specifically authorized in this code.

Acts 1989, No. 56, §1, eff. June 16, 1989.

NOTE: Acts 1989, No. 56, §2 voids local laws, ordinances, and resolutions previously adopted which are prohibited by this Section.

§2. Definitions

As used in this Code, the following words and terms shall have the meanings hereinafter ascribed to each, unless the context clearly indicates another meaning:

(1) "Clerk of court" or "clerk" means the clerk of the district court, except that in any parish having a civil district court and a criminal district court, these terms mean the clerk of the criminal district court.

(2) "Under an order of imprisonment" means a sentence of confinement, whether or not suspended, whether or not the subject of the order has been placed on probation, with or without supervision, and whether or not the subject of the order has been paroled.

(3) "Parish governing authority" or "governing authority of the parish" with respect to a parish containing a municipality having a population of more than four hundred seventy-five thousand, means the city council.

(4) "Ward" means a police jury ward in a parish and in parishes having no police jury wards means the subdivision of the parish equivalent to a police jury ward.

(5) "Precinct" means the smallest political unit of a Ward having defined geographical boundaries.

(6) "Voting district" means a geographical area composed of one or more precincts in a parish in which every elector within that area votes in the same congressional district, statewide board or commission district, judicial district, Senate District, House of Representative District, parish governing authority district, local and ward office district, municipal office district, and all other special election districts.

(7) "Immediate family" means the individual's children, brothers, sisters, parents, and spouse.

(8) "Voter registration agency" means an office designated under R.S. 18:116(A) to perform voter registration activities.

(9) "Federal election" means a general, special, primary, or runoff election for federal office; a convention or caucus of a political party which has authority to nominate a candidate for federal office; a primary election held for the selection of delegates to a national nominating convention of a political party; and a primary election held for the expression of a preference for the nomination of individuals for election to the office of president.

(10) "Federal office" means the office of president or vice president of the United States or of senator or representative in the United States Congress.

Acts 1976, No. 697, §1, Jan. 1, 1978. Amended by Acts 1977, No. 544, §1, eff. Jan. 1, 1978; Acts 1982, No. 559, §1, eff. July 22, 1982; Acts 1991, No. 277, §1; Acts 1993, No. 465, §1; Acts 1994, 3rd Ex. Sess., No. 10, §1, eff. Jan. 1, 1995.

§3. Petitions submitted to registrars of voters

A. Notwithstanding any other provision of law to the contrary, every petition submitted to a registrar of voters for certification shall contain the following information:

(1) The signature of the voter who is signing the petition; however, if a person is unable to write, the incapacitated person shall affix his mark to the petition and the person circulating the petition shall affix the name of the incapacitated person provided he does so in the presence of two witnesses who shall also sign their names as witnesses to the mark.

(2) The date the voter signed the petition.

(3) The signer's ward or district and precinct.

(4) The residence address of the signer, including municipal number, apartment number, rural route, and box number.

(5) Name of the signer typed or legibly written.

(6) Name of person who witnessed and obtained signature.

(7) Date witnessed by person who witnessed and obtained signature.

B. The provisions of this Section shall not be applicable to petitions for elections to be held pursuant to the provision of Chapter 3 of Title 26 of the Louisiana Revised Statutes of 1950.

Acts 1986, No. 669, §1; Acts 1988, No. 809, §1.

CHAPTER 2. STATE ADMINISTRATION

PART I. COMMISSIONER OF ELECTIONS

§16. Department of elections and registration; commissioner of elections

The Louisiana Department of Elections and Registration is created within the executive branch of state government. The commissioner of elections shall head the department.

Acts 1976, No. 697, §1, eff. Jan. 1, 1978.

§17. Commissioner of elections; election; term; vacancy; compensation

A. The commissioner of elections shall possess the qualifications set forth in Article IV, Section 2 of the Constitution of Louisiana and shall be elected for a term of four years at the time and place of voting for members of the legislature. The term shall begin at noon on the second Monday in January after the election. He shall hold no other public office except by virtue of his office.

B. A vacancy in the office of commissioner of elections shall be filled by the first assistant; however, if the unexpired term exceeds one year, the office shall be filled at the next regularly scheduled congressional or statewide election, and in such case the first assistant shall serve only until the person then elected takes office.

C. The annual salary of the commissioner shall be sixty thousand one hundred sixty-nine dollars, payable monthly on his own warrant.

Acts 1976, No. 697, §1, eff. Jan. 1, 1978. Amended by Acts 1979, No. 236, §4, eff. Sept. 1, 1979; Acts 1980, No. 376, §3, eff. Sept. 1, 1980; Acts 1981, No. 636, §6, eff. Sept. 1, 1981; Acts 1993, No. 418, §1, eff. Jan. 1, 1994.

§18. Commissioner of elections; powers and duties

The commissioner of elections shall administer the laws relating to custody of voting machines and voter registration, and for the purpose he shall:

(1) Subject to applicable civil service laws and applicable provisions of this Title, employ and fix the salaries and duties of necessary staff to carry out the functions of the department.

(2) Direct and assist the registrars of voters of the state with respect to matters pertaining to the registration of voters as provided by law.

(3) Prescribe uniform rules, regulations, forms, and instructions, which shall be approved by the attorney general and thereafter shall be applied uniformly by each registrar of voters in the state. These rules, regulations, forms, and instructions shall include but not necessarily be restricted to forms of applications for registration, records, affidavits and statements, documents, and general procedures to be used by the registrars of voters, none of which shall be inconsistent with the constitution and laws of the United States or of this state.

(4) Be responsible for obtaining statistics and data relating to the registration of voters from the registrars throughout the state and for the compilation of such statistics and data in an annual report which shall be submitted to the legislature of Louisiana not later than the first day of each regular session.

(5) Perform such other functions and duties and exercise such other powers as are conferred upon him by this Title.

(6) Coordinate the responsibilities of this state under the National Voter Registration Act of 1993 (P.L. 103-31) as required by 42 U.S.C. Section 1973gg-8.

Acts 1976, No. 697, §1, eff. Jan. 1, 1978. Amended by Acts 1977, No. 523, §1, eff. Jan. 1, 1978; Acts 1994, 3rd Ex. Sess., No. 10, §1, eff. Jan. 1, 1995.

§19. First assistant

A. The commissioner shall appoint an assistant commissioner of elections, who shall serve as his first assistant and who shall possess the qualifications required for the office of commissioner. The appointment shall be subject to confirmation by the senate as provided by Article IV, Section 13 of the constitution. The commissioner shall fix the compensation and the duties to be performed by the first assistant and may remove him at his pleasure.

B. When serving as commissioner of elections in accordance with the provisions of R.S. 18:17(B), the first assistant shall take the oath of office required by Article X, Section 30 of the constitution and shall be paid the salary fixed by law for the commissioner.

C. The first assistant shall act for the commissioner when the commissioner is temporarily absent from the state and also shall act for him in such other cases of temporary absence as the commissioner shall designate or, if he is unable to do so, as the governor shall designate.

Acts 1976, No. 697, §1, eff. Jan. 1, 1978.

§20. Director of registration

The commissioner shall appoint a director of registration, who may be the first assistant commissioner or another employee of the department and, shall fix the duties and compensation of the director. The duties of the director shall be performed under the direction of the commissioner and shall include assistance to registrars, administration of rules and regulations of the commissioner relating to the registration of voters, and matters pertaining to the reporting, compilation, and dissemination of registration statistics and information.

Acts 1976, No. 697, §1, eff. Jan. 1, 1978.

§21. Contracts for storage of voting machines; public bid; negotiation

A. Each contract entered into by the commissioner of elections for the lease of any building or portion thereof for the storage of voting machines shall be advertised and awarded to the lowest responsible bidder in accordance with the applicable provisions of R.S. 39:1551 et seq. For the purposes of advertising, awarding, and administering contracts for the lease of space for the storage of voting machines, the commissioner of elections may utilize any applicable procurement regulation promulgated in accordance with the Administrative Procedure Act by the commissioner of administration.

B.(1) Notwithstanding the provisions of R.S. 18:21(A) or any other provision of law to the contrary, the commissioner of elections may modify any existing lease between the department and a lessor by negotiation, if the following conditions exist:

(a) Additional storage space is required in order to accommodate an increase in the number of voting machines due to an increase in population of the affected parish.

(b) Additional storage space is required in order to accommodate voting machines of a different configuration than the voting machines stored under the original lease agreement.

(2) No modification to a lease through negotiation shall be made the effect of which increases the existing price per square foot by more than twenty-five percent, and no modification to a lease through negotiation shall be made in the first two years or the last two years of the term of any such lease.

Added by Acts 1980, No. 506, §1, eff. Jan. 1, 1981. Amended by Acts 1982, No. 166, §1, eff. July 14, 1982; Acts 1985, No. 754, §1.

§22. Contracts for a signature digitization/verification system

The commissioner of elections may enter into contracts necessary to provide for a signature digitization/verification system to be used to carry out the functions of election officials.

Acts 1992, No. 392, §1.

PART II. STATE BOARD OF ELECTION SUPERVISORS

§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:

- (1) The Lieutenant Governor.
- (2) The secretary of state.
- (3) The attorney general.
- (4) The commissioner of elections.

(5) One member of the Clerks of Court Association, 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.

(6) One member of the Registrars of Voters Association, 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.

(7) One member, who shall be appointed by the governor from a list of nominees submitted by the presidents of Centenary College at Shreveport, Dillard University at New Orleans, Louisiana College at Pineville, Loyola University at New Orleans, Tulane University of Louisiana at New Orleans, and Xavier University at New Orleans, each of whom shall submit one nominee who shall not be an elected or appointed public official. The term of office of each appointed member shall be concurrent with the term of the governor making the appointment. Each appointment by the governor shall be submitted to the Senate for confirmation and, beginning in 1984, every such appointment shall again be submitted by the governor to the Senate for confirmation every two years after the initial confirmation. A vacancy in the office of a member appointed by the governor shall be filled in the same manner as the original appointment and for the remainder of the unexpired term.

B. Four 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 four members.

C. The board shall be domiciled in Baton Rouge.

D. The board shall elect a chairman and a vice chairman from among its members.

E.(1) The lieutenant governor, attorney general, commissioner of elections, and secretary of state each may designate a particular named employee from within his department to permanently act for him and in his place in his absence from meetings of the board. The public official shall notify the board in writing of his designation or any redesignation.

(2) The Registrars of Voters Association and the Clerks of Court Association each may elect an alternate member from their membership to permanently act for and in the place of the registrar or clerk, as the case may be, in his absence from meetings of the board. The president of each association shall notify the board in writing of the alternate member so elected.

F. The board shall hold such meetings as are necessary to effectuate its purposes and shall meet upon call of the chairman or upon the request of any three members.

G. The members of the board shall not receive any compensation but shall be reimbursed for reasonable expenses incurred in the performance of the work of the board.

Acts 1980, No. 681, §1, eff. July 24, 1980. Amended by Acts 1982, No. 778, §1, eff. Aug. 4, 1982; Acts 1983, No. 519, §1, eff. July 8, 1983; Acts 1988, No. 831, §1.

§24. Powers and duties; authority to intervene in actions

To accomplish the purposes of this Part, the board shall have the following powers, duties, and functions:

(1) To adopt, amend, and repeal such rules and regulations as are necessary for the transaction of its business and to implement the provisions of this Part.

(2) To conduct hearings as provided in this Part.

(3) To review election laws and procedures and to report to the legislature as required by this Part.

(4) To employ an executive director, legal counsel, and such other personnel as the board deems necessary and appropriate.

(5) To exercise such other powers and duties as are necessary to effectuate the purposes of the board as set forth in this Part and not inconsistent with such provisions.

Acts 1980, No. 681, §1, eff. July 24, 1980. Acts 1983, No. 519, §1, eff. July 8, 1983; Acts 1988, No. 831, §1.

§25. Annual reports

A. The board shall regularly review all election laws and all procedures used in the conducting of elections in this state.

B. The board shall annually report to the House and Governmental Affairs Committee of the House of Representatives and the Senate and Governmental Affairs Committee of the Senate its findings, observations, and recommendations concerning all aspects of elections in this state. The report shall be submitted prior to the ninetieth day before each legislative session and shall include but shall not be limited to the following subjects: election laws in general, registration procedures, election procedures, election officials, voting machines, tabulation and transmission of election returns, procedures used for casting and counting absentee ballots, and any other aspect of elections the board deems appropriate.

Acts 1980, No. 681, §1, eff. July 24, 1980.

§26. Repealed by Acts 1988, No. 831, §2.

§27. Political activities prohibited

A. No employee of the board who is in the unclassified state service shall participate or engage in political activity, including his own or any other candidacy for election to public office; membership on any national, state, or local committee of a political party or faction; making or soliciting contributions for any political party, faction, or candidate; taking active part in the management of the affairs of a political party, faction, candidate, or any political campaign, except to exercise his right as a citizen to express his opinion privately and to cast his vote as he desires.

B. As used herein, the term "political activity" shall have the meaning ascribed to it in Article X, Section 9(C) of the Constitution of Louisiana.

Added by Acts 1982, No. 778, §1, eff. Aug. 4, 1982.

PART III. STATE VOTER REGISTRATION COMPUTER SYSTEM

§31. State voter registration computer system; parish computer system

A. The commissioner of elections shall establish a state voter registration computer system for the registration of voters throughout the state in accordance with the provisions of Title 18 of the Louisiana Revised Statutes of 1950.

B. *Repealed by Acts 1988, No. 909, §2, eff. Jan. 1, 1989.*

C. The commissioner of elections shall adopt rules and regulations with respect to all records, data, and information required for registration of voters and the transfer of copies thereof to the department. The commissioner shall establish, by rule, a uniform cost for the preparation of lists of registered voters. All rules and regulations shall be adopted pursuant to the Administrative Procedure Act.

D. All revenues derived from the sale of lists of registered voters and related statistical information and from the use of the Department of Elections and Registration's information system shall be deposited in the state general fund to the credit of the Department of Elections and Registration. The commissioner of elections shall utilize such revenues to offset and supplement costs relating to the operation of the state voter registration computer system.

Acts 1976, No. 697, §1, eff. Jan. 1, 1978. Amended by Acts 1982, No. 166, §1, eff. July 14, 1982; Acts 1984, No. 672, §1; Acts 1985, No. 754, §1; Acts 1988, No. 909, §2, eff. Jan. 1, 1989.

PART IV. LOUISIANA ELECTIONS INTEGRITY

§41. Louisiana Elections Integrity; administration of Part

A. The Board of Ethics for Elected Officials, hereafter in this Part referred to as the "board", shall administer the provisions of this Part.

B. Board members shall be paid the same per diem as members of the legislature for each day of attendance at board meetings and shall be reimbursed actual expenses incurred in attending board meetings and in conducting board business.

C. The board shall hold such meetings as are necessary to effectuate its purposes and shall meet upon call of the chairman or upon the request of any three members.

Acts 1989, No. 45, §1.

§42. Rule making power

The board shall have power to adopt and promulgate rules and regulations necessary to implement the provisions of this Part.

Acts 1989, No. 45, §1.

§43. Investigations and hearings; certain elections

A. The board may investigate any aspect of any election, except as provided in R.S. 18:45. The board may initiate such an investigation upon the receipt of a sworn statement by any registered voter of this state alleging error, fraud, irregularity, or other unlawful activity in the conduct of an election.

B. The board may convene in any location in the state for the purpose of conducting hearings and receiving testimony concerning any irregularity, error, or apparent violation of law in any election. It may convene upon the receipt by the board of a sworn statement by any registered voter of this state alleging error, fraud, irregularity, or other unlawful activity in the conduct of an election.

C. The board shall have the power and authority to subpoena witnesses, administer oaths, compel the production of books, documents, records, and papers, public and private, and to do all other things necessary in carrying out its duties and responsibilities.

D. Failure to comply with any order of the board, issued in accordance with or under authority hereof, refusal to testify, or any act of disrespect or of disorderly or contemptuous behavior before the board shall constitute contempt of the board, and the board shall have the power and authority to institute proceedings in any court of competent jurisdiction for the punishment thereof as provided by the constitution and laws. False swearing or perjury before the board shall in like manner be punished in accordance with the laws of the state.

E. All proceedings in connection with any investigation by the board shall be conducted in closed session, and for that purpose, such proceedings shall be exempt from the provisions of the Public Meetings Law. All records pertaining to such proceedings shall be exempt from the provisions of the Public Records Law. They shall remain confidential and not be open for public inspection unless and until they are entered into the record

of any court, except as specifically provided in R.S. 18:44(C). However, the records and findings of the board pertaining to any such proceedings shall be made available to the attorney general, to any district attorney having jurisdiction of the matter contained in such records or findings upon formal written request, or in response to the order of any court having jurisdiction of the matter contained in such records or findings. Any person appearing before the board shall be entitled to the right to counsel.

Acts 1989, No. 45, §1.

§44. Contesting election; referral for prosecution

A. Whenever the board determines as a result of an investigation that violations of law, irregularities, error, or fraud have occurred in the conduct of an election which in the judgment of the board has resulted in the apparent qualification for the general election or the apparent election of a candidate not entitled to be so qualified or elected, the board, upon the favorable vote of three members, may institute suit to contest the election in order to protect the interest and rights of the state in fair and honest elections. In addition, for the same cause and upon the same vote, the board may intervene in any suit instituted by any other party to contest an election.

B. In any suit instituted by the board to contest an election, the provisions of Chapter 9 of Title 18 shall apply, except that:

(1) An action instituted by the board to contest an election shall be brought in the district court for the parish where the state capitol is situated.

(2) In any such suit, each candidate for said office and the secretary of state shall be impleaded and shall be a party to the suit. The board shall be a party to the suit, and the board may implead as parties other persons whose interest in the subject matter, by reason of their ministerial duties or otherwise, would be directly or indirectly affected to the extent that their joinder would be necessary for a complete adjudication of the controversy. Notwithstanding the provisions of R.S. 18:1402(C), the commissioner of elections in his capacity as such shall not be an indispensable party to the suit.

(3) In any such suit, the petition shall be styled:

"In re the Election for (office)"

(4) The petition shall cite:

(a) Each candidate for said office; and

(b) The secretary of state in his official capacity as the chief election officer of the state.

(5) The petition shall contain, but shall not be limited to, the following:

(a) The grounds on which the election is contested;

(b) The allegation that except for substantial irregularities or error, fraud, or other unlawful activities in the conduct of the election, a different candidate would have qualified for a general election or would have been elected.

(6) The petition shall comply with Article 891 of the Louisiana Code of Civil Procedure, except to the extent that the provisions of that Article or the Articles cited therein conflict with the provisions of this Section.

(7) Service of process shall be on the secretary of state, or the commissioner of elections as provided herein, and shall otherwise comply substantially with the provisions of R.S. 18:1408. By filing notice of candidacy a state candidate appoints the secretary of state, or the commissioner of elections as provided herein, as his agent for service of process in any action instituted by the board under provisions of this Section. If the secretary of state is a named candidate in the petition, then the commissioner of elections shall be the agent for service of process for all candidates, and in such case, additionally, a copy of the citation and petition shall be served on the secretary of state in his official capacity as chief election officer of the state.

(8) There shall be no named party defendant; provided however, that for purposes of the provisions of Chapter 9 of Title 18 which are applicable to suits instituted under this Section, the word "party" in this Section shall mean "defendant" in the provisions of said Chapter 9.

(9) Each party in a suit instituted under this Section is considered as being both a plaintiff and a defendant with respect to all other parties. A party is not required to answer the petition, but if he answers, he shall do

so prior to trial. No exceptions or responsive pleadings may be filed to the answer of a party, and every fact alleged therein is considered as denied or avoided by effect of law as to all other parties. If a party does not appear on the date set for the trial, either in person or through counsel, such failure to appear precludes him from thereafter filing an answer, and from asserting his claims or defenses in the suit and the court shall not appoint an attorney to represent him pursuant to R.S. 18:1409(A).

(10) Each party may appear and assert his claim or defense as he sees fit.

(11) The court may grant the board injunctive relief prohibiting the parties from instituting or prosecuting in any court of this state or of the United States any other action or proceeding on the matters involved in the suit.

(12) The court may render judgment for costs, or any part thereof, against any party, as it may consider equitable.

C. Whenever the board determines as a result of an investigation or otherwise that a violation of the Election Code has occurred which is subject to criminal penalties, the board shall present all information concerning such alleged violation to the district attorney for the judicial district in which the alleged violation occurred. The district attorney may immediately proceed with such criminal actions or investigations as are justified by the facts presented or available to him. The information presented by the board to the district attorney shall be presented to the attorney general and the governor who shall keep such information strictly confidential, except that the attorney general may proceed with any action permissible within the provisions of Article IV, Section 8 of the Louisiana Constitution of 1974.

Acts 1989, No. 45, §1.

§45. Limitations on powers and duties of board

A. The provisions of Sections 43 and 44 of this Part shall be applicable only to elections for the office of governor, lieutenant governor, secretary of state, state treasurer, attorney general, commissioner of elections, commissioner of agriculture, commissioner of insurance, United States Senator, United States Congressman, public service commissioner, member of the state board of elementary and secondary education, and justice of the supreme court.

B. The powers, duties, functions, and authority of the board as provided in this Part shall in no way apply or extend to any provisions of the Campaign Finance Disclosure Act contained in Chapter 11 of the Election Code and the board shall have no authority under the provisions of this Part to make any investigation or exercise any other power, duty, function, or authority in relation to the provisions of Chapter 11 of Title 18.

Acts 1989, No. 45, §1.

§46. Annual reports

The board may report to the legislature any findings, observations, or recommendations concerning elections in this state which it determines, in the course of its investigations or otherwise, should be brought to the attention of the legislature. Such reports may be made annually prior to the annual regular session of the legislature, or at such other times as the board may deem appropriate.

Acts 1989, No. 45, §1.

§47. Staff; assistance to board

A. The board may employ an executive director. The executive director shall serve as secretary to the board. The board may employ such other staff as it deems necessary or appropriate. It may employ staff on a full-time or part-time basis and may procure temporary or intermittent services as it deems necessary. The board may employ attorneys and it may procure the services of attorneys on a temporary or part-time basis as it deems necessary.

B. Every officer, department, board, or commission of the state or of any of its political subdivisions shall provide assistance, including use of facilities and investigatory personnel, upon the request of the board.

Acts 1989, No. 45, §1.

CHAPTER 3. REGISTRARS OF VOTERS

§51. Registrar for each parish; appointment; tenure; books and records; commission; bond and oath

A. There shall be a registrar of voters for each parish in the state, who shall be appointed by the governing authority of the parish.

B. The governor shall issue a commission to each registrar, who thereupon shall make the bond, subscribe to the oath, and receive the compensation prescribed in this Chapter.

C. A vacancy for any cause in the office of registrar shall be filled by the parish governing authority within ten days after the date on which the vacancy occurs. Until the appointment is made, the chief deputy shall perform the duties of the registrar in a parish having a chief deputy. If there is no chief deputy, within forty-eight hours after the office becomes vacant the parish governing authority shall appoint a person temporarily to perform the duties of the registrar until the parish governing authority fills the vacancy as herein provided. However, if the parish governing authority neither fills the vacancy nor, in a parish having no chief deputy, designates a person temporarily to perform the duties of registrar within forty-eight hours after the office becomes vacant, the State Board of Election Supervisors shall appoint a person to perform the duties until the parish governing authority fills the vacancy. A person appointed temporarily to perform the duties of registrar shall have authority to register voters in accordance with law.

The person performing the duties of registrar until the parish governing authority makes its appointment shall be issued a commission by the governor and shall give the bond required of a registrar of voters, unless the person previously has done so in his capacity as deputy registrar. He shall receive the compensation prescribed by this Chapter for the registrar. If the person appointed by the State Board of Election Supervisors held a position in the office of the registrar prior to such appointment, then upon the appointment of a registrar to fill the vacancy, he shall be eligible to return to the position previously held.

D. A registrar who has no chief deputy or other permanent employee shall file an affidavit with the parish governing authority and the commissioner of elections designating a person as chief deputy who would operate the registrar's office in the event the registrar becomes unable to name a chief deputy and perform his duties due to illness, injury, or disability.

Acts 1976, No. 693 §1, eff. Jan. 1, 1978. Amended by Acts 1977, No. 544, §1, eff. Jan. 1, 1978; Acts 1989, No. 179, §1, eff. Jan. 1, 1990.

§52. Qualification of registrars

Each registrar shall be a resident and qualified voter of the parish in which he is to perform his duties.

Acts 1976, No. 697, §1, eff. Jan. 1, 1978.

§53. Tenure; removal from office; may not be own immediate successor

A. A registrar shall be subject to removal by the State Board of Election Supervisors for willful misconduct relating to his official duty, willful and persistent failure to perform his duty, persistent public conduct prejudicial to the administration of the laws relative to the registration of voters that brings the office into disrepute, or conviction of a felony.

B. A registrar accused of any of the types of conduct set forth in Part A or conviction of a felony shall be subject to immediate suspension from office, with or without pay, by majority vote of the State Board of Election Supervisors. Prior to removal of a registrar from office, the board shall afford the registrar a hearing in accordance with the provisions of the Administrative Procedures Act (R.S. 49:951 et seq.). A registrar may apply for judicial review of an adverse decision made by the board by trial de novo, as provided by R.S. 49:964, and by appeal, as provided by R.S. 49:965.

C. No registrar who has been removed from office may be reappointed as his own immediate successor.

Acts 1976, No. 697, §1, eff. Jan. 1, 1978.

§54. Qualification; date; duplicate oath; bond; approval of bond

Within thirty days after the date of his commission, each registrar shall qualify for office by subscribing to the oath of office prescribed by the constitution. The oath shall be filed with the clerk of court and a

duplicate original or a certified copy thereof shall be filed with the secretary of state and with the state treasurer. In a parish containing a municipality with a population of four hundred seventy-five thousand or more, the oath shall be filed with the clerk of the civil district court. Each registrar also shall file with the state treasurer a bond, in favor of the governor and with security, for the faithful performance of the duties required of him and for the payment of such damages as may be sustained by his failure to discharge his duties. The sureties on the bond shall be with a company authorized to do business in Louisiana, and in each parish the bond shall be in the amount of five thousand dollars.

Acts 1976, No. 697, §1, eff. Jan. 1, 1978. Amended by Acts 1977, No. 544, §1, eff. Jan. 1, 1978; Acts 1991, No. 277, §1; Acts 1992, No. 949, §1, eff. Jan. 1, 1993.

§55. Compensation of registrar of voters; amount and manner of payment; reduction during tenure prohibited

A.(1) The annual salary of registrars of voters shall be based on the most recent population figures as shown by the latest federal decennial census, the Louisiana Tech University population estimates for Louisiana parishes, or as determined by the governing authority of each parish in accordance with law.

(2) The salary ranges and pay schedule for the registrars shall be as follows:

Population Range	Step 1	Step 2	Step 3	Step 4	Step 5	Step 6
0 to 20,000	\$19,864	\$20,460	\$21,074	\$21,706	\$22,357	\$23,028
20,001 to 40,000	\$24,107	\$24,830	\$25,575	\$26,343	\$27,133	\$27,947
40,001 to 60,000	\$29,224	\$30,101	\$31,004	\$31,934	\$32,892	\$33,879
60,001 to 100,000	\$32,198	\$33,164	\$34,159	\$35,184	\$36,240	\$37,327
100,001 to 200,000	\$35,484	\$36,549	\$37,646	\$38,775	\$39,938	\$41,137
200,001 to 1,000,000	\$43,576	\$44,883	\$46,230	\$47,617	\$49,045	\$50,517

Population Range	Step 7	Step 8	Step 9	Step 10	Step 11	Step 12
0 to 20,000	\$23,719	\$24,430	\$25,163	\$25,918	\$26,696	\$27,496
20,001 to 40,000	\$28,785	\$29,649	\$30,538	\$31,454	\$32,398	\$33,370
40,001 to 60,000	\$34,895	\$35,942	\$37,020	\$38,131	\$39,275	\$40,453
60,001 to 100,000	\$38,447	\$39,600	\$40,788	\$42,012	\$43,272	\$44,570
100,001 to 200,000	\$42,371	\$43,642	\$44,951	\$46,300	\$47,689	\$49,119
200,001 to 1,000,000	\$52,032	\$53,593	\$55,201	\$56,857	\$58,563	\$60,319

(3)(a) A person appointed by the parish governing authority as registrar on or after July 1, 1991, shall be employed with an annual salary of step one of the appropriate population range, unless the person is promoted from chief deputy or confidential assistant and such would result in a reduction in compensation. In such an instance, the newly appointed registrar shall receive a salary increase to the amount of the nearest step in the appropriate population range which will provide a minimum increase in salary of five hundred dollars. Each person employed as a registrar on July 1, 1991, shall receive a salary increase of the amount required to increase his salary to the nearest step in the appropriate population range, provided each registrar receives a minimum salary increase of five hundred dollars and a maximum increase of three thousand dollars.

(b) Each parish governing authority shall continue to compensate its registrars at no less than the same annual dollar amount as that paid by the particular parish on July 1, 1991, including both the prior mandated parish portion and any supplements authorized. The difference between the amount of compensation due each registrar and the amount payable by the parish governing authority shall be paid by the state through the commissioner of elections.

(4) Each registrar shall automatically receive an annual salary increase to the next step on July first until his annual salary equals the highest step of the appropriate population range. However, a registrar whose salary is less than step one of the appropriate population range shall receive an annual salary increase of three thousand dollars until that amount would cause his salary to exceed step one. At that time, he shall receive a salary increase to the amount of the nearest step which will provide an increase of not less than five hundred dollars. Each registrar whose salary is at the level of step one or higher shall be evaluated as to merit in January. The

criteria and procedure for the merit evaluation shall be determined by the commissioner of elections in conjunction with the Registrar of Voters Association. It shall provide that each registrar be evaluated by the commissioner of elections or his designee acting on his behalf. Upon a finding of "excellent" on a merit evaluation, the registrar shall receive a salary increase to the next step until the registrar's salary is equal to the highest step of the appropriate population range.

B. No law to increase or decrease that portion of the salary payable by the parish shall be enacted hereafter unless notice of intent to enact such a law has been published on two separate days, without cost to the state, in the official journal of each locality affected by the enactment of the increase or decrease in the salary figures. The last day of publication shall be at least thirty days prior to introduction of the bill.

C. The annual compensation of each registrar of voters effective on July 1, 1991, shall be based upon the 1990 federal decennial census; thereafter it shall be based upon the most recent census taken by the United States Government, Louisiana Tech University population estimates for Louisiana parishes, or upon the population figures of each parish as determined by its governing authority as provided by law.

D. The state portion of each salary shall be paid biweekly by the state through the commissioner of elections, and the parish portion of each salary shall be paid monthly by the parish governing authority on the warrant of the respective registrars. The funds for the parish portion of the salary shall be annually appropriated by the parish governing authority and the funds for the state portion of the salary shall be annually appropriated to the commissioner of elections.

E. The registrars of voters shall receive cost-of-living salary increases whenever such salary increases are given to state employees and a similar structure adjustment shall be made in the entire registrars' pay schedule.

Acts 1976, No. 697, §1, eff. Jan. 1, 1978. Amended by Acts 1977, 1st Ex.Sess., No. 37, §2, eff. Jan. 1978; Acts 1979, No. 236, §4, eff. Sept. 1, 1979; Acts 1979, No. 295, §3; Acts 1980, No. 634, §1, eff. Sept. 1, 1980; Acts 1980, No. 716, §3; Acts 1983, No. 299, §1; Acts 1986, No. 669, §1; Acts 1991, No. 277, §1; Acts 1991, No. 395, §1, eff. July 1, 1991.

NOTE: See Acts 1983, No. 299, §§2 and 3.

NOTE: See Acts 1991, No. 395, §§2 and 4.

§56. Salary supplement

The salaries provided by law for the registrar, the chief deputy, and any other unclassified employees may be supplemented by the parish governing authority. Supplements granted prior to the time the registrar's, chief deputy's, or confidential assistant's salary equals the highest step of the appropriate population range shall reduce the amount payable by the state.

Acts 1976, No. 697, §1, eff. Jan. 1, 1978; Acts 1991, No. 395, §1, eff. July 1, 1991.

NOTE: See Acts 1991, No. 395, §§2 and 4.

§57. Reduction of compensation while holding office or employment prohibited

A. The compensation of any registrar, chief deputy, or other unclassified employee which is payable in accordance with the provisions of R.S. 18:55 and 59 shall not be reduced while he holds his office or position, or as a result of promotion.

B. Subsequent to the 1990 federal decennial census, if the most recent population figures referred to in R.S. 18:55(A) and 59(B) and (C) decrease from the prior population figures so as to change the population range of the parish, the registrar of voters, chief deputy, and confidential assistant shall be compensated at the population range for such prior parish population while each holds his office. If the most recent population figures referred to in R.S. 18:55(A) and 59(B) and (C) increase over the prior parish population so as to change the population range of the parish, the registrar of voters, chief deputy, and confidential assistant shall receive an increase in compensation to the nearest step in the new population range or a minimum increase of five hundred dollars for the registrar, three hundred dollars for the chief deputy, and two hundred dollars for the confidential assistant.

Acts 1976, No. 697, §1, eff. Jan. 1, 1978. Amended by Acts 1978, No. 292, §1, eff. July 6, 1978; Acts 1991, No. 395, §1, eff. July 1, 1991.

NOTE: See Acts 1991, No. 395, §§2 and 4.

§58. Powers and duties of registrars; volunteer deputy registrar course of instruction

A. Subject to the direction of the commissioner of elections and as provided by law, the registrar in each parish shall be responsible for the registration of voters in the parish he serves and for the administration and enforcement of the laws and the rules and regulations of the commissioner relating to the registration of such voters. He shall participate in the state voter registration computer system established pursuant to R.S. 18:31 and shall provide all necessary assistance to the commissioner of elections to effectuate the inclusion of his parish in that system.

B. The registrar shall be responsible for conducting absentee voting in the parish he serves, as provided by Chapter 7 of this Code.

C. The registrar may administer any oath required by Chapters 2, 3, 4, and 7 of this Code.

D. Whenever the registrar is required to certify signatures on a petition pursuant to any provision of the constitution or laws of this state, the registrar shall not honor the request of any voter or signatory who either desires to have his signature stricken from the petition or desires to have his signature added to the petition unless such addition or deletion is expressly authorized by law. The chairman or other person responsible for the filing of the petition with the registrar shall file notice with the registrar three days prior to submission of the petition for certification, unless such submission is done within three days of the expiration of the period for submission of the petition for certification. Such notice shall be public record. In determining the number of electors on a petition for the purpose of certifying the petition, the registrar shall not include the name of any person whose name affixed to the petition is not the same as the name on the registrar's roll of electors.

E. *Repealed by Acts 1994, 3rd Ex. Sess., No. 10, §2, eff. Jan. 1, 1995.*

Acts 1976, No. 697, §1, eff. Jan. 1, 1978. Amended by Acts 1980, No. 506, §1, eff. Jan. 1, 1981; Acts 1981, No. 77, §1, eff. June 26, 1981; Acts 1984, No. 672, §1; Acts 1989, No. 574, §1, eff. Jan. 1, 1990; Acts 1992, No. 978, §1; Acts 1994, 3rd Ex. Sess., No. 10, §2, eff. Jan. 1, 1995.

§59. Deputies, confidential assistants, and other permanent office employees; temporary employees; appointment and compensation

A. Except as otherwise provided by law and in conformity with applicable civil service laws, registrars may appoint deputies, confidential assistants, and other office employees. Deputy registrars shall have the same qualifications as registrars. Each deputy shall take the constitutional oath of office. A confidential assistant may perform all the duties of a chief deputy if he meets the qualifications of a deputy.

B.(1) The annual salary of the chief deputy registrar of voters in each parish shall be based on the most recent population figures as shown by the latest federal decennial census, the Louisiana Tech University population estimates for Louisiana parishes, or as determined by the governing authority of each parish in accordance with law.

(2) The salary ranges and pay schedule for the chief deputy shall be as follows:

Population Range	Step 1	Step 2	Step 3	Step 4	Step 5	Step 6
0 to 20,000	\$11,502	\$11,847	\$12,203	\$12,569	\$12,946	\$13,334
20,001 to 40,000	\$12,667	\$13,047	\$13,439	\$13,842	\$14,257	\$14,685
40,001 to 60,000	\$14,622	\$15,061	\$15,513	\$15,978	\$16,458	\$16,951
60,001 to 100,000	\$18,595	\$19,153	\$19,728	\$20,319	\$20,929	\$21,557
100,001 to 200,000	\$20,841	\$21,467	\$22,111	\$22,774	\$23,457	\$24,161
200,001 to 1,000,000	\$29,224	\$30,101	\$31,004	\$31,934	\$32,892	\$33,879

Population Range	Step 7	Step 8	Step 9	Step 10	Step 11	Step 12
0 to 20,000	\$13,734	\$14,146	\$14,571	\$15,008	\$15,458	\$15,922
20,001 to 40,000	\$15,125	\$15,579	\$16,046	\$16,528	\$17,024	\$17,534
40,001 to 60,000	\$17,460	\$17,984	\$18,523	\$19,079	\$19,651	\$20,241
60,001 to 100,000	\$22,204	\$22,870	\$23,556	\$24,263	\$24,990	\$25,740
100,001 to 200,000	\$24,886	\$25,633	\$26,402	\$27,197	\$28,009	\$28,850
200,001 to 1,000,000	\$34,895	\$35,942	\$37,020	\$38,131	\$39,275	\$40,453

(3)(a) A person appointed as chief deputy by the registrar on or after July 1, 1991, shall be employed with an annual salary of step one of the appropriate population range unless the appointment is a promotion from confidential assistant of the parish and would result in a reduction in compensation. In such an instance, the newly appointed chief deputy shall receive an increase in salary of the amount required to place him on the nearest step and give him a minimum increase of three hundred dollars. Each person employed as chief deputy on July 1, 1991, shall receive a salary increase of the amount required to increase his salary to the nearest step, provided each chief deputy receives a minimum salary increase of three hundred dollars unless such would put his salary above the highest step for the appropriate population range, and a maximum increase of two thousand dollars.

(b) Each parish governing authority shall continue to compensate its chief deputy registrar at no less than the same annual dollar amount as that paid by the particular parish on July 1, 1991, including both the prior mandated portion and any supplements authorized. The difference between the amount of compensation due each chief deputy and the amount payable by the parish governing authority shall be paid by the state through the commissioner of elections.

(4) Each chief deputy shall automatically receive an annual salary increase to the next step on July first until his salary equals the highest step of the appropriate population range. However, a chief deputy whose salary is less than step one of the applicable population range shall receive an annual salary increase of two thousand dollars until that amount would cause his salary to exceed step one. At that time, he shall receive a salary increase to the amount of the nearest step which will provide an increase of not less than three hundred dollars. Each chief deputy whose salary is at the level of step one or higher shall be evaluated as to merit in January. The criteria and procedure for the merit evaluation shall be determined by the Registrar of Voters Association. It shall provide that each chief deputy will be evaluated by the registrar of his parish. Upon a finding of "excellent" on a merit evaluation, the chief deputy shall receive a salary increase to the next step until his salary equals the highest step of the appropriate population range.

C.(1) The annual salary of the confidential assistant to the registrar of voters in each parish shall be based on the most recent population figures as shown by the latest federal decennial census, the Louisiana Tech University population estimates for Louisiana parishes, or as determined by the governing authority of each parish in accordance with law.

(2) The salary ranges and pay schedule for the confidential assistant shall be as follows:

Population Range	Step 1	Step 2	Step 3	Step 4	Step 5	Step 6
0 to 20,000	\$10,961	\$11,290	\$11,629	\$11,978	\$12,337	\$12,707
20,001 to 40,000	\$12,064	\$12,426	\$12,799	\$13,183	\$13,578	\$13,985
40,001 to 60,000	\$13,291	\$13,690	\$14,101	\$14,524	\$14,959	\$15,408
60,001 to 100,000	\$14,622	\$15,061	\$15,513	\$15,978	\$16,458	\$16,951
100,001 to 200,000	\$17,721	\$18,253	\$18,801	\$19,365	\$19,946	\$20,544
200,001 to 1,000,000	\$19,510	\$20,096	\$20,699	\$21,320	\$21,959	\$22,618

Population Range	Step 7	Step 8	Step 9	Step 10	Step 11	Step 12
0 to 20,000	\$13,089	\$13,481	\$13,886	\$14,302	\$14,731	\$15,173
20,001 to 40,000	\$14,405	\$14,837	\$15,282	\$15,741	\$16,213	\$16,699
40,001 to 60,000	\$15,870	\$16,347	\$16,837	\$17,342	\$17,862	\$18,398
60,001 to 100,000	\$17,460	\$17,984	\$18,523	\$19,079	\$19,651	\$20,241
100,001 to 200,000	\$21,161	\$21,795	\$22,449	\$23,123	\$23,816	\$24,531
200,001 to 1,000,000	\$23,296	\$23,995	\$24,715	\$25,457	\$26,220	\$27,007

(3)(a) A person appointed by the registrar as confidential assistant on or after July 1, 1991, shall be employed with an annual salary of step one of the appropriate population range. Each person employed as confidential assistant on July 1, 1991, shall receive a salary increase to the amount of the nearest step in the appropriate population range, provided each confidential assistant receives a minimum salary increase of two hundred dollars and a maximum increase of one thousand dollars.

(b) Each parish shall continue to compensate its confidential assistant at no less than the same annual dollar amount as that paid by the particular parish on July 1, 1991, including both the prior mandated portion and any supplements authorized. The difference between the amount of compensation due each confidential assistant

and the amount payable by the parish governing authority shall be paid by the state through the commissioner of elections.

(4) Each confidential assistant shall automatically receive an annual salary increase to the next step on July first until his salary equals the highest step of the appropriate population range. However, a confidential assistant whose salary is less than step one of the appropriate population range shall receive a salary increase of one thousand dollars until that amount would cause his salary to exceed step one. At that time, he shall receive a salary increase to the amount of the nearest step which would provide an increase of not less than two hundred dollars. Each confidential assistant whose salary is at the level of step one or higher shall be evaluated as to merit in January. The criteria and procedure for the merit evaluation shall be determined by the Registrar of Voters Association. It shall provide that each confidential assistant be evaluated by the registrar of his parish. Upon a finding of "excellent" on a merit evaluation, the confidential assistant shall receive a salary increase to the next step until the confidential assistant's salary is equal to the highest step of the appropriate population range.

D. No law to increase or decrease that portion of the salary payable by the parish shall be enacted hereafter unless notice of intent to enact such a law has been published on two separate days, without cost to the state, in the official journal of each locality affected by the enactment of the increase or decrease in the salary figures. The last day of publication shall be at least thirty days prior to introduction of the bill.

E. The annual compensation of each chief deputy registrar of voters and confidential assistant effective on July 1, 1991, shall be based upon the 1990 federal decennial census and thereafter based on the most recent census taken by the United States Government, the Louisiana Tech University population estimates for Louisiana parishes, or upon the population figures of each parish as determined by its governing authority as provided by law.

F. The state portion of the salary of each chief deputy registrar of voters and confidential assistant shall be paid biweekly by the state through the commissioner of elections, and the parish portion of the salary shall be paid monthly by the parish governing authority on the warrant of each chief deputy and confidential assistant. The funds for the parish portion of the salary shall be annually appropriated by the parish governing authority and the funds for the state portion of the salary shall be annually appropriated by the legislature to the commissioner of elections.

G.(1) The annual salary of a person employed on July 1, 1991, in the position of chief deputy registrar of voters or confidential assistant shall not be decreased by the provisions of this Section.

(2) When the position of chief deputy registrar of voters or confidential assistant is vacated, the salary for such position shall be paid in accordance with the provisions of Subsections B and C hereof.

H. The portion of the salaries of permanent employees, other than registrars, chief deputies, and confidential assistants, which is being paid by the state on the effective date of this Section in 1983 shall be paid by the state and the portion of such salaries being paid by the parish governing authority on the effective date of this Section in 1983 shall be paid by the parish governing authority. The state shall pay one-half the salary and the parish governing authority shall pay one-half the salary of such permanent employees who are employed after the effective date of this Section in 1983.

I.(1) A registrar may employ and fix the compensation of such additional temporary personnel as he finds necessary from time to time in order to efficiently perform a duty imposed upon him by law within the time the law requires that the duty be performed. The compensation so fixed shall be approved by the parish governing authority and shall be paid from funds appropriated by the parish governing authority.

(2) Temporary personnel, whether or not compensated, may with the authorization of the registrar be utilized for the purpose of registering voters.

J. In any parish in which the registrar had no extra clerical personnel on the effective date of the code, the registrar shall receive fifteen hundred dollars per year for extra clerical help and for expenses. However, in any of such parishes the registrar, in addition to employing extra clerical help or in lieu thereof, may appoint a deputy registrar, whose salary shall be paid out of this additional fifteen hundred dollars per year. A deputy registrar so appointed shall be governed by all of the provisions of law relating to deputy registrars of voters.

K. *Repealed by Acts 1994, 3rd Ex. Sess., No. 10, §2, eff. Jan. 1, 1995.*

L. The chief deputy registrar and confidential assistant shall receive cost-of-living salary increases whenever such salary increases are given to state employees and a similar structure adjustment shall be made in the entire pay schedule.

Acts 1976, No. 697, §1, eff. Jan. 1, 1978. Amended by Acts 1977, No. 163, §2, eff. Jan. 1, 1978; Acts 1977, No. 314, §1, eff. Jan. 1, 1978; Acts 1977, No. 322, §2, eff. Jan. 1, 1978; Acts 1977, No. 544, §1, eff. Jan. 1, 1978; Acts 1977, No. 569, §3, eff. Jan. 1, 1978; Acts 1977, No. 578, §1, eff. Jan. 1, 1978; Acts 1977, No. 615, §3, eff. Jan. 1, 1978; Acts 1977, No. 708, §1, eff. Jan. 1, 1978; Acts 1977, 1st Ex.Sess., No. 37, §2, eff. Jan. 1, 1978; Acts 1978, No. 292, §1, eff. July 6, 1978; Acts 1979, No. 229, §1, eff. July 13, 1979; Acts 1979, No. 236, §4, eff. Sept. 1, 1979; Acts 1979, No. 276, §1; Acts 1980, No. 463, §1; Acts 1980, No. 479, §1; Acts 1980, No. 634, §1; eff. Sept. 1, 1980; Acts 1980, No. 716, §3; Acts 1981, No. 213, §1, eff. Jan. 1, 1982; Acts 1981, No. 669, §1; Acts 1981, No. 687, §1; Acts 1981, No. 750, §1, eff. July 23, 1981; Acts 1982, No. 25, §1, eff. July 1, 1982; Acts 1982, No. 30, §1, eff. July 9, 1982; Acts 1982, No. 50, §1; Acts 1982, No. 141, §1, eff. July 12, 1982; Acts 1982, No. 149, §1, eff. July 12, 1982; Acts 1983, No. 299, §1; Acts 1986, No. 669, §1; Acts 1989, No. 574, §1, eff. Jan. 1, 1990; Acts 1991, No. 277, §1; Acts 1991, No. 395, §1, eff. July 1, 1991; Acts 1992, No. 949, §1, eff. Jan. 1, 1993; Acts 1994, 3rd Ex. Sess., No. 10, §§1, 2, eff. Jan. 1, 1995.

NOTE: See Acts 1983, No. 299, §§2 and 3.

NOTE: See Acts 1991, No. 395, §§2 and 4.

§59.1. Payment of state portion of salaries and expenses of registrars and their personnel by commissioner of elections

A. All monies made available from state funds for the payment of the state portion of the salaries and expenses of registrars of voters and their confidential assistants, deputy registrars, and other personnel shall be appropriated to and be paid to each such person by the commissioner of elections in accordance with each appropriation for the purpose. The commissioner of elections shall include in his annual budget an amount necessary for the purpose, and the monies so appropriated shall be withdrawn from the treasury upon warrants drawn by the commissioner and payments therefrom shall be made in accordance with applicable law.

B, C. *Repealed by Acts 1985, No. 754, §2.*

Added by Acts 1978, No. 292, §1, eff. July 6, 1978; Acts 1985, No. 754, §2.

§59.2. Number of employee positions established; increase; decrease; volunteer deputy registrars

A.(1) Except as otherwise provided in this Section, the number of authorized positions for state employees in the office of a registrar of voters, including the position of registrar of voters, shall be based on parish population figures as shown by the latest federal census or as determined by the governing authority of each parish in accordance with law.

(2) Based on the parish population range as shown by the latest federal census or census of the parish governing authority, the maximum number of authorized positions in each parish is established as follows:

PARISH POPULATION RANGE	NUMBER OF POSITIONS
(1) 0 to 30,000	2
(2) 30,001 to 65,000	3
(3) 65,001 to 100,000	4
(4) 100,001 to 200,000	5
(5) 200,001 to 300,000	7
(6) 300,001 to 400,000	10
(7) 400,001 to 475,000	13
(8) 475,001 to 1,000,000	17

B. In addition to the number of authorized positions established in the office of a registrar of voters as provided in Subsection A hereof, two state employee positions are established for each permanent branch office in existence in each parish on the effective date of this Section or thereafter established, except that three state employee positions are established for the permanent branch office located in city hall of Orleans Parish.

C. Upon the release of the latest census by the United States government, the number of authorized positions for state employees in the office of each registrar of voters, including the position of registrar of voters,

shall be based upon that census and upon succeeding censuses taken by the United States government or upon the population figures of each parish as determined by its governing authority as provided by law.

D.(1) If a reduction in the number of positions in the office of a registrar is necessary because the number of positions established in the office of a registrar of voters on the effective date of this Section is greater than the number of positions established in Subsections A and B hereof, the number of such positions shall be reduced by attrition at a rate not to exceed one position per calendar year.

(2) If a reduction in the number of positions in the office of a registrar of voters is necessary because of a change in parish population pursuant to Subsection C hereof, the number of positions shall be reduced by attrition.

E. Employee positions established in the office of a registrar of voters pursuant to Subsections A and B hereof that exceed the number of positions established in the office of a registrar of voters on the effective date of this Section or that increase pursuant to a change in population in accordance with Subsection C hereof shall not be filled until the parish governing authority has appropriated the parish portion of the salary for each position and the legislature has appropriated to the commissioner of elections the state portion of the salary for each such position.

F. Repealed by Acts 1994, 3rd Ex. Sess., No. 10, §2, eff. Jan. 1, 1995.

Acts 1983, No. 154, §1; Acts 1989, No. 574, §1, eff. Jan. 1, 1990; Acts 1991, No. 277, §1; Acts 1994, 3rd Ex. Sess., No. 10, §2, eff. Jan. 1, 1995.

§59.3. Registrar of voters and unclassified employees; increased salary mandated; additional increase authorized

A. In addition to any salary authorized by law, each registrar of voters and each of his employees in the unclassified service shall receive a salary increase in an amount equal to five percent of his total salary on the effective date of this Section, such increase to be paid by the state.

B. Each parish governing authority is hereby authorized, pursuant to the authority of this Section and of R.S. 18:56, to approve and pay an additional salary increase to the registrar of voters and each of his employees in the unclassified service, such increase to be in an amount equal to five percent of his total salary on the effective date of this Section and to be paid by the parish governing authority.

Acts 1984, No. 685, §1.

§59.4. Repealed by Acts 1994, 3rd Ex. Sess., No. 10, §2, eff. Jan. 1, 1995.

§60. Removal of deputies and employees

Subject to applicable civil service law, a registrar may remove any deputy, clerk, or other employee.

Acts 1976, No. 697, §1, eff. Jan. 1, 1978.

§61. Deputy acting for registrar; administration of oaths

A.(1) For the purpose of carrying out the provisions of the constitution and laws relating to registration of voters, and when authorized by the registrar, a deputy registrar may act for and in the name of the registrar by whom he is employed. No clerk or other employee in a registrar's office may register any person to vote unless he meets the qualifications set forth in R.S. 18:59 for deputy registrars and is deputized for the purpose.

(2) A person employed by a registrar as a confidential assistant may be so deputized without losing his status as confidential assistant in the unclassified service by reason thereof as long as he remains employed as confidential assistant, and in such case he shall receive only the salary of confidential assistant.

B. A deputy registrar may administer any oath required by Chapters 2, 3, 4, and 7 of this Code.

C. Repealed by Acts 1994, 3rd Ex. Sess., No. 10, §2, eff. Jan. 1, 1995.

Acts 1976, No. 697, §1, eff. Jan. 1, 1978. Amended by Acts 1981, No. 77, §1, eff. June 26, 1981; Acts 1989, No. 574, §1, eff. Jan. 1, 1990; Acts 1994, 3rd Ex. Sess., No. 10, §§1, 2, eff. Jan. 1, 1995.

§§61.1, 61.2. Repealed by Acts 1994, 3rd Ex. Sess., No. 10, §2, eff. Jan. 1, 1995.

§62. Political activities prohibited

A. No registrar of voters, deputy registrar, or other employee of a registrar who is in the unclassified state service shall participate or engage in: political activity, including his own or any other candidacy for election to public office; membership on any national, state, or local committee of a political party or faction; making or soliciting contributions for any political party, faction, or candidate; taking active part in the management of the affairs of a political party, faction, candidate, or any political campaign, except to exercise his right as a citizen to express his opinion privately and to cast his vote as he desires. As used in this Section, the term "political activity" shall have the meaning ascribed to it in Article X, Section 9(C) of the Constitution of Louisiana.

B. All deputy registrars and other employees of a registrar who are in the classified state service shall be subject to the constitution and laws, and the regulations adopted thereto, affecting political activities by persons in the classified state service.

Acts 1976, No. 697, §1, eff. Jan. 1, 1978; Acts 1989, No. 574, §1, eff. Jan. 1, 1990; Acts 1994, 3rd Ex. Sess., No. 10, §1, eff. Jan. 1, 1995.

§63. Ineligibility to hold elective or appointive public office

A registrar, deputy registrar, or employee of a registrar shall not be eligible to hold any elective or appointive public office or position with the United States or the state or any of its agencies or political subdivisions, except as otherwise specifically provided by law.

Acts 1976, No. 697, eff. Jan. 1, 1978.

§64. Attorney general as legal adviser to registrar

The attorney general shall be the attorney and legal adviser to each registrar. However, he may designate the appropriate district attorney to represent a registrar or, with respect to a particular matter he may authorize a registrar to employ special counsel and, subject to approval of the attorney general, fix his compensation, which shall be paid by the parish governing authority.

Acts 1976, No. 697, §1, eff. Jan. 1, 1978.

CHAPTER 4. REGISTRATION OF VOTERS

PART I. REGISTRATION

§101. Registration to vote; qualifications; more than one residence; presidential elections

A.(1) Every citizen of Louisiana who is at least eighteen years of age or will attain that age on or before the next election, is an actual bona fide resident of this state, and the parish, municipality, if any, and precinct in which he offers to register as a voter, is not disfranchised, and who complies with the provisions of this Chapter shall be eligible to register to vote in local, state and national elections held in this state.

(2) Any person age seventeen and who is otherwise qualified to vote may register to vote at any time prior to the first election at which he shall have attained the age of eighteen years. However, no one, under the age of eighteen years shall be permitted to vote in any election.

B. For purposes of the laws governing voter registration and voting, "resident" means a citizen who resides in this state and in the parish, municipality (if any), and precinct in which he offers to register and vote, with an intention to reside there indefinitely. If a citizen resides at more than one place in the state with an intention to reside there indefinitely, he may register and vote only at one of the places at which he resides. For purposes of voter registration and voting, the residence of a married woman shall be determined in the same manner as is required for any other citizen. A citizen of this state shall not be or remain registered or vote in more than one place of residence at any one time.

C. Any bona fide full-time student attending an institution of higher learning in this state may choose as his residence and may register to vote either at the place where he resides while attending the institution or at the place where he resides when not attending such institution, but he shall not have more than one residence at any one time for purposes of registering to vote. Such a student need not have an intent to reside indefinitely at the place where he offers to register.

D. A person who is otherwise qualified to vote in this state, who has begun residence in another state or another political subdivision of this state after the twenty-fourth day before an election for president and vice president of the United States or for electors for president and vice president and who for that reason does not satisfy the registration requirements set forth in this Chapter, may vote in such an election:

(1) In person in the place in this state where he resided immediately before his removal, if he satisfied the requirements to vote in that place as of the date of his change of residence, or

(2) By absentee ballot in the place in this state where he resided immediately prior to his removal, if he satisfies the requirements for absentee voting in that place except for his nonresident status and the reasons for his absence.

E.(1) A citizen of the United States residing outside the United States who was domiciled in this state immediately prior to his departure from the United States and who is at least eighteen years of age or will attain that age on or before the next national election, and who is not disfranchised, shall be eligible to register absentee and vote absentee if he meets the following qualifications:

(a) He has complied with the registration procedures set forth in this Title;

(b) He does not maintain a domicile, is not registered to vote, and is not voting in any other state or election district of another state or territory or in any territory or possession of the United States; and

(c) He has a valid passport or card of identity and registration issued under the authority of the Secretary of State of the United States, or if he does not have a valid passport or card of identity and registration, he has a certified copy of a birth certificate or a naturalization certificate and a proof of identity, such as a vehicle operator's license or an expired passport, that includes a photograph and signature.

(2) A certain intent to return to the state of Louisiana shall not be necessary. Such person shall be eligible to register and vote for any candidate.

Acts 1976, No. 697, §1, eff. Jan. 1, 1978. Amended by Acts 1977, No. 544, §1 eff. Jan. 1, 1978; Acts 1983, No. 519, §1, eff. July 8, 1983; Acts 1988, No. 661, §1; Acts 1989, No. 179, §1, eff. Jan. 1, 1990.

§102. Ineligible persons

No person shall be permitted to register or vote who is:

(1) Under an order of imprisonment, as defined in R.S. 18:2(2), for conviction of a felony; or

(2) Interdicted after being judicially declared to be mentally incompetent.

Acts 1976, No. 697, §1, eff. Jan. 1, 1978. Amended by Acts 1979, No. 229, §1, eff. July 13, 1979.

§102.1. Persons suffering from mental retardation

A. It is the policy of the state of Louisiana to encourage the full participation in voting by all citizens of this state, including persons with mental retardation who are determined to be competent to vote pursuant to the procedures provided for in Paragraph B herein.

B. The Department of Health and Human Resources shall promulgate rules and regulations in accordance with the Administrative Procedure Act to insure that persons with mental retardation for whom the department provides care and treatment in a department facility and who are competent to vote are permitted to do so in compliance with federal and state laws and regulations. Such rules and regulations shall be promulgated and adopted within ninety days of the effective date of this Section and such rules and regulations shall be received pursuant to the Administrative Procedure Act of the Senate and Governmental Affairs Committee and the House and Governmental Affairs Committee.

Acts 1985, No. 465, §1.

§103. Personal appearance of applicant required; exceptions

A. Except as otherwise specifically provided by law, any person who meets the qualifications for voter registration and desires to register as an elector shall apply to do so by making application in person to a registrar or deputy registrar of the parish in which he seeks to register, by submission of the federal postcard application form as authorized in this Code, by application through the Department of Public Safety and Corrections, by application through designated voter registration agencies, or by mail using the national voter registration form as promulgated by the Federal Election Commission or the state mail voter registration form.

B. Any citizen of Louisiana who meets the qualifications set forth in R.S. 18:101 and who is a legal resident of this state, whether or not he has a place of abode in this state, but who is unable to appear in person to register because he is in the United States Service, as defined in R.S. 18:1302, may register by mail using the state mail voter registration form in accordance with the following provisions:

(1) The applicant shall mail a written request to register to the registrar of the parish of which he was a resident prior to entry into the United States Service.

(2) Upon receipt of the request, the registrar shall mail to the applicant at his United States Service address:

(a) The application form for registration.

(b) *Repealed by Acts 1985, No. 754, §2.*

(c) *Repealed by Acts 1988, No. 909, §2, eff. Jan. 1, 1989.*

(3) Upon receipt of the document, the applicant shall:

(a) Complete the application form.

(b) Return the document to the registrar.

(4) Upon receipt of the completed document, the registrar shall:

(a) *Repealed by Acts 1985, No. 754, §2.*

(b) If the evidence establishes that the applicant meets the requirements for registration, the registrar shall register the applicant and mail the notice of registration required by R.S. 18:109 to the applicant at his United States Service address.

(5) Nothing in this Subsection shall deny to any person in the United States Service the right to register in person as set forth in this Chapter.

C. A person who meets the qualifications set forth in R.S. 18:101(E) who is unable to appear in person to register because he is residing outside the United States may register by mail using the state mail voter registration form in accordance with the following provisions:

(1) The applicant shall mail a written request to register to the registrar of the parish in which he was last domiciled immediately prior to his departure from the United States.

(2) Upon receipt of such request, the registrar shall mail to the applicant at his address outside the United States:

(a) The application form for registration.

(b) *Repealed by Acts 1985, No. 754, §2.*

(c) *Repealed by Acts 1988, No. 909, §2, eff. Jan. 1, 1989.*

(3) Upon receipt of the document, the applicant shall:

(a) Complete the application form.

(b) Return the document to the registrar.

(4) Upon receipt of the completed document, the registrar shall:

(a) *Repealed by Acts 1985, No. 754, §2.*

(b) If the evidence establishes that the applicant meets the requirements for registration, the registrar shall register the applicant and mail the notice of registration required by R.S. 18:109 to the applicant at his address outside the United States.

(5) Nothing in this Subsection shall deny to any person residing outside the United States the right to register in person as provided in this Chapter.

D. Nothing in this Section shall deny to any member of the United States Service, as defined in R.S. 18:1302, or to any person residing outside of the United States, the right to submit the Federal Post Card Application or the national voter registration form, in lieu of the application provided for in this Section, for purposes of registering to vote. Such a registrant shall not be required to complete or sign the Federal Post Card Application or the national voter registration form in the presence of a person who is authorized to administer

oaths or otherwise to obtain the signature of a person who is authorized to administer oaths on said application. The Federal Post Card Application or the national voter registration form may be transmitted to the registrar of voters by mail, facsimile, or other means of transmission.

Acts 1976, No. 697, §1, eff. Jan. 1, 1978. Amended by Acts 1977, No. 544, §1, eff. Jan. 1, 1978; Acts 1979, No. 229, §1, eff. July 13, 1979; Acts 1984, No. 672, §1; Acts 1985, No. 754, §2; Acts 1986, No. 669, §1; Acts 1986, No. 425, §1; Acts 1987, No. 746, §1; Acts 1988, No. 909, §2, eff. Jan. 1, 1989; Acts 1993, No. 418, §1, eff. Jan. 1, 1994; Acts 1994, 3rd Ex. Sess., No. 10, §1, eff. Jan. 1, 1995.

§104. Application for registration; form

A. The commissioner of elections, subject to approval by the attorney general as to content, shall prescribe the form that shall be used uniformly by each registrar in the state and any person authorized to accept voter registration applications in registering qualified citizens to vote. The form shall contain spaces for at least the following information with respect to the applicant:

- (1) Date of application
- (2) Name
- (3) Sex, present age, and date of birth.
- (4) Municipality, parish or county, state or province, and country of birth
- (5) Whether the applicant is currently under an order of imprisonment for conviction of a felony
- (6) Whether the applicant is currently under a judgment of interdiction for mental incompetence
- (7) Place of residence, including street or apartment number or both, municipality (if any), and if a rural address, sufficient information, in addition to route and post box number, to identify the precinct of residence, and mailing address.
- (8) Name of state, parish, ward and precinct number, and the registration number.
- (9) Place of last residence
- (10) The state and parish or county of last registration.
- (11) Political party affiliation or, if none, an entry to that effect
- (12) Information sufficient for clear and precise identification of the applicant as the person he claims to be and subsequently for his identification at the polls. This information may include mother's maiden name, father's middle name, name of spouse, occupation, and employer.
- (13) Whether or not the applicant requires assistance when he votes, and if so, the reason therefor. If the person is unable to read or write English, the form shall show in which language he is entitled to printed materials and ballots and assistance if his language is one of a minority language group under a determination made under the federal Voting Rights Act.*
- (14) Space for changes of address within the parish, changes of name, changes of party affiliation, dates of any of these, and remarks.
- (15) The application form also shall inform the applicant of the penalty for violation of applicable laws relating to registration of voters and shall contain an affidavit to be subscribed before the registrar, deputy, or any person authorized to accept voter registration applications attesting that the applicant is a United States citizen and that the facts given by him on this application are true to the best of his knowledge and belief.
- (16) Social security number.
- (17) Ethnic origin, which shall at least include Hispanic, American Indian, Asian, and other as choices.

B. In no event shall information with respect to race or ethnic origin be required for registration. However, such information may be given voluntarily by the applicant for registration and a registrar may keep statistics with respect to race and ethnic origin.

C. Upon request, the registrar shall furnish each applicant a copy of his application form, and the applicant shall be informed that he may obtain such copy.

D. The commissioner of elections may require such reasonable additional information as he deems necessary for the effective registration of voters.

E. No voter registration application form except that prescribed by the commissioner of elections shall be used by any registrar.

F. The commissioner of elections may remove any spaces for information on the form required by this Section if such requirement does not receive preclearance by the United States Department of Justice.

Acts 1976, No. 697, §1, eff. Jan. 1, 1978. Amended by Acts 1977, No. 544, §1, eff. Jan. 1, 1978; Acts 1979, No. 446, §1; Acts 1981, No. 77, §1, eff. June 26, 1981; Acts 1983, No. 519, §1, eff. July 8, 1983; Acts 1988, No. 909, §1, eff. Jan. 1, 1989; Acts 1991, No. 201, §2, eff. Jan. 1, 1992; Acts 1994, 3rd Ex. Sess., No. 10, §1, eff. Jan. 1, 1995.

**NOTE: See 42 U.S.C.A. §1973b.*

§105. Establishment of identity; proof of naturalization of foreign born applicant

A. Except as otherwise provided by the laws governing absentee registration and mail registration, each applicant shall establish his identity, age, and residency. The registrar or any person authorized to accept voter registration applications shall require the applicant to submit his current Louisiana driver's license, if he has one, or his birth certificate, or other documentation which reasonably and sufficiently establishes the applicant's identity, age, and residency. A birth certificate shall only be used to establish the applicant's identity and age. If the registrar or any person authorized to accept voter registration applications has good reason to believe that the applicant is not the person he represents himself to be or is not qualified to register as provided in R.S. 18:101, he shall require the applicant to produce two witnesses who reside in his precinct to make oath to establish his identity, age, and residency.

B.(1) In addition to the proof otherwise required by this Section, an applicant of foreign birth who has been naturalized shall prove that he has been legally naturalized under the laws of the United States.

(2) If he has never previously registered in the parish or is not at the time of the application registered in any other parish in the state, he shall present to the registrar either a certificate of naturalization under the seal of the court in which the naturalization took place, attested by the clerk of that court, or his current United States passport.

(3) If he claims to be a naturalized citizen by reason of the naturalization of a parent and he has not been registered previously in the parish or is not at the time of application registered in any other parish in the state, he shall present to the registrar either the certificate of naturalization of the parent attested by the clerk of the court in which the naturalization took place or his current United States passport.

C. In addition to the proof otherwise required by this Section, a person who claims to be a citizen of the United States other than by birth or naturalization shall prove such citizenship. If he has never previously registered in the parish or is not at the time of application registered in any other parish in the state, he shall present to the registrar his certificate of citizenship, certificate of repatriation issued under the laws of the United States, or his current United States passport.

Acts 1976, No. 697, §1, eff. Jan. 1, 1978. Amended by Acts 1979, No. 229, §1, eff. July 13, 1979; Acts 1980, No. 506, §1, eff. Jan. 1, 1981; Acts 1982, No. 29, §1, eff. July 9, 1982; Acts 1984, No. 672, §1; Acts 1992, No. 949, §1, eff. Jan. 1, 1993; Acts 1994, 3rd Ex. Sess., No. 10, §1, eff. Jan. 1, 1995.

§106. Physical disability; inability to write English; language minority groups; execution of documents; assistance

A. Upon the request of an applicant for registration or for any registered voter, without any formality, the registrar shall assist such person in the filling and execution of an application, affidavit, or other form or document governed by the voter registration laws. Any person authorized to accept voter registration applications shall assist such person in the completion and execution of an application used for registration, change of address, or change of name.

B. If the person requesting assistance is physically handicapped or unable to read or write English, the registrar or any person authorized to accept voter registration applications shall assist the person by reading the documents to him and by executing the documents by writing what the person dictates. If the applicant or voter does not speak English adequately for such dictation, the dictation shall be given and taken through an interpreter. If the applicant or voter is able to sign his name to the document, he shall do so. If he is unable to sign his name, he shall sign with his mark in the presence of two witnesses, who shall sign as witnesses to his mark.

C. If subsequent to registration a voter becomes physically handicapped, he shall notify the registrar thereof in person or by mail and shall furnish with the notice a certificate of a medical doctor or optometrist certifying to the irremediable nature of the physical handicap as proof of disability. If he is unable to sign his name to the notice sent by mail, he shall sign it with his mark witnessed by the signatures of two witnesses. The failure of a voter to comply with this Subsection, or the furnishing of notice and proof during the time that the registration records are closed, shall not deprive the voter of his right to vote and to receive assistance in voting if he complies with the requirements of the laws governing the conduct of elections with respect to assistance to voters in casting their votes.

D. If an applicant for registration or registered voter is a member of a language minority group, as determined under the federal Voting Rights Act which entitles the applicant to registration notices, forms, instructions, materials, information, or other assistance in the language applicable to his language minority group, the registrar or any person authorized to accept voter registration applications shall supply such materials, information, and assistance in conformity with the federal Voting Rights Act.

Acts 1976, No. 697, §1, eff. Jan. 1, 1978; Acts 1994, 3rd Ex. Sess., No. 10, §1, eff. Jan. 1, 1995.

§107. Party affiliation not required for registration; change in party affiliation

A. An applicant need not be a member of a political party or declare a party affiliation in order to be registered, but in such case the word "None" on the application form shall be circled.

B. An elector may change his party affiliation by making application therefor in writing to the registrar. When he receives the request, the registrar shall note the political party designated by the registrant and the date of the change on the original application form and on the voting certificate.

C. If a registrant has registered without declaration of party affiliation and afterwards desires to affiliate with a party, he shall make written application therefor to the registrar, and the registrar shall enter on the original application form and on the voting certificate the party the registrant selects and the date of the change.

D. If a registrant has registered with a declaration of party affiliation and afterwards desires to affiliate with no party, he shall make written application therefor to the registrar, and the registrar shall draw a line through the party affiliation previously designated and shall enter on the original application form and on the voting certificate the word "NONE" and the date of the change.

E. The provisions of Subsections B, C, and D of this Section, relative to party affiliation, shall be subject to the provisions of R.S. 18:135(B).

Acts 1976, No. 697, §1, eff. Jan. 1, 1978. Amended by Acts 1977, No. 544, §1, eff. Jan. 1, 1978; Acts 1979, No. 229, §1, eff. July 13, 1979.

§108. Prior registration; surrender of certificate or notice of registration before new registration; change of place of registration

If the registrant's application indicates that the applicant previously registered as a voter in any other parish, and if the previous voter registration certificate or notice of registration is available, then before making a new registration the registrar shall require the applicant to surrender his previous certificate or notice for cancellation. The registrar shall promptly notify the registrar of the parish in which the applicant has registered previously, in writing, of the present registration. The other registrar shall cancel the voter's registration in the other parish; however, the cancellation shall not be made as long as the registrant has the right to vote in the parish of his former residence as provided in R.S. 18:110(C).

Acts 1976, No. 697, §1, eff. Jan. 1, 1978. Amended by Acts 1977, No. 544, §1, eff. Jan. 1, 1978; Acts 1988, No. 909, §1, eff. Jan. 1, 1989.

§109. Notice of registration and change in registration

After receiving from the registrar the information concerning a new registrant or the information concerning a change made with respect to the registration of any person, the computer center promptly shall mail a notice to the appropriate registrar that the person is registered or that his registration has been changed. The registrar shall then mail a notice, postage prepaid, to each new registrant and to each person whose registration was changed in any manner, a notice that he is registered or that his registration has been changed. The notice shall show the parish, ward, precinct, registration address, and party affiliation of the registrant. The commissioner of elections shall prescribe the form to be used on the notice; however, the front of the notice shall contain

directions to the postmaster to "deliver only as addressed; otherwise return to sender; address correction requested", and the return address shall be that of the registrar. When a notice is returned by the postmaster, the registrar shall proceed in accordance with the applicable provisions of Part V of this Chapter.

Acts 1976, No. 697, §1, eff. Jan. 1, 1978. Amended by Acts 1978, No. 292, §1, eff. July 6, 1978; Acts 1987, No. 831, §1, eff. Jan. 1, 1988; Acts 1988, No. 909, §§1 and 2, eff. Jan. 1, 1989.

§110. Removal from precinct; removal from parish

A.(1) At any time prior to closing of registration for any election a registrant who changes his residence within the parish may change his registration without reregistering by making application by mail to the registrar or by appearing in person at the office of the registrar and making application for a change of registration or by any other manner authorized in this Part. If the registrant is unable to sign his name to the application, he shall sign it with his mark, witnessed by the signatures of two witnesses. The application shall state that he is unable to sign his name.

(2) The application shall contain the name in full; address appearing on the registration records; present residence, including apartment or room number, if any; date of change of residence; date of application, and signature of voter.

(3) Upon receipt of an application for a change of registration, the registrar shall compare the signature on the application with the signature on the original application card. If the signatures are sufficiently alike to identify the applicant as the registered voter, the change shall be made and the date of the change of residence and the new ward and precinct shall be recorded on the original application form. If the application is signed by a mark witnessed by the signatures of two witnesses, the registrar shall make the change on the basis of the application.

(4) The registrar shall send the notice referred to in R.S. 18:109 to a voter whose registration is changed.

B.(1) A change of registration based upon a change of residence from one precinct to another within a parish received after the closing of registration for a primary election shall become effective the day after the general election or special general election when a special primary election is held in conjunction with a general election.

(2) The change of residence of a registrant from one precinct to another in the same parish does not deprive him of the right to remain as a legal registrant, as to all issues upon which he was entitled to vote prior to his change of residence, in the precinct from which he has removed until he changes his registration as provided in Subsection A of this Section and has the right to vote in the precinct to which he has moved.

C. The removal from one parish to another parish does not deprive any registrant of the right to remain a legal registrant in the parish from which he has removed, as to all issues upon which he was entitled to vote prior to his change of residence, until he registers and has the right to vote in the parish to which he has moved or until three months after he moved, whichever is sooner.

D. Any registrant may have his name cancelled from the file of eligible voters by filing a written statement of such request with the registrar of voters for the parish in which he is registered.

Acts 1976, No. 697, §1, eff. Jan. 1, 1978. Amended by Acts 1979, No. 229, §1, eff. July 13, 1979; Acts 1985, No. 754, §1; Acts 1988, No. 909, §1, eff. Jan. 1, 1989; Acts 1993, No. 157, §1; Acts 1994, 3rd Ex. Sess., No. 10, §1, eff. Jan. 1, 1995.

§111. Change of name

A. In order to remain a legal registrant, a person who changes his name by virtue of a judgment of court shall produce in the presence of or, if required, file with the registrar or any person authorized to accept voter registration applications a certified copy of the judgment or his affidavit setting forth the pertinent facts containing the change of name.

B. A female, at her option, may be registered in her maiden name or her present husband's name, or in a hyphenated combination thereof or, if divorced or widowed, she may be registered in her maiden name or in the surname of her last husband, or in a hyphenated combination thereof. However, a woman registered in her last husband's name may not remain a legal registrant in his name or in a hyphenated combination of her maiden surname and his surname if she remarries. In such case, in order to remain a legal registrant she shall apply for a change of name. A change of name allowed or required by this Subsection shall be made by producing

in the presence of or, if required, filing with the registrar or other person authorized to accept voter registration applications her affidavit setting forth the pertinent facts concerning the change of name and stating the name under which she desires to be registered as allowed by this Section.

Acts 1976, No. 697, §1, eff. Jan. 1, 1978; Acts 1988, No. 317, §1; Acts 1994, 3rd Ex. Sess., No. 10, §1, eff. Jan. 1, 1995.

§112. Endorsement of changes

Whenever any change is made with respect to the registration of any person, the date of the change and all pertinent information concerning the change shall be entered by the registrar on the original application for registration and on any other official registration records.

Acts 1976, No. 697, §1, eff. Jan. 1, 1978; Acts 1987, No. 831, §1, eff. Jan. 1, 1988; Acts 1988, No. 909, §1, eff. Jan. 1, 1989.

§113. Denial of registration; remedies of applicant

A. Any person who alleges that he possesses the qualifications for voting who is denied registration or reinstatement may apply for relief, without cost, to the district court having jurisdiction of civil causes for the district in which he offers to register or seeks to be reinstated.

B. In addition to the rights and remedies established by Subsection A of this Section, a person who violates the provisions of the National Voter Registration Act of 1993 shall be subject to the provisions for enforcement and to the penalties contained in such Act.

Acts 1976, No. 697, §1, eff. Jan. 1, 1978; Acts 1987, No. 831, §1, eff. Jan. 1, 1988; Acts 1994, 3rd Ex. Sess., No. 10, §1, eff. Jan. 1, 1995.

§114. Registration at driver's license facilities

A. It is the intention of the legislature to encourage the broadest possible participation in the electoral process by the citizens of this state. Therefore, voter registration services provided for in this Section shall be available at all driver's license facilities in this state.

B.(1) Each application to obtain, renew, or change the name or address on a driver's license or identification card issued by the Department of Public Safety and Corrections made by an applicant who is eighteen years or older shall also serve as an application for voter registration by the applicant unless the applicant declines to register to vote through specific declination or by failing to sign the voter registration application. In addition, any person age seventeen may register to vote at any time prior to the first election at which he shall have attained the age of eighteen years. However, no one under the age of eighteen years shall be permitted to vote in any election.

(2) Any change of address or change of name submitted to the Department of Public Safety and Corrections for the purpose of changing the information contained on a driver's license or identification card issued by the Department of Public Safety and Corrections 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 of address or change of name that the change is not for voter registration purposes.

C. *Repealed by Acts 1994, 3rd Ex. Sess., No. 10, §2, eff. Jan. 1, 1995.*

D. The commissioner of elections shall design and provide a standard notice informing the public of the eligibility requirements for and availability of voter registration, which notice shall be posted in each driver's license facility of the state.

E. The commissioner of elections and the deputy secretary for public safety services of the Department of Public Safety and Corrections shall develop voter registration application forms for use at driver's license facilities. Such forms shall be in conformity with the National Voter Registration Act of 1993.

F. Procedures for voter registration pursuant to this Section shall be as follows:

(1) The notice form, as provided for herein, shall be posted in a prominent place in each driver's license facility wherein voter registration applications are to be accepted.

(2) Any employee authorized to accept an application to obtain, renew, or change the name or address on a driver's license or identification card shall offer voter registration to any person making such an application

and, upon request, shall provide assistance to any person who desires to register to vote. Such assistance may consist of answering any question that person might have about completing the registration form. However, if the person requesting assistance is physically handicapped or unable to read or write English, the authorized employee shall provide such assistance as is allowed to be provided by registrars of voters under the provisions of R.S. 18:106.

(3) Prior to generating the portion of the form which is an individual registration form, the authorized employee shall require the applicant to submit his current Louisiana driver's license, if he has one, or his birth certificate, or other documentation which reasonably and sufficiently establishes the applicant's identity, age, and residency.

(4) Each applicant shall be required to complete the registration application form in the presence of an authorized employee.

(5) Upon completion of the registration application form, the applicant shall return the form to an authorized employee.

(6) The authorized employee shall ensure that the registration form has been completely filled out.

(7) The applicant shall sign the affidavit provision of the registration form before the authorized employee who, for purposes of this Section, shall be authorized to administer any oath required on the registration form. The authorized employee shall inform the applicant that he will not be officially registered to vote until the application is received and approved by the registrar of voters.

(8) Upon completion of these procedures, the authorized employee shall, within five working days, return the completed registration application to the registrar of voters within the parish where the office is located who shall transmit such application to the appropriate registrar of voters for the parish in which the applicant resides, as determined from the information contained on the registration application. If a registration application is accepted within five days before the last day for registration, each driver's license facility shall transmit the completed voter registration application forms at the conclusion of each business day. If the information contained on the application form is insufficient to register the applicant, the registrar of voters shall mail a notice to the applicant at the address provided on the application form informing the applicant that he has ten days from the date on which the notice was mailed to provide the necessary information. If the applicant fails to provide the necessary information within that time, the applicant shall not be registered and the registrar shall so advise the applicant.

(9) Upon receipt of the completed registration form, the registrar shall, if the information thereon establishes that the applicant meets the requirements for registration, register the applicant and mail notice of registration to the applicant's residence, as provided on the application. Any completed voter registration application transmitted to and received by a registrar by a driver's license facility shall be considered an update of any existing registration for that person. However, if a registrar accepts any application for registration, change of name, or change of address that has been received by a driver's license facility while the registration records are closed for a particular election as required by R.S. 18:135(A), none of the changes in a registration shall be effective until at least the day after the particular election has been held. In the case of a change of address, the change shall be effective in accordance with the provisions of R.S. 18:110(B).

G. No individual shall be registered to vote pursuant to this Section if he does not meet the requirements for registration as provided in Chapter 4 of Title 18 of the Louisiana Revised Statutes of 1950, except where said provisions are specifically in conflict herewith.

H. Any public official or employee who attempts to register any person without complying with the applicable provisions of this Section shall be subject to a fine of not more than five hundred dollars or be imprisoned for not more than six months, or both.

I. The commissioner of elections, after consultation with the deputy secretary for public safety services of the Department of Public Safety and Corrections, shall adopt rules and regulations to provide for the implementation of this Section. Such rules and regulations shall be adopted in accordance with the Administrative Procedure Act and shall be subject to oversight by the House Committee on House and Governmental Affairs and the Senate Committee on Senate and Governmental Affairs.

J. The transmittal of a change of address or change of name shall be handled in the same manner as the transmittal of a voter registration application.

K. If an applicant declines to register to vote, the fact that the applicant has declined to register will remain confidential and will be used only for voter registration purposes. The fact that any particular applicant has submitted an application to register to vote at a driver's license facility shall be kept confidential and shall be used only for voter registration purposes.

L. Each driver's license facility shall maintain such statistical records on the number of applications to register to vote as requested by the commissioner of elections.

Acts 1989, No. 792, §1; Acts 1990, No. 107, §1, eff. Jan. 1, 1991; Acts 1994, 3rd Ex. Sess., No. 10, §§1, 2, eff. Jan. 1, 1995.

§115. Registration by mail

A.(1) In addition to the national voter registration form promulgated by the Federal Election Commission, the commissioner of elections shall design and distribute a state mail voter registration application form. The state mail voter registration form shall include the eligibility requirements for registration.

(2) A person may apply to register to vote by mail by completing and returning either the national voter registration form or the state mail voter registration form to the registrar of voters for the parish in which the applicant resides.

(3) State mail voter registration application forms received by a registrar of voters from voter registration agencies as defined in R.S. 18:2(8) shall be subject only to the provisions enumerated in R.S. 18:116.

B.(1) The registrar of voters shall determine the eligibility of an applicant in the following manner:

(a) The registrar shall mail a verification mailing to the applicant at the address provided on the application form. The mailing shall instruct the postmaster to deliver only as addressed or return to sender, with return postage guaranteed. If such mailing is not returned to the registrar within ten days from the date of mailing, the applicant shall be added to the official list of voters and the registrar of voters shall send a notice of registration to the applicant. However, if the verification mailing is returned to the registrar by the United States Postal Service, the registrar shall not add the applicant's name to the official list of voters and shall attempt to notify the applicant of such action.

(b) If an applicant fails to provide all of the required information on the application for voter registration, the registrar shall notify the applicant in writing of the missing information and inform him that he has ten days from the date on which the notice was mailed to provide the information. This written notification shall be considered the verification mailing as required by Subparagraph (a) of this Paragraph. If the applicant provides the information and the registrar determines he is eligible to register, the applicant shall be added to the official list of voters and the registrar shall send a notice of registration to the applicant. In the event the applicant does not respond to the request for the missing information within ten days, the application shall be rejected and the registrar shall so advise the applicant in writing. If the registrar's request for the missing information is returned by the United States Postal Service, the applicant's name shall not be added to the official list of voters and the registrar shall attempt to notify the applicant of such action.

(2) The registrar shall maintain a list of persons to whom verification mailings have been sent within thirty days prior to a particular election.

C. Any mail voter registration application received by the registrar of voters shall be considered an update to any existing voter registration for that person. However, in order to change the name of a registration based on a mail voter registration application, the registrar shall require a copy of such documentation as provided for in R.S. 18:111.

D. The parish registrar of voters shall obtain from the commissioner of elections and maintain a supply of mail voter registration application forms for distribution and for voter registration. The mail voter registration application forms shall be made available through governmental and private entities. Such forms shall be available for organized voter registration programs.

E.(1) Mail voter registration applications returned through the United States Postal Service shall be deemed to have been made as of the date of the postmark affixed to such application by the United States Postal Service, or if no such postmark is affixed or if the postmark affixed by the United States Postal Service is illegible or bears no date, such application shall be deemed to have been made timely if received through the United States mail by the registrar of voters no later than the close of business on the twenty-fourth day prior to an election.

(2) Mail voter registration applications returned by a third party must be received by any registrar of voters no later than the registration deadline for a particular election in order for the applicant to be eligible to vote in that election.

(3) In any other case, a mail voter registration form shall be deemed received timely if received by any registrar of voters no later than the registration deadline for a particular election.

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:

- (a) Absentee in person in the office of the registrar of voters, or
- (b) In person at the precinct in which he is registered to vote.

*(2) Notwithstanding the provisions of R.S. 18:562(D) or 1309(D), the commissioner or registrar of voters shall identify each such voter by requiring the voter to submit his current Louisiana driver's license or other picture identification card.

(3) The provisions of Paragraph (1) of this Subsection shall not apply in the case of a person who is otherwise entitled to vote under the provisions of the Uniformed and Overseas Citizens Absentee Voting Act, the Voting Accessibility for the Elderly and Handicapped Act, or the Special Program for Physically Handicapped Voters as provided in Chapter 7-A of this Title.

G. Upon receipt by the registrar of voters of an undelivered notice of registration, the registrar shall immediately begin the procedure set forth in R.S. 18:193 and place the voter on the inactive list of voters.

H. Each registrar of voters shall maintain such statistical records on the number of applications to register to vote by mail, except military and overseas applicants who register by using the Federal Post Card Application, as requested by the commissioner of elections.

Acts 1994, 3rd Ex. Sess., No. 10, §1, eff. Jan. 1, 1995.

**This provision was rejected by the U.S. Justice Department on November 21, 1994.*

§116. Voter registration agencies

A.(1) Voter registration services shall be provided at the following voter registration agencies:

(a) Public assistance agencies that administer or provide services under the food stamp, Medicaid, the supplemental food for Women, Infants and Children (WIC), and the Aid to Families with Dependent Children (AFDC) programs and any other public assistance agencies, if any, which the commissioner shall designate by rule.

(b) All offices in the state that provide state funded programs primarily engaged in providing services to persons with disabilities.

(c) Recruitment offices of the Armed Forces of the United States.

(2) In addition to the offices listed in Paragraph (1) of this Subsection, the commissioner of elections shall designate by rule in accordance with the Administrative Procedure Act other offices within the state as designated voter registration agencies. Such offices may include but not be limited to:

(a) State or local governmental offices such as public libraries, public schools, offices of municipal clerks, and government revenue offices.

(b) Federal and nongovernmental offices, with the agreement of such offices.

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.

(b) Assistance to applicants in completing voter registration application forms, unless the applicant refuses such assistance.

(c) Acceptance of completed voter registration application forms for submission to the registrar of voters within the parish where the voter registration agency is located.

(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.
 - (b) Display any political preference or political party or body allegiance.
 - (c) Make any statement to an applicant or take any action the purpose or effect of which is to discourage the applicant from applying to register to vote.
 - (d) Make any statement to an applicant or take any action the purpose or effect of which is to lead the applicant to believe that a decision to apply to register or not to apply to register to vote has any bearing on the availability of services or benefits.

C.(1) A designated voter registration agency as provided in Subsection A 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) 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) 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 in private."

(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, you may file a complaint with the commissioner of elections." and the current address and telephone number of the commissioner of elections.

(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."

(3) 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.

(4) 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.

(5) If a designated voter registration agency 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) 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.

D. Each designated voter registration agency shall transmit no later than five days after acceptance, all completed voter registration applications to the registrar of voters within the parish where the voter registration agency is located who shall transmit such applications to the appropriate registrar of voters for the parish in which the applicant resides, as determined from the information contained on the registration application. If a registration application is accepted within five days before the last day for registration, each agency shall transmit the completed voter registration application forms to the registrar at the conclusion of each business day.

E. Upon receipt of the completed registration form, the registrar shall, if the information thereon establishes that the applicant meets the requirements for registration, register the applicant and mail notice of registration to the applicant's residence, as provided on the application. Any completed voter registration application transmitted to and received by a registrar by a designated voter registration agency shall be considered an update to any existing registration for that person. However, if a registrar accepts any application for registration,

change of name, or change of address that has been received by a designated voter registration agency while the registration records are closed for a particular election as required by R.S. 18:135(A), none of the changes shall be effective until at least the day after the particular election has been held. In the case of a change of address, the change shall be effective in accordance with the provisions of R.S. 18:110(B).

F. The fact that an applicant submitted an application to register to vote at a designated voter registration agency shall be kept confidential and will be used only for voter registration purposes.

G. Each designated voter registration agency shall maintain such statistical records on the number of applications to register to vote as requested by the commissioner of elections.

Acts 1994, 3rd Ex. Sess., No. 10, §1, eff. Jan. 1, 1995.

§117. Training for accepting voter registration applications

A. The commissioner of elections in conjunction with the registrars of voters shall be responsible for developing all employee training programs necessitated for acceptance of voter registration applications under the provisions of R.S. 18:114 and 116.

B. The commissioner of elections in conjunction with the registrars of voters shall be responsible for training those personnel of the Department of Public Safety and Corrections and voter registration agencies responsible for training other personnel in those same agencies.

Acts 1994, 3rd Ex. Sess., No. 10, §1, eff. Jan. 1, 1995.

PART II. OFFICES, OFFICE HOURS, CLOSE OF REGISTRATION

§131. Place of registration; office and mobile registration unit defined

A. Except as otherwise provided by law, all acts required for registration shall require the personal appearance of the applicant or registrant and shall be done only in an office of the registrar.

B. For purposes of this Part, "office" includes any branch office or mobile registration unit authorized by law.

C. For purposes of this Part, "mobile registration unit" means an office on wheels or which is portable.

D. No registrar shall have or operate an office unless authorized by state law.

Acts 1976, No. 697, §1, eff. Jan. 1, 1978.

§132. Offices furnished registrar; supplies; expenses

Except as otherwise provided by law, the governing authority of each parish shall furnish the office space required by law for the registrar and also shall be responsible for the cost of all equipment and supplies, including all furniture, books, stationery, and other expenses for the operation of each office necessary to enable the registrar fully to discharge his duties. The parish governing authority shall provide space for the registrar's principal office in the courthouse or in close proximity thereto, and this office shall be accessible and convenient to the residents of the parish. The space to be used for this office shall be specifically designated by the parish governing authority, which shall designate adequate space to enable the registrar to fully discharge his duties. No other official or unit of government shall have authority to designate or allocate such office space. Before the expenses are paid, the registrar shall furnish the head of the parish governing authority a budget of anticipated expenses for each succeeding year.

Acts 1976, No. 697, §1 eff. Jan. 1978.

§133. Branch offices; mobile registration units; mandatory registration drives

A. All branch offices, whether temporary or permanent, shall be located in permanent buildings, except mobile registration units.

B. Any or all branch offices, whether permanent or temporary, and any or all mobile registration units, in operation on December 31, 1977, may be continued in operation by the governing authority heretofore responsible therefor, and those continued in operation shall continue to be funded by the state or local authorities heretofore made responsible therefor.

C. In addition to the offices continued in Subsection B of this Section, the registrar of each parish, with prior approval and at the expense of the parish governing authority, may provide permanent branch offices at sites selected by, and operated by the registrar.

D. In addition to the offices required or authorized by this Section, the registrar of each parish, with prior approval of the parish governing authority, may establish, maintain and operate additional temporary branch offices for the registration of voters. The location of these offices shall be determined by the registrar.

E. In each parish, the parish governing authority may provide for one or more mobile registration units for the registration of voters within the parish, which shall be at the expense of the parish governing authority. The registration books shall not be carried in any such mobile unit. In each of these parishes the registrar shall activate the mobile registration units whenever he deems it necessary in order to afford maximum registration service to the residents of the parish. The locations of these units shall be determined by the registrar. Each mobile unit shall be equipped with a fire extinguisher.

The provisions of this Subsection shall not be construed to allow house-to-house registration of voters.

F. *Repealed by Acts 1994, 3rd Ex. Sess., No. 10, §2, eff. Jan. 1, 1995.*

Acts 1976, No. 697, §1, eff. Jan. 1, 1978; Acts 1985, No. 754, §1; Acts 1988, No. 661, §1; Acts 1994, 3rd Ex. Sess., No. 10, §2, eff. Jan. 1, 1995.

§133.1. Temporary branch office; deputy registrar; appointment; compensation

Notwithstanding any other provisions of this Chapter, the registrar of voters of Jefferson Parish shall establish a temporary branch office or offices at Grand Isle at such location or locations as he deems appropriate which shall be open for business during the hours and on the days that he deems that activity justifies it. The registrar shall appoint a citizen of the town of Grand Isle on a temporary year-to-year basis to act as a deputy registrar and shall fix his compensation. The compensation so fixed shall be approved by the parish governing authority and shall be paid from funds appropriated by the parish governing authority.

Added by Acts 1978, No. 721, §1.

§134. Office hours

A. A registrar shall keep his principal office open for business on those days that state departments are open. A registrar shall observe the holidays which are provided by law or proclaimed by the governor for state departments. On days that a registrar's office is open, he shall observe the same office hours as the clerk of court for the parish. Notwithstanding any provision of this Subsection, any registrar may keep his principal office open during additional hours and on additional days.

B. Each registrar shall keep each permanent branch office open for business during the hours and on the days he deems the activity justifies it.

C. Each registrar shall keep each temporary branch office and each mobile registration unit open for business during the hours and on the days that he deems that activity justifies it.

D. Additional hours and days during which a principal office is to be kept open, as authorized by Subsection A of this Section, and the hours and days during which each office or mobile unit is to be kept open, under the provisions of Subsections B and C of this Section, shall be specified and advertised in advance by the registrar by means of the news media.

E. On election days the principal office of the registrar shall remain open from 6:00 a.m. until 9:00 p.m. The registrar or a deputy registrar designated by him shall remain in the office during that time.

F. It shall be lawful to register persons on Sundays and holidays.

Acts 1976, No. 697, §1, eff. Jan. 1, 1978. Amended by Acts 1977, No. 544 §1, eff. Jan. 1, 1978; Amended by Acts 1979, No. 229, §1, eff. July 13, 1979.

§135. Close of registration

A. Registrars shall close the registration records twenty-four days prior to an election. However, if the deadline falls on a legal holiday, the registrars shall close the registration records twenty-five days prior to an election or if that day is a Saturday, Sunday, or legal holiday, on the first preceding day which is not a Saturday, Sunday, or other legal holiday.

B. Except as otherwise provided by law, no entries or changes in the registration records shall be made thereafter except:

(1) To carry into effect at any time prior to the date of the election an order of a court in the case of an application and appeal heard and determined as provided for in this Title.

(2) *Repealed by Act 1988, No. 909, §2, eff. Jan. 1, 1989.*

(3) To effect cancellations and erasures as required or authorized by this Chapter.

C. Except as otherwise provided by law, while the registration records are closed as required by Subsection A of this Section, registrars shall accept any application for registration, change of address, change of party affiliation or nonaffiliation, change of name, or application for any other lawful entry or change in a registration, but none of these shall be effective until at least the day after the election has been held.

Acts 1983, No. 519, §1, eff. July 8, 1983; Acts 1987, No. 831, §1, eff. Jan. 1, 1988; Acts 1988, No. 909, §§1, 2, eff. Jan. 1, 1989; Acts 1990, No. 107, §2, eff. Dec. 1, 1990; Acts 1994, 3rd Ex. Sess., No. 10, §1, eff. Jan. 1, 1995.

PART III. RECORDS BY REGISTRARS

§151. Custody of records

A. The original application for registration, together with the registers, records, files, books, and paraphernalia used for conduct of the registrar's office, shall be kept under the control and in the custody of the registrar at his principal office and shall be removed therefrom only as provided in this Section, as authorized by law, or on order of a competent court. However, if his permanent branch office is separated from his principal office by navigable waters, the registrar may allow his permanent records to be kept both in his principal office and the permanent branch office.

B. The original application for registration or any of the registers, records, files, books, and paraphernalia used for conduct of the registrar's office shall be released, upon the request of the commissioner of elections, to the control and custody of the commissioner of elections, or his designee, for the sole purpose of entering registration information into the state voter registration computer system. The commissioner of elections shall be responsible for the preservation and maintenance of all such materials released to him, or to his designee, until the materials have been returned to the control and custody of the registrar.

Acts 1976, No. 697, §1, eff. Jan. 1, 1978. Acts 1984, No. 672, §1; Acts 1993, No. 418, §1, eff. Jan. 1, 1994.

§152. Required records

A.(1) Each registrar shall keep as permanent records:

(a) All original applications for registration, filed alphabetically for the entire parish or for each ward and precinct or for each precinct of the parish.

(b) The originals of all affidavits made pursuant to this Chapter.

(c) The original of each report made by any person required by this Chapter to make a report to the registrar.

(d) *Repealed by Acts 1994, 3rd Ex. Sess., No. 10, §2, eff. Jan. 1, 1995.*

(2) Notwithstanding the provisions of Paragraph (1) of this Subsection or any other law to the contrary, when an original application for registration and any documentation relative to such has remained in the registrar's cancellation file as provided in Subsection D for a period of four years, the application may be microfilmed or microfiched and such microfilm or microfiche shall be considered the permanent record.

B. Each registrar shall keep a master file consisting of all original applications for registration made by persons who are currently registered, arranged alphabetically for the parish or for each ward and precinct or for each precinct of the parish. The parish governing authority shall provide the registrar with safe, secure, and fireproof storage space for use as a depository for the master file.

C.(1) The computer center will provide each registrar with an updated registration list upon request by the registrar for office use.

(2)(a) 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. Such registers shall contain both the official list of voters and the inactive list of voters. Each precinct register shall contain information for identification of the voter at the polls, a space which the voter shall sign at the time he votes, a space for the initials of the commissioner at the polls, a space for the date of the election, and space for such other information as is deemed necessary:

(b) Prior to delivery of the precinct register to the parish custodian of voting machines, the registrar shall add the names and collateral information on those mail registrants that were verified after the printing of the precinct register. Such listing of registrants shall be considered to be a supplement to the official list of voters and a part of the precinct register.

(3) The precinct register shall be used at the polls for identification and the voting record. The duplicate precinct register is the duplicate for reference or temporary use in case of loss, mutilation, or destruction of the precinct register. The voting record of each registrant shall be entered on the computer system as soon as feasible following an election.

(4) The registration records to be used at the polls for voter identification shall contain thereon information, if applicable, showing that the registrant is physically handicapped or unable to read. If the registrant is unable to read or write English, the records shall show in which language he is entitled to printed materials, ballots, and assistance if he is a member of a language minority group under a determination made under the federal Voting Rights Act. A voter entitled to assistance whose record so indicates may be given such assistance at the polls at the voter's request.

D. The registrar in each parish shall keep a cancellation file in which he shall place the original application for registration of each person whose registration is canceled.

E. The commissioner of elections shall prescribe uniform forms, as provided by R.S. 18:18(3), for the making of records pertaining to all aspects of the registration of voters, which shall be the only forms which may be used by the registrar in each parish.

F. The commissioner of elections shall adopt regulations, as provided by R.S. 18:18(3), governing the manner of registering persons to vote and the making and keeping of registration records.

Acts 1976, No. 697, §1, eff. Jan. 1, 1978. Amended by Acts 1977, No. 544, §1, eff. Jan. 1, 1978; Acts 1988, No. 909, §1, eff. Jan. 1, 1989; Acts 1993, No. 418, §1, eff. Jan. 1, 1994; Acts 1994, 3rd Ex. Sess., No. 10, §§1, 2, eff. Jan. 1, 1995.

§153. Tax rolls

A copy of the latest filed tax roll shall be made available to the registrar of each parish upon his request, so that he may prepare the list to be used in any election in which property ownership is a legally valid requisite for voting.

Acts 1976, No. 697, §1, eff. Jan. 1, 1978.

§154. Records open to inspection; copying; exception

A. The records of each registrar are public records and at all times during office hours shall be open to inspection.

B. When twenty-five or more qualified voters of a parish request in writing that the registrar permit the copying of any part of his records, he shall allow this to be done by hand or otherwise, if so requested, unless such reproduction seriously interferes with the registration of voters or otherwise seriously interferes with the performance of the duties imposed on his office by law. In such instances, the registrar shall cause his employees to make copies of the requested records and deliver them to the voters or request the commissioner of elections to reproduce such records which may then be forwarded to the registrar for delivery to the voters. Copying by the registrar or his employees or the commissioner of elections shall be done in the presence of a representative of the requesting voters, if they so request.

C. However, neither the registrar nor the Department of Elections and Registration shall circulate the social security numbers of registered voters on commercial lists.

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 Elections and Registration shall not disclose the name and address of a law enforcement officer, other than on a general list, if the commissioner of elections 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.

(3) Any agency employing a law enforcement officer availing himself of Paragraph (1) or (2) of this Subsection shall also issue decertification notices to the registrar of voters and the commissioner of elections and registration when the officer is no longer engaging in hazardous activities to the extent that it is necessary for his name and address to be kept confidential.

E. Notwithstanding the provisions of this Section or any other law to the contrary, the registrar of voters shall not allow inspection of any voter registration applications or copies thereof unless ordered by a court of competent jurisdiction.

Acts 1976, No. 697, §1, eff. Jan. 1, 1978. Amended by Acts 1979, No. 229, §1, eff. July 13, 1979; Acts 1988, No. 909, §1, eff. Jan. 1, 1989; Acts 1991, No. 505, §1; Acts 1991, No. 810, §1; Acts 1993, No. 418, §1, eff. Jan. 1, 1994; Acts 1994, 3rd Ex. Sess., No. 10, §1, eff. Jan. 1, 1995.

§155. Refusal or neglect to grant right of inspection; remedies

A. If the registrar fails or refuses to comply with any provision of R.S. 18:154, the voter or voters may apply to the district court having jurisdiction for a peremptory order to the registrar to comply therewith. The rule shall be returnable within forty-eight hours, and the court shall hear the rule in summary manner and by preference, in term time or vacation, and shall decide it within twenty-four hours after submission.

B. If the court finds that the plaintiff is entitled to the relief sought, it shall enter its order requiring performance by the registrar and shall hold the registrar in contempt if he does not comply within three days after entry of the order.

C. This remedy shall not preclude any other civil remedy against or criminal prosecution of the registrar provided in this Title for such failure or refusal.

Acts 1976, No. 697, §1, eff. Jan. 1, 1978.

§156. Alteration, defacing, destruction, or removal of records

Except as provided by law, no registrar, deputy, or employee of a registrar, or any person having access to or the right of inspection, copying, or photographing of any book, card, record, or other document pertaining to the registration of voters, shall alter, add to, deface, or destroy any such document, or remove it from the custody of the registrar. However, nothing in this Section prevents a competent court from requiring the registrar to produce in court, in any proceeding pending therein, any document, book, card, or record which the court believes to be necessary and material to the determination of the proceeding. However, such documents shall not become permanent records of the court, but shall be returned to the custody of the registrar immediately after inspection by the court. The court may require a photostatic copy thereof to be placed in the record.

Acts 1976, No. 697, §1, eff. Jan. 1, 1978.

§157. Delivery of precinct registers to election authorities

The registrar shall seal and deliver a precinct register for each precinct in the parish which is involved in the election, which shall contain both the official list of voters and inactive list of voters in each precinct and shall be bound in a pressboard binder, labeled with the correct ward and the precinct number, to the parish custodian of voting machines not less than three days before the opening hour of the election.

Acts 1989, No. 179, §1, eff. Jan. 1, 1990; Acts 1994, 3rd Ex. Sess., No. 10, §1, eff. Jan. 1, 1995.

§158. Retention of absentee ballots and records; retention of registration records for federal elections

A. The registrar of voters in each parish shall keep and maintain all records relating to absentee voting as provided in Chapter 7 of this Title.

B. The registrar of voters in each parish shall keep and maintain for a period of twenty-two months from the date of the election all applications for registration and registration records received for purposes of voting in an election involving the office of President of the United States, Vice President of the United States, presidential elector, United States Senator, or United States Representative.

Added by Acts 1980, No. 506, §1, eff. Jan. 1, 1981; Acts 1985, No. 755, §1.

PART IV. REPORTS TO REGISTRARS

§171. Report of convictions of felony

A. The clerk of a court having jurisdiction over a criminal proceeding shall record in the minute book in his office each conviction of a felony which has become definitive and the name, aliases, date of birth, sex, and address of the person subject to the conviction. This recordation shall be made immediately after the judgment becomes definitive. By the tenth day of each calendar month, the clerk shall transmit to the registrar of voters for his parish and to the Department of Elections and Registration a certified copy of the judgment.

B. The sheriff and district attorney shall also provide supplemental information to the registrar, if available, including the convicted felon's date of birth, driver's license number, address, and mother's maiden name.

C.(1) By January 1, 1992, the secretary of the Department of Public Safety and Corrections shall send to the Department of Elections and Registration a report, certified as correct over his signature or the signature of his authorized representative, containing the name, date of birth, sex, and address as such information exists in the data base of any person who has a definitive felony conviction and who is currently under the custody or supervision of the Department of Public Safety and Corrections.

(2) Beginning February 1992, the secretary of the Department of Public Safety and Corrections shall send to the Department of Elections and Registration a supplemental report, certified as correct over his signature or the signature of his authorized representative, containing the name, date of birth, sex, and address as such information exists in the data base of any person who has a definitive felony conviction, who is currently under the custody or supervision of the Department of Public Safety and Corrections, and whose name was not on the report sent by January 1, 1992, or any subsequent supplemental report. Such supplemental report shall be sent to the Department of Elections and Registration on a quarterly basis.

(3) The Department of Elections and Registration shall send to the registrar of voters of each parish such information received from the clerk of court of each parish and the Department of Public Safety and Corrections regarding persons with a definitive felony conviction on a quarterly basis.

Acts 1976, No. 697, §1, eff. Jan. 1, 1978. Amended by Acts 1977, No. 544, §1, eff. Jan. 1, 1978; Acts 1987, No. 831, §1, eff. Jan. 1, 1988; Acts 1991, No. 261, §1.

§171.1. Conviction of felony in federal court; notification

A.(1) Each United States attorney shall give written notice of any felony conviction of a person in a district court of the United States to the commissioner of elections.

(2) The notice shall include the name of the offender, the offender's age and residence address, the date of entry of the judgment, a description of the offenses of which the offender was convicted, and the sentence imposed by the court.

B. The commissioner of elections shall send to the registrar of voters of each parish such information received from a United States attorney regarding persons with a definitive felony conviction.

C. Upon request of the registrar of voters, the United States attorney shall provide such additional information as the United States attorney may have concerning the identity of the offender and the offense of which the offender was convicted.

D. If a conviction of which notice was given pursuant to this Section is overturned, the United States attorney shall give written notice of the vacation of the judgment to the commissioner of elections. The commissioner of elections shall send such notice of the vacation of the judgment to the appropriate registrar of voters.

Acts 1994, 3rd Ex. Sess., No. 10, §1, eff. Jan. 1, 1995.

§172. Judgment of interdiction for mental incompetence

The clerk of a court having jurisdiction over an interdiction shall record in a conveyance book each judgment of interdiction for mental incompetence which has become definitive and the name, date of birth, sex, and address of the person interdicted. This recordation shall be made immediately after the judgment becomes definitive. By the tenth day of each calendar month the clerk shall transmit to the registrar of voters from his parish a certified copy of the judgment.

Acts 1976, No. 697, §1, eff. Jan. 1, 1978. Amended by Acts 1977, No. 544, §1, eff. Jan. 1, 1978.

§173. Deaths

A. By the tenth day of each month the secretary of the Department of Health and Human Resources shall send to the registrar in each parish a report, certified as correct over his signature or the signature of his authorized representative, containing the name, address, and sex of each person of at least seventeen years of age who died in the parish within the preceding calendar month.

B. Upon receipt of a certified copy of a death certificate, the registrar of voters shall remove from the voter registration rolls the name of the deceased.

C. By the tenth day of each month the parish health officer shall notify the registrar of voters of the death of each person in the parish during the preceding month and shall include the deceased person's parish of residence.

Acts 1976, No. 697, §1, eff. Jan. 1, 1978. Amended by Acts 1977, No. 544, §1, eff. Jan. 1, 1978; Acts 1979, No. 229, §1, eff. July 13, 1979; Acts 1986, No. 669, §1.

§174. Changes of name; remarriage

A. The clerk of a court having jurisdiction over the changing of a name shall record in the conveyance book in his office each judgment which has become definitive that effects a change of a person's name, and the name, date of birth, sex, and address of the person whose name is changed. This recordation shall be made immediately after the judgment becomes definitive. By the tenth day of each calendar month the clerk shall transmit to the registrar of voters for his parish a certified copy of the judgment.

B. By the tenth day of each month the secretary of the Department of Health and Human Resources shall send to the registrar of voters in each parish a report, certified as correct over his signature or the signature of an authorized representative, containing the full name, address, and the last husband's name of each married woman who remarried in the parish within the preceding calendar month.

C. Any change of name accepted for voter registration purposes under the provisions of R.S. 18:114, 115, or 116 shall update any previous registration.

Acts 1976, No. 697, §1, eff. Jan. 1, 1978. Amended by Acts 1978, No. 292, §1, eff. July 6, 1978; Acts 1979, No. 229, §1, eff. July 13, 1979; Acts 1994, 3rd Ex. Sess., No. 10, §1, eff. Jan. 1, 1995.

§175. Voting list from computer center

A. Whenever any authority that is authorized to do so calls an election in the parish, the registrar for that parish shall notify the computer center to supply him in duplicate both the official list and the inactive list of voters in his parish who are eligible to vote in the election. The request shall be made directly to the official or public body in charge of the computer center, who shall furnish the list without delay.

B. Upon his request, the computer center shall furnish the registrar an error listing for the purpose of correcting his records.

C. Before any person may obtain a list of the registered voters in a computer center he shall obtain the consent of the commissioner of elections or of the registrar. He shall pay such actual cost therefor as may be imposed by the commissioner of elections.

D. The commissioner of elections and the appropriate registrar of voters shall provide, without charge or remuneration, to a clerk of court at the clerk's request a complete and accurate annual list or computer tape from the computer center the official list of registered voters in the parish of the clerk for the preparation of a general venire selection.

Acts 1976, No. 697, §1, eff. Jan. 1, 1978; Acts 1988, No. 909, §1, eff. Jan. 1, 1989; Acts 1990, No. 77, §1; Acts 1994, 3rd Ex. Sess., No. 10, §1, eff. Jan. 1, 1995.

§176. Cancellation of registration and challenge of unlawful registration on the basis of reports

A. Immediately upon receipt of a report required by Section 171, 171.1, or 173 of this Chapter, the registrar shall cancel the registration of each person listed therein by deleting the name from the statewide computer registration system and, if necessary by drawing in red ink a line through the name of such person on the precinct register and the duplicate precinct register. Such line through on the precinct registers shall be initialed by the registrar or employee of the registrar. The registrar shall note on the registration record and on the original application for registration that the registrar has been notified of an order of imprisonment for conviction of a felony, a judgment of interdiction for mental incompetence, or a report of death, and he shall note also the date of the cancellation and the date of the report. The registrar shall remove the original application from his file of eligible voters and shall place them in his cancellation file. In addition, each person whose registration is cancelled, except by reason of death, shall immediately be notified of the cancellation and the reason therefor.

B. Immediately upon receipt of a report required by Section 174 of this Chapter, the registrar shall determine which voters, if any, are unlawfully registered by reason of violation of the provisions of R.S. 18:111, relative to a change of name. The registrar shall promptly challenge the registration of each such voter in the manner provided by R.S. 18:193 and shall take such other action, including cancellation of the registration, as is applicable under this Title.

C. Immediately upon receipt of the report required by Section 172 of this Chapter, the registrar shall suspend the registration of the interdict for the period of interdiction.

Acts 1976, No. 697, §1, eff. Jan. 1, 1978. Amended by Acts 1979, No. 229, §1, eff. July 13, 1979; Acts 1987, No. 831, §1, eff. Jan. 1, 1988; Acts 1988, No. 909, §1, eff. Jan. 1, 1989; Acts 1994, 3rd Ex. Sess., No. 10, §1, eff. Jan. 1, 1995.

PART V. CANVASS, CANCELLATION

§191. Permanent registration

The registration of any person as provided in this Chapter shall remain in effect for so long as the registration is not canceled for a cause and in the manner set forth in this Chapter.

Acts 1989, No. 652, §1.

§192. Annual canvass; costs

A.(1)(a) In January, 1992, in each parish the registrar of voters shall annually canvass the names of the registrants in all precincts in the parish. However, commencing in 1994 and every fourth year thereafter, a parish containing a municipality with a population of four hundred seventy-five thousand or more, as based on the most recently published federal decennial census, shall not be required to conduct a canvass in January but shall instead conduct a canvass in May. Failure of the registrar to conduct an annual canvass as provided in this Paragraph shall constitute willful misconduct relating to his official duty for the purposes of R.S. 18:53. The Department of Elections and Registration may use the United States Postal Service or its licensee to verify the names and addresses of the registrants in all precincts in the state. A verification by the United States Postal Service or its licensee shall constitute a valid canvass of the registered voter.

(b) In conducting the verification, if the United States Postal Service or its licensee provides a corrected address, the Department of Elections and Registration may furnish the corrected address to the appropriate registrar of voters. Upon receiving a corrected address inside the parish, the registrar of voters may make the change on his records. If such change is made, the registrar shall mail a new voter identification card to the voter using the corrected address provided and an address confirmation card as provided in R.S. 18:193. In the event the new voter identification card using the corrected address is returned to the registrar and the voter has failed to return the address confirmation card, the registrar shall consider the address not corrected. His records should be changed to reflect the prior address on file for that voter. If the corrected address is outside the parish, the registrar of voters shall not make the change on his records and shall send an address confirmation card as provided in R.S. 18:193.

(2)(a) In conducting the canvass the registrar shall mail to each registrant a card on which is plainly typed or printed the registrant's name and residence address, and his ward and precinct numbers. The card shall instruct the postmaster to deliver only as addressed or return to sender, with return postage guaranteed. The card shall also instruct the postmaster to provide an address correction when available. However, if the Department

of Elections and Registration utilizes the United States Postal Service or its licensee, the registrar shall not mail a card to those registrants whose addresses were verified or when an address correction was utilized from the United States Postal Service or its licensee.

(b) If the card is returned and no address is provided by the postmaster or if the corrected address provided is outside the parish, the registrar then shall follow the procedure set forth in R.S. 18:193 with respect to challenge and cancellation on the ground that the registrar has reason to believe that the registrant is no longer qualified to be registered. However, if the card is returned with a corrected address within the parish, the registrar shall make the change on his records. He shall mail a new voter identification card to the voter using the corrected address provided by the postmaster and shall send an address confirmation card as provided in R.S. 18:193.

(c) *Repealed by Acts 1994, 3rd Ex. Sess., No. 10, §2, eff. Jan. 1, 1995.*

B.(1) The parish governing authority shall provide to the registrar of voters the funding necessary for the conduct of the canvass of the names of registrants, as required herein. If the parish governing authority fails to provide the funding as required by this Subsection, in order to fund the canvass, the parish governing authority shall make available out of its allocated revenue sharing funds a sufficient amount to the parish registrar of voters to pay the expenses of the voter canvass. Said funds shall be made available by the parish governing authority from the second annual payment which the parish governing authority receives from the tax collector and failure of the parish governing authority to do so shall result in the final revenue sharing payment to the parish governing authority being delayed by the tax collector until June thirtieth of that year.

(2) Commencing in January, 1991, sixty percent of the funding of the annual canvass in each parish shall be provided by the state through the office of the commissioner of elections who shall be responsible for mailing to the voters the initial canvass card, as provided in this Section.

C. For the purposes of this Section, "residence address" shall mean the registrant's place of residence except in the case of a registrant to whom the United States Postal Service will not deliver mail to his place of residence, it shall mean the registrant's mailing address.

Acts 1976, No. 697, §1, eff. Jan. 1, 1978. Amended by Acts 1977, No. 544, §1, eff. Jan. 1, 1978; Acts 1986, No. 669, §1; Acts 1989, No. 179, §1, eff. Jan. 1, 1990; Acts 1989, No. 652, §1; Acts 1990, No. 107, §1, eff. Jan. 1, 1991; Acts 1990, No. 142, §1; Acts 1991, No. 201, §3, eff. Dec. 31, 1991; Acts 1994, 3rd Ex. Sess., No. 10, §§1, 2, eff. Jan. 1, 1995.

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

A. When the registrar has reason to believe that the name of a person has been illegally or fraudulently placed upon the registration records, that a registrant no longer is qualified to be registered, or that a registrant has changed his residence, he shall immediately notify the person by sending the address confirmation card to the registrant and place the voter on the inactive list of voters.

B. For the purposes of this Section, "address confirmation card" shall mean a postage prepaid and pre-addressed return card, sent by forwardable mail, which shall include but not be limited to the following:

(1) The question "Have you permanently changed the address where you live to a new location within the same parish?" and the following statements:

(a) "If so, please detach, complete, and return the postcard at the bottom not later than the date specified even if this notice was mailed to your correct current address. This change will be recorded in the voter registration list and you will be informed by mail of your correct polling place."

(b) "If this card is not returned, affirmation or confirmation of your current address will be required at the polls on election day."

(c) "If this card is not returned and you do not vote by the date of the second federal general election, then your name will be removed from the voter registration list."

(2) The question "Have you permanently moved to an address outside the parish where you are currently registered?" and following statements:

(a) "If so, please detach, complete, and return the postcard at the bottom even if this notice was mailed to your correct current address."

(b) "Please note that in order to vote, you will have to register to vote in your new location. Consult your telephone directory for the phone number and address of the office of the registrar of voters for that location."

(3) The statement "I have not permanently moved to a new address within the same parish or outside the parish." and the following statements:

(a) "Please detach, complete, and return the postcard at the bottom no later than the date specified."

(b) "If this card is not returned, affirmation or confirmation of your current address will be required at the polls on election day."

(c) "If this card is not returned and you do not vote by the date of the second federal general election, then your name will be removed from the voter registration list."

(4) The name and telephone number of the registrar sending the address confirmation card.

(5) The statement "Warning: Any false statements made on the address confirmation card will constitute an election offense and will be punishable as provided by law."

C. If the registrant responds to the address confirmation card and has not moved or has moved within the parish, the registrar shall remove the person's name from the inactive list of voters and correct the voter's address if necessary.

D. If the voter responds to the address confirmation card and has permanently moved outside the parish, the registrar shall cancel the voter's registration.

E. If the voter fails to respond to the address confirmation card, the voter shall remain on the inactive list of voters until his address is confirmed in accordance with the procedures set forth in R.S. 18:196 or not later than a period of two federal general elections, at which time the registrar shall cancel the voter's registration.

F. A list of names and addresses to whom address confirmation notices are sent and whether or not each person responded to the confirmation notice shall be maintained for a period of two years and shall be open to inspection and copying as provided in R.S. 18:154. Ninety days prior to a federal election the names and addresses of those persons on the inactive list shall be published for one day in the official journal of the parish governing authority or in a newspaper calculated to provide maximum notice in the parish.

G.(1) If the registrar has reason to believe that the name of a person has been illegally or fraudulently placed upon the registration records or that a registrant no longer is qualified to be registered for a reason other than a change of residence or address, he shall immediately notify the person. The notice shall be mailed first class, postage prepaid, to the address on file at the registrar's office.

(2) The notice shall state the alleged irregularity in the registration and shall inform the person that he must appear in person at the office of the registrar of voters within twenty-one days after the date on which the notice was mailed to show cause why his name should not be removed.

(3) If the registrant fails to appear within the required twenty-one days, the registrar shall cancel his name from the list of eligible voters. If the registrant appears and shows cause within the twenty-one days, the registrar shall not cancel the registration.

(4) Records of such activity shall be maintained in accordance with the provisions provided in Subsection F of this Section.

H. If the registrar determines that a voter's registration has been cancelled through error of the registrar, the registrar shall reinstate the voter's registration as though the cancellation had never occurred and shall notify the registrant of the reinstatement.

I. For the purposes of this Section, "residence address" shall mean the registrant's place of residence except in the case of a registrant to whom the United States Postal Service will not deliver mail to his place of residence, it shall mean the registrant's mailing address.

Acts 1976, No. 697, §1, eff. Jan. 1, 1978; Acts 1985, No. 225, §1; Acts 1986, No. 669, §1; Acts 1987, No. 831, §1, eff. Jan. 1, 1988; Acts 1987, No. 890, §1; Acts 1989, No. 179, §1, eff. Jan. 1, 1990; Acts 1994, 3rd Ex. Sess., No. 10, §1, eff. Jan. 1, 1995.

§194. *Repealed by Acts 1994, 3rd Ex. Sess., No. 10, §2, eff. Jan. 1, 1995.*

§195. Challenge of registrants in the United States Service or temporarily residing outside United States

A. If the registrant whose registration is challenged for any lawful cause is a member of the United States Service or is a person who is temporarily residing outside the territorial limits of the United States, the registrar shall mail the registrant an address confirmation card. The registrant's name shall be placed on the inactive list of voters upon mailing of such card.

B.(1) Upon receipt of the address confirmation card or any written request for continued registration, the registrar shall place the registrant's name on the official list of voters.

(2) Upon receipt of a request for an absentee ballot, the registrar shall consider such request an affirmation of registration, place the registrant's name on the official list of voters, and forward the proper ballots.

Acts 1976, No. 697, §1, eff. Jan. 1, 1978; Acts 1994, 3rd Ex. Sess., No. 10, §1, eff. Jan. 1, 1995.

§196. Inactive list of voters; procedure for voting

A.(1) In addition to the official list of voters, there shall be an inactive list of voters which shall consist of registrants who have been mailed an address confirmation card. The names of registrants on the inactive list of voters shall not be counted in computing the number of ballots required for an election, the number of voters required to divide or constitute a precinct, the number of signatures required on any petition, or the number of registered voters necessary to recognize or determine the organization of a political party or committee.

(2) However, any registrant whose name appears on the inactive list of voters shall be eligible to sign a petition and such petition signature, if valid, shall be sufficient to return the registrant to the official list of voters. If the registrant still resides at the address on file at the office of the registrar of voters, the address on the petition shall be considered written confirmation of the continuation of that address for that registrant. However, if the address is different from that on file at the office of the registrar of voters, the address on the petition shall be considered written confirmation of the change of address of the registrant.

B. A registrant whose name is on the inactive list of voters may vote:

(1) If the registrant has not changed residence, at the polling place of such registrant's last address upon affirming in writing by completing an address confirmation card affirming that such registrant still resides at the address on file at the office of the registrar of voters.

(2) If the registrant has moved to an address within the parish in the same precinct, at the polling place of such registrant's last address on file at the office of the registrar of voters upon affirming in writing that such registrant resides in the precinct by completing an address confirmation card affirming the new address within the precinct.

(3) If the registrant has moved to an address within the parish in a different precinct, at the polling place of such registrant's last address on file at the office of the registrar of voters for that election only, primary and general if held, upon affirming in writing that such registrant still resides in the parish by completing an address confirmation card affirming the new address within the parish.

(4) If the registrant has moved to an address outside the parish, at the polling place of such registrant's last address on file at the office of the registrar of voters for that election only upon affirming in writing that such registrant has moved within the last three months and no longer resides in the parish by completing an address confirmation card affirming the new address outside the parish and that the length of time since the move has not exceeded three months. If such registrant does not affirm that he has moved within the last three months, he shall not be permitted to vote.

C.(1) If a registrant whose name appears on the inactive list of voters has appeared at the polls and voted as provided under Paragraph B(1), (2), or (3) of this Section, the registrar shall transfer the registrant's name to the official list of voters and make any necessary corrections in the registrant's registration records. If the registrant appeared at the polls and confirmed that he has moved outside of the parish, the registrar shall cancel the registration of such registrant.

(2) If a registrant whose name appears on the inactive list of voters has voted absentee, the registrar shall consider the executed affidavit on the absentee ballot envelope as an address confirmation and shall transfer the registrant's name to the official list of voters and make any necessary corrections in the registrant's registration records.

D. If a registrant who has failed to respond to an address confirmation card and whose name appears on the inactive list of voters does not vote in any election from the date he is placed on the inactive list of voters until the day after the second general election for federal office held after such date, the registrar shall cancel the registration of the registrant.

Acts 1994, 3rd Ex. Sess., No. 10, §1, eff. Jan. 1, 1995.

§197. Registration; cancellation

No registrar of voters shall cancel the registration of any voter in his parish between any primary election and the subsequent general election occurring in that parish as a result of any of the processes authorized by this Part, except in the case of a person who has been fraudulently placed upon the registration records or in the case of a person whose registration is cancelled pursuant to the annual canvass conducted by the registrar.

Acts 1988, No. 78, §1; Acts 1988, No. 829, §1.

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

A. Whenever a registrar has reason to believe that a registrant has changed his residence within the parish or that a change has occurred in the registrant's mailing address, the registrar may mail the address confirmation card as provided in R.S. 18:193(B) to the registrant.

B. The card shall inform the voter that he must notify the registrar of his current address.

C. The registrar shall send such card to the registrant's address shown on the registration records and to the address the registrar believes to be the registrant's new address. Upon return of the card, signed by the registrant, the registrar shall enter any change in the registration records and on the original application for registration.

D. If the registrant fails to return the card, the registrar then shall follow the procedures set forth in R.S. 18:193 with respect to challenge.

Acts 1989, No. 179, §1, eff. Jan. 1, 1990; Acts 1994, 3rd Ex. Sess., No. 10, §1, eff. Jan. 1, 1995.

§199. New registration necessary after cancellation

A. A person whose registration has been canceled shall not be permitted to vote except upon a new registration made in accordance with this Chapter.

B. A cancellation of registration shall not affect the right of any person thereafter to register if he possesses the qualifications to register and vote.

Acts 1976, No. 697, §1, eff. Jan. 1, 1978.

§200. Definition of affidavit

For purposes of this Part, an affidavit means an oath or affirmation signed by the affiant before a notary public, or before a deputy registrar of voters or two residents of the parish who sign as witnesses to the registrant's signature.

Acts 1976, No. 697, §1, eff. Jan. 1, 1978.

§201. Change of address caused by action of a parish or municipal governing authority; use of information furnished by U.S. Postal Service

A. When the governing authority of a parish or municipality renames a street or road, or assigns a name to a previously unnamed street or road, or reassigns numbers of buildings or lots on a street or road, or assigns numbers to previously unnumbered buildings or lots on a street or road, the governing authority shall transmit a certified report of such action to the registrar or voters of the parish in accordance with the provisions of Subsection B of this Section.

B.(1) The report shall include but not be limited to:

(a) The prior name and new name of the street or road which was renamed.

(b) The prior official designation and new name of the road or street to which a name has been assigned.

(c) The prior numbers and new numbers of dwellings on roads or streets on which the dwellings have been renumbered.

(d) The prior designation, if any, and new numbers of previously unnumbered dwellings on a street or road assigned numbers.

(2) The information required by this Section shall be arranged in a format which will allow the registrar to correlate the name of each occupant with the previous address of such person prior to the action of the governing authority and the new address assigned by the governing authority.

(3) The information required by this Section shall be complete through the date of transmittal to the registrar, which shall be not later than the tenth day after the changes in names of streets or roads or numbers of dwellings become effective.

C.(1) When the registrar determines from the reports required by this Section that the address of a voter has been changed by action of the governing authority of a parish or municipality and that the change was not caused by a change in the place of residence of the voter, the registrar may change the registration records of each voter affected by such action of the governing authority for the sole purpose of correcting the address of the voter on those records.

(2) The registrar may make the changes authorized by this Subsection without authorization of the voter, but notice of such change shall be mailed to the voter not later than ten days after the change is made.

D.(1) The registrar may solicit and receive information relative to rural route changes, number changes, and other address changes imposed by action of local authorities of the United States Postal Service. When the information received from the United States Postal Service indicates that the address of a voter has been changed by action of the postal authority or for any reason except by a change in the place of residence of the voter, the registrar shall change the registration records of the voter affected for the sole purpose of correcting the address of the voter on those records.

(2) The registrar may make the change authorized by this Subsection without authorization of the voter, but notice of the change shall be mailed to the voter not later than ten days after the change is made.

E. The registrar may solicit and receive information from the United States Postal Service relative to address changes caused by a change in the place of residence of the voter. Upon receipt of any address change furnished by the United States Postal Service under the provisions of this Subsection, the registrar shall follow the procedure set forth in R.S. 18:198.

Added by Acts 1980, No. 506, §1, eff. Jan. 1, 1981. Acts 1983, No. 519, §1, eff. July 8, 1983; Acts 1987, No. 831, §1, eff. Jan. 1, 1988; Acts 1989, No. 179, §1, eff. Jan. 1, 1990.

PART VI. MISCELLANEOUS PROVISIONS

§221. Mandatory duties of registrar; ministerial character; compelling performance by mandamus or other process; appeal

A. Except as otherwise provided by law, the duties of the registrar are ministerial in character and may be compelled by mandamus or other appropriate process or proceeding at the suit of two or more qualified electors of the parish he serves by any district court having jurisdiction of the parties. The proceeding shall be against the registrar as sole defendant and may be instituted and prosecuted without cost in the district court. It shall be heard and determined by preference, in term time or in vacation.

B. An appeal shall be filed in the appropriate appellate court not later than the fifth day after the judgment is rendered and shall be tried on the original records and by preference over all other cases. The appellate court shall render its decision within twenty-four hours after submission.

When the appeal is perfected, the clerk of the district court shall immediately notify the appellate court in writing. The appellate court shall immediately set the appeal for hearing, without waiting for the record actually to be received, and shall hear the case and render its decision without any delay. The appellate court shall convene in special session if necessary to hear the appeal.

The cost of appeals shall be assessed individually against the losing parties. The appellant shall give bond for a sum to be fixed by the court to cover all such costs.

C. No application for rehearing shall be entertained, but the appellate court may, upon its own motion, correct manifest errors to which its attention is called; however, the case shall be reargued in case of a dissent, as required by Section 8 of Article V of the Louisiana Constitution.

D. An application for a writ or writs may be made to the Supreme Court of Louisiana for review of the action or inaction of the trial court or of the court of appeal not later than the fifth day after the action taken or, in the case of inaction, not later than the fifth day after the expiration of the delay lawfully allowed for the court to take the action sought.

Acts 1976, No. 697, §1, eff. Jan. 1, 1978.

CHAPTER 5. PRIMARY AND GENERAL ELECTIONS

PART I. GENERAL PROVISIONS

§401. Purpose and nature of primary and general elections

A. Purpose. Primary and general elections are held to elect persons to Congress and to all the elective offices in this state, except the office of presidential elector.

B. Nature. All qualified voters of this state may vote on candidates for public office in primary and general elections without regard to the voter's party affiliation or lack of it, and all candidates for public office who qualify for a primary or general election may be voted on without regard to the candidate's party affiliation or lack of it.

Acts 1976, No. 697, §1, eff. Jan. 1, 1978.

§402. Dates of primary and general elections

A. Gubernatorial elections. Elections for governor and officers elected at the same time as the governor shall be held every four years, beginning in 1983.

(1) Gubernatorial primary elections shall be held on the second to last Saturday in October of an election year.

(2) Gubernatorial general elections shall be held on the fourth Saturday after the second to last Saturday in October of an election year.

B. Congressional elections. Elections for members of Congress and officers elected at the same time as members of Congress shall be held every two years, beginning in 1982.

(1) Congressional primary elections shall be held on the first Saturday in October of an election year.

(2) Congressional general elections shall be held on the first Tuesday after the first Monday in November of an election year.

C. Municipal and ward elections. In all municipalities with a population of less than four hundred seventy-five thousand, elections for municipal and ward officers who are not elected at the same time as the governor or members of Congress shall be held every four years.

(1) Primary elections for municipal and ward officers who are not elected at the same time as the governor or members of Congress shall be held on the first Saturday in April of an election year, or on the second Tuesday in March of an election year, if the statewide presidential preference primary election is scheduled on the second Tuesday in March of the presidential election year.

(2) General elections for municipal and ward officers who are not elected at the same time as the governor or members of Congress shall be held on the fourth Saturday after the first Saturday in April of an election year unless the primary election for such officers is held on the second Tuesday in March; in such case the general election shall be held on the third Saturday in April of an election year.

D. Parochial and municipal elections in a parish containing a municipality with a population of four hundred seventy-five thousand or more and in which the municipal and parochial elections are held at the same time. Elections for parochial and municipal officers in such a parish containing a municipality with a population of four hundred seventy-five thousand or more shall be held every four years, beginning in 1986.

(1) Primary elections for parochial and municipal officers in a parish containing a municipality with a population of four hundred seventy-five thousand or more and in which the municipal and parochial elections are held at the same time shall be held on the first Saturday in February of an election year.

(2) General elections for parochial and municipal officers in a parish containing a municipality with a population of four hundred seventy-five thousand or more and in which the municipal and parochial elections are held at the same time shall be held on the fourth Saturday after the first Saturday in February of an election year.

E. Special elections to fill newly created office or vacancy in office. An election to fill a newly created office or vacancy in an existing office, except the office of state legislator or representative in Congress, shall be held on the dates fixed by the appropriate authority in the proclamation ordering a special election as follows:

(1) A special primary election shall be held on the first of the following days that is not less than twelve weeks after the date on which the proclamation calling the special primary election was issued; however, no special primary election shall be held at the same time as a gubernatorial election if the date of the gubernatorial election is less than fourteen weeks after the date on which the proclamation was issued and, in such case, the special primary election shall be held on the first of the following days after that gubernatorial election:

(a) The second to last Saturday in October, when the special general election is held on the fourth Saturday after the second to last Saturday in October.

(b) The first Saturday in October, when the special general election is held on the first Tuesday after the first Monday in November.

(c) The first Saturday in April, when the special general election is held on the fourth Saturday after the first Saturday in April or on the second Tuesday in March during the presidential election year, if the statewide presidential preference primary election is scheduled on the second Tuesday in March of the presidential election year; however, commencing in 1986 and every fourth year thereafter, this date shall not be applicable in a parish containing a municipality with a population of four hundred seventy-five thousand or more.

(d) The third Saturday in October, when the special general election is held on the fourth Saturday after the third Saturday in October of 1985 and every fourth year thereafter.

(e)(i) The first Saturday in February of an election year for parish and municipal officers in a parish containing a municipality with a population of four hundred seventy-five thousand or more.

(ii) The first Saturday in February of 1995, except in parishes and municipalities where an election on bonds, taxes, and other propositions or questions has been called and held in January of 1995. Notwithstanding the provisions contained in R.S. 18:467 and 468, the qualifying period for primary elections held on the first Saturday in February of 1995 shall open on the third Monday in December of 1994 and shall close at 5:00 p.m. on the Wednesday following the third Monday in December of 1994.

(2) A special general election shall be held on one of the following days:

(a) The fourth Saturday after the second to last Saturday in October of 1983 and every fourth year thereafter.

(b) The first Tuesday after the first Monday in November of even-numbered years.

(c) The fourth Saturday after the first Saturday in April of any year unless the primary election is held on the second Tuesday in March; in such case the general election shall be held on the third Saturday in April; however commencing in 1986 and every fourth year thereafter, this date shall not be applicable in a parish containing a municipality with a population of four hundred seventy-five thousand or more.

(d) The fourth Saturday after the third Saturday in October of 1985 and every fourth year thereafter.

(e)(i) The fourth Saturday after the first Saturday in February in a parish containing a municipality with a population of four hundred seventy-five thousand or more, when the special primary election in such parish and municipality is held on the first Saturday in February of an election year for parish and municipal officers.

(ii) The fourth Saturday after the first Saturday in February of 1995, when the special primary election is held as authorized in R.S. 18:402(E)(1)(e)(ii) on the first Saturday in February of 1995.

(3) The secretary of state shall not include the name of any candidate on any ballot for a special election to fill a vacancy in any office to which this Subsection is applicable unless such special election has been called in accordance with the provisions of this Subsection and scheduled on one of the dates provided herein. Any elector who is eligible to vote in any such special election may apply for injunctive relief to prohibit the placing of the name of any candidate in an improperly called election on the ballot. Venue for such application shall be in any parish in which the election is called, and the secretary of state shall be the proper party defendant.

F. Bond, tax, or other elections. Every bond, tax, or other election at which a proposition or question is to be submitted to the voters shall be held only on one of the following dates:

(1) The second to last Saturday in October or the fourth Saturday after the second to last Saturday in October of 1983 and every fourth year thereafter.

(2) The first Saturday in October or the first Tuesday after the first Monday in November of even-numbered years.

(3) The first Saturday in April or the fourth Saturday after the first Saturday in April of any year or on the second Tuesday in March or third Saturday in April during the presidential election year, if the statewide

presidential preference primary election is scheduled on the second Tuesday in March of the presidential election year; however, commencing in 1994 and every fourth year thereafter, the first Saturday in April shall not be applicable in a parish containing a municipality with a population of four hundred seventy-five thousand or more.

(4) The third Saturday in October or the fourth Saturday after the third Saturday in October of 1985 and every fourth year thereafter.

(5) The third Saturday in January of any year, the third Saturday in July of any year, which dates, in addition to the other dates provided for in this Subsection, shall be exclusively for elections on bonds, taxes, and other propositions or questions and for no other kind of election; however, commencing in 1994 and every fourth year thereafter, the third Saturday in January shall not be applicable in a parish containing a municipality with a population of four hundred seventy-five thousand or more.

(6) For a parish containing a municipality with a population of four hundred seventy-five thousand or more, the first Saturday in February or the fourth Saturday after the first Saturday in February in 1986 and every fourth year thereafter.

(7) In case of an emergency, upon application to and approval by the State Bond Commission by two-thirds vote of its total membership, and with approval of the governor, the governing authority of a parish, of a municipality, or of a parish or city school board may conduct a bond or tax election on a Saturday which is not provided for in this Subsection.

G. Prohibited days. No election of any kind shall be held in this state on any of the days of Rosh Hashanah, Yom Kippur, Sukkoth, Shimini Atzereth, Simchas Torah, the first two days and the last two days of Passover, Shavuoth, Fast of AV, or the three days preceding Easter. If the date of any election falls on any of the above named days, the election shall be held on the same weekday of the preceding week.

Acts 1976, No. 697, §1, eff. Jan. 1, 1978. Amended by Acts 1977, No. 333, §1, eff. Jan. 1, 1978; Acts 1977, No. 545, §1, eff. Jan. 1, 1978; Acts 1978, No. 38, §1, eff. May 31, 1978; Acts 1978, No. 720, §1, eff. July 17, 1978; Acts 1979, No. 229, §1, eff. July 13, 1979; Acts 1980, No. 43, §1, eff. June 5, 1980; Acts 1980, No. 664, §1, eff. July 24, 1980; Acts 1981, No. 77, §1, eff. June 26, 1981; Acts 1982, No. 10, §1, eff. Jan. 1, 1983; Acts 1982, No. 778, §1, eff. Aug. 4, 1982; Acts 1983, No. 519, §1, eff. July 8, 1983; Acts 1984, No. 672, §1; Acts 1986, No. 669, §1; Acts 1987, No. 831, §1, eff. Jan. 1, 1988; Acts 1989, No. 727, §2, eff. Jan. 1, 1990; Acts 1990, No. 107, §1, eff. Jan. 1, 1991; Acts 1991, No. 277, §1; Acts 1994, 3rd Ex. Sess., No. 42, §1, eff. July 7, 1994.

§403. Election records and papers; preservation; public record

Except as otherwise provided by law, every election official shall retain and preserve, for at least six months after the date of a primary or general election, all records and papers which come into his possession relating to the qualifying of candidates, the selection of commissioners, alternate commissioners, and watchers, and the conduct or results of a primary or general election. These records and papers shall be public records open to inspection by anyone.

Acts 1976, No. 697, §1, eff. Jan. 1, 1978.

§404. *Repealed by Acts 1987, No. 831, §2, eff. Jan. 1, 1988.*

PART I-A. SPECIAL PROVISIONS FOR CERTAIN ELECTIONS HELD IN 1992

§411. Applicability of Part

Notwithstanding any other provision of law to the contrary, the provisions contained in this Part shall be applicable to the primary election held on October 3, 1992, and the general election held on November 3, 1992, and any other law in conflict with these provisions shall not be applicable to such elections.

Acts 1989, No. 179, §1, eff. Jan. 1, 1990; Acts 1992, No. 1, §1, eff. April 27, 1992.

§412. Commissioners; courses of instruction

A general course of instruction conducted by the clerk shall be scheduled on some date following the last date for qualifying for office, but must be held at least five days prior to the date for selection of commissioners.

Acts 1989, No. 179, §1, eff. Jan. 1, 1990.

§413. Opening and closing of qualifying period

The qualifying period for candidates in the primary election shall open on the third Tuesday in August of 1992. The qualifying period for candidates in the primary election shall close at 5:00 p.m. on the Thursday after the opening of the qualifying period.

Acts 1989, No. 179, §1, eff. Jan. 1, 1990; Acts 1992, No. 1, §1, eff. April 27, 1992.

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

Not later than twenty-four hours after the close of the qualifying period provided for in R.S. 18:413, the clerk of court for each parish shall transmit a certified list of candidates who have qualified with him to the secretary of state. Thereafter, the clerk of court shall immediately forward the qualifying fees for candidates to the secretary of state. Any signatures obtained on nominating petitions on or after March 24, 1992, for candidates in the October 3, 1992 primary election, shall be deemed timely for certification by the registrar of voters in accordance with R.S. 18:465.

Acts 1989, No. 179, §1, eff. Jan. 1, 1990; Acts 1991, 1st E.S., No. 1, §1, eff. Sept. 1, 1991; Acts 1992, No. 1, §1, eff. April 27, 1992.

NOTE: See Acts 1991, 1st E.S., No. 1, §3.

§415. Campaign Finance Disclosure Act reporting forms

Not later than the Friday before the opening of the qualifying period provided in R.S. 18:413, the supervisory committee on campaign finance shall furnish a sufficient number of informational packets containing reporting forms and instructions to all officials with whom candidates will qualify for the primary election to be held on October 3, 1992. Such informational packets shall be distributed to each candidate upon receipt of the candidate's notice of candidacy by the official with whom the candidate qualifies for office.

Acts 1989, No. 179, §1, eff. Jan. 1, 1990; Acts 1992, No. 1, §1, eff. April 27, 1992.

§416. Refund of qualifying fees

If the withdrawal of a candidate is filed prior to 4:30 p.m. on the seventh day after the close of the qualifying period provided for in R.S. 18:413, fifty percent of the qualifying fee paid by the candidate shall be refunded by the state treasurer from the escrow account in which these deposits were credited. If the withdrawal is filed at or after 4:30 p.m. on the seventh day after the close of the qualifying period, the deposit shall not be refunded.

Acts 1989, No. 179, §1, eff. Jan. 1, 1989.

§417. Proposition elections; procedures

If a proposition or question is to be submitted to the voters at the primary election to be held on October 3, 1992, the notice of such election shall be received by the secretary of state on or before July 24, 1992, and no revisions to a proposition or question, including but not limited to changes in title, text, or numerical designations, shall be accepted by the secretary of state after July 24, 1992.

Acts 1989, No. 179, §1, eff. Jan. 1, 1990; Acts 1992, No. 1, §1, eff. April 27, 1992.

PART II. ELECTION OFFICIALS

SUBPART A. GENERAL PROVISIONS

§421. Secretary of state; first assistant and other employees of the secretary of state

A. The secretary of state is the chief election officer of the state. Except as otherwise provided by law, the first assistant appointed by the secretary of state possesses all the powers and authority granted by law to the secretary of state and may perform any of the duties and exercise any of the functions of the secretary of state. The first assistant and other employees of the secretary of state are subject to his direction and supervision and shall perform the duties assigned to them by law and by the secretary of state. The secretary of state is responsible for the performance or nonperformance of their official duties by his first assistant and other employees.

B. The secretary of state shall develop and print cards of instruction to voters and commissioners, which shall not be inconsistent with the constitution and laws of the United States or of this state and which shall be approved by the attorney general.

C. The secretary of state and the commissioner of elections shall develop an informational pamphlet for the use of commissioners-in-charge and commissioners on election day, which shall contain instructions concerning the procedures to be used in conducting the election at the polls, counting and tabulating the votes, and transmitting the election returns and other election records. The pamphlet shall explain the powers and duties of commissioners-in-charge, commissioners, and watchers.

D. The secretary of state and the commissioner of elections shall prepare examinations for commissioners and commissioners-in-charge as required in R.S. 18:431.1.

E. The informational pamphlet and examinations provided for in Subsections C and D of this Section shall be subject to approval as to content by the attorney general.

Acts 1976, No. 697, §1, eff. Jan. 1, 1978. Amended by Acts 1977, No. 523, §1, eff. Jan. 1, 1978; Acts 1988, No. 831, §1.

§422. Clerks of court; deputy clerks and other employees of the clerk

The clerk of court is the chief election officer of the parish. Except as otherwise provided by law, a deputy clerk of court shall possess all of the powers and authority granted by law to the clerk, and may perform any of the duties and exercise any of the functions of the clerk. Deputy clerks and other employees of a clerk of court are subject to his direction and supervision, and shall perform the duties assigned to them by law, the court, and the clerk. The clerk of court is responsible for the performance or nonperformance of their official duties by his deputies and other employees.

Acts 1976, No. 697, §1, eff. Jan. 1, 1978.

§423. Parish boards of election supervisors

A. **Creation.** There is created a board of election supervisors for each parish.

B. **Powers and duties.** The parish board of election supervisors shall supervise the preparation for and the conduct of all elections held in the parish. All papers filed with the parish board of election supervisors shall be filed with the president or the secretary of the board. The parish board of election supervisors shall maintain a permanent street address, which shall be filed with the secretary of state, the commissioner of elections, and the clerk of court.

C.(1) **Composition.** In each parish, except Orleans 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 who shall be a member of the parish executive committee of the same recognized political party, and one member appointed by the governor.

(2) In Orleans Parish, the parish board of election supervisors shall be composed of the registrar of voters, the civil sheriff, the clerk of the criminal district 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.

(3) In a parish where a parish executive committee of a recognized political party has not been formed, the chairman of the state central committee of that political party may appoint a voter who is registered in the parish as being affiliated with the political party to serve on the parish board of election supervisors.

D. **Officers.** Each parish board of election supervisors shall elect one of its members as president of the board, and may elect a secretary and any other officers it deems necessary.

E. **Compensation.** Each member of the parish board of election supervisors shall receive fifty dollars for each day, not to exceed five days, actually spent in the performance of his duties in preparing for and supervising each election held in the parish. 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.

F. **Materials and expenses.** The secretary of state shall furnish each parish board of election supervisors with the numbered balls and other materials used to select commissioners-in-charge, commissioners and alternate commissioners.

G. Legal representation. The attorney general shall be the attorney and legal advisor to each parish board of election supervisors. The attorney general may designate the appropriate district attorney to represent a board or, with respect to a particular matter, he may authorize a board to employ special counsel. Any compensation for special counsel shall be fixed by the board, subject to approval by the attorney general, and shall be paid by the parish governing authority.

H. 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.

Acts 1976, No. 697, §1, eff. Jan. 1, 1978. Amended by Acts 1978, No. 534, §1; Acts 1981, No. 77, §1, eff. June 26, 1981; Acts 1983, No. 519, §1, eff. July 8, 1983; Acts 1983, No. 520, §1; Acts 1983, No. 681, §1, eff. July 21, 1983; Acts 1985, No. 224, §1.

§424. Commissioners-in-charge

A. Number. There shall be one commissioner-in-charge at every precinct.

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.

(2) He shall not be a candidate for election to public office nor be a member of the immediate family of a candidate for election to public office in the precinct in which he serves.

(3) He shall not have been convicted of an election offense enumerated in Chapter 10 of this Title, and

(4) Except as otherwise provided in R.S. 18:433, he shall have successfully completed a general course of instruction for commissioners-in-charge and provided his correct party affiliation to the clerk.

(5) He shall have served as a commissioner in at least two elections during the last four years.

C. Powers and duties. (1) The commissioner-in-charge shall receive the sealed envelope containing the keys to the voting machines from the deputy parish custodian of voting machines at least thirty minutes before the polls open on election day. The commissioner-in-charge shall administer the oath to the commissioners and preside over the election and the counting and tabulation of votes. He also shall deliver the keys to the voting machines, the original of the machine certificates, the original of the signed list of commissioners, and one of the original tabulation blank and compiled statement forms to the clerk of court.

(2) The commissioner-in-charge shall not electioneer, engage in political discussions, or unnecessarily delay a voter at the polls.

D. Oath of office. Every commissioner-in-charge shall take the constitutional oath or affirmation. The original oath, signed by the commissioner-in-charge and the officer administering the oath, shall be filed with the parish board of election supervisors before the day of the first election during the term of office for which he has been selected to serve as commissioner-in-charge.

E. Compensation. A commissioner-in-charge shall receive one hundred twenty-five dollars for each election in which he serves.

Acts 1976, No. 697, §1, eff. Jan. 1, 1978. Amended by Acts 1977, No. 471, §1, eff. Jan. 1, 1978; Acts 1978, No. 292, §1, eff. July 6, 1978; Acts 1979, No. 229, §1, eff. July 13, 1979; Acts 1979, No. 229, §1, eff. Jan. 1, 1980; Acts 1980, No. 506, §1, eff. Jan. 1, 1981; Acts 1987, No. 831, §1, eff. Jan. 1, 1988; Acts 1988, No. 909, §1, eff. Jan. 1, 1989; Acts 1989, No. 179, §1, eff. Jan. 1, 1990; Acts 1993, No. 418, §1, eff. Jan. 1, 1994; Acts 1993, No. 465, §1.

§425. Commissioners

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

(a) For the gubernatorial primary and general elections, the congressional primary and general elections, and the primary and general elections for municipal officers in a parish containing a municipality with a population of four hundred seventy-five thousand or more held every four years beginning in 1994:

(i) Four commissioners for precincts with more than three hundred registered voters.

(ii) Three commissioners for precincts with three hundred registered voters or less.

(b) For all elections not specifically provided for in Subparagraph (A)(1)(a), or in Part III of Chapter 6, or in Chapter 6-A or Chapter 6-B of this Code:

- (i) Three commissioners for precincts with more than three hundred registered voters.
- (ii) Two commissioners for precincts with three hundred registered voters or less.

(2) The governing authority of a municipality, the governing authority of a parish, or the governing authority of a district having a governing authority may adopt a resolution to reduce the number of such additional commissioners to not less than two for each precinct in the municipality, in the parish outside of a municipality, or in the district outside of a municipality in a district election, respectively, whenever in the opinion of the governing authority such reduction is not detrimental to the conduct of an election.

(3) In the event the governing authorities with candidates, questions, or propositions on the ballot adopt conflicting resolutions regarding the number of such additional commissioners for an election, the parish board of election supervisors shall determine the number of such additional commissioners for each precinct, but in no event shall there be less than one commissioner-in-charge and two additional commissioners per precinct.

B. Qualifications and classifications. (1) A qualified voter who is not entitled to assistance in voting and 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.

(2)(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.

(3) 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.

C. Powers and duties. The commissioners shall conduct primary and general elections at each polling place, shall enforce the election laws, and shall maintain order at the polling place during the election and the counting and tabulation of votes. A commissioner shall not electioneer, engage in political discussions, unnecessarily delay a voter at the polling place, or prepare a list of persons voting at the polling place.

D. Oath. On election day, before a commissioner enters upon the performance of his duties, he shall take the constitutional oath or affirmation. The commissioner-in-charge shall administer the oath.

E. Compensation. A commissioner who serves at the polling place on election day and who has received a certificate of instruction as provided in R.S. 18:431(A) shall receive fifty dollars. A commissioner who serves at the polling place on election day and who has received a certificate of instruction as provided in R.S. 18:431(B) shall receive seventy-five dollars. An uncertified commissioner who serves at the polling place on election day shall receive thirty-five dollars.

Acts 1976, No. 697, §1, eff. Jan. 1, 1978, Amended by Acts 1977, No. 471, §1, eff. Jan. 1, 1978; Acts 1979, No. 229, §1, eff. July 13, 1979; Acts 1980, No. 506, §1, eff. Jan. 1, 1981; Acts 1980, No. 792, §1, eff. Jan. 1, 1981; Acts 1981, No. 76, §1, eff. June 26, 1981; Acts 1986, No. 669, §1; Acts 1987, No. 831, §1, eff. Jan. 1, 1988; Acts 1988, No. 909, §1, eff. Jan. 1, 1989; Acts 1989, No. 179, §1, eff. Jan. 1, 1990; Acts 1993, No. 418, §1, eff. Jan. 1, 1994; Acts 1993, No. 465, §1.

§425.1. Consolidation of polling places; reduction of voting machines and election officials

A. Notwithstanding the provisions of R.S. 18:424 and 425 or any other provision of law to the contrary, in an election, including the election of any public official, where more than one polling place is within the same location, the parish board of election supervisors may consolidate polling places in that location for that election and may reduce the number of voting machines to be used in the election below the number fixed by R.S. 18:1363 and, in such case, shall notify the parish custodian of voting machines and the commissioner of elections of the number of machines to be prepared and delivered for the polling places so consolidated.

B. When the parish board of election supervisors consolidates polling places as authorized by Subsection A of this Section, it shall appoint a commissioner-in-charge to serve at each such consolidated polling place and may reduce to not less than two the number of commissioners and alternate commissioners to be appointed to serve at each such polling place.

Acts 1986, No. 705, §1.

§426. Alternate commissioners; qualifications, powers, and duties; oath and compensation

A. Qualifications. (1) A qualified voter who is not entitled to assistance in voting and is not a candidate in the election may be selected as an alternate commissioner in any precinct of the ward where he is registered to vote, except pursuant to R.S. 18:434(D) in which case he may be selected as a commissioner in any precinct of the parish where he is registered to vote.

(2)(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 be selected as an alternate commissioner.

(3) A person shall not be selected as an alternate commissioner 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 course, and has provided his correct party affiliation to the clerk.

B. Powers and duties. An alternate commissioner who replaces an absent or unqualified commissioner shall have the same powers and duties and shall possess the same qualifications as a commissioner. An alternate commissioner who does not replace a commissioner shall have the same powers and duties as a watcher.

C. Oath and compensation. An alternate commissioner who replaces an absent or unqualified commissioner shall, before entering upon the performance of his duties as a commissioner, take the same oath as a commissioner, and he shall receive the same compensation as a commissioner.

Acts 1976, No. 697, §1, eff. Jan. 1, 1978. Amended by Acts 1977, No. 471, §1, eff. Jan. 1, 1978; Acts 1981, No. 77, §1, eff. June 26, 1981; Acts 1989, No. 179, §1, eff. Jan. 1, 1990; Acts 1993, No. 465, §1.

§427. Watchers

A. Qualifications. A qualified voter who is not entitled to assistance in voting and is not a candidate in the election may serve as a watcher; provided that a watcher who is not a resident of the ward where he serves, may not serve as a commissioner.

B. Powers and duties. A watcher shall be admitted within all parts of the polling place during the election and the counting and tabulation of votes, and shall call any infraction of the law to the attention of the commissioners. A watcher may keep notes on the conduct of the election, but he shall not take part in the counting and tabulation of votes. A watcher shall not electioneer, engage in political discussions, or unnecessarily delay a voter at the polling place. A watcher shall be subject to the authority of the commissioners and shall not interfere with the commissioners in the performance of their duties.

C. Number of watchers inside a polling place. If the number of watchers inside a polling place is so great as to interfere with the orderly conduct of the election, the commissioners shall regulate the number of watchers inside the polling place for each precinct so that the election may be conducted in an orderly manner. The watchers shall draw lots under the supervision of the commissioners to determine which watchers shall be the first to wait outside the polling place, but the amount of time each watcher spends inside the polling place shall, as nearly as practicable, be equal.

Acts 1976, No. 697, §1, eff. Jan. 1, 1978. Amended by Acts 1979, No. 229, §1, eff. July 13, 1979; Acts 1991, No. 201, §1, eff. July 2, 1991.

§428. Law enforcement assistance to commissioners

A. Presence at polling places. Law enforcement officers shall not be stationed at polling places on election day, but the commissioners may summon law enforcement officers to assist them in preserving order, enforcing the election laws, or protecting election officials from interference with the performance of their duties. Law enforcement officers shall not be eligible to serve as commissioners-in-charge, commissioners, alternate commissioners, or watchers.

B. Authority over law enforcement officers. A law enforcement officer at a polling place is subject only to the orders of the commissioners at that polling place.

C. Duty of law enforcement officers. A law enforcement officer at a polling place shall assist the commissioners in preserving order, enforcing the election laws, and protecting election officials from interference with the performance of their duties. A law enforcement officer shall not enter a polling place except to vote or to enforce the orders of the commissioners, and a law enforcement officer shall not interfere with the conduct of the election, the voters, or the election officials.

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

E. Law enforcement officers. For purposes of this Code, the term "law enforcement officer" shall mean any employee of the state, a municipality, a sheriff, or other public agency, whose permanent duties actually include the making of arrests, the performing of searches and seizures, or the execution of criminal warrants, and who is responsible for the prevention or detection of crime or for the enforcement of the penal, traffic, or highway laws of this state.

Acts 1976, No. 697, §1, eff. Jan. 1, 1978. Amended by Acts 1978, No. 296, §1; Acts 1980, No. 506, §1, eff. Jan. 1, 1981; Acts 1986, No. 853, §1; Acts 1988, No. 585, §1; Acts 1993, No. 418, §1, eff. Jan. 1, 1994.

SUBPART B. INSTRUCTION AND SELECTION OF COMMISSIONERS AND WATCHERS

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

A.(1)(a) At least semiannually the clerk of court shall conduct a general course of instruction for commissioners. These courses of instruction shall be open to the public, and the clerk shall publicize the courses in a manner reasonably calculated to encourage maximum attendance and participation.

(b) The clerk shall furnish to the persons who attend the course of instruction a copy of the informational pamphlet provided by the secretary of state, and he shall instruct them in the use of voting machines and the duties of commissioners in conducting a primary and general election. All such instruction and materials shall be provided pursuant to minimum standards issued by the secretary of state and the commissioner of elections for the course of instruction.

(c) The clerk shall issue a certificate of instruction to each person who attends the course of instruction for commissioners and achieves a satisfactory score on the test issued by the secretary of state for that course of instruction. The clerk is prohibited from issuing a certificate to any person who has not attended the course of instruction for commissioners and achieved a satisfactory score on the test for that course of instruction.

(2)(a) A certificate issued under the provisions of this Subsection to any person who attends and satisfactorily completes a course of instruction shall be valid for the unexpired portion of the term of office of the clerk who conducted the school. However, if an election is scheduled to be held in the parish within one month after the end of the term of office of the clerk who conducted the school, the certificate shall remain valid through the next regularly scheduled general course of instruction for commissioners.

(b) The certificate shall indicate that the commissioner shall notify the clerk of any change in party affiliation and that failure to do so shall result in the commissioner being unable to serve as a commissioner.

(c) After receiving notification of change in party affiliation from the commissioner, the clerk shall notify the parish board of election supervisors of such change.

(3)(a) After each course of instruction for commissioners is completed, the clerk of court shall promptly file a report with the parish board of election supervisors and the commissioner of elections stating the time and place the course of instruction was held, the number of persons who attended the course, the manner in which the course was publicized, and the name, social security number, party affiliation, if any, and mailing address of each person who attended the course to whom a certificate of instruction was issued.

(b) The parish board of election supervisors shall retain and preserve the reports for the unexpired term of office of the clerk who conducted the course of instruction.

(4) From the reports received from the clerk, the parish board of election supervisors shall prepare a list containing the names, addresses, and party affiliations of all persons registered to vote in each ward to whom certificates of instruction have been issued during the term of office of the clerk of court who issued the certificate. The clerks of court shall schedule one of the general courses of instruction for commissioners on some date at least one week following the last date for qualifying for office, but it must be held at least five days prior to the date for selection of commissioners.

(5) The parish board of election supervisors shall furnish to each commissioner-in-charge a list of the names, addresses, party affiliations, and social security numbers of all persons registered to vote in the ward to whom certificates of instruction have been issued during the term of office of the clerk who issued the certificates of instruction, and who have not been selected as commissioners-in-charge, commissioners, or alternate commissioners for the election.

B.(1) The clerk of court shall conduct a course of instruction for commissioners-in-charge, commissioners, and alternate commissioners who are selected to serve in each election. The course shall be held after the selection of these officials but not less than four days prior to each election. The course shall primarily cover the procedures to be used in the election for which the officials were selected.

(2) The clerk of court shall issue a certificate of instruction to each person who attends and satisfactorily completes the course of instruction provided for in this Subsection.

(3) After the completion of a course of instruction required by this Subsection, the clerk of court shall promptly file a report with the parish board of election supervisors and the commissioner of elections stating the name of each person to whom a certificate was issued, the kind of certificate, the social security number, the party affiliation, and the mailing address of each such person.

(4) The parish board of election supervisors shall furnish to each commissioner-in-charge a list of the names, addresses, party affiliations, and social security numbers of all persons registered to vote in the ward who have received certificates of instruction for the course of instruction required by this Subsection.

(5) The clerk of court shall not be required to conduct the pre-election course of instruction provided for in Subsection B herein, if at least fourteen days prior to the election, the clerk of court mails a notice to each commissioner-in-charge, commissioner, and alternate commissioner who has been chosen for the election informing them that the course of instruction will not be conducted for the election. In such case, for purposes of compensation and replacement, the commissioners from that parish shall be treated as though they had attended the pre-election course of instruction.

C. When a proposed constitutional amendment is to be included on an election ballot, prior to each course of instruction for commissioners and commissioners-in-charge for such election, the secretary of state shall furnish each clerk of court with a statement, which has been approved by the attorney general, explaining the scope and nature of such proposed amendment.

Acts 1989, No. 179, §1, eff. Jan. 1, 1990; Acts 1990, No. 107, §1, eff. Jan. 1, 1991; Acts 1991, No. 277, §1; Acts 1992, No. 949, §1, eff. Jan. 1, 1993; Acts 1993, No. 418, §1, eff. Jan. 1, 1994.

§431.1. Examinations for courses of instruction

A. In order to satisfactorily complete the courses of instruction provided for in R.S. 18:431(A) and R.S. 18:433, an applicant for certification shall achieve a minimum score on a written examination as provided in this Section.

B. The secretary of state and the commissioner of elections shall prepare and the secretary of state shall distribute to the several clerks of court the examination to be used for each course of instruction as required by Subsection A of this Section. The secretary of state and commissioner of elections shall determine the correct answer for each question and shall determine the minimum examination score required for certification.

C. Each examination shall include but shall not necessarily be limited to questions relating to the following subject matter:

(1) Election laws applicable to officials at polling places.

(2) Procedures for the operation and handling of voting machines before, during, and after voting on election day, including the operation of lockouts, recordation and preservation of vote totals, and the locking and sealing of voting machines.

- (3) Procedures to be used in processing challenges of voters.
- (4) Procedures to be used in preparing, transmitting, and preserving election returns.
- (5) Requirements of general election laws which are applicable to commissioners.
- (6) Procedures for allowing a person to vote whose name appears on the inactive list of voters.

D. In addition to the requirements set forth in Subsection C above, the examination for the course of instruction provided for in R.S. 18:433(A) shall examine the applicant with respect to procedures pertaining to the powers, functions, duties, and responsibilities of commissioners-in-charge.

Added by Acts 1980, No. 506, §1, eff. Jan. 1, 1981. Amended by Acts 1981, No. 77, §1, eff. June 26, 1981; Acts 1988, No. 831, §1; Acts 1994, 3rd Ex. Sess., No. 10, §1, eff. Jan. 1, 1995.

§432. *Repealed by Acts 1988, No. 907, §2, eff. Jan. 1, 1989.*

§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 month of November of each year. The course shall be open to any certified commissioner who meets the qualifications set forth in R.S. 18:424(B).

(2) During the second week of October in each year, the clerk of court shall give notice in the official journal of the parish that he will conduct a course of instruction for commissioners-in-charge. The public notice shall contain the following:

- (a) The qualifications for applicants required by Paragraph (1) of this Subsection.
- (b) An invitation to all such qualified persons to apply to the clerk to attend the course.
- (c) Notice of the date, time, and location of the meeting of the parish board of election supervisors to select the commissioners-in-charge for each precinct as required by Subsection B of this Section.

He also shall publicize the course of instruction by such other means as he deems reasonably calculated to encourage maximum attendance.

(3) During the last week of October of each year the clerk shall notify each applicant of the date, time, and place where he will conduct the course of instruction. The course of instruction shall include, but shall not necessarily be restricted to, instruction in the operating of voting machines, relevant laws and regulations concerning the conduct of elections, and matters pertaining to the powers and duties of commissioners-in-charge.

(4) The clerk shall issue a certificate to each person who successfully completes the course of instruction by being present for the entire period of the course.

(5) On or before the last day of November of each year, but after the date of the course of instruction, the clerk of court shall file with the parish board of election supervisors and the commissioner of elections 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.

(6) A person who receives a certificate for attending a course of instruction for commissioners-in-charge may be selected as hereafter provided to serve in any precinct of the ward where he is registered to vote.

B. Selection. (1) The parish board of election supervisors shall meet at 10:00 a.m. on the first Friday in December in 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 furnished by the clerk as required by R.S. 18:433(A)(5) and in the manner hereafter set forth.

(2) For any precinct in which only one qualified person on the list resides, that person shall be appointed commissioner-in-charge.

(3) For any precinct in which more than one qualified person on the list resides, the names of all such persons shall be compiled on one list, in alphabetical order according to surnames, and numbered consecutively from first to last. The parish board of election supervisors shall select a person to conduct a drawing. A ball made of plastic or similar material with a number corresponding to each of the numbers on the compiled list of qualified commissioners-in-charge for each precinct shall be placed in a receptacle and thoroughly mixed. The members of the board may participate in the mixing. The person conducting the drawing shall draw one

ball from the receptacle and shall announce and publicly display the number on the ball. The person whose number on the compiled list of qualified commissioners-in-charge corresponds with the number on the ball drawn from the receptacle shall be the commissioner-in-charge for the precinct.

(4) For any precinct in which no qualified person on the list resides, the parish board of election supervisors shall select a qualified person whose name is on the list and who resides in the ward in which the precinct is located. The selection shall be by drawing in the same manner as is provided in Paragraph (3) above.

(5) If the number of persons eligible to serve as commissioners-in-charge who reside in the ward is insufficient to provide a commissioner-in-charge for each precinct, the parish board of election supervisors shall select a qualified person on the list within the parish. If the number of persons eligible to serve as commissioner-in-charge within the parish is insufficient to provide a commissioner-in-charge for each precinct, the parish board of election supervisors shall appoint sufficient additional persons who have attended a general course of instruction for commissioners and have received a certificate of instruction within the preceding year to provide a commissioner-in-charge for each precinct in each ward.

(6) Any person on the list of qualified persons furnished by the clerk who is not chosen as a commissioner-in-charge shall be eligible to serve as a commissioner.

(7) After the commissioners-in-charge are selected, the parish board of election supervisors shall compile a list containing the name, social security number, party affiliation, and mailing address of each and shall mail the list to the commissioner of elections.

C. Commission. Immediately after the commissioners-in-charge are selected, the parish board of election supervisors shall issue a commission to each commissioner-in-charge.

D. Term of office. Commissioners-in-charge shall serve a term of office of one year, commencing on the first day of January of the year following selection.

E.(1) Removal. The parish board of election supervisors may remove any commissioner-in-charge for cause.

(2) Disqualification. Upon a finding by the parish board of election supervisors that a commissioner-in-charge has performed his duties in a negligent manner, after appropriate hearing and opportunity for the commissioner-in-charge to be heard, the board shall disqualify him from service as a commissioner-in-charge. Such disqualification shall continue until the commissioner-in-charge has been recertified as having again attended the entirety of the course of instruction for commissioners-in-charge conducted pursuant to R.S. 18:433(A). Performance of duties in a negligent manner shall include failure to perform any of the duties of commissioner-in-charge or performance of any of the duties of commissioner-in-charge incorrectly.

F. Vacancy. A vacancy in office caused by the removal for cause, death, disqualification, or resignation of a commissioner-in-charge shall be filled for the remainder of the unexpired term of office in the same manner as the original appointment.

G. Replacement. (1) Except as provided in Subsection H hereof, if it becomes certain that a commissioner-in-charge will not be able to serve for a primary election, or if a commissioner-in-charge fails to attend a course of instruction held immediately prior to a primary election as provided in R.S. 18:431(B), the parish board of election supervisors shall select a replacement commissioner-in-charge who shall serve for both the primary and general elections. Except as provided in Subsection H hereof, if it becomes certain that a commissioner-in-charge will not be able to serve for a general election, or if a commissioner-in-charge fails to attend the course of instruction held prior to a general election, the parish board of election supervisors shall select a replacement commissioner-in-charge for that election.

(2) The selection of a replacement commissioner-in-charge as required by Paragraph (1) herein shall be made promptly upon receipt by the board of the list prepared by the clerk of court of all persons who have successfully completed the course of instruction for a particular election. The replacement commissioner-in-charge shall be selected at random from the following categories in the order of priority listed:

(a) A commissioner or alternate commissioner who has received a certificate of instruction from a course of instruction for commissioners-in-charge and who has successfully completed the course of instruction held immediately prior to the particular election, or, if none,

(b) A commissioner who has received a certificate of instruction from a general course of instruction for commissioners and who has successfully completed the course of instruction held immediately prior to the particular election, or, if none,

(c) An alternate commissioner who has received a certificate of instruction from a general course of instruction for commissioners and who has successfully completed the course of instruction held immediately prior to the particular election.

H. Replacement. (1) If a commissioner-in-charge fails to appear at the polling place at least thirty minutes before the time when the polls are to open on election day, the commissioners in attendance at the polling place shall immediately notify the clerk of court of the absence. Immediately upon receipt of the notice, the clerk of court shall select a replacement commissioner-in-charge for that precinct. Subject to the provisions of Subsection G herein, a replacement commissioner-in-charge selected for a primary election also shall serve for the general election. The replacement commissioner-in-charge shall be selected from the following categories in the order of priority listed:

(a) A commissioner serving at the polling place who has attended a course of instruction for commissioners-in-charge and the course of instruction for the particular election.

(b) A person who has attended both a course of instruction for commissioners-in-charge and the course of instruction for the particular election.

(c) A commissioner serving at the polls who has attended the course of instruction for the particular election.

(d) An alternate commissioner serving at the polls who has attended a course of instruction for the particular election.

(2) A commissioner-in-charge who fails to appear at the polling place at least thirty minutes before the opening of the polls on election day is disqualified for the remainder of his term unless he establishes to the satisfaction of the parish board of election supervisors that his absence was for just cause.

I. The president, or in his absence or inability the secretary, of the parish board of election supervisors shall promptly issue a commission to a replacement commissioner-in-charge selected under the provisions of Subsections G or H herein. The commissioners present at the polling place shall administer the constitutional oath or affirmation to the replacement commissioners-in-charge.

J. A replacement commissioner-in-charge selected under the provisions of Subsections F, G, or H herein shall exercise the same powers, duties, and functions, and shall receive the compensation of a commissioner-in-charge.

Acts 1976, No. 697, §1, eff. Jan. 1, 1978. Amended by Acts 1977, No. 471, §1; Acts 1979, No. 229, §1, eff. Jan. 1, 1980; Acts 1981, No. 77, §1, eff. June 26, 1981; Acts 1983, No. 519, §1, eff. July 8, 1983; Acts 1985, No. 754, §1; Acts 1986, No. 669, §1; Acts 1987, No. 831, §1, eff. Jan. 1, 1988; Acts 1988, No. 374, §1, eff. Jan. 1, 1989; Acts 1989, No. 179, §1, eff. Jan. 1, 1990; Acts 1990, No. 107, §1, eff. Jan. 1, 1991; Acts 1993, No. 418, §1, eff. Jan. 1, 1994.

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

A. Time and place of selection. (1) The parish board of election supervisors shall meet at 10:00 a.m. on the twenty-ninth day before a primary election to select the commissioners and alternate commissioners for each precinct. The meeting shall be open to the public. Except that, for purposes of the primary election scheduled on the second Tuesday in March of the presidential election year, said meeting shall be held on the twentieth day before the primary election. The board shall have previously posted a notice on the front courthouse door designating the location within the courthouse where the meeting is to be held.

(2) The board shall publish at least one notice, in the official journal of the parish, of the date, time, and location of the meeting herein required. The notice shall be published at least five days prior to the date of the meeting.

B. Method of selection. The number of commissioners required for each precinct for the election and the same number of alternate commissioners shall be selected for each precinct from the certified list furnished by the parish board as required in R.S. 18:431(A)(4) in the following manner:

(1) The names of all the qualified commissioners for each precinct shall be compiled on one list, in alphabetical order according to surnames, and numbered consecutively from first to last.

(2) The parish board of election supervisors shall select a person to conduct the drawing.

(3) A ball made of plastic or a similar material with a number corresponding to each of the numbers on the compiled list of proposed commissioners for a precinct shall be placed in a receptacle and thoroughly mixed. The members of the parish board of election supervisors may participate in the mixing.

(4) The person conducting the drawing shall draw the same number of balls as the number of commissioners required to serve the precinct at the election from the receptacle and shall announce and publicly display the number on each ball as it is drawn. Each person whose number on the compiled list of commissioners corresponds with the number on a ball drawn from the receptacle shall be a commissioner for the precinct unless he has already been selected as the commissioner-in-charge for the precinct.

(5) If one of the persons selected already has been selected as the commissioner-in-charge, the ball drawn for that person shall be set aside, and the drawing shall continue until a person not previously selected as the commissioner-in-charge is selected.

(6) When the appropriate number of commissioners have been selected, as provided in Paragraphs (4) and (5) of this Subsection, the person conducting the drawing shall determine if each recognized political party having one or more local or municipal candidates on the ballot to be voted on in the precinct is represented by at least one commissioner. If none, one ball shall be set aside for each recognized political party thus still to be represented, beginning with the last ball drawn for a person affiliated with a recognized political party that has more than one commissioner at the precinct. The drawing shall continue until one of the persons affiliated with each of such political parties is selected.

(7) After the appropriate number of commissioners have been selected for each of the precincts in an election, the person conducting the selection shall select the alternate commissioners by drawing additional balls from the receptacle for each of the precincts and shall announce and publicly display the number on each ball as it is drawn. Each person whose number on the compiled list of qualified commissioners corresponds with the number on a ball drawn from the receptacle shall be an alternate commissioner for the precinct for which selected unless he already has been selected as the commissioner-in-charge for the precinct, in which event the ball drawn for that person shall be set aside and the drawing shall continue until a person not previously selected as the commissioner-in-charge for the precinct is selected.

(8) The drawing shall continue in this manner until the appropriate number of commissioners and alternate commissioners have been selected for each precinct in each parish. However, if there are not enough qualified commissioners to select the appropriate number of commissioners and alternate commissioners for each precinct, the parish board of election supervisors shall select a person to serve as a commissioner or an alternate commissioner from the list containing the names of persons within that ward who have received certificates of instruction from the clerk of court pursuant to R.S. 18:431(A)(1). If no person on that list is available to serve as a commissioner or alternate commissioner, the parish board of election supervisors shall select any person within the parish who has received a certificate of instruction from the clerk of court pursuant to R.S. 18:431(A)(1).

C. Commission. Once the commissioners and alternate commissioners are selected for a primary and general election, the parish board of election supervisors shall immediately:

(1) Issue a commission to each person who was selected as a commissioner together with a written notice stating the time, date, and place of the course of instruction to be held before the election.

(2) Issue a commission to each person who was selected as an alternate commissioner, together with a written notice stating the time, date, and place of the course of instruction to be held before the election and a written notice stating that an alternate commissioner who does not replace an absent or unqualified commissioner may serve as a watcher in the primary and general elections if his name is included on a timely filed list of watchers.

D. Replacement of a commissioner. (1) If prior to the day of the election a commissioner notifies the parish board of election supervisors that he is unable to serve as commissioner, the parish board of election supervisors 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 parish board of election supervisors shall select a person to serve as commissioner from the list containing the names of persons within that ward who have received certificates of instruction from the clerk of court pursuant to R.S. 18:431(A)(1). If no person on that list is available to serve as commissioner, the parish board of election supervisors shall select any person within the parish who has received a certificate

of instruction from the clerk of court pursuant to R.S. 18:431(A)(1). If there is no such qualified person available, the parish board of election supervisors shall select a watcher.

(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 pursuant to R.S. 18:431(A)(5). 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.

(3) If by 8:00 a.m. on the day of the election the commissioner-in-charge has been unable to replace a commissioner pursuant to this Subsection, any replacement thereafter made shall require the approval of the clerk of court.

E. Disqualification. (1) A commissioner who fails to appear at the polling place at least thirty minutes before the opening of the polls on election day is disqualified from serving as such in the next primary and general elections held in the ward where he is registered to vote unless he establishes to the satisfaction of the parish board of election supervisors that his absence was for just cause.

(2) Upon a finding by the parish board of election supervisors that a certified commissioner has performed his duties in a negligent manner, after appropriate hearing and opportunity for the commissioner to be heard, the board shall disqualify the commissioner from service as a commissioner. Such disqualification shall continue until the commissioner has been recertified as having again attended the course of instruction for commissioners conducted pursuant to R.S. 18:431(A) and as having achieved a satisfactory score on the test prepared by the secretary of state and the commissioner of elections for that course of instruction. Performance of duties in a negligent manner shall include failure to perform any of the duties of commissioner or performance of any of the duties of commissioner incorrectly.

F. Removal for cause. Any commissioner selected under the provisions of R.S. 18:434 may be removed for cause by the parish board of election supervisors at any time after his selection and before the closing of the polls on election day. Any commissioner removed for cause under the provisions of this Subsection shall not serve as a commissioner in any election for twelve months after his removal.

Acts 1976, No. 697, §1, eff. Jan. 1, 1978. Amended by Acts 1977, No. 471, §1; Acts 1978, No. 292, §1, eff. July 6, 1978; Acts 1979, No. 229, §1, eff. July 13, 1979; Acts 1981, No. 77, §1, eff. June 26, 1981; Acts 1983, No. 519, §1, eff. July 8, 1983; Acts 1984, No. 672, §1; Acts 1986, No. 669, §1; Acts 1987, No. 831, §1, eff. Jan. 1, 1988; Acts 1988, No. 374, §1, eff. Jan. 1, 1989; Acts 1988, No. 907, §1, eff. Jan. 1, 1989; Acts 1988, No. 909, §1, eff. Jan. 1, 1989; Acts 1989, No. 179, §1, eff. Jan. 1, 1990; Acts 1990, No. 107, §1, eff. Jan. 1, 1991; Acts 1991, No. 201, §1, July 2, 1991; Acts 1993, No. 418, §1, eff. Jan. 1, 1994.

§435. Watchers; appointment and commission

A. Right to have watchers. Each candidate is entitled to have one watcher at every precinct where the office he seeks is voted on in a primary or general election. However, in the case of a presidential election, each slate of candidates for presidential elector is entitled to have one watcher at every precinct.

B. Lists of watchers. A list of watchers shall be filed with the parish board of election supervisors before five o'clock p.m. on the tenth day before the primary or general election. If any candidate submits a list for the primary election and does not submit a list for the general election, the list submitted in the primary election shall be treated as his list submitted for the general election. A list of watchers shall only contain one watcher and one alternate watcher for each precinct where the candidate submitting the list is entitled to have a watcher. The list shall be typed or legibly written, and it shall contain the name and mailing address of each watcher and a designation of the precinct where he is to serve.

C. The parish board of election supervisors shall promptly issue a commission to each watcher named on a timely filed list of watchers. A person shall not be commissioned as a watcher if he has been appointed as a commissioner-in-charge or selected as a commissioner in the same election. A person selected as an alternate commissioner may be commissioned as a watcher. However, if the alternate commissioner must replace an

absent or unqualified commissioner, he shall not serve as a watcher in the same election and his commission as a watcher shall be deemed void. Prior to the opening of the polls on election day, the parish board of election supervisors shall deliver to each precinct a list of the watchers and alternate watchers who are entitled to serve at the election. The list shall specify the precinct for which each watcher is eligible to serve. A watcher must present his commission to the commissioner-in-charge of the precinct for which he is eligible to serve prior to serving at the polling place.

D. A candidate shall be entitled to have both a watcher and an alternate watcher serve at the same precinct on election day. However, the watcher and alternate watcher may not serve at the same time.

Acts 1976, No. 697, §1, eff. Jan. 1, 1978. Amended by Acts 1977, No. 471, §1; Acts 1978, No. 292, §1, eff. July 6, 1978; Acts 1985, No. 58, §1; Acts 1987, No. 831, §1, eff. Jan. 1, 1988; Acts 1989, No. 179, §1, eff. Jan. 1, 1990; Acts 1990, No. 107, §1, eff. Jan. 1, 1991; Acts 1991, No. 201, §1, eff. July 2, 1991; Acts 1993, No. 317, §1, eff. Jan. 1, 1994.

§436. Election officials at certain special elections

A. When a special primary election to fill a vacancy or an anticipated vacancy in elective public office is called to be held at the same time as a previously scheduled general election, the commissioners who were selected to serve at the previously scheduled primary and general election also shall be the commissioners for the special primary and general elections, and the compensation for each shall be only that amount provided for in R.S. 18:424 and R.S. 18:425 for a day of service as a commissioner or commissioner-in-charge. Each candidate to be voted on in the special primary election may appoint one watcher for each precinct in which that candidate is to be voted on. Notwithstanding the provisions of R.S. 18:427(C) or of any other law to the contrary, the watchers so appointed shall be allowed to remain in the polling place at all times.

B. When a special general election to fill a vacancy or an anticipated vacancy in elective public office is called to be held at the same time as a previously scheduled primary election, the commissioners who were selected to serve at the special primary election for which the special general election is to be held shall also be the commissioners for both the previously scheduled primary and general elections. In such case the compensation for each shall be only that amount provided for in R.S. 18:424 and R.S. 18:425 for a day of service as a commissioner or commissioner-in-charge.

Added by Acts 1980, No. 792, §1, eff. Jan. 1, 1981. Amended by Acts 1981, No. 77, §1, eff. June 26, 1981.

PART III. POLITICAL PARTIES

§441. Recognition

A political party shall be recognized in this state if one of its candidates for presidential elector received at least five percent of the votes cast in this state for presidential electors in the last presidential election, or if at least five percent of the registered voters in the state are registered as being affiliated with the political party. A party which receives more than five percent but less than ten percent of the votes cast in the last presidential election shall not be entitled to representation on a parish board of election supervisors.

Acts 1976, No. 697, §1, eff. Jan. 1, 1978.

§442. Organization

A recognized political party shall be controlled and directed by one state central committee and a parish executive committee for each parish.

Acts 1976, No. 697, §1, eff. Jan. 1, 1978.

§443. State central committee

A. A member of the state central committee of a recognized political party shall meet the qualifications established by the rules and regulations of the state central committee of that recognized political party.

B.(1) All members of the state central committee of a recognized political party shall be elected every four years at the same time as the gubernatorial general election and shall serve until their successors are elected. The term of office shall not extend for a period beyond the time for which the member was elected.

(2) Candidates for membership on the state central committee of a recognized political party shall qualify for office pursuant to the provisions of Chapter 5 of this Title.

(3) If the number of candidates who qualified for office exceeds the number of candidates to be elected for that office, the candidate who receives the greater number of votes cast shall be elected. If two or more offices of the same character are to be filled, each candidate who received the greater number of votes cast, as compared with the number of votes cast for each other candidate, is elected until all offices are filled. If two or more candidates receive the same number of votes, and as a result thereof, the number of candidates who would otherwise be elected exceed the number of remaining offices, the offices shall be filled by a public drawing of lots among such candidates conducted by the state central committee at its organizational meeting held pursuant to Subsection C hereof.

(4) If, after the close of the qualifying period, the number of candidates for an office for membership on the committee does not exceed the number of persons to be elected to the office, the candidates for that office, or those remaining after the death or withdrawal of one or more candidates, are declared elected by the people, and their names shall not appear on the ballot.

C. The newly-elected members of the state central committee of a recognized political party shall meet at the state capitol, shall take office, and shall organize the committee within forty days following their election. A majority of the newly-elected members of the committee shall constitute a quorum. No member shall exercise the proxy votes of more than three other members at any meeting. A member shall not vote by proxy at more than two consecutive meetings. No member shall exercise the proxy vote of a member who does not reside in the same congressional district as the member who exercises the proxy vote.

D. At the first meeting of the state central 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 committee.

E. The state central committee of a recognized political party may adopt rules and regulations for its government that are not inconsistent with the laws of this state, and it may create any committee it deems necessary. Rules and regulations establishing or changing the qualifications for membership on the state central committee or parish executive committees of a recognized political party shall be filed with the secretary of state within ten days after their adoption and shall be published by the state central committee in the Louisiana Register.

F. A vacancy occurs in the membership of the state central committee of a recognized political party when a member dies or no longer meets the qualifications for membership on the state central committee, or no one qualifies and is elected to succeed a member whose four-year term has expired. A vacancy in the membership of a state central committee shall be filled for the remainder of the unexpired term by a member appointed by the chairman of the state central committee.

G. *Repealed by Acts 1982, No. 672, §5, eff. Jan. 14, 1984.*

Acts 1976, No. 697, §1, eff. Jan. 1, 1978. Amended by Acts 1977, No. 523, §1, eff. Jan. 1, 1978; Acts 1978, No. 292, §1, eff. July 6, 1978; Acts 1981, No. 513, §1, eff. July 19, 1981; Acts 1982, No. 672, §1, eff. July 22, 1982; Acts 1983, No. 519, §1, eff. July 8, 1983; Acts 1984, No. 672, §1; Acts 1985, No. 50, §1; Acts 1986, No. 1030, §1; Acts 1987, No. 119, §1, eff. June 18, 1987; Acts 1990, No. 107, §1, eff. Jan. 1, 1991.

§443.1. State central committee; composition and apportionment

A.(1) The membership of the state central committee of a recognized political party shall be composed of two hundred ten members.

(2) Two members shall be elected from each of the districts from which members of the House of Representatives of the legislature are elected.

(3) Each office for membership on the state central committee shall constitute a separate and distinct office. For the purpose of nomination and election to office, the offices within a district shall be designated alphabetically as Office "A" and Office "B". Office "A" shall be the designated seat for all female candidates for that district. Office "B" shall be the designated seat for all male candidates for that district. Each office within a district shall be arranged separately on the ballot and shall be designated as Office "A" and Office "B". The electors of the district who are qualified to vote for members of the particular state central committee shall elect one member to the state central committee from among the candidates for each office. The successor to any member shall hold the same office as his predecessor.

B. The membership of the state central committee of a recognized political party with which less than twenty-five percent of the registered voters in the state are affiliated shall be composed and apportioned as provided in this Section. However, the state central committee of such a political party may adopt a plan to

otherwise provide for the number of members of such committee and the apportionment thereof and such plan shall be effective if the committee files a copy of the plan with the secretary of state not later than January first of the year of the election.

Added by Acts 1982, No. 672, §2, eff. July 22, 1982; Acts 1985, No. 49, §1; Acts 1987, No. 119, §1, eff. June 18, 1987; Acts 1992, No. 949, §1, eff. Jan. 1, 1993.

NOTE: See Acts 1987, No. 119, §§2, 3 & 4.

§443.2. State central committee of a recognized political party with twenty-five percent or less voter registration; election; composition and apportionment

Notwithstanding any provision of law to the contrary, a state central committee of a recognized political party with which twenty-five percent or less of the registered voters in the state are affiliated on the first day of October in the year of a gubernatorial election, shall be established, composed, apportioned, and elected as follows:

(1) All members of any such state central committee shall meet the qualifications established by the rules and regulations of the state central committee of that recognized political party.

(2)(a) All members of any such state central committee shall be elected at the same time as the statewide presidential general election. The term of office shall not extend for a period beyond the time for which the member was elected. Notwithstanding this provision, members elected in 1988 shall serve until their successors are chosen.

(b) Candidates for membership on any such state central committee shall qualify for office pursuant to the provisions of Chapter 5 of this Title.

(c) If the number of candidates who qualified for office exceeds the number of candidates to be elected for that office, the candidate who receives the greater number of votes cast shall be elected. If two or more offices of the same character are to be filled, each candidate who received the greater number of votes cast, as compared with the number of votes cast for each other candidate, is elected until all offices are filled. If two or more candidates receive the same number of votes, and as a result thereof, the number of candidates who would otherwise be elected exceed the number of remaining offices, the offices shall be filled by a public drawing of lots among such candidates conducted by the state central committee at its organizational meeting held pursuant to Paragraph (3) hereof.

(d) If, after the close of the qualifying period, the number of candidates for an office for membership on the committee does not exceed the number of persons to be elected to the office, the candidates for that office, or those remaining after the death or withdrawal of one or more candidates, are declared elected by the people, and their names shall not appear on the ballot.

(3) The newly-elected members of any such state central committee shall meet at the state capitol, shall take office, and shall organize the committee at noon on the second Saturday following their election. A majority of the newly-elected members of the committee shall constitute a quorum. No member shall exercise the proxy votes of more than three other members at any meeting. A member of such state central committee may be present in person or by proxy. Proxies may be exercised in compliance with rules and regulations adopted by the state central committee.

(4) At the first meeting of any such state central committee, the newly-elected members of the committee shall elect the officers provided for by the rules and regulations of the committee.

(5) A state central committee may adopt rules and regulations for its government that are not inconsistent with the laws of this state, and it may create any committee it deems necessary. Rules and regulations establishing or changing the qualifications for membership on the state central committee or parish executive committees of such recognized political party shall be filed with the secretary of state within ten days after adoption and shall be published by such state central committee in the Louisiana Register.

(6) A vacancy occurs in the membership of any such state central committee when a member dies or no longer meets the qualifications for membership on the state central committee, or no one qualifies and is elected to succeed a member whose four-year term has expired. A vacancy in the membership of a state central committee shall be filled for the remainder of the unexpired term by a member appointed by the state central committee.

(7) A state central committee shall adopt a plan to provide for the number of members of such committee and the apportionment thereof and such plan shall be effective if the committee files a copy of the plan with the secretary of state not later than January first of the year of the election. If a state central committee does not adopt and file a plan as provided herein, the membership of such state central committee shall be composed of one hundred forty-four members with one member elected from each of the districts from which members of the House of Representatives and the Senate of the Legislature are elected.

Acts 1987, No. 119, §1, eff. June 18, 1987; Acts 1990, No. 107, §1, eff. Jan. 1, 1991; Acts 1991, No. 201, §4, eff. Nov. 1, 1991.

§444. Parish executive committees

A. **Qualifications of members.** A member of a parish executive committee of a recognized political party shall meet the qualifications established by the rules and regulations of the state central committee of that recognized political party. The qualifications for membership on parish executive committees of a recognized political party shall be uniform throughout the state.

B. **Election and term.** (1) Members of a parish executive committee of a recognized political party, except those for Orleans Parish, shall be elected every four years at the same time as the gubernatorial general election. The term of office shall not extend beyond the time for which the member was elected.

(2) Members of a parish executive committee of a recognized political party in Orleans Parish shall be elected every four years at the same time as the primary election for the municipal officers for the city of New Orleans. Beginning in 1991, members of such parish executive committee shall be elected every four years at the same time as the gubernatorial general election.

(3) Candidates for membership on a parish executive committee of a recognized political party shall qualify for office pursuant to the provisions of Chapter 5 of this Title.

(4)(a) If the number of candidates who qualified for office exceeds the number of candidates to be elected for that office, the candidate who receives the greater number of votes cast shall be elected. If two or more offices of the same character are to be filled, each candidate who received the greater number of votes cast, as compared with the number of votes cast for each other candidate, is elected until all offices are filled. If two or more candidates receive the same number of votes, and as a result thereof, the number of candidates who would otherwise be elected exceed the number of remaining offices, the offices shall be filled by a public drawing of lots among such candidates conducted by a parish executive committee at its organizational meeting held pursuant to Subsection C hereof.

(b) If, after the close of the qualifying period, the number of candidates for membership on a political party committee does not exceed the number of members to be elected to the committee, the candidates for membership on that political party committee, or those remaining after the death or withdrawal of one or more candidates, are declared elected by the people, and their names shall not appear on the ballot.

C. **Meetings.** (1) The newly-elected members of the parish executive committee of a recognized political party shall meet at the parish courthouse, shall take office, and organize the committee within forty days after their election. A majority of the newly-elected members of the parish executive committee shall constitute a quorum for the purpose of organizing and filling any vacancies which may exist due to death, ineligibility, or failure to fill a vacancy by election.

(2) **Proxy voting.** A member of a parish executive committee may vote by written proxy subject to the following conditions:

(a) A member shall not vote by proxy at more than two consecutive meetings.

(b) A member shall exercise the proxy votes of no more than two other members at any time.

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.

E. **Powers of the committee.** The parish executive committee of a recognized political party may adopt rules and regulations for its government that are not inconsistent with the laws of this state or the rules and regulations of the state central committee, and it may create any committee it deems necessary. The rules and regulations of the parish executive committee of a recognized political party shall be filed with the clerk of court

within ten days after their adoption. In parishes which have a civil and a criminal district court, the rules and regulations of a parish executive committee shall be filed with the clerk of the criminal district court.

F. Vacancies. (1) A vacancy occurs in the membership of a parish executive committee of a recognized political party when a member dies or no longer meets the qualifications for membership on the committee, or no person qualifies and is elected to succeed a member whose four-year term has expired.

(2) A vacancy in the membership of a parish executive committee shall be filled by any qualified resident of the parish appointed by the parish executive committee for a vacancy in an at-large position. A vacancy in the membership left by a representative of a district shall be filled by any qualified resident of the district appointed by the parish executive committee.

G. Composition. In each parish, except Orleans and Jefferson parishes, the parish executive committee of a recognized political party shall be composed of five members-at-large elected from the entire parish and as many members elected from each as there are members of the parish governing authority elected from that ward. In Orleans Parish the parish executive committee of a recognized political party shall be composed of fourteen members elected from each councilmanic district. In Jefferson Parish the parish executive committee of a recognized political party shall be composed of five members elected from each councilmanic district and five members elected at large from the entire parish.

H. Removal. (1) An elected member of the parish executive committee is subject to removal from office when one of the following occurs:

- (a) A member establishes residence outside of the parish.
- (b) A member is convicted of a felony.
- (c) A member changes his official party registration.

(2) When a member of a parish executive committee commits any of the grounds for removal set forth in this Subsection, the parish executive committee shall schedule a hearing to review all available information on the incident. The parish executive committee shall provide a ten-day written notice to the member prior to conducting said hearing. Removal of the member, after completion of the hearing by the committee, shall be by a two-thirds vote of a majority of the members of the parish executive committee at a regularly scheduled meeting. A vacancy in the membership of the parish executive committee created by the removal shall be filled by appointment by the parish executive committee at its next regularly scheduled meeting.

I. Party with twenty-five percent or fewer of registered voters. (1) Notwithstanding any provision of law to the contrary, beginning in 1988, members of a parish executive committee of a recognized political party with which twenty-five percent or less of the registered voters of the state are affiliated, except those for Orleans Parish, shall be elected every four years at the same time as the presidential preference primary election. The term of office shall not extend beyond the time for which the member was elected.

(2) Beginning in 1992, members of a parish executive committee of a recognized political party with which twenty-five percent or less of the registered voters are affiliated in Orleans Parish shall be elected every four years at the same time as the presidential preference primary election. The terms for which members of such parish executive committee were elected in 1986 are extended until the members are elected at the 1992 presidential preference primary election and take office.

Acts 1976, No. 697, §1, eff. Jan. 1, 1978, Amended by Acts 1977, No. 477, §1, eff. Jan. 1, 1978; Acts 1978, No. 292, §1, eff. July 6, 1978; Acts 1982, No. 672, §1, eff. July 22, 1982; Acts 1983, No. 519, §1, eff. July 8, 1983; Acts 1984, No. 672, §1; Acts 1986, No. 391, §1; Acts 1986, No. 1019, §1; Acts 1986, No. 1030, §1; Acts 1987, No. 119, §1, eff. June 18, 1987; Acts 1987, No. 831, §1, eff. Jan. 1, 1988; Acts 1992, No. 800, §1; Acts 1992, No. 949, §1, eff. Jan. 1, 1993; Acts 1993, No. 968, §1.

NOTE: See Acts 1987, No. 119, §§2, 3 & 4.

§445. Parish executive committees; formation in parishes where no committee has been elected

A. Call for formation. (1) In a parish where a parish executive committee of a recognized political party has not been elected, fifteen or more qualified voters who are registered in the parish as being affiliated with the party may petition the chairman of the state central committee of the party to issue a call to the qualified voters who are registered in the parish as being affiliated with the party for a public meeting to elect a parish executive committee. Within thirty days after receipt of the petition, the chairman of the state central committee shall fix a date for the meeting, appoint a temporary chairman and secretary to open the meeting, and issue a

call for the public meeting to elect a parish executive committee. The call shall be published three times in the official parish journal or a newspaper of a general circulation in the parish, and the first publication shall be at least twenty-one days before the day fixed for the meeting.

(2) If there is no chairman of the state central committee or if the chairman of the state central committee fails to issue the call within thirty days after receipt of the petition, the signers of the petition may fix the date of the public meeting and issue the call.

(3) For a recognized political party with which more than twenty-five percent of the registered voters of the state are affiliated, if after such a public meeting is held, no qualified voter who is registered in the parish as being affiliated with the party qualifies as a candidate for any position on the parish executive committee, the chairman of the state central committee may appoint a qualified voter who is registered in the parish to fill any remaining vacancy.

(4) For a recognized political party with which no more than twenty-five percent of the registered voters of the state are affiliated, if the qualified voters who are registered in the parish as being affiliated with the party fail to petition the chairman of the state central committee to issue a call for the formation of a parish executive committee, the chairman of the state central committee may fix the date of the public meeting, issue the call, and form a parish executive committee.

B. Public meeting. At the public meeting, a majority of the qualified voters who are registered in the parish as being affiliated with the political party who are present at the meeting shall elect a chairman and a secretary to preside over the meeting. The chairman shall conduct the election of the parish executive committee members, who shall be elected by a majority of the qualified voters present at the meeting who are registered as being affiliated with the party and are residents of the parish, ward, or district from which the committee members are elected.

C. Accreditation. Within ten days after the public meeting, a certified copy of the minutes of the meeting shall be filed with the secretary of state, the clerk of the district court, and the chairman of the state central committee of the party. When the copies of the minutes of the public meeting are filed, the parish executive committee shall be accredited by the state central committee of the party, and the members of the parish executive committee shall be vested with all the authority of duly elected committee members.

Acts 1976, No. 697, §1, eff. Jan. 1, 1978; Acts 1993, No. 981, §1.

§446. Candidates for membership on political party committees; method of qualifying for a primary election

A. Candidates for membership on a political party committee are not classified as local candidates. However, a person who desires to become a candidate for membership on a political party committee shall qualify for a primary election by filing the required qualification papers in the manner provided in Part IV of this Chapter for persons who desire to become local candidates.

B. If the committee membership is voted on throughout an entire parish, the candidates shall qualify in the same manner as candidates for a parochial office; if the committee membership is voted on in a special election district, the candidates shall qualify in the same manner as candidates for a district office; and if the committee membership is voted on in a police jury ward or the equivalent subdivision in parishes which have no police jury wards, the candidates shall qualify in the same manner as candidates for a ward office.

Acts 1976, No. 697, §1, eff. Jan. 1, 1978; Acts 1988, No. 909, §1, eff. Jan. 1, 1989.

PART IV. CANDIDATES

SUBPART A. GENERAL PROVISIONS

§451. Qualifications of candidates

A person who meets the qualifications for the office he seeks may become a candidate and be voted on in a primary or general election if he qualifies as a candidate in the election. Except as otherwise provided by law, a candidate shall possess the qualifications for the office he seeks at the time he qualifies for that office. No person, whether or not currently registered as a voter with the registrar of voters, shall become a candidate if he is under an order of imprisonment for conviction of a felony.

Acts 1976, No. 697, §1, Jan. 1, 1978. Acts 1984, No. 672, §1.

§452. Classification of candidates

Candidates are classified according to the character of the office they seek and are designated as follows:

(1) State candidates are candidates for offices voted on throughout the state or throughout a congressional district, justice of the supreme court, judge of a court of appeal, and candidates for membership on a state board or commission.

(2) Local candidates are candidates for the state legislature and other district offices not included in Paragraph (1) of this Section; parochial offices, including the office of parish judge; and ward offices.

(3) Municipal candidates are candidates for city, town, and village offices.

Acts 1976, No. 697, §1, eff. Jan. 1, 1978.

§453. Dual candidacy

A. General prohibitions. A person shall not become a candidate in a primary or general election for more than one office unless one of the offices is membership on a political party committee, nor shall a person be a candidate at the same time for two or more different offices to be filled at separate elections.

B. Unexpired and succeeding term of office. A person may become a candidate in a primary or general election for the unexpired and the succeeding term of an office when both terms are to be filled at the same election.

C. Political party committees. A person may become a candidate in a primary or general election for membership on more than one committee of a political party, but a person may only become a candidate for one position, either at-large or from a political subdivision, on the same committee of a political party.

Acts 1976, No. 697, §1, eff. Jan. 1, 1978. Acts 1983, No. 519, §1, eff. July 8, 1983.

SUBPART B. QUALIFYING FOR A PRIMARY ELECTION

§461. Manner of qualifying for a primary election

A. A person who desires to become a candidate in a primary election shall qualify as a candidate by timely filing notice of his candidacy, which shall be accompanied either by a nominating petition or by the qualifying fee and any additional fee imposed. No person, whether or not currently registered as a voter with the registrar of voters, shall qualify to become a candidate if he is under an order of imprisonment for conviction of a felony. A candidate whose notice of candidacy is accompanied by a nominating petition shall not be required to pay any qualifying fee or any additional fee.

B. When a candidate has filed multiple notices of candidacy for election to more than one office at the same election, which multiple candidacies would be in violation of R.S. 18:453, and no action objecting to candidacy on the grounds provided in R.S. 18:492(4) has been commenced in a court of competent jurisdiction within the time for such objections as provided in R.S. 18:493, then, upon expiration of the time for such objections to candidacy, the person filing such multiple notices of candidacy shall be disqualified as a candidate in the primary election for all but the last of such offices for which he filed notices of candidacy, and any qualifying fees for those offices paid by the candidate shall be refunded as provided in R.S. 18:501. The secretary of state shall include the name of the candidate on the ballot for election to the last of such offices for which the candidate filed notices of candidacy and to no other such office for which dual candidacy would be prohibited.

Acts 1976, No. 697, §1, eff. Jan. 1, 1978. Amended by Acts 1979, No. 229, §1, eff. July 13, 1979; Acts 1984, No. 672, §1; Acts 1988, No. 140, §1, eff. Jan. 1, 1989.

§462. Officials with whom candidates qualify

A. State candidates shall qualify for a primary election with the secretary of state or a person in his office designated to receive qualifying papers.

B. Local and municipal candidates shall qualify for a primary election with the clerk of court for the parish in which the candidate is registered to vote.

Acts 1976, No. 697, §1, eff. Jan. 1, 1978; Acts 1991, 1st E.S., No. 1, §1, eff. Sept. 1, 1991.

§463. Notice of candidacy; financial statements; political advertising; penalties

A.(1)(a) A notice of candidacy shall be in writing and shall state the candidate's name, the office he seeks, the address of his domicile, the parish, ward, and precinct where he is registered to vote, and the political party, if any, with which he is registered as being affiliated. No candidate shall change or add his political party designation, for purposes of printing on the election ballot as required by R.S. 18:551(D), after he has qualified for the election.

(b) The candidate shall designate in the notice the form in which his name shall be printed on the ballot. The candidate may designate his given, first, and middle name, the initials of his given, first, and middle name, a nickname, or any combination thereof as the form in which his name shall be printed on the ballot, but he shall not designate a title, designation, or deceptive name, nor shall he designate an occupational or professional description or abbreviation. If the candidate designates a nickname in place of or in combination with his given name or the initials thereof, the nickname shall be set off with quotation marks and shall be placed immediately preceding his surname. A candidate shall include his surname in his designation of the form in which his name shall be printed on the ballot.

(2) The notice of candidacy also shall include a certificate, signed by the candidate, certifying that he has read the notice of his candidacy, that he is not currently under an order of imprisonment for conviction of a felony, that he has attached to the notice of his candidacy the financial statement required by Subsection B of this Section, if applicable, that he acknowledges that he is subject to the provisions of the Campaign Finance Disclosure Act (R.S. 18:1481, et seq.) if he is a candidate for any office other than United States Senator, Representative in Congress, or member of a committee of a political party, and that all of the statements contained in it are true and correct. 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.

(3) The notice of candidacy also shall include a certificate, signed by the candidate, certifying that he is knowledgeable of the prohibitions relative to erecting, displaying, or posting political campaign signs on any highway right of way, publicly owned property or right of way, or to or on any public utility pole or stanchion, as provided in R.S. 48:347(D), R.S. 25:1118(A), and R.S. 18:1470. Except as provided in R.S. 25:1118, whoever so erects, displays, or posts political campaign signs on any publicly owned property or right of way, or to or on any public utility pole or stanchion shall be guilty of a misdemeanor and shall be fined not in excess of one hundred dollars or imprisoned for not more than thirty days, or both.

B.(1) At the time that each person who seeks to become a candidate for the office of governor files the notice of candidacy required by R.S. 18:463(A), he shall also file a financial statement with the Louisiana Board of Ethics for Elected Officials. The financial statement shall include the information required in R.S. 42:1124(B) and shall be current as of the date on which it is filed. The candidate shall attach to the financial statement his affidavit certifying that the information contained in the statement is true and correct to the best of his knowledge, information, and belief.

(2) Whoever fails to file a financial statement required by this Section, or knowingly and wilfully fails to timely file any such statement, or knowingly and wilfully fails to disclose or to accurately disclose any information required by this Section shall be guilty of a misdemeanor and upon conviction thereof shall be fined not more than five hundred dollars. Whoever wilfully and intentionally files a false report required by this Section shall be guilty of a misdemeanor and upon conviction thereof shall be fined not less than one thousand dollars nor more than five thousand dollars or imprisoned in parish prison for not less than six months, or both.

C. On the forms for notice of candidacy which are prepared, printed, and distributed by the secretary of state, a notice shall be printed below the signature line which shall inform the candidate that copies of the forms and pamphlets of explanation and instruction which are distributed by the Election Campaign Finance Committee are available from the clerk of court or the committee.

Acts 1976, No. 697, §1, eff. Jan. 1, 1978. Amended by Acts 1978, No. 292, §1, eff. July 6, 1978; Acts 1980, No. 786, §2, eff. Jan. 1, 1980; Acts 1982, No. 747, §1, eff. Aug. 2, 1982; Acts 1982, No. 778, §1, eff. Aug. 4, 1982; Acts 1983, No. 519, §1, eff. July 8, 1983; Acts 1984, No. 672, §1; Acts 1984, No. 225, §2; Acts 1988, No. 909, §1, eff. Jan. 1, 1989; Acts 1989, No. 768, §2; Acts 1991, 1st E.S., No. 1, §1, eff. Sept. 1, 1991.

§464. Qualifying fees; additional fees imposed by political party committees; financial statements

A. Method of payment. The qualifying fee shall be paid to the official with whom the candidate qualifies and shall accompany the notice of candidacy. The qualifying fee shall be paid in cash or by certified or cashier's check on a state or national bank, United States postal money order, or money order issued by a state or national bank.

B. Amount of qualifying fees. The qualifying fees for candidates in primary elections are:

(1) For state candidates -- seven hundred fifty dollars for governor, four hundred fifty dollars for justice of the supreme court, judge of a court of appeal, and member of the public service commission, and six hundred dollars for all other state candidates.

(2) For local candidates -- three hundred dollars for state senator and district judge, two hundred twenty-five dollars for state representative, parish president, and other district or parochial offices, one hundred fifteen dollars for police juror, parish council member, and school board member, and seventy-five dollars for ward and all other local offices.

(3) For municipal candidates -- forty dollars in a municipality with a population of less than five thousand, seventy-five dollars in a municipality with a population of five thousand or more but less than twenty-five thousand, one hundred fifty dollars in a municipality with a population of twenty-five thousand or more but less than fifty thousand, two hundred twenty-five dollars in a municipality with a population of fifty thousand or more but less than one hundred thousand, three hundred dollars in a municipality with a population of one hundred thousand or more but less than three hundred thousand, and three hundred seventy-five dollars in a municipality with a population of three hundred thousand or more.

(4) For candidates for membership on state central committees and parish executive committees of political parties -- seventy-five dollars, two hundred and twenty-five dollars for candidates for membership on the state central committee of a recognized political party with which twenty-five percent or less of the registered voters in the state are affiliated at the opening of the qualifying period.

C. Additional fees imposed by state central committees. (1) A state central committee of a political party may impose an additional fee on a state candidate or a candidate for presidential nominee who is affiliated with that political party. The amount of the additional fee shall be uniform as to all candidates for each office of the same kind or character and in no event shall be in an amount in excess of one-half the qualifying fee fixed by law. If a state central committee of a political party fixes an additional fee, then at the time a state candidate or a candidate for presidential nominee qualifies with the secretary of state, the secretary of state shall collect the additional fee and make a record containing the name of the candidate from whom received, the amount of the fee, and the state central party committee with which the candidate is affiliated. After the close of the qualifying period for state candidates in a primary election, the secretary of state shall immediately transmit all additional fees so collected to the state central committee for the party with which the candidate is affiliated. The fee so imposed and collected shall be retained and used by that state central party committee.

(2) A state central committee of a political party may fix and impose an additional fee on all candidates for membership on that committee; however, if an additional fee as authorized by Paragraph (1) herein is imposed on state candidates, then a fee of not less than twenty-five dollars shall be assessed and collected from all candidates for membership on the state central committee. The additional fee shall be paid at the time of qualification as a candidate and shall be collected by the official with whom the candidate qualifies. The official who collects these additional fees shall make a record containing the name of each candidate from whom received, the amount of the fee, and political party with which the candidate is affiliated. After the close of the qualifying period for a candidate in a primary election, the official who collected such additional fees shall immediately transmit all additional fees so collected and the name of each candidate to the state central committee on which the candidate is seeking membership. The fee so imposed and collected shall be retained and used by the state central committee imposing the fee.

(3)(a) In any parish, a state central committee of a political party may impose an additional fee on a local or municipal candidate who is affiliated with that political party. The amount of the additional fee shall be uniform as to all candidates for each office of the same kind or character and in no event shall be in an amount in excess of one-half the qualifying fee fixed by law.

(b) If a state central committee of a political party fixes an additional fee, then at the time a local or municipal candidate qualifies, the additional fee shall be paid to and collected by the official with whom the candidate qualifies. The official who collects these additional fees shall make a record containing the name of each candidate from whom received, the amount of the fee, and political party with which the candidate is affiliated. After the close of the qualifying period for a candidate in a primary election, the official who collected the additional fees shall immediately transmit all additional fees so collected and the name of each candidate to the state central committee. The fees so imposed and collected shall be retained and used by the state central committee imposing the fee.

D. Additional fees imposed by parish executive committees.

(1)(a) A parish executive committee of a political party in any parish may impose an additional fee on a local or municipal candidate who is affiliated with that political party. The amount of the additional fee shall

be uniform as to all candidates for each office of the same kind or character and in no event shall be in an amount in excess of one-half the qualifying fee fixed by law.

(b) If a parish executive committee fixes an additional fee, then at the time a local or municipal candidate qualifies with the clerk of court, the clerk shall collect the additional fee and make a record containing the name of the candidate from whom received, the amount of the fee, and the parish executive committee with which the candidate is affiliated. After the close of the qualifying period for a candidate in a primary election, the clerk shall immediately transmit all additional fees so collected to the parish executive committee with which the candidate is affiliated. The fee so imposed and collected shall be retained and used by that parish executive committee.

(2) A parish executive committee of a political party may fix and impose an additional fee on all candidates for membership on such committee; however, in no event shall the additional fee be in an amount in excess of one-half of the qualifying fee fixed by law. If an additional fee as authorized by Paragraph (1) herein is imposed on local and municipal candidates, then a fee of not less than twenty-five dollars shall be assessed and collected from all candidates for membership on the parish executive committee. The additional fee shall be paid at the time of qualification as a candidate and shall be collected by the official with whom the candidate qualifies. The official who collects these additional fees shall make a record containing the name of each candidate from whom received, the amount of the fee, and the political party with which the candidate is affiliated. After the close of the qualifying period for a candidate in a primary election, the official who collected the additional fees shall immediately transmit all additional fees so collected to the parish executive committee on which the candidate is seeking membership. The fee so imposed and collected shall be retained and used by the parish executive committee imposing the fee.

E. Clerks' fees. Each clerk of court may retain from the qualifying fees of each local and municipal candidate and each candidate for membership on a political party committee a fee of not more than ten percent, but not less than ten dollars, which shall be retained by the clerk and used by him to cover his office expenses for filing and recording the candidate's qualifying papers. However, the sums retained by the clerk of court shall be retained only from those qualifying fees that are remitted to the secretary of state.

F. Financial statements. Each state central committee and each parish executive committee shall file a financial statement annually, certified by the treasurer or, if none, by the chairman, as to its accuracy, with the legislative auditor. Each parish executive committee shall file a copy of the financial statement with the state central committee of the party with which it is affiliated. The financial statement shall be in a form approved by the legislative auditor.

G. Use of fees. Fees collected by state central committees and parish executive committees pursuant to this Section shall be used solely for the operation of such committees. No such fees shall be used for the direct benefit of any particular candidate for public office.

H. Notice of imposition of fees. Each state central committee and parish executive committee shall, no later than thirty days prior to the beginning of qualifying, notify, in writing, the secretary of state and the clerk of court of any parish affected, if said committee will impose additional qualifying fees on candidates. However, once the notice of imposition is filed in accordance with this Subsection, a notice need not be filed again unless the state central committee or parish executive committee discontinues such imposition or changes the amount of fees to be imposed.

Acts 1976, No. 697, §1, eff. Jan. 1, 1978. Amended by Acts 1978, No. 292, §1, eff. July 6, 1978; Acts 1979, No. 229, §1, eff. July 13, 1979; Acts 1982, No. 531, §1, eff. July 22, 1982; Acts 1983, No. 519, §1, eff. July 8, 1983; Acts 1984, No. 672, §1; Acts 1985, No. 123, §1; Acts 1986, No. 669, §1; Acts 1987, No. 831, §1, eff. Jan. 1, 1988; Acts 1988, No. 235, §1; Acts 1989, No. 652, §1; Acts 1991, 1st E.S., No. 1, §1, eff. Sept. 1, 1991; Acts 1992, No. 596, §1; Acts 1992, No. 944, §1; Acts 1992, No. 949, §1, eff. Jan. 1, 1993.

NOTE: See Acts 1989, No. 652, §2, relative to disposition of funds from fees.

§465. Nominating petitions

A. Time and place of filing. A nominating petition shall be filed with the official with whom the candidate qualifies and shall accompany the notice of candidacy.

B. Method of nominating candidates. A person may only be nominated as a candidate in a primary election by persons who are registered to vote on the office he seeks who sign a nominating petition for him no more than one hundred twenty days before the qualifying period opens for candidates in the primary election. In addition to his signature, each voter who signs a nominating petition shall date his signature and shall provide the ward and precinct in which he is registered to vote, his residence address, including the municipal number, the apartment number, if any, the rural route and box number, or any other physical description that will identify

his actual place of residence. Once a voter has signed a nominating petition, he may not withdraw the nomination. The secretary of state shall prepare forms which may be used by any person who seeks nomination as a candidate by nominating petition. The secretary of state shall furnish copies of the forms to each clerk of court, and the forms shall be available, upon request, at the office of the secretary of state or at the office of the clerk of court. Nothing in this Subsection shall be construed to require nominating petitions to be filed only on forms prepared by the secretary of state.

C. Number of signatures required. The number of qualified voters who must timely sign a nominating petition is:

(1) For a candidate for an office voted on throughout the state--five thousand, not less than five hundred of which shall be from each of the congressional districts into which the state is divided.

(2) For a candidate for membership on the Public Service Commission--one thousand from within that district.

(3) For a candidate for any of the following offices:

a. Louisiana Supreme Court Justice--one thousand from within that district.

b. United States Representatives in Congress--one thousand from within that district.

c. Member of the State Board of Elementary and Secondary Education--one thousand from within that district.

d. Judge of a court of appeal--five hundred from within that district.

e. Any officer elected from throughout a judicial district--five hundred from within the district.

f. Louisiana Senate--five hundred from within the senatorial district.

g. Louisiana House of Representatives--four hundred from within the representative district.

h. Any officer elected from throughout a parish--four hundred.

i. Any officer elected from throughout a ward--one hundred for member of a parish governing authority and for member of a parish or city school board and one hundred for any other.

(4) For a candidate for a municipal office--fifty in a municipality having a population of five thousand or less, two hundred in a municipality having a population of more than five thousand but less than twenty-five thousand, three hundred in a municipality having a population of twenty-five thousand or more but less than fifty thousand, five hundred in a municipality having a population of fifty thousand or more but less than one hundred thousand, seven hundred fifty in a municipality having a population of one hundred thousand or more but less than three hundred thousand, and one thousand in a municipality having a population of three hundred thousand or more.

(5) For a candidate for membership on a political party committee - the lesser of four hundred or ten percent of the qualified voters in the voting area who are registered as being affiliated with the same political party as the candidate.

(6) Any office not hereinabove provided for shall require the signatures of at least one-half of one percent of the registered voters in the voting area from which the officer is elected. The number of signatures of registered voters required shall be calculated based on the number of voters who are registered thirty days before the qualifying period ends.

D. Form. Each sheet of the nominating petition shall set forth the candidate's name, the address of his domicile, the office for which the signers nominate him, the political party with which he is affiliated, if any, and the date of the primary election for which he seeks to qualify. The name of each voter who signed the nominating petition shall be typed or legibly written on the petition, and each signature on the nominating petition shall be dated and witnessed by the candidate or the person who obtained the signature on his behalf. The candidate and all persons who obtained signatures on his behalf shall certify on the nominating petition that to the best of their knowledge, information, and belief all of the signatures on the nominating petition are genuine and all of the statements contained in the nominating petition are true and correct.

E. Certification. (a) A nominating petition shall be submitted to the registrars of voters in the parishes where the signers reside not less than thirty days before the qualifying period ends for candidates in the primary election or, in the case of presidential electors, in the presidential election, except that in a special election the nominating petition shall be submitted by the candidate to the registrars of voters in the parishes where the signers reside prior to the opening of the qualifying period.

(b) The registrar for each parish shall endorse upon the nominating petitions, whether original or supplemental, the date and time of submission and shall promptly certify the nominating petitions, in the order received, by determining and certifying on each nominating petition which of the signers who provided a residence address in the parish signed the nominating petition timely and are registered to vote on the office the candidate seeks. A supplemental nominating petition shall be certified in the order in which it is received, without regard to the time when the original nominating petition for that candidate was submitted. A registrar may stop certifying the signatures on a nominating petition when the total number of the signers he has certified as having signed the petition timely and as being registered to vote on the office the candidate seeks equals one hundred fifteen percent of the number of qualified voters required to nominate the candidate for the office he seeks. A registrar's certification shall be conclusive as to the number of qualified voters who timely signed a nominating petition, and evidence to the contrary shall not be admitted in an action objecting to the candidacy of the candidate who filed the nominating petition.

Acts 1976, No. 697, §1, eff. Jan. 1, 1978. Amended by Acts 1977, No. 523, §1, eff. Jan. 1, 1978; Acts 1978, No. 292, §1, eff. July 6, 1978; Acts 1979, No. 229, §1, eff. July 13, 1979; Acts 1988, No. 909, §1, eff. Jan. 1, 1989.

§466. Time for qualifying in a primary election

A notice of candidacy, accompanied either by the qualifying fee or by a nominating petition, is filed timely only if received by the secretary of state, for state candidates, or by the clerk of court, for local or municipal candidates, during the qualifying period for candidates in the primary election.

Acts 1976, No. 697, §1, eff. Jan. 1, 1978. Amended by Acts 1979, No. 229, §1, eff. July 13, 1979.

§467. Opening of qualifying period

The qualifying period for candidates in a primary election shall open:

(1) For candidates in a gubernatorial primary election and those in any special primary election to be held at the same time, on the first Tuesday after the first Monday in September of the year of the election.

(2) For candidates in a congressional primary election and those in any special primary election to be held at the same time, on the fourth Wednesday in July of the year of the election.

(3) For candidates in a primary election for municipal and ward officers who are not elected at the same time as the governor or members of congress in municipalities with a population of less than four hundred seventy-five thousand and those in any special primary election to be held at the same time, on the last Wednesday in January of the year of the election, unless the primary election is held on the second Tuesday in March, in such case the qualifying period for candidates in such primary election shall open on the second Wednesday in January of the year of the election.

(4) For candidates in a primary election for parochial and municipal officers in a parish containing a municipality with a population of four hundred seventy-five thousand or more and in which the municipal and parochial elections are held at the same time, on the second Wednesday in December preceding the year of the election.

(5) For candidates in any other special primary election, except for the office of judge, state legislator, or representative in Congress, on the first Wednesday which is at least five days after publication of the proclamation ordering the special election.

(6) For candidates in a primary election held on the third Saturday in October of 1981 and every fourth year thereafter, on the second Wednesday in August of the year of the election.

Acts 1976, No. 697, §1, eff. Jan. 1, 1978. Amended by Acts 1977, No. 545, §1, eff. Jan. 1, 1978; Acts 1978, No. 720, §1; Acts 1979, No. 229, §1, eff. July 13, 1979; Acts 1982, No. 10, §1, eff. Jan. 1, 1983; Acts 1984, No. 673, §1, eff. Jan. 1, 1985; Acts 1987, No. 831, §1, eff. Jan. 1, 1988; Acts 1990, No. 107, §1, eff. Jan. 1, 1991; Acts 1991, No. 277, §1; Acts 1992, No. 949, §1, eff. Jan. 1, 1993.

§467.1. Opening of qualifying period in event of change of date for primary election

In the event that the date for the primary election is advanced in accordance with R.S. 18:402(G), the qualifying period for candidates in the primary election shall be advanced from the date specified in R.S. 18:467 the same number of weeks as the primary election.

Added by Acts 1980, No. 43, §2, eff. June 5, 1980. Acts 1984, No. 673, §1, eff. Jan. 1, 1985; Acts 1991, No. 201, §2, eff. Jan. 1, 1992.

§468. Close of the qualifying period

A. The qualifying period for candidates in a primary election shall close at 5:00 p.m. on the Friday after the opening of the qualifying period for candidates in the primary election or, if that Friday is a legal holiday, at 5:00 p.m. on the next day which is not a legal holiday.

B. Notwithstanding the provisions of Subsection A of this Section, the qualifying period for candidates in a gubernatorial primary election and those in any special primary election to be held at the same time shall close at 5:00 p.m. on the Thursday after the opening of the qualifying period.

Acts 1976, No. 697, §1, eff. Jan. 1, 1978; Acts 1992, No. 949, §1, eff. Jan. 1, 1993.

§469. Reopening of qualifying period; effect

A. When a person who qualified as a candidate in a primary election for a public office dies after the close of the qualifying period and before the time for closing the polls on the day of the primary election, the qualifying period for candidates in the primary election for that office shall reopen for candidates on the day after the death and shall close at 5:00 p.m. on the third day after the death or, if that day is a legal holiday, at 5:00 p.m. on the next day which is not a legal holiday. The name of the deceased candidate shall not be printed on the primary election ballot. If the primary election ballot was printed with the deceased candidate's name on it, any votes received by the deceased candidate shall be void and shall not be counted for any purpose whatsoever.

B. When, at the close of the qualifying period, no candidate has qualified for an office or the number of candidates who have qualified for an office is fewer than the number of positions to be filled in that office, the qualifying period shall be reopened, but only for the office or offices for which no candidates qualified or for which an insufficient number of candidates qualified, on the first Wednesday after the close of the qualifying period and shall close at 5:00 p.m. on the Friday thereafter or, if that day is a legal holiday, at 5:00 p.m. on the next day which is not a legal holiday. The provisions of this Subsection shall not be applicable to election of members of any state central committee or any parish executive committee of any recognized political party as provided in R.S. 18:443 and R.S. 18:444.

C. Whenever the qualifying period is reopened as required by Subsections A or B hereof, the clerk of court shall cause notice of the reopening, listing the dates and times the period shall run, to be posted in a prominent place at or near the courthouse door and also in a prominent place in the office of the clerk of court. If the qualifying period is reopened solely for the qualification of one or more municipal candidates, or, if the municipal offices to be filled by election are in a building other than the courthouse, the clerk of court shall cause the notice provided for herein to be posted in a prominent place at or near the door of the municipal building for the city for which the candidates are seeking an elective office, as well as in the court house and the clerk's office as above required.

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

(2) If all the votes cast in a primary election for a public office are void because of the death of a candidate, the primary election for the office shall be held on the date of the general election, and the general election for the office shall be held on the fourth Saturday after the primary election. However, if the primary election is held on the date scheduled for a congressional general election, the general election for the office shall be held on the fifth Saturday after the primary election.

Acts 1976, No. 697, §1, eff. Jan. 1, 1978. Amended by Acts 1977, No. 523, §1, eff. Jan. 1, 1978; Acts 1978, No. 292, §1, eff. July 6, 1978; Acts 1980, No. 445, §1, eff. July 21, 1980; Acts 1982, No. 10, §1, eff. Jan. 1, 1983; Acts 1988, No. 329, §1; Acts 1988, No. 909, §1, eff. Jan. 1, 1989; Acts 1991, No. 201, §2, eff. Jan. 1, 1992.

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

A. Notices of candidacy. (1) Upon receipt of a notice of candidacy, the secretary of state or the clerk of court, as the case may be, shall endorse upon it the date and time of filing and either the amount of the qualifying fee paid by the candidate or a statement that a nominating petition was filed by the candidate. A certified copy of the original notice of candidacy shall be furnished to the candidate at the time he qualifies with the clerk of court but after the date and time have been endorsed thereon.

(2) At the time a candidate files his notice of candidacy with the clerk of court it shall become a public record and shall be recorded by the clerk of court in the same manner as sales of immovables and the recordation of mortgages and miscellaneous acts are recorded with him. The clerk of court shall place all notices of candidacy for each election in a separate book which he shall keep in his office, and each such notice of candidacy shall be the official document and the official public record. The clerk of court shall daily post a list of all the candidates, and the offices for which they qualify, whose notices of candidacy have been filed with his office.

(3)(a) After the close of the qualifying period, the secretary of state shall transmit a list of the candidates who have qualified with him to the clerk of court in each parish in which the office is to be voted on. After the close of the qualifying period for candidates in a primary election, the clerk of court shall immediately transmit to the secretary of state a certified list of the candidates for each office who have qualified with him. This list shall include the name of each candidate as said candidate designated his name to appear on the ballot on his notice of candidacy form. The clerk shall also immediately forward qualifying fees for candidates to the secretary of state.

(b) If a notice of candidacy, together with the qualifying fee or a nominating petition, is not filed timely or is filed with the wrong official, the official receiving the papers shall endorse the date and time of receipt upon them and shall return them forthwith, either personally or by registered or certified mail, to the candidate filing them.

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 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.

Acts 1976, No. 697, §1, eff. Jan. 1, 1978. Amended by Acts 1977, No. 523, §1, eff. Jan. 1, 1978; Acts 1978, No. 292, §1, eff. July 6, 1978; Acts 1980, No. 786, §2, eff. Jan. 1, 1981; Acts 1988, No. 909, §1, eff. Jan. 1, 1989; Acts 1991, 1st E.S., No. 1, §1, eff. Sept. 1, 1991.

NOTE: See Acts 1991, 1st E.S., No. 1, §3.

§470.1. List of candidates

The secretary of state shall furnish the Supervisory Committee, Campaign Finance Disclosure Act, an alphabetical listing of the candidates for each of the offices to be voted on in each election. For a primary election, the list shall be furnished no later than five days after the close of the qualifying period for candidates and for a general election, no later than the day after the day on which the primary election returns are promulgated. For purposes of this Section, "candidate" shall be defined as in R.S. 18:1483.

Added by Acts 1980, No. 786, §2, eff. Jan. 1, 1981.

§471. Acts performed with or by clerk of court

Wherever in this Code any act is required to be performed with or by the clerk of court, such act shall be performed in the office of the clerk and may be performed by or with the clerk of court or any deputy clerk employed by him designated by him for the purpose.

Acts 1976, No. 697, §1, eff. Jan. 1, 1978.

SUBPART C. QUALIFYING FOR A GENERAL ELECTION

§481. Candidates who qualify for a general election

The candidates who qualify for each office remaining to be filled in the general election are those who received the two highest numbers of votes, the four highest numbers of votes, and so on among those not elected

in the primary election, until the maximum number of candidates for each office on the general election ballot is reached.

Acts 1976, No. 697, §1, eff. Jan. 1, 1978.

§482. Number of candidates who may qualify for a general election

Except in the case of a tie vote, the number of candidates for an office who may qualify for the general election is twice the number of persons remaining to be elected to the office.

Acts 1976, No. 697, §1, eff. Jan. 1, 1978.

§483. Effect of tie vote in a primary election

If, as a result of a tie vote in a primary election, the number of candidates who would qualify for the general election is more than twice the number of persons remaining to be elected to the office, all of the candidates who received the same number of votes in the primary election qualify for the general election.

Acts 1976, No. 697, §1, eff. Jan. 1, 1978.

SUBPART D. OBJECTIONS TO CANDIDACY

§491. Standing to object to candidacy

A registered voter may bring an action objecting to the candidacy of a person who qualified as a candidate in a primary election for an office for which the plaintiff is qualified to vote.

Acts 1976, No. 697, §1, eff. Jan. 1, 1978.

§492. Grounds for an objection to candidacy

An action objecting to the candidacy of a person who qualified as a candidate in a primary election shall be based on one or more of the following grounds:

- (1) The defendant failed to qualify for the primary election in the manner prescribed by law;
- (2) The defendant failed to qualify for the primary election within the time prescribed by law;
- (3) The defendant does not meet the qualifications for the office he seeks in the primary election; or
- (4) The defendant is prohibited by law from becoming a candidate for one or more of the offices for which he qualified in the primary election.

Acts 1976, No. 697, §1, eff. Jan. 1, 1978.

§493. Time for objecting to candidacy

An action objecting to candidacy shall be commenced in a court of competent jurisdiction within seven days after the close of qualifications for candidates in the primary election. After the expiration of the time period set forth in this Section, no action shall be commenced objecting to candidacy based on the grounds for objections to candidacy contained in R.S. 18:492 above.

Acts 1976, No. 697, §1, eff. Jan. 1, 1978; Acts 1992, No. 949, §1, eff. Jan. 1, 1993.

§494. Effect of sustaining an objection to candidacy

A. **Disqualification.** When an objection to candidacy is sustained on the ground that the defendant failed to qualify for the primary election in the manner prescribed by law, that the defendant failed to qualify for the primary election within the time prescribed by law, or that the defendant does not meet the qualifications for the office he seeks, the final judgment shall disqualify the defendant as a candidate in the primary election for the office for which he failed to qualify properly.

B. **Withdrawal.** When an objection to candidacy is sustained on the ground that the defendant is prohibited by law from becoming a candidate for one or more of the offices for which he qualified in the primary election, the final judgment shall order the defendant to remove the grounds for the objection by withdrawing from the primary election for one or more of the offices. If the defendant fails to comply with this judgment within

twenty-four hours after it becomes definitive, the court shall render judgment disqualifying the defendant as a candidate for all of the offices for which he qualified in the primary election.

Acts 1976, No. 697, §1, eff. Jan. 1, 1978.

SUBPART E. WITHDRAWAL OF CANDIDATES

§501. Procedure for withdrawal; refund of qualifying fees

A. Procedure for withdrawal. Prior to the close of the polls on election day, a candidate in a primary or general election may withdraw from the election by filing notice of his withdrawal, signed by the candidate and duly acknowledged by him before an officer authorized to administer oaths, with the secretary of state, who shall forward a copy of the notice of withdrawal filed by a local or municipal candidate to the president of the board of election supervisors and the clerk of court of the parish in which the candidate has qualified.

B. Refund of qualifying fees. If the withdrawal is filed prior to the fifty-sixth day before the election, fifty percent of the qualifying fee paid by the candidate shall be refunded by the state treasurer from the escrow account in which these deposits were credited. If the withdrawal is filed on or after the fifty-sixth day before the election, the deposit shall not be refunded. However, if the fifty-sixth day falls on or before the seventh day following the last day for qualifying, the candidate shall have until the seventh day following the last day for qualifying to receive such a refund.

Acts 1976, No. 697, §1, eff. Jan. 1, 1978; Acts 1984, No. 672, §1; Acts 1987, No. 831, §1, eff. Jan. 1, 1988; Acts 1988, No. 329, §1; Acts 1990, No. 107, §1, eff. Jan. 1, 1991.

§502. Effect of withdrawal

A notice of withdrawal shall be effective when it is filed with the secretary of state, and the candidate who filed the notice no longer shall be qualified as a candidate in the election from which he withdrew. If the election ballot was printed with a withdrawn candidate's name on it, any votes received by the withdrawn candidate shall be null and void and shall not be counted for any purpose whatsoever.

Acts 1976, No. 697, §1, eff. Jan. 1, 1978. Amended by Acts 1981, No. 77, §1, eff. June 26, 1981.

SUBPART F. ELECTION OF CANDIDATES

§511. Election of candidates in a primary election

A. Majority vote. A candidate who receives a majority of the votes cast for an office in a primary election is elected. If there are two or more offices of the same character to be filled, the number of votes necessary to constitute a majority shall be greater than the result obtained by dividing the total votes cast for all of the candidates by the number of offices to be filled and dividing the result so obtained by two. If more candidates receive a majority than there are offices to be filled, those of such candidates receiving the highest total of votes shall be elected, to the number required to fill all of the offices. Any votes received by a withdrawn candidate or a deceased candidate shall be void and shall not be counted for any purpose whatsoever.

B. Election of unopposed candidates for public office. If, after the close of the qualifying period for candidates in a primary election, the number of candidates for a public office does not exceed the number of persons to be elected to the office, the candidates for that office, or those remaining after the withdrawal of one or more candidates, are declared elected by the people, and their names shall not appear on the ballot in either the primary or the general election.

C. Election of unopposed candidates for membership on party committees. If, after the close of the qualifying period for candidates in a primary election, the number of candidates for membership on a political party committee does not exceed the number of members to be elected to the committee, the candidates for membership on that political party committee, or those remaining after the death or withdrawal of one or more candidates, are declared elected by the people, and their names shall not appear on the ballot in either the primary or the general election.

D. Effect of a tie vote. If, as a result of a tie vote in a primary election, the number of candidates who would be elected to an office exceeds the number of persons to be elected to the office, the candidates who

received the same majority of the votes cast in the primary election are not elected, but they are qualified as candidates in the general election.

Acts 1976, No. 697, §1, eff. Jan. 1, 1978. Amended by Acts 1977, No. 523, §eff. Jan. 1, 1978; Acts 1988, No. 909, §1, eff. Jan. 1, 1989.

§512. Election of candidates in a general election

A. Generally. The candidate who receives the most votes cast for an office in a general election is elected. If there are two or more offices of the same character to be filled, those candidates receiving the highest total number of votes shall be elected, to the number required to fill all of the offices.

B. Election of unopposed candidates. If, as a result of the death or withdrawal of one or more candidates, the number of candidates for an office in a general election does not exceed the number of persons to be elected to the office, the remaining candidates are declared elected by the people, and their names shall not appear on the ballot in the general election.

C. Effect of a tie vote. If, as a result of a tie vote in a general election, the number of candidates who would be elected to an office exceeds the number of persons to be elected to the office, the candidates who received the same number of votes for that office in the general election are not elected. The election for officers thus not elected shall be returned to the people on the third Saturday after the date on which the results in the election at which the tie vote occurred were promulgated.

Acts 1976, No. 697, §1, eff. Jan. 1, 1978. Amended by Acts 1977, No. 523, §1, eff. Jan. 1, 1978; Acts 1982, No. 10, §1, eff. Jan. 1, 1983.

§513. Certification of candidates elected

A. Certification of candidates elected for a full term. Within thirty days after the date on which a general election is scheduled to be held the secretary of state shall certify the name of each candidate elected for a full term to the appropriate official in the following manner:

(1) The name of a candidate elected to the state legislature and the district from which he was elected shall be certified to the appropriate house of the state legislature, and the name of the candidate shall be entered on the rolls of the appropriate house by the secretary of the Senate or the clerk of the House of Representatives.

(2) The name of a candidate elected to Congress and the election results shall be certified as provided by R.S. 18:1277.

(3) The name of a candidate elected as a presidential elector and the election results shall be certified as provided by R.S. 18:1261.

(4) The name of the candidate elected to membership on a political party committee shall be certified to the chairman of the political party committee to which the candidate was elected.

(5) The name of a candidate elected to any other office, except governor or lieutenant governor, shall be certified to the governor, who shall issue a commission to the elected official on the date the term begins as provided by law or the home rule charter or plan of government. If the date the term begins for an official of a municipality elected in accordance with R.S. 18:402(C) is not provided for, the term shall begin July first following the election. If the date the term begins for any other elected official is not provided by law or home rule charter or plan of government, the governor shall issue a commission:

a. To an official elected for a full term at the gubernatorial election, within thirty days after the date on which the governor is inaugurated.

b. To an official elected for a full term at the congressional election, within thirty days after the name of the official has been certified to the governor by the secretary of state.

c. To an official elected for a full term at a municipal election not held at the time of a congressional or gubernatorial election, within thirty days after the name of the official has been certified to the governor by the secretary of state.

d. To an official elected at a special election to fill an unexpired term, within thirty days after the name of the official has been certified to the governor by the secretary of state.

e. To an official elected to the Jefferson Parish Council, within thirty days after the name of the official has been certified to the governor by the secretary of state, such commission to be issued by the then incumbent governor.

B. Certification of candidates elected for an unexpired term. If a candidate is elected at a special primary or general election for an unexpired term or if he is elected at such an election by the people without opposition, the secretary of state shall promptly certify the name of the candidate elected to the appropriate official as provided in Paragraphs (1) through (5) of Subsection A of this Section.

C. If the secretary of state receives a proclamation calling a special election in accordance with the provision of R.S. 18:583(A), prior to certifying a candidate's name as required by this Section, the secretary of state shall not be required to certify the name of the candidate as being elected to the office.

Acts 1976, No. 697, §1, eff. Jan. 1, 1978. Amended by Acts 1977, No. 523, §1, eff. Jan. 1, 1978; Acts 1978, No. 292, §1, eff. July 6, 1978; Acts 1978, No. 630, §1; Acts 1978, No. 720, §2, eff. July 17, 1978; Acts 1980, No. 444, eff. July 21, 1980; Acts 1986, No. 815, §1.

§514. Parish with municipality population of four hundred seventy-five thousand or more; municipal and parochial officers; date of taking office

All elected parochial and municipal officers in a parish containing a municipality with a population of four hundred seventy-five thousand or more shall take office on the first Monday in May of 1982 and each four years thereafter.

Added by Acts 1977, No. 618, §1, eff. Jan. 1, 1978. Amended by Acts 1981, No. 398, §1; Acts 1990, No. 107, §1, eff. Jan. 1, 1991; Acts 1991, No. 277, §1.

PART V. VOTERS AND VOTING

SUBPART A. GENERAL PROVISIONS

§521. Qualifications of voters

A. Candidates for public office. All persons who have registered to vote in this state prior to the time the registration records are closed as required in R.S. 18:135 may vote in the election for any candidates except those seeking membership on a committee of a political party with which the voter is not registered as being affiliated.

B. Candidates for party office. (1) In a primary or general election at which members of a political party committee are voted on, only qualified voters who are registered as being affiliated with the same political party as the candidates for membership on a political party committee may vote on such candidates. The commissioner of elections shall adjust the voting machines so that the candidates for membership on a political party committee may only be voted on by voters who are registered as being affiliated with the same political party as the candidates.

(2) The qualification of a voter to vote on a candidate for membership on a political party committee shall be subject to the following provisions:

(a) A change of party affiliation in his registration shall not permit the registrant to vote for any candidate for membership on a committee of the political party to which he has thus affiliated within twenty-four days after the date on which the registrar notes the change on the original application form. During this same period he may not vote for any candidate for membership on a party committee for the political party which he has renounced and abandoned, and the registrar shall so inform him;

(b) A designation of party affiliation by a registrant previously not affiliated with a party renders the registrant eligible to vote in the election next following the designation which is at least twenty-four days after the date on which the registrar notes the party affiliation on the original application form; and

(c) A designation of no party affiliation by a registrant previously affiliated with a party shall be effective for elections held at least twenty-four days after the date on which the registrar notes the no-party affiliation on the original application form. During this same period he may not vote for any candidate for membership on a party committee for the political party which he has renounced and abandoned, and the registrar shall so inform him.

C. Change of residence. (1) A registrant who changes his residence from one precinct to another in the same parish shall retain the right to vote in the precinct from which he has removed, as to all issues upon which he was entitled to vote prior to his change of residence, until he changes his registration as provided in R.S. 18:110(A). Upon changing registration, such registrant shall have the right to vote in the precinct to which he has moved in accordance with law.

(2) A registrant who changes his residence from one parish to another shall retain the right to vote in the parish from which he has removed, as to all issues upon which he was entitled to vote prior to his change of residence, until he registers in the parish to which he has moved or until three months after he has moved, whichever is sooner. Upon registering in the parish to which he has moved, such registrant shall have the right to vote in such parish in accordance with law. After the three-month period, he shall no longer have the right to vote in the parish from which he has moved.

Acts 1976, No. 697, §1, eff. Jan. 1, 1978. Amended by Acts 1979, No. 229, §1, eff. July 13, 1979; Acts 1980, No. 506, §1, eff. Jan. 1, 1981; Acts 1982, No. 10, §1, eff. Jan. 1, 1983; Acts 1985, No. 754, §1; Acts 1988, No. 909, §1, eff. Jan. 1, 1989; Acts 1994, 3rd Ex. Sess., No. 10, §1, eff. Jan. 1, 1995.

§522. Number of candidates for whom a voter may vote

A. A voter in a primary or a general election must cast at least one vote on the ballot before leaving the voting machine.

B. A voter in a primary or general election may vote for as many of the candidates for an office as there are persons to be elected to the office, or he may vote for fewer.

Acts 1976, No. 697, §1, eff. Jan. 1, 1978. Amended by Acts 1977, No. 523, §1, eff. Jan. 1, 1978.

SUBPART B. PLACES FOR VOTING

§531. Places for voting in primary and general elections

A. Except as otherwise provided by law, a voter in a primary or general election shall vote at the polling place in the precinct where he is registered to vote.

B. Notwithstanding the provisions of any law to the contrary, whenever the polling place to which a voter is assigned is inaccessible to him by reason of a physical handicap, the voter may cast his vote at the polling place nearest the precinct at which he is registered which is accessible to the voter, provided such polling place is within the same congressional, senatorial, representative, school board, police jury, councilmanic and all other districts as the precinct at which he is registered. To be permitted to cast his vote at another precinct, the voter, not less than ten days before the election, shall produce satisfactory evidence of his handicap to the registrar of voters in the parish in which he is registered. If, in the opinion of the registrar, the voter, due to the physical handicap, is unable to cast his vote at the precinct in which he is registered, the registrar shall issue to the voter special authorization to cast his vote at another specifically named precinct as provided herein and shall transfer the registration certificate of such voter to that precinct. The authorization so issued shall be shown by the voter to the commissioners at the polling place. The right of a voter to cast his vote in a precinct within the ward and district other than the one in which he is registered shall remain effective for subsequent elections until the voter no longer is in need of the right to vote in another precinct. The voter shall notify the registrar of voters immediately if for any reason such need no longer exists.

Acts 1976, No. 697, §1, eff. Jan. 1, 1978. Amended by Acts 1977, No. 755, §1, eff. Jan. 1, 1978.

§532. Establishment of precincts

A. Subject to the provisions of R.S. 18:532.1 and 1903, the governing authority of each parish shall establish precincts, define the territorial limits for which each precinct is established, prescribe their boundaries, and designate the precincts. The governing authority of each parish shall by ordinance adopt the establishment and boundaries of each precinct in accordance with the timetable as set forth herein and in accordance with R.S. 18:532.1.

B.(1) Each precinct shall be a contiguous, compact area having clearly defined and clearly observable boundaries coinciding with visible features readily distinguishable on the ground such as designated highways, roads, streets, rivers, or canals, except where the precinct boundary is coterminous with the boundary of a parish

or an incorporated place when the boundaries of a single precinct contain the entire geographic area of the incorporated place.

(2) No precinct shall be wholly contained within the territorial boundaries of another precinct, except that a precinct which contains the entire geographical area of an incorporated place and in which the total number of registered voters at the last general election was less than two hundred fifty may be so contained.

(3) No precinct shall contain more than two thousand two hundred registered voters within its geographic boundaries. Within thirty days after the completion of each canvass, the registrar of voters of each parish shall notify the parish governing authority of every precinct in the parish which contains more than two thousand two hundred registered voters within its geographic boundaries. Within sixty days of such notification, the parish governing authority shall divide such precincts by a visible feature in accordance with R.S. 18:532.1.

C. Each parish governing authority shall provide and maintain at all times a suitable map showing the current geographical boundaries with designation of precincts and a word description of the precinct geographical boundaries. Each parish governing authority shall send a copy of each map, with description attached, to the registrar of voters, the secretary of state, and the commissioner of elections. The map may be composed of one or more sheets but each sheet shall not exceed three feet by four feet. The map shall include all existing roads, streets, railroad tracks, and drainage features but shall not include underground utility lines, land use and zoning symbols or shadings, symbols for vegetation cover, topographic contour lines, and similar items that obscure the basic street pattern and names. All features, names, titles, and symbols on the map shall be clearly shown and legible. The map sheet of the entire parish shall be on a scale of one inch equals one mile to one inch equals two miles. Map sheets of each incorporated place within the parish shall be on a scale of one inch equals eight hundred feet to one inch equals sixteen hundred feet. Each map sheet shall indicate the date of the base map or the date of last revision. Wherever the boundaries of a precinct or incorporated place are coterminous, they shall be clearly indicated as such.

D. The parish governing authority shall also furnish, a map clearly indicating the boundaries of each parish governing authority district, school board district, special election district, representative district, and senate district.

E.(1) In complying with the provisions of this Section for the establishment of precincts and the prescription of their boundaries, each parish governing authority and registrar of voters shall coordinate with the secretary of the Senate and the clerk of the House of Representatives, or their designees, pursuant to their authority to submit a plan for census data for reapportionment under the provisions of Chapter 13 of Title 18 of the Louisiana Revised Statutes of 1950, and shall adopt or adjust precinct boundaries as may be necessary to comply with this Section.

(2) Each parish governing authority shall by ordinance adopt a proposal for the establishment or adjustment of precinct boundaries, in compliance with this Section, no later than June 15, 1986, provided that any establishment of a precinct or adjustment of a precinct boundary to comply with this Section shall be effective for the following purposes at the following times:

(a) Not later than January 1, 1990, for the purpose of establishing block boundaries for the 1990 federal decennial census.

(b) Not later than forty-five days prior to the opening date for qualifying as a candidate for any election held at the 1991 gubernatorial primary election, for all purposes. Within fifteen days after the adoption of the ordinance, the parish governing authority shall send to the secretary and the clerk a certified copy of the ordinance and a copy of a map showing the new boundaries together with a written description of such boundaries.

(3) If any parish governing authority fails to comply with the provisions of this Section by June 15, 1986, the secretary of the Senate and the clerk of the House of Representatives, or their designees, shall immediately notify the attorney general of such noncompliance. The attorney general shall, upon receipt of such notice, in accordance with R.S. 18:537 institute an action against said governing authority to compel compliance with this Section.

(4) Notwithstanding the provisions of R.S. 18:532.1(A) and (B) or any other law to the contrary, the proposed precinct boundaries submitted to the United States Bureau of the Census by a parish through the secretary of the Senate and the clerk of the House of Representatives or their designees, and approved by the Bureau of the Census as block boundaries for the 1990 Census, shall be the precinct boundaries of any parish

in which the parish governing authority has failed to adopt by ordinance on or before December 31, 1988 a proposal for the establishment or adjustment of precinct boundaries as required by this Section. The precinct boundaries established pursuant to the provisions of this Paragraph shall be effective as provided in R.S. 18:532(E)(2).

Acts 1976, No. 697, §1, eff. Jan. 1, 1978. Amended by Acts 1977, No. 523, §1, eff. Jan. 1, 1978; Acts 1978; Acts 1978, No. 298, §1, eff. July 10, 1978; Acts 1982, No. 559, §1, eff. July 22, 1982; Acts 1985, No. 670, §1, eff. July 16, 1985; Acts 1986, No. 286, §1, eff. June 30, 1986; Acts 1988, No. 329, §1; Acts 1988, No. 403, §1, eff. July 10, 1988; Acts 1990, No. 629, §1; Acts 1992, No. 788, §1, eff. Jan. 1, 1993; Acts 1992, No. 803, §1.

§532.1. Changing precinct boundaries

A. The parish governing authority shall have authority, in accordance with this Section, to change the configuration, boundaries, or designation of an election precinct. Any change so determined shall be adopted by ordinance of the parish governing authority. Within fifteen days after adoption of the ordinance, the parish governing authority shall send to the secretary of state a certified copy of the ordinance and a copy of the map showing the new precinct boundaries and designations together with a written description of such boundaries. The parish governing authority shall comply with the provisions of R.S. 18:1941 when changing precinct boundaries.

B. After June 15, 1986, a parish governing authority shall only change a precinct by dividing the precinct into two or more precincts except:

(1) *Repealed by Acts 1990, No. 629, §2.*

(2) When in order to make it more convenient for voters to vote, or to facilitate the administration of the election process, or to accomplish reapportionment, it becomes necessary to consolidate all or part of a precinct with adjacent precincts, a part or parts may be consolidated but only when the parts that are joined are in the same voting district.

(3) Any establishment, division, or consolidation of precincts as provided in Paragraphs (1) and (2) herein shall be considered a change in precinct boundaries and shall be subject to the requirements of this Section.

C.(1) The parish governing authority shall comply with the provisions of R.S. 18:532(A), (B), and (C) when changing any precinct boundary. Prior to January 1, 1993, any precinct boundary resulting from an establishment of a precinct or precincts or change in precinct boundary shall coincide with a visible feature which is a tabulation boundary depicted on United States Bureau of the Census maps prepared for the 1990 federal decennial census. After December 31, 1992, any precinct boundary resulting from an establishment of a precinct or precincts or change in precinct boundary shall coincide with a visible feature depicted on a base map that will be used by the United States Bureau of the Census to determine visible tabulation boundaries for the federal decennial census.

(2)(a) In determining features to be used as precinct boundaries, the parish governing authority shall consult with the secretary of the Senate and the clerk of the House of Representatives or their designees. The parish governing authority shall submit proposed changes in precinct boundaries to the secretary and the clerk or their designees on United States Bureau of the Census maps prepared for the 1990 federal decennial census and, where practicable, by electronic medium. No change in a precinct boundary may be made by the parish governing authority without prior review and approval by the secretary and the clerk or their designees, except as provided in this Subparagraph. Such review shall consist of a determination whether the proposed precinct change coincides with a visible feature depicted on a base map that will be used by the United States Bureau of the Census to determine visible tabulation boundaries for the federal decennial census.

(b) The secretary of the Senate and the clerk of the House of Representatives or their designees shall send a report of the findings resulting from the review to the parish governing authority within forty-five days after the receipt of the proposed precinct changes. If the secretary of the Senate and the clerk of the House of Representatives or their designees fail to respond within forty-five days after the receipt of the proposed precinct changes, the proposed visible feature for precinct boundaries shall be deemed to be approved by the secretary of the Senate and the clerk of the House of Representatives or their designees.

(3)(a) In addition to the requirements of Paragraph (2) of this Subsection, when the proposed precinct change involves a consolidation authorized by Paragraph B(2) of this Section, prior to adoption by ordinance, the parish governing authority shall submit proposed changes of the consolidation to the commissioner of

elections. No change in a precinct consolidation may be made by the parish governing authority without prior review and approval by the commissioner of elections, except as provided in this Subparagraph. Such review shall consist of a determination whether the proposed consolidation of the precincts establishes a precinct or precincts where all parts of each proposed new precinct are in the same voting district.

(b) The commissioner of elections shall send a report of the findings resulting from the review to the parish governing authority within forty-five days after the receipt of the proposed precinct changes. If the commissioner of elections fails to respond within forty-five days after the receipt of the proposed precinct consolidations, the proposed consolidations shall be deemed to be approved by the commissioner of elections. No precinct shall be consolidated until all local governing authorities and the parish or city school board within the area affected by the consolidation have completed redistricting and been precleared by the United States Department of Justice.

D. In accordance with R.S. 18:1903, on and after January 1, 1989, no election precinct shall be created, divided, abolished, or consolidated, or the boundaries thereof otherwise changed between January first of any year which last digit is nine and December thirty-first of any year which last digit is zero, unless ordered by a court of competent jurisdiction.

E.(1) A precinct shall not be changed, and no precinct shall be established or altered in any way as a result of annexation, alphabetical division by voter surname, or otherwise, during the period commencing on the date the qualifying period opens and ending on the date of the general election.

(2) For an election which is exclusively for bonds, taxes, and other propositions or questions and for no other kind of election, a precinct shall not be changed during the period commencing on the forty-sixth* day prior to the election and ending on the date of the election.

(3) No precinct change that is made prior to the date the qualifying period opens or, in the case of an election exclusively for bonds, taxes, and other propositions or questions, prior to the forty-sixth day before the election shall become effective for those elections, respectively, unless the information required in Subsection A herein, including a statement of no objection to the change from the United States attorney general, is received by the secretary of state prior to the date the qualifying period opens or prior to the forty-sixth day before the election, as the case may be.

F. Within fifteen days after the adoption of the ordinance as provided in this Section, the parish governing authority shall send to the secretary of the Senate and the clerk of the House of Representatives as well as the secretary of state and commissioner of elections a certified copy of the ordinance and a copy of a map showing the new precinct boundaries together with a written description of such boundaries.

G. *Repealed by Acts 1993, No. 418, §2, eff. Jan. 1, 1994.*

H. The provisions of this Subsection shall supercede the provisions of R.S. 18:532.1(A), (B), (D), and R.S. 18:1903, and any other law to the contrary.

(1) The precinct boundaries submitted to the United States Bureau of the Census by a parish through the secretary of the Senate and the clerk of the House of Representatives or their designees, and approved by the Bureau of the Census as block boundaries for the 1990 Census, shall not be divided, abolished, consolidated, or the boundaries otherwise changed until after December 31, 1992, unless ordered by a court of competent jurisdiction.

(2) Notwithstanding the provision contained in R.S. 18:532.1(H)(1), if a parish is unable to meet applicable state and federal guidelines in the creation of its reapportionment plan, such parish may divide a precinct into two or more precincts by a visible feature which is a census tabulation boundary during the time period of April 1, 1991 through May 15, 1991.

(a) Such parish shall include such precinct changes in its ordinance defining such reapportionment plan.

(b) A certified copy of the ordinance including any such precinct changes and reapportionment plan must be sent to the secretary of state, the secretary of the Senate, the clerk of the House of Representatives, and the registrar of voters of the parish within fifteen days after the adoption of the ordinance.

(c) In the event that the Department of Justice objects to a parish reapportionment plan, such parish may divide a precinct into two or more precincts by a visible feature which is a census tabulation boundary in order to satisfy said objections of the Department of Justice.

(d) Such precincts shall not be divided, abolished, or consolidated or the boundaries otherwise changed during the time period of September 1, 1991 through December 31, 1992.

Added by Acts 1982, No. 559, §1, eff. July 22, 1982; Acts 1985, No. 670, §1, eff. July 16, 1985; Acts 1986, No. 286, §1, eff. June 30, 1986; Acts 1987, No. 831, §1, eff. Jan. 1, 1988; Acts 1988, No. 329, §1; Acts 1988, No. 909, §1, eff. Jan. 1, 1989; Acts 1990, No. 288, §1, eff. July 5, 1990; Acts 1990, No. 629, §§1 and 2; Acts 1992, No. 803, §1; Acts 1993, No. 418, §§1 and 2, eff. Jan. 1, 1994.

**NOTE: The word "forty-sixth" in R.S. 18:532.1(E)(2) is as it appears in Acts 1988, No. 329, §1; the word "forty-fifth" is used in Acts 1988, No. 909, §1 and in prior law.*

§533. Establishment and location of polling places

A. Establishment. The governing authority of each parish shall establish one polling place for each precinct. Each polling place shall be equipped with proper electric current, fixtures, and outlets necessary to properly operate the voting machines and otherwise to conduct the election. Each polling place shall have sanitary facilities available.

B. Location. (1) Except as otherwise provided in this Subsection, the polling place for a precinct shall be located in the precinct in a suitable public building and all public bodies are hereby required to allow the use of public buildings as voting precincts without cost or charge when the parish governing authority requires it. If no public building is available, then a precinct may be located on private property. The parish governing authority shall inform the commissioner of elections as to whether the parish polling places are located in public buildings or on private property.

(2) When, after the exercise of due diligence, the governing authority of a parish is unable to secure a location for a polling place within a precinct, the governing authority may select a location for the polling place which is within the nearest precinct having proper facilities. All other laws relating to the establishment and location of a polling place shall be complied with. The governing authority shall take all reasonable steps to notify the residents of the precinct of the location of the polling place.

C. Prohibited locations. A polling place shall not be located in or on the grounds of:

(1) A place where beverages of high or low alcoholic content are dispensed to the public, but this prohibition shall not prevent the location of a polling place on premises housing a nonprofit organization whose principal business is not the dispensing of beverages of high or low alcoholic content, but no such alcoholic beverages shall be dispensed on such premises during election day or for three hours before the polls open.

(2) A jail, penitentiary, or other penal institution.

(3) A mental hospital or a mental health center.

(4) An eleemosynary institution where wards of the state are confined or housed at state expense, except educational institutions and the United States Marine Hospital No. 88 at Carville.

(5) Private property owned, occupied, or leased by a candidate in the election or the spouse of any such candidate, or an officer or employee of the state or any of its political subdivisions.

D. Payment for use of private property. When it is necessary to pay for the use of private property as a polling place, the payment shall not exceed one hundred dollars for each election.

E. Lease. Prior to the designation by the governing authority of any polling place to be located on private property, the governing authority shall enter into a written lease for such property which lease shall state that the property is to be used as a polling place for a specified precinct and that the polling place is not owned, occupied, or leased by a candidate in the election, or a spouse of any such candidate, or an officer or employee of the state or any of its political subdivisions. Such lease shall be recorded in the office of the clerk of court for the parish wherein such property is located and in addition shall be prominently posted in the office of the registrar of voters. After July 1, 1986, the lease shall also be filed with the commissioner of elections. The commissioner of elections shall not pay precinct rental for a polling place if a copy of the lease thereon has not been properly filed, unless a change in the location of the polling place was necessitated immediately prior to the election and the governing authority lacked sufficient time to transmit a copy of the lease to the commissioner of elections prior to the election. Lease contracts shall be filed with the commissioner of elections not later than two months after the election for payment to be made by the commissioner of elections. Payments

on leases filed later than two months following an election will not be made by the commissioner of elections except for subsequent elections.

Acts 1976, No. 697, §1, eff. Jan. 1, 1978. Amended by Acts 1978, No. 580, §1; Acts 1980, No. 506, §1, eff. Jan. 1, 1981. Acts 1984, No. 426, §1; Acts 1985, No. 754, §1; Acts 1990, No. 107, §1, eff. Jan. 1, 1991.

§534. Change of polling places

A. Once a polling place is established, it may only be changed by a vote of the parish governing authority.

B. The location of a polling place shall not be changed during the period commencing on the date the qualifying period opens and ending on the date of the general election or, in the case of an election date exclusively for bond, tax, or other propositions or questions, during the period commencing on the forty-sixth day prior to the election and ending on the day of the election unless the polling place becomes unavailable due to an emergency caused by an act of God or when privately owned property being used as a polling place becomes unavailable through no fault of the governing authority.

Acts 1976, No. 697, §1, eff. Jan. 1, 1978. Amended by Acts 1980, No. 506, §1, eff. Jan. 1, 1981; Acts 1982, No. 559, §1, eff. July 22, 1982; Acts 1988, No. 909, §1, eff. Jan. 1, 1989; Acts 1993, No. 418, §1, eff. Jan. 1, 1994.

§535. Notice of location of precincts and polling places

A. Establishment and change. When a precinct or polling place is established or changed, notice of its location shall be published by the parish governing authority. The publication shall be in the official journal of the parish.

B. Before primary elections. The parish board of election supervisors shall publish the location of the polling places in the parish at least once before each primary election. The publication shall be in the official journal of the parish during the third week before the primary election.

Acts 1976, No. 697, §1, eff. Jan. 1, 1978. Amended by Acts 1978, No. 292, §1, eff. July 6, 1978.

§536. Notice of change of location of polling place

A. When a parish governing authority, in accordance with the provisions of R.S. 18:534, changes the location of a polling place during the period commencing on the date the qualifying period opens and ending on the date of the general election or during the period commencing on the forty-sixth day prior to an election and ending on the day of the election for an election date exclusively for bond, tax, or other propositions or questions, the governing authority shall give adequate notice of the change of the location to each voter registered to vote at that polling place and to each candidate to be voted on at that polling place, if applicable, in the following manner:

(1) Each candidate shall be given immediate notice by telephone and by certified mail of the new location of the polling place.

(2) A sign shall be posted at the former polling place directing voters to the new location of the polling place.

(3) An employee of the parish governing authority shall be stationed at the former polling place for the purpose of directing potential voters to the new location of the polling place. Such employee shall be required to take the constitutional oath or affirmation. The clerk of court shall administer the oath.

(4) If reasonable time exists, the notice of the change in location shall be published by the parish governing authority in the official journal of the parish and in any other newspaper of general circulation in the precinct or precincts affected. Publication of the notice shall appear under the heading, NOTICE OF CHANGE OF POLLING PLACE.

B. The governing authority may take such other reasonable steps as it deems necessary or desirable to inform the voters and the candidates of the change in location, including but not limited to posting notices on utility poles and advertisements in the electronic media.

Added by Acts 1978, No. 580, §2. Amended by Acts 1980, No. 506, §1, eff. Jan. 1, 1981; Acts 1993, No. 418, §1, eff. Jan. 1, 1994.

§537. Enforcement, venue; penalty

A. In each instance in which the provisions of R.S. 18:533(E), or 18:536 are violated, each person registered to vote at the affected polling place, and each candidate to be voted on at the affected polling place may institute an action to enforce those provisions. Except as otherwise provided in this Section, such action shall be governed by the provisions of Chapter 9 of this Title.

B. In each instance in which the provisions of R.S. 18:532 and 532.1 are not complied with, the attorney general shall institute an action to enforce those provisions.

C. Actions or proceedings instituted pursuant to R.S. 18:537(B) shall be instituted in the district court for the parish where the state capitol is situated.

D. The defendant shall pay the court costs and reasonable attorney fees incurred in any action or proceeding instituted pursuant to R.S. 18:537(B).

E. The state shall not pay to any parish governing authority the cost of ballots, election materials, or any election expenses incurred by the clerks of court and registrars of voters, as defined in Chapter 8-A of Title 18 of the Louisiana Revised Statutes of 1950, while said parish governing authority is in noncompliance with R.S. 18:532 or R.S. 18:532.1.

Added by Acts 1980, No. 506, §1, eff. Jan. 1, 1981. Amended by Acts 1982, No. 559, §1, eff. July 22, 1982; Acts 1985, No. 670, §1, eff. July 16, 1985.

SUBPART C. TIME FOR VOTING

§541. Opening and closing of the polls

In the primary and general elections, the polls shall open at 6:00 a.m. on election day and shall close at 8:00 p.m. on election day.

Acts 1976, No. 697, §1, eff. Jan. 1, 1978.

§542. Termination of voting

A person who is in line to vote when the polls close on election day shall be allowed to vote. Voting in a primary or general election shall terminate (1) when the polls close, if no one is in line to vote at that time, or (2) when all the persons who were in line to vote at 8:00 p.m. have been allowed to vote.

Acts 1976, No. 697, §1, eff. Jan. 1, 1978.

SUBPART D. PREPARATION FOR VOTING

§551. Ballots

A. Preparation. The secretary of state shall prepare and certify the absentee ballots and the ballots to be used on the voting machines in primary and general elections.

B. Titles of offices. (1) The titles of the offices to be voted on in a primary or general election shall be printed on the ballot in capital letters in the following order:

(a) President and vice president.

(b) Presidential nominees in a presidential preference primary.

(c) State offices—governor, lieutenant governor, secretary of state, attorney general, treasurer, commissioner of agriculture, commissioner of insurance, commissioner of elections, United States senator, United States representative, justice of the supreme court, judge of a court of appeal, member of the public service commission, member of another state board or commission, and any other state office.

(d) Local offices—state senator, state representative, district judge, district attorney, judge of a parish court, sheriff, clerk of court, assessor, coroner, police juror, judge and marshal of a city court, member of a school board, member of other local boards and commissions, justice of the peace, and other local offices.

(e) Municipal offices--mayor, chief of police or marshal, alderman or member of a city council, member of a municipal board or commission, and other municipal offices.

(f) Political party offices--member of a state central committee, member-at-large of a parish executive committee, and member of a parish executive committee from a political subdivision. If an election for a political party office appears on the same ballot with an election for presidential nominees in a presidential preference primary election, the secretary of state may place the political party office immediately following the office of presidential nominees of the same political party.

(2) When a special election to fill a newly-created office or a vacancy in an existing office is held at the same time as a regularly scheduled election, the secretary of state may print the titles of the offices to be voted on in the special election at the end of the ballot. However, when the candidates in the regularly scheduled election and in the special election for the same office are the same, the title of the office and the names of the candidates shall appear only once on the ballot as provided in this Section and the ballot shall state that the election is being held to fill both the vacancy and the full term for the office. Each elector shall cast the same vote for both the regular and the special election for the office, and the candidates who qualify for the general election shall qualify for the general election for both the regular and the special election for the office, and the candidate who is elected shall be elected to fill both the vacancy and the full term for the office.

(3) The titles of offices not specifically provided for in this Section shall be listed on the ballot in the order determined by the secretary of state.

C. Names and numbers of candidates. The names of the candidates in a primary or general election shall be printed on the ballot as follows:

(1) In a primary election only the names of candidates who qualified for election and were not subsequently disqualified by a judgment rendered in an action objecting to candidacy shall be printed on the ballot. The name of each local candidate shall be printed on the ballot as certified to the secretary of state by the clerk of court and the name of each state candidate shall be printed on the ballot in the form designated by the candidate in his notice of candidacy on file with the secretary of state. The names of the candidates for each office shall be arranged alphabetically by surname and shall be printed below the title of the office, in smaller capital letters. The names of the candidates shall be numbered from first to last. Once the secretary of state has assigned numbers to the candidates on the primary election ballot, the numbers shall not be changed. If the qualifying period reopens because of the death of a candidate, additional candidates who qualify for the primary election shall be given the numbers following the number assigned to the last candidate on the ballot. If two or more candidates have the same surname, the word "Incumbent" shall be printed after the name of each candidate having the same surname who is an incumbent and the residence address shall be printed after the name of each candidate having the same surname who is not an incumbent.

(2) In a general election only the names of the candidates who qualified for election shall be printed on the ballot, and the names shall be printed in the same form as they were printed on the ballot for the primary election. The names of candidates who were elected in the primary election shall not be printed on the ballot. The names of the candidates for each office shall be arranged alphabetically by surname, and shall be printed below the title of the office, in smaller capital letters. The names of the candidates shall be given the same number assigned to them on the primary election ballot.

D. Political party designation. The political party designation of a candidate who is registered as being affiliated with a recognized political party shall be printed on the primary or general election ballot on the same line and immediately after or below the candidate's name. If a candidate is not affiliated with a political party, the space after his name shall be left blank.

E. Uniformity. The names of the candidates shall be printed on the ballot in type of uniform size and style. The spaces between the names of the candidates for each office shall be uniform, and the names of the candidates for one office shall be separated from the names of candidates for another office by sufficient space to avoid confusion.

Acts 1976, No. 697, §1, eff. Jan. 1, 1978. Amended by Acts 1977, No. 545, §1, eff. Jan. 1, 1978; Acts 1977, No. 588, §1, eff. Jan. 1, 1978; Acts 1978, No. 292, §1, eff. July 6, 1978, Acts 1980, No. 792, §1, eff. Jan. 1, 1981; Acts 1981, No. 76, §1, eff. June 26, 1981; Acts 1982, No. 778, §1, eff. Aug. 4, 1982; Acts 1988, No. 139, §1, eff. Jan. 1, 1989; Acts 1988, No. 909, §1, eff. Jan. 1, 1989; Acts 1991, 1st E.S., No. 1, §1, eff. Sept. 1, 1991; Acts 1992, No. 949, §1, eff. Jan. 1, 1993.

§552. Election materials

A. Materials furnished. At least twenty-two days before a primary election and as soon as possible for a general election:

(1) The secretary of state shall furnish the commissioner of elections with the ballots to be used on the voting machines;

(2) The secretary of state shall furnish to the parish custodian of voting machines for each parish in which voting shall be conducted in an election two copies of a statement, which has been approved by the attorney general, explaining the scope and nature of any proposed constitutional amendment on the ballot and two sample ballots for each voting precinct at which voting shall be conducted in an election; and

(3) The secretary of state and the commissioner of elections shall furnish the parish custodian of voting machines for each parish with the election materials required by the rules and regulations of the state board of election supervisors for the conduct of the election at each polling place.

B. Delivery of materials. The contractor who delivers the voting machines also shall deliver the election materials to each polling place under the direction and supervision of the parish custodian of voting machines.

Acts 1976, No. 697, §1, eff. Jan. 1, 1978. Amended by Acts 1978, No. 292, §1, eff. July 6, 1978; Acts 1982, No. 10, §1, eff. Jan. 1, 1983; Acts 1989, No. 179, §1, eff. Jan. 1, 1990.

§553. Inspection and preparation of voting machines at polling places

A. Delivery of the keys. The parish custodian of voting machines shall seal the keys to the voting machines at each polling place in an envelope on which shall be written the ward and precinct number of the polling place, the location of the polling place, and the numbers of the seal and protective counter of each voting machine at the polling place. The parish custodian shall deliver the sealed envelope to the deputy parish custodian appointed for the polling place, and the deputy parish custodian shall deliver the sealed envelope containing the voting machine keys to the commissioner-in-charge at the polling place at least thirty minutes before the time for opening the polls on election day.

B. Inspection of the voting machines. After the commissioners take their oath and before the time for opening the polls, the commissioner-in-charge shall post the card of instructions to voters and commissioners, one copy of the statement explaining the scope and nature of any proposed constitutional amendment on the ballot, and one copy of the sample ballot in a conspicuous place at the principal entrance to the polling place, and the commissioners in the presence of the watchers, shall:

(1) Compare the numbers on the seal and protective counter of each voting machine with the numbers on the envelope containing the keys to the voting machines. If the numbers do not agree, the commissioners shall notify the parish custodian, and the commissioners shall not open the voting machine until a representative of the parish custodian has reexamined the voting machine and certified that it is properly arranged. If the numbers agree, the commissioners shall open the envelope, take out the keys, and open the door concealing the counters.

(2) Carefully examine each counter and determine that it registers zero. If a counter other than the protective counter does not register zero, the commissioners shall immediately notify the parish custodian, who shall, if practical, cause the counters to be readjusted to zero. If it is impractical to readjust the counters before the polls open, the commissioners shall immediately make a written statement of the letter and number designating each counter and the number registered on the counter. The commissioners shall post this statement at the polling place throughout the election. When the commissioners count and tabulate the votes, they shall subtract the number registered on the counter before the polls opened from the number registered on that counter after the termination of voting. The commissioners shall preserve the written statement as part of the election returns.

(3) Check the ballot on the face of each voting machine against the sample ballot supplied by the custodian of voting machines to make certain it is correct. If the ballot is not correct, the commissioners shall notify the parish custodian, and the machine shall not be used until the ballot has been corrected under supervision of the parish custodian or his representatives.

(4) Leave the voting machines locked against voting until the polls are formally opened and thereafter they shall be operated only by the voters in casting their votes.

(5) Complete in triplicate Certificate No. 1 of the composite certificate designated "Machine Certificates," which shall be prepared and furnished by the secretary of state. This certificate shall state (a) the exact time when the voting machines were delivered, (b) the number on each voting machine, (c) the number of the seal on each voting machine, (d) the number shown on the protective counter on each voting machine, and (e) that the public counter on each machine numbered zero.

C. Disposition of the keys. When the voting machines at the polling place are unlocked for voting, the commissioners shall place the keys to the voting machines in the envelope provided for that purpose. The commissioners, in the presence of the watchers, shall seal and sign the envelope containing the voting machine keys, and the sealed envelope shall be kept with the other election materials until the termination of voting. The keys to the voting machines shall not be used during the election except by mechanics or experts repairing or adjusting a voting machine under the supervision and control of the parish custodian.

D. Operation of voting machines. During the election, the voting machines shall only be operated by voters casting their votes.

Acts 1976, No. 697, §1, eff. Jan. 1, 1978. Amended by Acts 1978, No. 292, §1, eff. July 6, 1978; Acts 1979, No. 229, §1, eff. July 13, 1979; Acts 1981, No. 77, §1, eff. June 26, 1981; Acts 1989, No. 179, §1, eff. Jan. 1, 1990.

SUBPART E. PROCEDURE FOR VOTING

§561. Poll lists

The commissioners at each polling place shall keep duplicate poll lists, numbered consecutively from one to the end. The commissioners shall enter the name of every person who votes at the polling place on the poll lists.

Acts 1976, No. 697, §1, eff. Jan. 1, 1978.

§562. Prerequisites to voting

A. Application to vote. A person who desires to vote in a primary or general election shall give his name and address to a commissioner, who shall announce the applicant's name and address to the persons at the polling place.

(1) If the applicant's name is found in the precinct register on the official list of voters, one of the commissioners shall examine the official list of voters and the supplemental list of persons who have voted absentee. If the applicant is registered in that precinct and has not voted absentee, one of the commissioners shall announce the applicant's name again.

(2) If the applicant's name is found in the precinct register on the inactive list of voters and has not voted absentee, the registrant may vote after complying with provisions of R.S. 18:196(B). After such compliance, one of the commissioners shall announce the applicant's name again and shall preserve the address confirmation card received from the voter by attaching it to the precinct register.

B. Errors and omissions in voter records. If the name of a qualified voter was omitted from or incorrectly printed on the precinct register, the commissioner shall:

(1) Contact the registrar of voters to ascertain whether or not the person applying to vote is registered to vote in that precinct.

(2) In the absence of a valid challenge of the voter, allow the voter to vote after he has made an affidavit before a commissioner attesting that he is a qualified registered voter and describing the error or omission in the voter records.

(3) Preserve the voter's original affidavit as part of the election records by placing it in the envelope marked "Put in Voting Machine" and attach the duplicate affidavit to the precinct register.

C. Signature of the applicant. If the applicant is able to sign his name, he shall sign in ink in the space for his signature on the precinct register. If the applicant is unable to sign his name, he shall make his mark in ink in the proper space on the precinct register.

D. Identification of voters. The commissioners shall identify each applicant, in the presence and view of the bystanders, by requiring the voter to submit his current Louisiana driver's license, current registration certificate, other identification card, or by comparison with the descriptive information on the precinct register.

E. Procedure after identification. If satisfied that the applicant has identified himself as the voter named on the precinct register and that he is qualified to vote, a commissioner shall sign the precinct register opposite the voter's signature or mark, and he shall write the date of the election in the proper space. The voter then shall be allowed to vote.

Acts 1976, No. 697, §1, eff. Jan. 1, 1978. Amended by Acts 1977, No. 523, §1, eff. Jan. 1, 1978; Acts 1980, No. 506, §1, eff. Jan. 1, 1981; Acts 1986, No. 669, §1; Acts 1988, No. 909, §1, eff. Jan. 1, 1989; Acts 1993, No. 418, §1, eff. Jan. 1, 1994; Acts 1994, 3rd Ex. Sess., No. 10, §1, eff. Jan. 1, 1995.

§563. Procedure for voting

The commissioners shall not allow more voters to approach the voting machines than there are vacant machines available for voting. Except as otherwise provided by law, the commissioners shall not allow more than one person to enter a voting machine at a time. A pre-teen child may accompany his parent or legal guardian into the voting machine. A voter shall not remain in a voting machine longer than three minutes. If a voter fails to leave a voting machine promptly after a commissioner has notified him that three minutes have elapsed, the commissioners shall have the voter removed from the voting machine. A voter shall promptly leave the polling place after voting and shall not reenter a voting machine.

Acts 1976, No. 697, §1, eff. Jan. 1, 1978; Acts 1987, No. 237, §1; Acts 1987, No. 831, §1, eff. Jan. 1, 1988.

§564. Assistance in voting

A. Voters entitled to assistance. A voter shall not receive assistance in voting unless he is unable to read, or is unable to vote without assistance because of a physical handicap, including blindness.

B. Persons prohibited from assisting voters.

(1) No candidate in any election shall assist any voter in casting his ballot in that election.

(2) No commissioner-in-charge can assist a voter.

(3) No employer or employer's agent can assist an employee in voting.

(4) No union agent can assist a union member in voting.

(5) Except as provided in Paragraphs (1) through (4) of this Subsection, a voter entitled to assistance in voting may receive the assistance of any person of his choice, including a commissioner.

C. Procedure when voter receives assistance. The person or commissioners assisting the voter shall enter the voting machine with the voter and assist him in voting. No other person shall enter the voting machine or assist the voter in voting. No person selected by the voter to assist him shall reveal the name of any person for whom the voter has voted, any proposition upon which he voted, or anything that took place while the voter was being assisted.

D.(1) Prior to receiving assistance under this Section, the voter shall file with the registrar in person or by mail a statement setting forth the necessity and reasons for this assistance and shall furnish a certificate of a medical doctor or optometrist certifying to the irremediable nature of the physical handicap as proof of disability. The registrar shall indicate such facts on the voter's original application for registration, on the voting certificate, and on any other official registration records. Thereafter, the voter shall not be required to present evidence of any kind at the polls.

(2) A voter shall also be entitled to assistance without having filed with the registrar a statement setting forth the necessity and reasons for this assistance if, on election day, the voter presents to the commissioner-in-charge a physician's certificate indicating the voter's inability to vote without assistance because of a physical handicap. The commissioner-in-charge shall attach this certificate to the precinct register.

E. A voter who is visibly handicapped, and the person who will be assisting him in voting, shall be allowed to go to the front of the line to cast a ballot at the polls or when absentee voting in person.

Acts 1976, No. 697, §1, eff. Jan. 1, 1978. Amended by Acts 1979, No. 229, §1, eff. July 13, 1979; Acts 1985, No. 754, §1; Acts 1987, No. 831, §1, eff. Jan. 1, 1988; Acts 1989, No. 179, §1, eff. Jan. 1, 1990; Acts 1991, No. 201, §1, eff. July 2, 1991; Acts 1993, No. 418, §1, eff. Jan. 1, 1994.

§565. Challenge of voters

A. Grounds for challenge. A commissioner, watcher, or qualified voter may challenge a person applying to vote in a primary or general election on the ground that:

- (1) The applicant is not qualified to vote in the election,
- (2) The applicant is not qualified to vote in the precinct, or
- (3) The applicant is not the person whose name is shown on the precinct register.

B. Disposition of record of challenge and address confirmation card. The original record of the challenge, signed by the challenger, shall be placed in the envelope marked "Put in Voting Machine" and shall be preserved as part of the election returns. The duplicate record of the challenge and address confirmation card shall be attached to the precinct register.

C. Disposition of the challenge. The commissioners present shall determine the validity of the challenge. If they determine by majority vote that the challenge is valid, the applicant shall not be permitted to vote. However, if the valid challenge has determined that the applicant has moved within the parish or has moved outside the parish within the last three months, the voter shall be allowed to vote upon completing an address confirmation card. If a majority of the commissioners determine that the challenge is invalid, the applicant shall be permitted to vote.

Acts 1976, No. 697, §1, eff. Jan. 1, 1978. Amended by Acts 1977, No. 523, §1, eff. Jan. 1, 1978; Acts 1989, No. 179, §1, eff. Jan. 1, 1990; Acts 1993, No. 418, §1, eff. Jan. 1, 1994; Acts 1994, 3rd Ex. Sess., No. 10, §1, eff. Jan. 1, 1995.

PART VI. ELECTION RETURNS

§571. Counting and tabulating the votes

At the termination of voting in a primary or general election, the commissioners shall announce that voting is terminated, after which, in the presence of the watchers, the commissioners shall immediately:

(1) Lock the voting machines against further voting and expose the count on the voting machines, leaving the counter compartments open and in full view of the watchers.

(2) Seal each voting machine with the seal provided, so that the voting and counting mechanism cannot operate.

(3) Complete in triplicate Certificate No. 2 of the composite certificate designated "Machine Certificates," which shall state (a) that the voting machines were locked and sealed against further voting, (b) the exact time the voting machines were locked and sealed against further voting, (c) the number on each voting machine, (d) the number shown on the public counter of each voting machine, which shall be the total number of votes cast on that machine, (e) the number shown on the protective counter of each voting machine, and (f) the number of the seal used on each voting machine. They then shall sign the completed machine certificates.

(4) Sign and certify to the correctness of the duplicate poll lists.

(5) Announce the vote on the voting machines in the order the offices and candidates are listed on the ballot, giving the number on the counter for each candidate and the totals shown on the counters for each candidate, all of which shall be entered in ink by two commissioners on tabulation blank and compiled statement forms which shall be executed on two original forms, each with a duplicate.

(6) *Repealed by Acts 1980, No. 506, §2.*

(7) Review and sign the tabulation blank section of the two original and duplicate combined tabulation blank and compiled statement forms.

(8) Complete, in duplicate, two separate compiled statements of the election results at the proper place on the combined tabulation blank and compiled statement forms which are provided. Both originals and both duplicates of the combined tabulation blank and compiled statement forms shall be certified as correct and signed by the commissioners.

(9) Announce the results of the election to the persons present at the polling place.

(10) Complete in duplicate the list of commissioners. The list of commissioners shall contain the name, address, and social security number of each commissioner and the commissioner-in-charge who served at the polling place and shall be signed by each commissioner and the commissioner-in-charge. The commissioner-in-charge shall indicate beside the signature of each commissioner whether he attended the special school held prior to the election as required by the provisions of R.S. 18:431(B).

(11) Attach the duplicate list of commissioners, all duplicate records of challenges, all duplicate affidavits of voters, any physicians' certificates to the precinct register, and any address confirmation cards; seal the precinct register.

(12) Seal any original affidavits of voters and original challenges of voters that have been executed, one of the original tabulation blanks and compiled statement forms, one of the duplicate poll lists, and a copy of the machine certificates in the envelope marked "Put in Voting Machine", and place that envelope and the sealed precinct register in a voting machine.

(13) Lock the doors of the voting machines; and

(14) Place the keys to the voting machines in an envelope, which then shall be sealed and signed by all of the commissioners.

Acts 1976, No. 697, §1, eff. Jan. 1, 1978. Amended by Acts 1977, No. 471, §1, eff. Jan. 1, 1978; Acts 1978, No. 292, §1, eff. July 6, 1978; Acts 1980, No. 506, §1, eff. Jan. 1, 1981; Acts 1980, No. 792, §1, eff. Jan. 1, 1981; Acts 1981, No. 76, §1, eff. June 26, 1981; Acts 1981, No. 77, §1, eff. June 26, 1981; Acts 1983, No. 519, §1, eff. July 8, 1983; Acts 1985, No. 754, §1; Acts 1988, No. 909, §1, eff. Jan. 1, 1989; Acts 1989, No. 179, §1, eff. Jan. 1, 1990; Acts 1993, No. 418, §1, eff. Jan. 1, 1994; Acts 1994, 3rd Ex. Sess., No. 10, §1, eff. Jan. 1, 1995.

§572. Transmission of election returns; voting machine keys; machine certificates

A. Upon completion of the counting and tabulating of votes, the commissioner-in-charge shall immediately:

(1) Post one of the duplicate tabulation blank and compiled statement forms at a conspicuous place at the polling place for public viewing.

(2) Mail one of the duplicate tabulation blanks and compiled statement forms, one of the duplicate poll lists, and a copy of the machine certificate to the secretary of state.

(3) Deliver the keys to the voting machines, the original of the machine certificates, the original of the signed list of commissioners, and one of the original tabulation blank and compiled statement forms to the clerk of court, who shall receive and receipt for them. The clerk of court shall make a copy of the election results available to the press and public.

(4) *Repealed by Acts 1985, No. 754, §2.*

B. The commissioner-in-charge shall complete the procedures prescribed by this Section not later than 12:00 o'clock midnight on the day of the election. Failure to comply with this time limit shall not void the election.

Acts 1976, No. 697, §1, eff. Jan. 1, 1978. Amended by Acts 1978, No. 292, §1, eff. July 6, 1978; Acts 1980, No. 506, §1, eff. Jan. 1, 1981; Acts 1981, No. 77, §1, eff. June 26, 1981. Acts 1983, No. 519, §1, eff. July 8, 1983; Acts 1985, No. 754, §2.

§573. Evidence of election results

A. Opening the voting machines. (1) The voting machines used in a primary or general election shall remain locked and sealed until the third day after the election unless the election is in judicial controversy and a court of competent jurisdiction has ordered the machines opened and the seals broken at an earlier time. However, if the third day falls on a Saturday, Sunday, or other legal holiday, the seals shall be broken on the second day following the election.

(2) On the day immediately preceding the election, the clerk of court shall prominently post in his office a notice of the time and place where the voting machines will be opened after the election. If no order requiring an earlier opening has issued, then at the time and place designated in the notice, the clerk of court, assisted by at least one member of the parish board of election supervisors, shall break the seals where required to record the election results and open the voting machines in the presence of the candidates or their representatives who

desire to be present. Recordation of the election results on each machine, as provided for in Subsection B and subject to Subsection C of this Section, shall be completed before the seal on another machine is broken.

(3) Each voting machine shall be relocked and resealed after the candidates or their representatives have had a reasonable opportunity to inspect the machine. If it is necessary to reopen a voting machine which has been relocked and resealed to conduct a reinspection thereof, the clerk of court shall relock and reseat the machine after the reinspection is completed.

(4) The vote totals shown on the machines shall be retained as provided in R.S. 18:1376.

B. Record of election results. After the machines are opened, the clerk of court, in the presence of the parish board of election supervisors or the members of the board selected by the board as its representatives and the candidates or their representatives, shall immediately record the total votes cast for each candidate and the total votes cast for and against each proposition as shown on the voting machines and the total number of absentee votes cast for each candidate and the total number of absentee votes cast for and against each proposition as shown by the tabulation blanks of absentee votes filed with the clerk by the parish board of election supervisors. The machine votes cast shall be shown separately by each precinct and the absentee votes cast shall be shown as the total number of votes cast for each candidate and the total number of votes cast for and against each proposition.

C. The clerk of court may utilize deputy clerks and other employees of his office to assist him in opening the voting machines and recording the election results as required in Subsections A and B herein. Nothing in this Section shall prohibit the clerk from utilizing more than one team of his deputies or employees to perform the duties required of him. To facilitate the recordation of election results, two or more voting machines may be opened simultaneously and the results thereon recorded.

D. Preservation of election records. Immediately upon breaking the seals and opening the voting machines, the clerk of court shall remove the envelope marked "Put in Voting Machine" and shall preserve the envelope and its contents inviolate and, except upon order of a court of competent jurisdiction, shall not allow them to be inspected by anyone until the delay for filing an action contesting the election has lapsed. If an action contesting the election is commenced timely, the clerk shall continue to preserve these records inviolate, subject to the orders of the court, until the final judgment in the action has become definitive.

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

(1) Immediately upon breaking the seals and opening the voting machines, the sealed precinct registers shall be returned to the registrar of voters. Upon receipt of the sealed precinct registers, the registrar shall remove any attached duplicate record of challenges of voters made during the election, any duplicate voters' affidavits made pursuant to R.S. 18:562(B), and any address confirmation cards.

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

(3) The registrar also shall proceed to determine if each voter submitting an affidavit attesting that he is a qualified registered voter and alleging an error or omission on the precinct register is in fact a registered voter qualified to vote in the election. If the registrar determines that any person who has voted in the election by virtue of his submission of such an affidavit was not a registered voter qualified to vote in the election, the registrar shall so inform the district attorney and shall transmit to him the affidavit of that person.

Acts 1976, No. 697, §1, eff. Jan. 1, 1978, Amended by Acts 1977, No. 523, §1, eff. Jan. 1, 1978; Acts 1978, No. 292, §1, eff. July 6, 1978; Acts 1980, No. 506, §1, eff. Jan. 1, 1981; Acts 1981, No. 77, §1, eff. June 26, 1981; Acts 1983, No. 519, §1, eff. July 8, 1983; Acts 1984, No. 712, §1, eff. July 13, 1984; Acts 1988, No. 909, §1, eff. Jan. 1, 1989; Acts 1989, No. 179, §1, eff. Jan. 1, 1990; Acts 1993, No. 418, §1, eff. Jan. 1, 1994; Acts 1994, 3rd Ex. Sess., No. 10, §1, eff. Jan. 1, 1995.

§574. Compilation and promulgation of returns

A.(1) The parish board of election supervisors or the members of the board selected by the board as its representatives shall meet at the time and place designated by the clerk of court for the voting machines to be opened. The board or its representatives shall observe the recordation of the votes by the clerk of court.

(2) Immediately after the completion of the recordation by the clerk of court, the board shall publicly prepare two compiled statements of the election returns as shown by the record of the votes made by the clerk of court. The compiled statements shall separately show the machine votes cast for each candidate and for and against each proposition in each precinct, the total absentee votes cast for each candidate and for and against each proposition in the parish, and the total of all votes cast for each candidate and for and against each proposition in the parish.

(3) The board shall complete the compilation of the election returns and file one copy of the compiled statement with the clerk of court no later than 4:00 p.m. on the fourth day after the election. One copy of the compiled statement shall be postmarked no later than 12:00 o'clock noon on the fifth day after the election and mailed to the commissioner of elections. The clerk of court shall transmit the election returns as shown by the compiled statement from the parish board of election supervisors to the secretary of state no later than 12:00 o'clock noon on the fifth day after the election. In a parish containing a municipality with a population of four hundred seventy-five thousand or more, the parish board of election supervisors shall transmit the election returns as shown by their compiled statement to the secretary of state no later than 12:00 o'clock noon on the fifth day after the election. Failure to comply with these time limits shall not void the election.

B. By a majority vote of the members, the parish board of election supervisors may attach to the compiled statements a notation of any irregularities observed by the board with respect to:

- (1) The security of the place in which the voting machines are located;
- (2) The security of the voting machines;
- (3) The physical condition of the voting machines;
- (4) The physical condition of the election materials in the voting machines;
- (5) The substantive contents of the election materials in the voting machines; and
- (6) Any other matter affecting the recordation of the vote totals by the clerk of court.

C. The compiled statements made by the parish board of election supervisors shall be admissible in court in an action contesting a primary or general election as prima facie proof of the number of votes received by the candidates in the election.

D.(1) The secretary of state shall compile the results of the election for all candidates, proposed constitutional amendments, and recall elections based upon the compilation of the votes transmitted to him by the clerks of court from the compiled statements by the parish boards of election supervisors. In a parish containing a municipality with a population of four hundred seventy-five thousand or more, the secretary of state shall compile the results of the election for all candidates, proposed constitutional amendments, and recall elections based upon the compilation of the votes transmitted to him by the parish board of election supervisors. The compilation shall be completed and the results thereof shall be announced not later than twelve o'clock noon on the sixth day after the election.

(2) The secretary of state shall announce the results for state candidates, proposed constitutional amendments, and recall elections and that the results of elections for candidates other than state candidates are available in his office. The results thus announced shall be deemed to be the tentative results of the election and shall not be deemed to be the official results of the election.

E.(1) On or before the twelfth day after the primary or general election, the secretary of state shall promulgate the returns for state candidates, proposed constitutional amendments, and recall elections by publishing in the official journal of the state the names of the state candidates for each office in the election, the text of the proposed constitutional amendment, and recall elections and the number of votes received by each such candidate, proposed constitutional amendment, and recall elections as shown by the returns transmitted by the clerks of court from the compiled statements by the parish boards of election supervisors. In a parish containing a municipality with a population of four hundred seventy-five thousand or more, the promulgation shall be from the returns transmitted by the parish board of election supervisors. On or before the twelfth day

after the primary or general election, the secretary of state shall promulgate the returns for the election for candidates other than state candidates by transmitting to the clerk of court for the parish wherein the state capitol is located, a notice containing the results of the elections for candidates other than state candidates. The clerk of court shall post this notice in a prominent place in his office.

(2) However, if the twelfth day after the primary or general election falls on a Saturday, Sunday, or other legal holiday, and the secretary of state does not promulgate said returns prior to the twelfth day after the primary or general election, he shall promulgate said returns on the next day which is not a Saturday, Sunday, or other legal holiday.

F. Computation of all time intervals in this Section shall include Saturdays, Sundays, and other legal holidays. However, if the final day in a time interval falls on a Saturday, Sunday, or other legal holiday, then the next day which is not a Saturday, Sunday, or legal holiday shall be deemed to be the final day of the time interval. If one or more of the duties in this Section, required to be performed on the fourth, fifth, or sixth day after an election are delayed because of a Saturday, Sunday, or other legal holiday, the duties which follow will be delayed a like amount of time.

Acts 1989, No. 179, §1, eff. Jan. 1, 1990; Acts 1990, No. 107, §1, eff. Jan. 1, 1991; Acts 1991, 1st E.S., No. 1, §1, eff. Sept. 1, 1991.

NOTE: See Acts 1991, 1st E.S., No. 1, §3.

§575. Official results of a primary or general election

A. Uncontested elections. The election returns compiled and promulgated by the secretary of state shall be the official results of a primary or general election for an office if an action contesting the election for that office is not commenced timely.

B. Contested elections. If an action contesting a primary or general election is commenced timely, the final judgment in the action contesting the election shall determine the result of the election for that office. The result of a contested election shall not be official until the final judgment in the action contesting the election becomes definitive.

Acts 1976, No. 697, §1, eff. Jan. 1, 1978.

§576. Election night returns

A. Immediately upon receipt of the tabulation blank and compiled statement forms from the commissioners-in-charge, the clerks of court shall tabulate the results from each precinct in the parish.

B. Each clerk of court shall transmit the results of the elections involving state candidates, as defined in R.S. 18:452, to the secretary of state immediately upon completion of the tabulation and in accordance with rules and regulations which shall be adopted by the secretary of state.

C. The secretary of state shall compile the results of the elections involving state candidates immediately upon receipt of the results from the clerks of court and shall make the compiled results available to the press and public.

D. The election night results required to be compiled and transmitted by the provisions of this Section shall be unofficial.

Added by Acts 1980, No. 506, §1, eff. Jan. 1, 1981.

PART VII. FILLING OF VACANCIES

SUBPART A. GENERAL PROVISIONS

§581. Definitions

As used in this Title:

(1) A "vacancy" occurs in an elective office when the office is or will be unoccupied by reason of the death of the official who was elected to the office, or by reason of his retirement or resignation, removal from office by any means, failure to take office for any reason, or when it becomes certain that the person elected to the

office will not take the office on the day when the term for which he was elected commences, or when the person elected to or holding the office no longer meets the residence or domicile requirements of that office, any declaration of retention of domicile to the contrary notwithstanding.

(2) "Local governmental subdivision" means a parish or municipality.

(3) "Political subdivision" means a parish, municipality, and any other unit of local government, including a school board and a special district, authorized by law to perform governmental functions.

Acts 1976, No. 697, §1, eff. Jan. 1, 1978. Acts 1984, No. 672, §1.

§582. Applicability

The provisions of this Title shall apply to the filling of vacancies for all offices in this state and its political subdivisions, except those offices for which specific provision otherwise is made or provided for in the constitution.

Acts 1976, No. 697, §1, eff. Jan. 1, 1978.

§583. Procedure for anticipated vacancies

A.(1) The authority required by law to call a special election to fill a vacancy in an office shall issue a proclamation ordering a special election to be held to elect a person to fill the full term of an office when it becomes certain, after the election for the term but prior to its commencement, that a vacancy will exist on the day when the term of the office commences as provided by the constitution or by law. The proclamation ordering the special election shall state the dates, in accordance with R.S. 18:402, on which the primary and general elections will be held.

(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.

B.(1) The declaration provided for herein shall be in writing and shall be signed by the official-elect and duly acknowledged by him before an officer authorized to administer oaths.

(2) The secretary of state shall immediately transmit notice of such declarations to the authority required by law to make the appointment to fill the vacancy and to the authority required by law to call the election to fill the vacancy if said authority is not the same as the authority required to make the appointment.

(3) Such declaration shall become irrevocable three days after the day on which the secretary of state has transmitted the notice to the appropriate authority, at which time an anticipated vacancy shall be deemed to have occurred.

C. When an elected official has properly tendered a resignation which specifies a prospective effective date, an anticipated vacancy shall be deemed to have occurred on the date the resignation becomes irrevocable. However, no special election shall be called to fill the anticipated vacancy if there is one year or less, or with respect to the office of state legislator six months or less, remaining between the prospective effective date contained in the resignation and the end of the term of office of the resigning official.

D.(1) An appointment to fill an anticipated vacancy shall be made at the time the office is actually vacated and such appointment shall be made in accordance with the provisions of law applicable to the filling of vacancies in the affected office.

(2) A special election to fill an anticipated vacancy shall be called in accordance with the provisions of law applicable to the filling of vacancies in the affected office except the proclamation calling the special election shall be issued after an anticipated vacancy is deemed to have occurred. In determining the dates to be used to call the special election, the provisions of R.S. 18:402 shall apply.

Acts 1976, No. 697, §1, eff. Jan. 1, 1978. Amended by Acts 1978, No. 38, §1, eff. May 31, 1978; Acts 1990, No. 107, §1, eff. Jan. 1, 1991; Acts 1991, No. 201, §2, eff. Jan. 1, 1992.

§584. Repealed by Acts 1980, No. 792, §3, eff. Jan. 1, 1981; Acts 1981, No. 76, §2, eff. June 26, 1981.

§585. Procedure for vacancies

A vacancy in office, including a vacancy caused by the failure of any candidate to qualify for election to the office or the failure of a sufficient number of candidates to qualify for the number of positions to be filled in the office, shall be filled in accordance with the provisions of the constitution or of law.

Added by Acts 1978, No. 292, §1, eff. July 6, 1978.

SUBPART B. STATE OFFICES

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

Within twenty-four hours after any member of a state board or commission has knowledge of a vacancy in an elective office on that state board or commission, he shall notify the governor by certified mail of the vacancy, the date on which it occurred, and the cause thereof. Within ten days after he is notified of the vacancy, the governor shall appoint a person to fill the vacancy who has the qualifications for the office. If the unexpired term is one year or less, the member so appointed shall serve for the remainder thereof. If the unexpired term exceeds one year, the governor, within ten days after he is notified of the vacancy, shall issue his proclamation ordering a special election to fill the vacancy, which shall specify, in accordance with R.S. 18:402, the dates on which the primary and general elections shall be held. Immediately thereafter 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 proclamation to the secretary of state. Within twenty-four hours after he receives the copy, the secretary of state shall notify, by certified or registered mail, all election officials having any duty to perform in connection with the special election to fill such vacancy, including the parish boards of election supervisors for the parish or parishes in which the vacancy occurred. The governor may appoint a person to fill a vacancy and issue a proclamation ordering a special election when he learns of a vacancy, whether or not he has received notice thereof from a state board or commission member. Whenever a special election is required, the governor's appointee shall serve only until the successor is elected and takes office.

Acts 1976, No. 697, §1, eff. Jan. 1, 1978. Amended by Acts 1977, No. 545, §1, eff. Jan. 1, 1978; Acts 1980, No. 792, §1, eff. Jan. 1, 1981; Acts 1981, No. 76, §1, eff. June 26, 1981.

SUBPART C. LOCAL AND MUNICIPAL OFFICES

§601. Vacancy in office of state legislators

If a vacancy in the office of a state legislator occurs and if six months or more of the term remains unexpired, then within ten days of the vacancy occurring, the presiding officer of the house in which the vacancy occurs shall determine the dates of the primary and general elections and the dates of the qualifying period for the election and shall issue a proclamation advising of the vacancy and setting forth the election dates. The speaker of the House of Representatives or the president of the Senate shall immediately forward such information to the secretary of state, who shall within twenty-four hours after receipt of the information notify, by certified or registered mail, 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. The secretary of state shall also publish in the official journal of each parish in which the election is to be held, a proclamation of the vacancy and the dates of the primary and general election and the dates of the qualifying period for the election.

Acts 1976, No. 697, §1, eff. Jan. 1, 1978. Amended by Acts 1977, No. 545, §1, eff. Jan. 1, 1978; Acts 1980, No. 792, §1, eff. Jan. 1, 1981; Acts 1981, No. 76, §1, eff. June 26, 1981; Acts 1992, No. 730, §1, eff. July 6, 1992.

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

A. When a vacancy occurs in the office of a member of a parish or municipal governing authority or a combination thereof, a mayor, or any other local or municipal office, except an office covered by Subsections B and C hereof and except the office of judge, state legislator, or marshal of a city or municipal court, and the office is filled by election wholly within the boundaries of a local governmental subdivision, the governing authority of the local governmental subdivision where the vacancy occurs shall, within ten days, appoint a person to fill the vacancy who meets the qualifications of the office. The presiding officer of the governing authority shall not be required to vote on such an appointment to be made by the governing authority of a local governmental subdivision unless a tie vote occurs thereon, in which case he shall vote to break the tie; however, in no case shall the presiding officer vote more than once on the appointment.

B. When a vacancy occurs in the membership of a city or parish school board, the remaining members of the board shall, within ten days, declare that the vacancy has occurred and proceed to appoint a person who

meets the qualifications of the office to fill the vacancy. For the purposes of this Subsection, in addition to the definition of "vacancy" provided in R.S. 18:581(1), a "vacancy" in a city or parish school board office shall be deemed to have occurred when, in the case of a city school board, a member's residence no longer lies within the jurisdiction of the board or when, in the case of a parish school board, a member changes his domicile from the district he represents or, if elected after reapportionment, is domiciled outside the district he represents at the time he is sworn into office, any declaration of retention of domicile to the contrary notwithstanding.

C. When a vacancy occurs in any of the following offices, the duties of the office shall be assumed by the person hereinafter designated: (1) district attorney, by the first assistant; (2) clerk of a district court, by the chief deputy; (3) coroner, by the chief deputy; (4) sheriff, by the chief criminal deputy, except that in a parish that has both a civil sheriff and a criminal sheriff, the civil sheriff by the chief civil deputy, and the criminal sheriff, by the chief criminal deputy, respectively; and (5) tax assessor, by the chief deputy assessor, except that in any parish having a board of assessors, that board shall, within ten days, appoint an interim assessor. If there is no such person to assume the duties when the vacancy occurs, the governing authority or authorities of the parish or parishes affected shall, within ten days, appoint a person having the qualifications of the office to assume the duties of the office.

D. If a vacancy is not filled within the time specified in Subsections A, B, or C herein, the governor shall fill the vacancy.

E.(1)(a) If the unexpired term of an office covered by Subsection A, B, or C above is one year or less, the person appointed to fill the vacancy or designated to assume the duties of the office shall serve for the remainder of the unexpired term.

(b) If any member of a parish or city school board is removed or suspended from office pursuant to the provisions of R.S. 42:1411, except in the parish of Jefferson, the person appointed to fill the vacancy or to perform the official acts, duties, and functions of that office during the period of suspension shall be eligible in the next election as a candidate for the office to which he is appointed.

(2)(a) If the unexpired term exceeds one year, the governing authority of the local governmental subdivision in which the vacancy occurs, or the school board when the vacancy occurs in its membership, or the governor when a vacancy occurs in the office of district attorney or in an office for which there is not a single governing authority or as provided in Subsection F, within ten days after the vacancy occurs, shall issue a proclamation ordering a special election to fill the vacancy and shall specify in the proclamation, in accordance with R.S. 18:402, the dates on which the primary and general elections shall be held. In selecting the dates for such special elections, the governing authority, school board, or governor, as the case may be, shall first choose a gubernatorial or congressional election date. If no such date is available within a year of the occurrence of the vacancy, the governing authority, school board, or governor, as the case may be, shall then select an election date in accordance with R.S. 18:402. If the governing authority or school board fails to issue the proclamation within ten days after the vacancy occurs, the governor shall issue the proclamation.

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

(c) Within twenty-four hours after issuing the proclamation, the authority or authorities ordering the special election shall 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. If the vacancy occurred in the parish of Orleans, the copy of the proclamation shall be so mailed to the clerk of the criminal district court. If the vacancy occurs in an office which affects more than one parish, a copy of the proclamation shall at the same time be so mailed to the clerk of each of the parishes. A copy of the proclamation also shall be mailed to the secretary of state at the same time and in the same manner.

(d) Within twenty-four hours after he receives the copy, the secretary of state shall notify, by mail and in the same manner, 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.

(3) The special election shall be held, without the necessity of a call by the governor, except in the case of a vacancy in the office of district attorney. When a special election is required, the appointee or person designated to assume the duties of the office shall serve only until the successor is elected and takes office.

(4) If the unexpired term of a municipal office covered by Subsection A is one year or more, but the vacancy occurs within one year of the regular municipal primary election for that office, no special election will be called and the appointee shall serve for the remainder of the term of office.

F. Whenever multiple vacancies in a local or municipal governing authority or in a school board covered by Subsection A or B of this Section reduce the membership of such governing authority or board below the number of total members required to constitute a quorum to conduct official business, the remaining members shall immediately inform the governor of the existence of the vacancies. Within ten days after he receives this notice, the governor shall make appointments to fill all the vacancies and shall issue a proclamation calling special elections to fill such vacancies if special elections are required under the provisions of this Section.

G. The provisions of this Section shall apply to all local governmental subdivisions, including those operating under the provisions of a legislative charter, but shall not apply where the filling of a vacancy otherwise is provided for by the constitution or by the home rule charter or home rule plan of government of the affected local governmental subdivision. Such constitutional home rule plan provisions shall govern the filling of the vacancies.

Acts 1976, No. 697, §1, eff. Jan. 1, 1978. Amended by Acts 1977, No. 545, §1, eff. Jan. 1, 1978; Acts 1978, No. 38, §1, eff. May 31, 1978; Acts 1979, No. 229, §1, eff. July 13, 1979; Acts 1979, No. 503, §1; Acts 1980, No. 314, §1; Acts 1980, No. 792, §1, eff. Jan. 1, 1981; Acts 1981, No. 76, §1, eff. June 26, 1981; Acts 1981, No. 839, §1; Acts 1985, No. 754, §1; Acts 1986, No. 669, §1; Acts 1990, No. 892, §1; Acts 1992, No. 393, §1, eff. June 19, 1992; Acts 1993, No. 418, §1, eff. Jan. 1, 1994.

§603. Persons designated to assume duties of vacant offices; salary and emoluments; power to appoint

When a vacancy occurs in an office covered by R.S. 18:602(C), the person designated to assume the duties of the office shall receive the salary and other emoluments of the vacated office until a successor is elected and takes office. A person designated to assume the duties of an office shall take the oath of office and file any bond required for the vacated office. The person who assumes the duties of an office may appoint a person to perform the duties of the office or position he formerly held and the person so appointed shall receive the salary and other emoluments of that office or position.

Acts 1976, No. 697, §1, eff. Jan. 1, 1978.

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

A. When a marshal of a city or municipal court is temporarily absent or unable to act, the judge of that court may appoint a person to serve as marshal during the period of temporary absence or inability.

B.(1) When a vacancy occurs in the office of marshal of a city or municipal court, the clerk of the city or municipal court in which the vacancy occurs shall immediately notify the appropriate governing authority which shall, within ten days after the vacancy occurs, fill the vacancy by appointment. The appointment shall be made by the governing authority of the parish, unless the jurisdiction of the city or municipal court is wholly within the municipal city limits, in which case, such appointment shall be made within ten days by the municipal governing authority. If the appropriate governing authority fails to fill the vacancy within ten days, the governor shall fill the vacancy. The judge of the city or municipal court which he serves shall fix the amount of the bond.

(2)(a) When the unexpired term exceeds one year, the appropriate governing authority shall, within ten days after the vacancy occurs, issue a proclamation ordering a special election to fill the vacancy and shall specify in the proclamation, in accordance with R.S. 18:402, the dates on which the primary and general elections shall be held. In selecting the dates for such special elections, the appropriate governing authority shall first choose a gubernatorial or congressional election date; if no such date is available within one year following the occurrence of the vacancy, the appropriate governing authority shall select another election date as provided for in R.S. 18:402. If the appropriate governing authority fails to issue the proclamation within ten days after the vacancy occurs, the governor shall issue the proclamation.

(b) The appropriate governing authority or the governor, 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.

(c) A copy of the proclamation also shall be mailed to the secretary of state at the same time and in the same manner. Within twenty-four hours after he receives the copy, the secretary of state shall notify, by mail and in the same manner, all election officials having any duty to perform in connection with a special election to fill such vacancy, including the parish board of election supervisors. When a special election is required the appointee shall serve only until the successor is elected and takes office.

Acts 1976, No. 697, §1, eff. Jan. 1, 1978. Amended by Acts 1980, No. 533, §1, eff. July 23, 1980; Acts 1988, No. 329, §1; Acts 1989, No. 179, §1, eff. Jan. 1, 1990.

SUBPART D. OFFICE OF JUDGE

§621. Vacancy in office of judge

A.(1) Within twenty-four hours after having knowledge of a vacancy in the office of a judge; including a vacancy by reason of a newly created judgeship, the supreme court shall give written notice to the governor that the vacancy exists, the date on which it occurred, and the cause thereof.

(2) If more than twelve months of the term remain unexpired, then within ten days after being notified of the vacancy, the governor shall determine the dates on which the special elections to fill the vacancy shall be held and the dates of the qualifying period and shall issue his 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.

(3) The governor shall call any special election to fill a newly created judgeship or a vacancy in an existing judgeship in accordance with the dates for elections set forth in R.S. 18:402, if such dates can be utilized to fill a newly created judgeship or fill a vacancy in an existing judgeship within the period of time prescribed in Article V, Section 22(B) of the Louisiana Constitution. In selecting the dates for such special elections, the governor shall first choose a gubernatorial or congressional election date; if no such date is available during the constitutionally prescribed time period, the governor shall then select another election date, as provided for in R.S. 18:402.

B. Immediately after 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 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, by certified or registered mail, 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.

Added by Acts 1978, No. 38, §1, eff. May 31, 1978. Amended by Acts 1980, No. 792, §1, eff. Jan. 1, 1981; Acts 1981, No. 76, §1, eff. June 26, 1981; Acts 1982, No. 778, §1, eff. Aug. 4, 1982; Acts 1983, No. 152, §1, eff. as per Section 2, see note; Acts 1986, No. 669, §1.

SUBPART E. RESIGNATION OF ELECTED PUBLIC OFFICER

§651. Applicability

The provisions of this Subpart shall apply to all elected officials of this state and its political subdivisions. The provisions of this Subpart shall not apply to members of the legislature and of the congress.

Added by Acts 1978, No. 38, §1, eff. May 31, 1978.

§652. Resignations

A. Except for members of the legislature and the congress, all resignations of elected officials shall be filed with the secretary of state. Resignations may be filed in person or by certified mail, return receipt requested.

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

Added by Acts 1978, No. 38, §1, eff. May 31, 1978.

§653. Transmission of resignations

The secretary of state shall immediately transmit notice of resignations to the authority required by law to make the appointment to fill the vacancy and to the authority required by law to call the election to fill the vacancy, if said authority is not the same as the authority required to make the appointment.

Added by Acts 1978, No. 38, §1, eff. May 31, 1978.

§654. Effect of filing of resignations

A resignation shall become irrevocable three days after the day on which the secretary of state has transmitted the notice to the appropriate authority.

Added by Acts 1978, No. 38, §1, eff. May 31, 1978.

SUBPART F. JUDGMENT DECLARING OFFICE VACANT

§671. Judgment declaring office vacant

A. In addition to other procedures authorized by law, an office shall be considered vacant for purposes of this Part when a judgment declaring the office vacant as provided in this Subpart becomes final.

B. For purposes of this Part, "designated domicile" means the residence or domicile stated on an officeholder's notice of candidacy or on the document evidencing the appointment or selection of the officeholder.

C. For purposes of this Part, "proper official" means the district attorney of the officeholder's designated domicile, except that in the case of an officeholder of a state office, as defined in R.S. 18:452, a state legislator, or a district attorney, the proper official shall be the attorney general, provided that in the case of the attorney general, the proper official shall be the district attorney of the Nineteenth Judicial District.

Acts 1988, No. 550, §1, eff. Aug. 1, 1988.

§672. Filing of complaint

When any voter lawfully registered in the district or geographical area from which an officeholder has been elected, or from which an officeholder has been appointed or otherwise selected to hold an office, has reason to believe that the officeholder no longer meets the residence or domicile requirements of that office, the voter may make a written complaint of that fact to the proper official.

Acts 1988, No. 550, §1, eff. Aug. 1, 1988.

§673. Official's opinion

Within twenty days of the receipt of such written complaint, the proper official shall investigate and provide a written opinion, with reasons, as to whether the officeholder meets the residence or domicile requirements of the office he holds to the complainant and to the legislative or executive agency, board, commission, governing authority, or other body or entity of the state or of any political subdivision, to which the officeholder has been elected or appointed. The opinion shall also be published in the official journal of the parish of the officeholder's designated domicile.

Acts 1988, No. 550, §1, eff. Aug. 1, 1988.

§674. Procedure

A. The proper official shall institute suit in the district court of the officeholder's designated domicile to obtain a judgment declaring the office vacant within ten days after the issuance of his opinion, if his opinion is that the officeholder no longer meets the residence or domicile requirements of his office. The matter shall be tried by preference over all other matters and, if the court shall find that the officeholder no longer meets the residence or domicile requirements of his office, a judgment shall be rendered declaring the office vacant, and the vacancy may be filled as provided by law.

B. A hearing on the petition for declaration of vacancy shall be held not more than twenty days after service upon the officeholder whose removal is sought. Judgment shall be rendered in the matter within ten days after trial. Either party may appeal the judgment suspensively within five days after the signing of the judgment.

by obtaining an order of appeal and posting bond for a sum fixed by the court to secure the payment of costs. The trial judge shall fix the return day at a time not to exceed five days after the granting of the order of appeal. An application to the supreme court for a writ of certiorari may be made only within three days after the signing of judgment by the court of appeal. Each appellate court to which the action is brought shall place the matter on its preferential docket, shall hear it without delay, and shall render a decision within ten days after oral argument. The granting of an order of suspensive appeal or writ of certiorari suspends the effect of the judgment during the pendency of such proceedings.

Acts 1988, No. 550, §1, eff. Aug. 1, 1988.

§675. Subpart not exclusive

The provisions of this Subpart shall not be construed as the exclusive procedure for declaration of vacancy in public office and shall not be construed to repeal any other provision of law for the removal of public officers or declaration of vacancy in public office.

Acts 1988, No. 550, §1, eff. Aug. 1, 1988.

CHAPTER 6. NATIONAL ELECTIONS

PART I. PRESIDENTIAL ELECTORS

§1251. Election; time of electing

A. In every fourth year after an election of a president and vice president of the United States, the electors of president and vice president of the United States, hereinafter referred to as "presidential electors," shall be chosen by election by the qualified electors of the state. The election shall be held on the Tuesday following the first Monday in November and shall be conducted and the returns made in accordance with the provisions of this Title, except insofar as such provisions may conflict with the provisions of this Part.

B. One presidential elector shall be chosen from among the qualified electors of each congressional district and two presidential electors shall be chosen from among the qualified electors of the state at large.

Acts 1976, No. 697, §1, eff. Jan. 1, 1978. Amended by Acts 1977, No. 588, §1, eff. Jan. 1, 1978.

§1252. Qualifications

A. No person shall be elected as a presidential elector who is not a qualified elector of the district for which he is chosen, unless he is elected at large, in which case he shall be a qualified elector of the state. A candidate for presidential elector may be registered to vote with or without a declaration of party affiliation.

B. No United States senator, representative in Congress, or person holding an office of trust or profit under the United States shall be elected a presidential elector.

Acts 1976, No. 697, §1, eff. Jan. 1, 1978. Amended by Acts 1977, No. 588, §1, eff. Jan. 1, 1978.

§1253. Nominating by political parties; certificates of nomination

A. Nominations for candidates for presidential electors made by each recognized political party shall be made in such manner as shall be determined by a resolution adopted by the state central committee of the respective recognized political party. Each recognized political party shall nominate a full slate of candidates for elector, one from each congressional district and two from the state at large.

B. The names of candidates for presidential elector nominated by each recognized political party shall be filed with the secretary of state by a sworn statement, which shall be known as a certificate of nomination. The certificate of nomination shall be sworn to, signed, and filed by the chairman and secretary of the state central committee, except when the state central committee orders the nomination of presidential electors by a convention, in which case the chairman and secretary of the convention shall swear to, sign, and file the certificate of nomination.

C. Each certificate of nomination shall contain: (1) the name and place of residence, including the street and number thereof, if any, of each candidate for presidential elector; (2) the particular office of presidential elector for which each is nominated, that is, the district for which each has been chosen or the designation "At large" in the case of the two at large candidates; (3) the name of the recognized political party making the

nomination; (4) the names of the candidates for president and vice president supported by the party. In addition, a certificate of nomination filed by the chairman and secretary of a state central committee shall certify the adoption by the state central committee of the resolution of the committee which authorized the method of nomination, the method of nomination used, and the time and place where the nomination took place. Similarly, a certificate of a nominating convention also shall certify the adoption by the state central committee of the resolution which authorized the convention, the time and place where the convention was held, and the election of the chairman and secretary. Each certificate of nomination filed with the secretary of state shall be accompanied by the notarized affidavit of each candidate for elector signifying that the certificate constitutes his acceptance of the nomination.

D. The certificate of nomination shall constitute full proof of the nominations it recites and shall entitle the candidates for electors to each receive the number of votes received in the election by the party's candidate for president.

E. If the nominees for the offices of president and vice president nominated by a national convention of a recognized political party, together with a slate of candidates for the offices of presidential electors to support such nominees, are not properly certified to the secretary of state by the state central committee of that party prior to five o'clock p.m. on the first Tuesday in September of each year in which a presidential election is to be held, the national chairman of the political party, after notifying the chairman of the state central committee of that political party, shall certify a slate of electors to support such nominees within forty-eight hours thereafter. Such certificate filed with the secretary of state shall be accompanied by the notarized affidavit of each candidate for elector signifying that the certificate constitutes his acceptance of the nomination.

Acts 1976, No. 697, §1, eff. Jan. 1, 1978. Amended by Acts 1977, No. 588, §1, eff. Jan. 1, 1978; Acts 1982, No. 778, §1, eff. Aug. 4, 1982; Acts 1993, No. 418, §1, eff. Jan. 1, 1994.

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

A. A slate of independent candidates for presidential elector may be nominated by nominating petition or may qualify by the payment of a qualifying fee of five hundred dollars. Such qualifying fee shall be paid in accordance with the provisions of R.S. 18:464(A). The period for filing such qualifying fee shall begin on the first Tuesday in August and shall end at five o'clock p.m. on the first Tuesday in September of each year in which a presidential election is to be held. Each qualifying fee shall be accompanied by the notarized affidavit of each candidate for elector signifying his acceptance of the nomination. An independent candidate for presidential elector may be registered to vote with or without a declaration of party affiliation.

B. Except as otherwise specifically provided in this Part, a nominating petition for a slate of candidates for the offices of presidential elector shall be signed, filed, and certified as provided in Chapter 5 of this Title for state candidates voted on throughout the State.

C. Nominating petitions for the office of presidential elector shall be in the form prescribed by R.S. 18:465(D), except that in lieu of including the recognized political party with which the candidates are affiliated, the petition shall contain, in not more than three words, the political principle which the candidates represent. Also, in lieu of the date of the primary election for which the candidates seek to qualify, the petition shall include the date of the general election. The petition also shall include the names of the candidate for president and the candidate for vice president whom the candidates for elector support; however, neither the candidate for president nor the candidate for vice president supported by the slate of candidates for electors shall be a candidate for that office supported by a recognized political party or by a slate of candidates for elector who have previously filed a nominating petition or qualified by the payment of a qualifying fee for that election. Each petition shall contain a full slate of candidates for elector, one from each congressional district and two from the state at large. In designating the office for which the candidate is nominated, the petition shall designate the particular office of presidential elector, that is, the district in which the candidate is a qualified elector if he is nominated for the office for that district, or the designation "At large" in the case of the two offices to be filled at large. Each nominating petition shall be accompanied by the notarized affidavit of each candidate for elector signifying that the certificate constitutes his acceptance of the nomination.

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

- (1) The candidate's name;

(2) The address of his domicile;

(3) The office sought;

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

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

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

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

Acts 1976, No. 697, §1, eff. Jan. 1, 1978. Amended by Acts 1977, No. 588, §1, eff. Jan. 1, 1978; Acts 1977 No. 523, §1, eff. Jan. 1, 1978; Acts 1983, No. 519, §1, eff. July 8, 1983; Acts 1985, No. 754, §1; Acts 1988, No. 909, §1, eff. Jan. 1, 1989; Acts 1989, No. 179, §1, eff. Jan. 1, 1989; Acts 1993, No. 418, §1, eff. Jan. 1, 1994.

§1255. Filing nominating petitions

A. All nominating petitions of presidential electors shall be filed with the secretary of state during the period beginning on the first Tuesday in August and ending at five o'clock p.m. on the first Tuesday in September of each year in which a presidential election is to be held. The secretary of state shall endorse on the nominating petitions the date and time of filing. Any nominating petitions submitted other than during such period shall be null and void and shall not be accepted by the secretary of state.

B. All nominating petitions filed with the secretary of state shall be open to public inspection, and the secretary of state shall preserve them in his office for at least one year.

Acts 1976, No. 697, §1, eff. Jan. 1, 1978. Amended by Acts 1980, No. 792, §1, eff. Jan. 1, 1981; Acts 1981, No. 76, §1, eff. June 26, 1981.

§1256. Withdrawal of candidate

Any person nominated as a candidate may withdraw his candidacy by written statement of withdrawal made, signed, and acknowledged before an officer qualified to administer oaths. The original of the statement shall be filed with the secretary of state, who shall note thereon the date it was filed. The withdrawal shall become effective on the date of the filing. Once filed as herein provided, a statement of withdrawal shall not be returned to the person withdrawing. The effect of his withdrawal shall be as provided in R.S. 18:502.

Acts 1976, No. 697, eff. Jan. 1, 1978.

§1257. Objections to certificates of nomination, nominating petitions, and notices of candidacy for those qualifying by payment of fee

Certificates of nomination for presidential electors, nominating petitions filed in apparent conformity with the provisions of this Part, and notice of candidacy filed by slates of candidates who qualify by the payment of a qualifying fee, are deemed to be regular, unless an action objecting to their regularity is commenced as otherwise provided in this Title for contests of candidacy.

Acts 1976, No. 697, §1, eff. Jan. 1, 1978; Acts 1990, No. 107, §1, eff. Jan. 1, 1991.

§1258. Vacancy in nomination; procedure; death of candidate

A vacancy by reason of death or withdrawal among the slate of candidates for the office of presidential elector nominated by a recognized political party, whether by a convention or otherwise, shall be filled in the manner which shall be provided by the state central committee of the party. In all other cases, if the candidate who withdrew or died is elected, the remaining presidential electors who are elected shall vote to fill the vacancy as provided in R.S. 18:1264.

Acts 1976, No. 697, §1, eff. Jan. 1, 1978. Amended by Acts 1977, No. 588, §1, eff. Jan. 1, 1978.

§1259. Arrangement of ballot; designation of party candidates

A. In any year in which presidential electors are to be elected, the secretary of state shall arrange the voting machine ballot on the vertical type voting machine for that election in such manner that the names of candidates

for president and vice president shall appear on the ballot in the first column, beginning at the top and proceeding downward. If necessary, the listing of the names of candidates for president and vice president may continue in the second and succeeding columns. On the horizontal type voting machine the secretary of state shall arrange the voting machine ballot for that election in such manner that the names of candidates for president and vice president shall appear on the ballot in the first two columns, beginning with the first row. The listing of the names of the candidates shall continue downward, with each pair of candidates for president and vice president appearing in a separate row. If necessary, the listing of the names of candidates for president and vice president may continue in succeeding columns, beginning with the first row and continuing downward. The names of the presidential electors shall appear on the ballot in the manner as provided for in Subsection B of this Section.

B.(1) The ballot shall be so arranged that the names of the candidate for president and the candidate for vice president nominated by each recognized political party, by nominating petition, or by filing of notices of candidacy accompanied by a qualifying fee shall appear, in fourteen point type print, together with the name of the presidential candidate on top and the name of the vice presidential candidate directly underneath on the vertical type voting machine, and with the name of the presidential candidate on the left and the name of the vice presidential candidate directly to the right on the horizontal type voting machine.

(2) Directly to the left of the names of the presidential and vice presidential candidates on the vertical type voting machine, and on the horizontal type voting machine, shall appear:

(a) If nominated by a recognized political party, the name of the party and such national party emblem, if any, or state party device, if any, as the state central committee of the party shall direct, and

(b) If nominated by a nominating petition or by the filing of notices of candidacy, the political principal which the candidates support, as stated on the nominating petition or on the notices of candidacy, if any, and the words "Nominating Petition" or the abbreviation "Nom. Petition" shall appear if nominated by petition.

(3) Immediately below the name of the party, or, if nominated by a nominating petition, the words "Nominating Petition" or the abbreviation "Nom. Petition" shall appear the word "Electors".

(4) Immediately below the word "Electors" the names of the presidential electors nominated in support of the nominees for president and vice president of that party or political principal shall appear in six point type print.

(5) There shall be a single lever or, on an absentee ballot, a single box within which to mark the ballot, opposite each pair of names.

(6) In preparing the ballots, the secretary of state shall arrange the names of the candidates of recognized political parties alphabetically, according to the names of the parties, followed by the names of the candidates nominated by nominating petitions and by the filing of notices of candidacy, listed alphabetically by designation of political principal.

C. No candidate nominated other than by a recognized political party shall use the name of any recognized political party in the political or party designation of such candidate.

D. The ballot shall contain the following statement: "A vote for candidates for president and vice president is a vote for each of the electors supporting those candidates."

Acts 1976, No. 697, §1, eff. Jan. 1, 1978. Amended by Acts 1977, No. 588, §1, eff. Jan. 1, 1978; Acts 1978, No. 292, §1, eff. July 6, 1978; Acts 1990, No. 107, §1, eff. Jan. 1, 1991.

§1260. Votes for presidential electors

A vote for a presidential and a vice presidential candidate shall be a vote for each of the electors nominated in support of those candidates, whether by a recognized political party, by a nominating petition, or by the filing of notices of candidacy accompanied by a qualifying fee.

Acts 1976, No. 697, §1, eff. Jan. 1, 1978. Amended by Acts 1977, No. 588, §1, eff. Jan. 1, 1978; Acts 1990, No. 107, §1, eff. Jan. 1, 1991.

§1261. Determination of election results; tie vote; issuance of certificate

A. The secretary of state shall ascertain from the returns the slate of candidates who received the greatest number of votes cast for presidential electors. If two or more of the slates of candidates having the highest number of votes receive the same number of votes, none of the slates of candidates is elected, and the slate of

candidates elected shall be selected by a public drawing of lots conducted by the state board of election supervisors from among the slates of candidates who received such highest number of votes in the election. The public drawing of lots shall be conducted at the state capitol on a day and at a time fixed by the board within one week after the results of the election for that office become official. The candidates involved shall be given at least three days' written notice of the time and place of the public drawing of lots.

B. The governor shall issue a certificate of election to the persons elected and authorize them to cast the vote of the state for president and vice president.

Acts 1976, No. 697, §1, eff. Jan. 1, 1978. Amended by Acts 1977, No. 588, §1, eff. Jan. 1, 1978.

§1262. Credentials of electors

The governor shall transmit the credentials of presidential electors to the appropriate federal officials in the manner provided by the constitution and laws of the United States.

Acts 1976, No. 697, §1, eff. Jan. 1, 1978.

§1263. Meeting of electors

The electors shall meet in the State Capitol in Baton Rouge on the day appointed for their meeting by federal law and shall execute the duties and services enjoined upon them by the constitution and laws of the United States, in the manner therein prescribed. Notice of the time and place of such meeting shall be transmitted to each elector by the secretary of state no later than seven days preceding the day of the meeting.

Acts 1976, No. 697, §1, eff. Jan. 1, 1978.

§1264. Vacancies; procedure

If one or more of the presidential electors fails for any cause to attend at the appointed place at 12:00 noon of the day prescribed for their meeting, the other electors shall fill the vacancy by voice vote by no later than 4:00 p.m. Any person selected to fill such a vacancy in the office of presidential elector from a congressional district shall be a qualified elector of the district for which the vacancy occurred.

Acts 1976, No. 697, §1, eff. Jan. 1, 1978.

§1265. Compensation

Presidential electors shall be paid fifty dollars for attendance at the meeting of electors and shall be paid the same mileage allowance as is provided for state officers and employees on official state business. Such compensation and mileage allowance shall be paid out of funds appropriated to the office of the secretary of state for such purpose.

Acts 1976, No. 697, §1, eff. Jan. 1, 1978.

PART II. UNITED STATES CONGRESS

§1271. Applicable laws

Except as otherwise specifically provided in this Part, United States senators and representatives in Congress shall be elected as provided in this Title for the election of public officers.

Acts 1976, No. 697, §1, eff. Jan. 1, 1978.

§1272. United States senators, representatives in Congress; time of electing

A. All general elections for representatives in Congress, sometimes referred to in this Title as congressional elections, shall be held on the first Tuesday next following the first Monday in November, 1982, and every two years thereafter. The primary election shall be held on the first Saturday in October next preceding the date of the general election.

B. One United States senator shall be elected in the year 1980, and every six years thereafter, at the same time and at the same polling places as representatives in Congress. In the same manner, one United States senator shall be elected in the year 1978, and every six years thereafter.

Acts 1976, No. 697, §1, eff. Jan. 1, 1978. Amended by Acts 1977, No. 523, §1, eff. Jan. 1, 1978; Acts 1982, No. 10, §1, eff. Jan. 1, 1983.

§1273. Opening and closing of qualifications for candidates for United States senators and representatives in Congress

When a member of the United States Senate or members of the United States House of Representatives are to be elected at the congressional election or at a special election, qualifications for candidates shall open and close as provided in Chapter 5 of this Title.

Acts 1976, No. 697, §1, eff. Jan. 1, 1978.

§1274. Declaration of candidacy by congressional candidates

Any person desiring to become a candidate in a primary election for United States senator or representative in Congress shall file notification of his candidacy and declaration of his qualifications as provided for state candidates in Chapter 5 of this Title.

Acts 1976, No. 697, §1, eff. Jan. 1, 1978.

§1275. United States senator and representative in Congress; qualifications

A. No person shall be a United States senator who has not attained the age of thirty years and who has not been a citizen of the United States for nine years and who is not, when elected, an inhabitant of this state.

B. No person shall be a representative in Congress who has not attained the age of twenty-five years and who has not been a citizen of the United States for seven years and who is not, when elected, an inhabitant of this state.

C. Notwithstanding any other provision of law to the contrary, the qualifications for United States senators and members of the United States House of Representatives as provided in this Section shall be exclusive.

Acts 1976, No. 697, §1, eff. Jan. 1, 1978.

§1276. Congressional districts

A. Louisiana is divided into seven congressional districts, and the qualified electors of each district shall elect one representative to the Congress of the United States.

(1) The first district is composed of that portion of Jefferson Parish designated as Precincts 3-G, 5-G, 9-G, 10-G, 1-H, 2-H, 3-H, 4-H, 5-H, 6-H, 7-H, 8-H, 9-H, 1-K, 2-K, 3-K, 4-K, 5-K, 6-K, 7-K, 8-K, 9-K, 10-K, 11-K, 12-K, 13-KA, 15-K, 16-K, 17-K, 18-K, 19-K, 20-K, 25-K, 27-K, 28-K, 34-K, 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 105, 106, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 132, 134, 135, 136, 137, 170, 174A, 175, 176, 177, 178, 182, 183, 184, 185, 191, 193, 194A, 195, 198, 210, 211, 227, 228, 229, 230, 231, 233, and 234; that portion of Orleans Parish designated as Precincts 3-20, 4-8, 4-9, 4-10, 4-10A, 4-11, 4-12, 4-13, 4-13A, 4-14, 4-14A, 4-15, 4-16, 4-16A, 4-17, 4-17A, 4-18, 4-18A, 4-19, 4-20, 4-20A, 4-21, 4-21A, 4-22, 4-23, 5-12, 5-13, 5-14, 5-15, 5-16, 5-17, 5-18, 5-19, 7-33A, 7-40, 7-41, 7-42, 12-4, 13-1, 14-1, 14-2, 14-3, 14-4, 14-8, 14-9, 14-10, 14-11, 16-2, 17-1, 17-17, 17-18, 17-18A, 17-18B, 17-19, 17-19A, 17-20, and 17-21; St. Tammany Parish; Tangipahoa Parish; and Washington Parish.

(2) The second district is composed of that portion of Jefferson Parish designated as Precincts 1-G, 2-G, 4-G, 6-G, 7-G, 8-G, 11-G, 13-KB, 14-K, 21-K, 22-K, 23-K, 24-K, 26-K, 29-K, 30-K, 31-K, 32-K, 33-K, 1-W, 2-W, 3-W, 4-W, 5-W, 6-W, 7-W, 8-W, 9-W, 104, 107, 115, 131, 133, 138, 150, 151, 152, 153, 154, 155, 156, 157A, 157B, 171, 172, 173, 174B, 179A, 179B, 180, 181, 186, 187, 188, 189, 190, 192, 194B, 196, 197, 212, 213A, 213B, 213C, 214, 217, 225, 226, 232, 235, 236, 237, and 246A; and that portion of Orleans Parish designated as Precincts 1-1, 1-2, 1-5, 1-6, 1-7, 2-1, 2-2, 2-3, 2-4, 2-5, 2-6, 2-6A, 2-7, 3-1, 3-3, 3-4, 3-5, 3-6, 3-7, 3-8, 3-9, 3-10, 3-12, 3-13, 3-14, 3-15, 3-16, 3-17, 3-18, 3-19, 4-2, 4-3, 4-4, 4-5, 4-6, 4-7, 5-1, 5-2, 5-3, 5-4, 5-5, 5-6, 5-7, 5-8, 5-9, 5-10, 5-11, 6-1, 6-2, 6-4, 6-5, 6-6, 6-7, 6-8, 6-9, 7-1, 7-2, 7-4, 7-4A, 7-5, 7-6, 7-7, 7-8, 7-9, 7-9A, 7-10, 7-11, 7-12, 7-13, 7-14, 7-15, 7-16, 7-17, 7-18, 7-19, 7-20, 7-20A, 7-21, 7-22, 7-23, 7-24, 7-25, 7-25A, 7-26, 7-26A, 7-27, 7-27A, 7-27B, 7-28, 7-28A, 7-29, 7-30, 7-31, 7-32, 7-33, 7-34, 7-35, 7-36, 7-36A, 7-37, 7-37A, 7-38, 7-38A, 7-39, 8-1, 8-2, 8-4, 8-5, 8-6, 8-7, 8-8, 8-9, 8-10, 8-11, 8-12, 8-13, 8-14, 8-15, 8-16, 8-17, 8-18, 8-19, 8-20, 8-21, 8-22, 8-23, 8-24, 8-25, 8-25A, 8-26, 8-26A, 8-27, 8-27A, 8-28, 8-29, 8-30, 9-1, 9-2, 9-3, 9-3A, 9-3B, 9-4, 9-5, 9-5A, 9-6A, 9-6B, 9-6C, 9-6D, 9-6E, 9-6F, 9-7, 9-8, 9-8A, 9-8B, 9-9, 9-10, 9-11,

9-12, 9-13, 9-14, 9-15, 9-16, 9-17, 9-18, 9-19, 9-20, 9-21, 9-22, 9-23, 9-24, 9-25, 9-25A, 9-26, 9-26A, 9-27, 9-28, 9-28A, 9-28B, 9-28C, 9-28D, 9-28E, 9-28F, 9-29, 9-29A, 9-30, 9-30A, 9-31, 9-31A, 9-31B, 9-31C, 9-31D, 9-31E, 9-32, 9-33, 9-33A, 9-34, 9-34A, 9-35, 9-35A, 9-36, 9-36A, 9-36B, 9-36C, 9-37, 9-37A, 9-38, 9-38A, 9-38B, 9-39, 9-39A, 9-39B, 9-40, 9-40A, 9-40B, 9-40C, 9-41, 9-41A, 9-41B, 9-41C, 9-41D, 9-42, 9-42A, 9-42B, 9-42C, 9-42D, 9-42E, 9-43, 9-43A, 9-43B, 9-43C, 9-43D, 9-43E, 9-43F, 9-43G, 9-43H, 9-43I, 9-43J, 9-43K, 9-43L, 9-43M, 9-43N, 9-44, 9-44A, 9-44B, 9-44C, 9-44D, 9-44E, 9-44F, 9-44G, 9-44H, 9-44I, 9-44J, 9-44K, 9-44L, 9-44M, 9-44N, 9-44O, 9-44P, 9-44Q, 9-45, 9-45A, 10-3, 10-4, 10-5, 10-6, 10-7, 10-8, 10-9, 10-10, 10-11, 10-12, 10-13, 10-14, 11-1, 11-2, 11-3, 11-4, 11-5, 11-6, 11-7, 11-8, 11-9, 11-10, 11-11, 11-12, 11-13, 11-14, 11-15, 11-16, 11-17, 11-18, 11-19, 12-1, 12-2, 12-3, 12-5, 12-6, 12-7, 12-8, 12-9, 12-10, 12-11, 12-12, 12-13, 12-14, 12-15, 12-16, 12-17, 12-18, 12-19, 12-20, 13-2, 13-3, 13-4, 13-5, 13-6, 13-7, 13-8, 13-9, 13-10, 13-11, 13-12, 13-13, 13-14, 13-14A, 13-15, 13-16, 14-5, 14-6, 14-7, 14-12, 14-13, 14-13A, 14-14, 14-15, 14-16, 14-17, 14-18, 14-18A, 14-19, 14-20, 14-21, 14-22, 14-23, 14-24, 14-24A, 14-25, 14-26, 14-26A, 15-1, 15-2, 15-3, 15-4, 15-5, 15-6, 15-7, 15-8, 15-9, 15-10, 15-11, 15-11A, 15-12, 15-12A, 15-13, 15-13A, 15-13B, 15-14, 15-14A, 15-14B, 15-14C, 15-14D, 15-14E, 15-14F, 15-14G, 15-15, 15-15A, 15-15B, 15-16, 15-17, 15-17A, 15-17B, 15-18, 15-18A, 15-18B, 15-18C, 15-18D, 15-18E, 15-18F, 15-19, 15-19A, 15-19B, 15-19C, 16-1, 16-1A, 16-3, 16-4, 16-5, 16-6, 16-7, 16-8, 16-9, 17-2, 17-3, 17-4, 17-5, 17-6, 17-7, 17-8, 17-9, 17-10, 17-11, 17-12, 17-13, 17-13A, 17-14, 17-15, and 17-16.

(3) The third district is composed of that portion of Ascension Parish designated as Precincts 1, 2A & B, 3, 4A, 4B, 5A, 5B, 6, 7A, 8A & 8B, 9, 10A & 10B, 11A & 11B, 12, 13, 14, 16A & 16B, 21A & 21B, 22A, 22B, 23, 34, 36, 40, and 41; Assumption Parish; Iberia Parish; that portion of Iberville Parish designated as Precincts 4, 5, 25, 25A, 25B, 26, 26A, 27, and 27A; that portion of Jefferson Parish designated as Precincts 1-GI, 1-LA, 1-LB, 2-L, 215, 216, 238, 246B, 247, 248, 249, and 250; Lafourche Parish; Plaquemines Parish; St. Bernard Parish; St. Charles Parish; St. James Parish; St. John the Baptist Parish; that portion of St. Martin Parish designated as Precincts 1-2, 1-5, 4-5, 5-1, 5-2, 5-3 & 5-4, 6-1, 6-2, 6-4, 8-1, and 8-2; St. Mary Parish; and Terrebonne Parish.

(4) The fourth district is composed of that portion of Ascension Parish designated as Precincts 15, 27A, 27B, 28, 29, 31, 32, 33, 35A, 35B, 37, and 42; that portion of Caddo Parish designated as Precincts 1, 3, 5, 6, 7, 17, 23, 25, 29, 30, 31, 32, 33, 34, 35, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 50, 51, 52, 54, 55, 57, 58, 59, 60, 61, 64, 65, 66, 67, 71, 73A & 73B, 80, 81, 82A & 82B, 83A & 83B, 84, 85A & 85B, 86, 98, 99, 122, 130, 131, 132A & 132B, 133, and 140; De Soto Parish; that portion of East Baton Rouge Parish designated as Precincts INDUSTRIAL COMPLEX, INDUSTRIAL COMPLEX A, INDUSTRIAL COMPLEX B, 1-1, 1-2, 1-3, 1-4, 1-5, 1-6, 1-10, 1-11, 1-13, 1-14, 1-15, 1-16, 1-17, 1-18, 1-19, 1-20, 1-21, 1-22, 1-23, 1-24, 1-25, 1-26, 1-27, 1-28, 1-29, 1-30, 1-31, 1-32, 1-36, 1-37, 1-38, 1-45, 1-50, 1-51, 1-58, 1-59, 1-61, 1-62, 1-63, 1-66, 1-67, 1-68, 1-73, 1-76, 1-77, 1-84, 1-85, 1-86, 1-91, 1-92, 1-94, 1-95, 1-100, 1-101, 2-1, 2-2, 2-4, 2-5, 2-9, 2-11, 2-16, 2-20, 2-22, 2-23, 2-24, 2-25, 3-5, and 3-20; that portion of Evangeline Parish designated as Precincts 1-1, 1-2, 1-3, 1-4-OR, 1-4-IR, 1-4C, 1-5-0, 1-5-1, 1-7, 1-9-OC, 1-9-IC, 1-9-2C, 1-9-3C, 1-10-0, 1-10-1, 1-11, 1-12, 1-13-0, 1-13-1, 1-15, 1-17-OR, 1-17-IR, 1-17C, 1-19, 5-1, 5-2-0, 5-2-1, 5-2-2, 5-3, 5-4C, 5-4R, and 5-5; that portion of Iberville Parish designated as Precincts 1, 2, 3, 6, 6A, 7, 8, 9, 10, 10A, 11, 12, 13, 13A, 13B, 14, 14A, 14B, 15, 15A, 16, 17, 17A, 18, 18A, 19, 19A, 20, 21, 22, 22A, 23, 24, 28, 29, 30, 31, and 32; that portion of Lafayette Parish designated as Precincts 15, 17, 18, 19, 22, 23, 24A, 24B, 50, 51, 54, 55, 56, 57, 58, 59, 61, 62, 63, 67, and 68; that portion of Natchitoches Parish designated as Precincts 1-1, 1-3, 1-3A, 1-4, 1-4A, 1-4B, 1-5, 1-5A, 1-6, 1-8, 1-9, 1-9A, 1-10, 1-10A, 1-10B, 1-10C, 1-13, 1-14, 2-6A, 2-7, 2-8, 3-1, 3-2, 3-3, 3-4, 3-5, 3-6, 3-7, 3-8, 3-9, 3-10, 4-1, 4-2, 4-3, 4-4, 4-5, 4-6, 4-7, and 4-8; that portion of Pointe Coupee Parish designated as Precincts 8, 9, 10, 11, 12-A, 12-B, 13-A, 13-B, 14-A, 14-B, 18, and 19; that portion of Rapides Parish designated as Precincts 19, 21, 23, 29, 29A, 30, 31, 32, 33, 34, 35, 35A, 36, 37, 38, 38A, 38B, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 52, 53, 54, 55, 56, 58, 77, 77A, 78 & 78A, 79, 81, 82, 83, 84, 85, 86, 87, 88, 88A, 89, 90, 91, 92, and 93; that portion of Red River Parish designated as Precincts 4-1, 4-2, 4-3, 4-4, 5-1, 5-2, 6-1, and 6-2; Sabine Parish; that portion of St. Landry Parish designated as Precincts 1-1, 1-2, 1-3, 1-4, 1-4A, 1-5, 1-6, 1-7, 1-9, 1-11, 1-13, 1-14, 1-15, 1-15A, 1-16, 1-16A, 1-16B, 1-18, 1-19, 1-20, 1-21, 1-22, 1-23, 1-24, 1-25, 1-27, 1-29, 2-1, 2-2A, 2-9, 3-2, 3-4, 3-6, 4-1, 4-2, 4-3, 4-4, 4-5, 4-6, 4-7, 4-8, 4-9, 4-10, 4-11, 4-12, 4-13, 4-14, 4-15, 4-16, 5-1, 5-1A, 5-2, 5-3, 5-3A, 5-4, 5-5, 5-6, 5-7, 5-8, 5-9, 6-1, 6-2, 6-3, 6-4, 6-5, 6-6, 6-7, 6-8, 6-9, 6-10, 6-11, 6-12, 6-13A, 6-14, 6-15, and 6-17; that portion of St. Martin Parish designated as Precincts 1-1, 1-3, 1-4, 1-6, 1-7, 2-1 & 2-3, 2-2, 2-4, 3-1, 3-2, 3-3, 3-4, 3-5, 3-6, 3-7, 3-8, 3-9, 4-1, 4-2, 4-3, 4-4, 4-6, 6-3, 7-1, 7-2, 7-3, 7-4, 8-3, 8-4, 9-1, 9-2, 9-3, 9-4, and 9-5; and West Baton Rouge Parish.

(5) The fifth district is composed of Bienville Parish; Bossier Parish; that portion of Caddo Parish designated as Precincts 2, 4, 8, 9, 10, 11, 12, 13, 14, 15, 16, 18, 19, 20, 21, 22, 24, 26, 27, 28, 36, 47, 48, 49, 53, 56A & 56B, 62, 63, 68, 69, 70, 72, 74, 75, 76A & 76B, 77, 78, 79, 87, 88, 89A & 89B & 89C, 90A & 90B, 91A & 91B, 92, 93, 94, 95A & 95B, 96, 97A & 97B, 123, 124, 125, 126, 127, 128, 129, 134, 135, 136, 137A & 137B, 138, 139, 141, 142, 143, 144, 145, 146, 147, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, and 159; Caldwell Parish; Claiborne Parish; East Carroll Parish; Jackson Parish; Lincoln Parish; Morehouse Parish; Ouachita Parish; that portion of Red River Parish designated as Precincts 1-1, 1-2, 2-1, 2-2, 2-3, 3-1, 3-2, 3-3, 7-1, 7-2, and 7-3; Richland Parish; Union Parish; Webster Parish; and West Carroll Parish.

(6) The sixth district is composed of Avoyelles Parish; Catahoula Parish; Concordia Parish; that portion of East Baton Rouge Parish designated as Precincts 1-7, 1-8, 1-9, 1-12, 1-33, 1-34, 1-35, 1-39, 1-40, 1-41, 1-42, 1-43, 1-44, 1-46, 1-47, 1-48, 1-49, 1-52, 1-53, 1-54, 1-55, 1-56, 1-57, 1-60, 1-64, 1-65, 1-69, 1-70, 1-71, 1-72, 1-74, 1-75, 1-78, 1-79, 1-80, 1-81, 1-82, 1-83, 1-87, 1-88, 1-89, 1-90, 1-93, 1-96, 1-97, 1-98, 1-99, 1-102, 1-103, 2-3, 2-6, 2-7, 2-8, 2-10, 2-12, 2-13, 2-14, 2-15, 2-17, 2-18, 2-21, 2-26, 2-26A, 2-26B, 3-1, 3-2, 3-3, 3-4, 3-6, 3-7, 3-8, 3-9, 3-10, 3-11, 3-12, 3-13, 3-14, 3-15, 3-16, 3-17, 3-18, 3-19, 3-21, 3-22, 3-23, 3-24, 3-25, 3-26, 3-27, 3-28, 3-29, 3-30, 3-31, 3-32, 3-33, 3-34, 3-35, 3-36, 3-37, and 3-38; East Feliciana Parish; Franklin Parish; Grant Parish; La Salle Parish; Livingston Parish; Madison Parish; that portion of Natchitoches Parish designated as Precincts 1-1A, 1-2, 1-2A, 1-7, 1-11, 1-12, 2-1, 2-2, 2-3, 2-4, 2-5, 2-6, 2-7A, 2-9, and 4-9; that portion of Pointe Coupee Parish designated as Precincts 1, 2, 3, 4, 5, 6-A, 6-B, 7, 15-A, 15-B, 16-A, 16-B, 17-A, 17-B, 20, 21-A, 21-B, 22, 23, 24, 25, 26, 27, and 28; that portion of Rapides Parish designated as Precincts 1, 2, 3 & 3A, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 16A, 17, 17A, 17B, 18, 20, 22, 24, 25, 26, 26A, 27, 28, 28A, 51, 57, 59, 60, 61, 62, 63 & 63A, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 80, and 80A; St. Helena Parish; Tensas Parish; West Feliciana Parish; and Winn Parish.

(7) The seventh district is composed of Acadia Parish; Allen Parish; Beauregard Parish; Calcasieu Parish; Cameron Parish; that portion of Evangeline Parish designated as Precincts 1-6, 1-8-0, 1-8-1, 1-8-2, 1-9R, 1-14, 1-16, 1-18-0C, 1-18-1C, 1-18R, 2-1, 2-2, 2-3, 2-4, 2-5, 3-1-0, 3-1-1, 3-2-0, 3-2-1, 3-2-2, 3-3, 3-4, 3-5, 3-6-0, 3-6-1, 3-6-2, 3-7, 3-8, 4-1-0R, 4-1-1R, 4-1-2R, 4-1-3R, 4-1C, 4-2-0, 4-2-1, 4-3, and 4-4; Jefferson Davis Parish; that portion of Lafayette Parish designated as Precincts 1, 2, 3A, 3B, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 16, 20, 21, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34A, 34B, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 52, 53, 60, 64, 65, 66, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104, 105, and 106; that portion of St. Landry Parish designated as Precincts 1-8, 1-8A, 1-10, 1-12, 1-17, 1-17A, 1-26, 1-28, 2-2, 2-3, 2-4, 2-5, 2-5A, 2-6, 2-7, 2-8, 2-10, 3-1, 3-3, 3-5, 6-13, and 6-16; Vermilion Parish; and Vernon Parish.

B. The precincts enumerated in this Section are the precincts existing as of April 17, 1994 established by the governing authority of each parish in conformity with R.S. 18:532.

C. With respect to any precinct enumerated herein which has been subdivided by action of a parish governing authority or registrar of voters on a nongeographic basis, or subdivided by action of the parish governing authority on a geographic basis, the enumeration herein of the general precinct designation shall be construed to include all polling subdivisions thereof or geographic subdivisions thereof, regardless of how such subdivision may be designated.

D. In any case in which a precinct as established by the parish governing authority includes an area of population which has been given an alphabetical designation in addition to the numerical designation for the purpose of convenience and clarity in taking and reporting the census count by the United States Bureau of the Census, the assignment of such precincts includes any alphabetically designated portion unless otherwise specifically enumerated in this Section.

E. This Section shall not reduce the term of office of any member of the congress who was elected in the 1992 congressional election.

F. A vacancy in the representation of any congressional district which is filled after April 25, 1994, shall be filled as provided by law from that district as it is described in this Section.

G. This Section shall not reduce the term of any person holding any position or office on April 25, 1994, for which the appointment or election is based upon a congressional district.

Acts 1994, 2nd Ex. Sess., No. 1, §1, eff. April 25, 1994.

NOTE: See West's LSA for notes concerning federal court decisions concerning constitutionality of Section.

§1276.1. *Repealed by Acts 1983, 2nd Ex. Sess., No. 2, §3, eff. Dec. 19, 1983.*

§1276.2. *Repealed by Acts 1992, No. 42, §4, eff. June 1, 1992.*

§1276.3. *Repealed by Acts 1994, 2nd Ex. Sess., No. 1, §2, eff. April 25, 1994.*

§1277. Certification of votes cast for United States senator and representative in Congress

Immediately after the results of the election for United States senator and representatives in Congress become official, the secretary of state shall separately certify the votes cast for United States senator and for each representative in Congress who was elected. Each such certificate shall be signed by the governor and by the secretary of state. Thus certifying the election of the persons determined to have been elected, the governor shall cause the seal of the state to be affixed to each certificate. One copy of the appropriate certificate shall be delivered to each person elected. Another copy of the certificate of the election of the United States senator shall be transmitted by the governor to the President of the United States Senate. A copy of each certificate of the election of representatives in Congress shall be transmitted by the governor to the House of Representatives of the Congress of the United States, directed to the clerk thereof.

Acts 1976, No. 697, §1, eff. Jan. 1, 1978.

§1278. Vacancies; United States senator

A. The governor may fill any vacancy in the office of United States senator by appointment. If the United States Senate is in session when the vacancy occurs, the governor shall appoint a senator to fill the vacancy within ten days after receiving official notice of the vacancy.

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 his 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). Immediately after 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 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, by certified or registered mail, 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. The election shall be conducted and the returns shall be certified as in regular elections for United States senator.

C. If a vacancy occurs in the office of United States senator and the unexpired term is one year or less, no special election shall be called by the governor and, if a senator is appointed to fill the vacancy, he shall serve for the remainder of the unexpired term, and his successor shall be elected at the next regular election for United States senator.

Acts 1976, No. 697, §1, eff. Jan. 1, 1978. Amended by Acts 1978, No. 38, §1, eff. May 31, 1978; Acts 1980, No. 792, §1, eff. Jan. 1, 1981; Acts 1981, No. 76, §1, eff. June 26, 1981.

§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 his 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. Within twenty-four hours after he receives the copy, the secretary of state shall notify, by certified or registered mail, 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. 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 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.

Acts 1976, No. 697, §1, eff. Jan. 1, 1978. Amended by Acts 1977, No. 545, §1, eff. Jan. 1, 1978; Acts 1980, No. 792, §1, eff. Jan. 1, 1981; Acts 1981, No. 76, §1, eff. June 26, 1981.

§1280. Contests

Except as may be otherwise provided by the constitution and laws of the United States, contests of elections under this Part shall be made as provided in this Title for state candidates.

Acts 1976, No. 697, §1, eff. Jan. 1, 1978.

PART III. PRESIDENTIAL PREFERENCE PRIMARY

§1280.21. Presidential preference primary election

A statewide presidential preference primary election shall be held on the second Tuesday in March in 1988 and every fourth year thereafter for the purpose of allowing the electors of each political party in the state which has forty thousand or more registered members to express their preference for a person to be the nominee of the party for president of the United States. Each elector voting in such election may vote only for a candidate who is affiliated with the same party as the elector. Notwithstanding any provisions of this Code to the contrary, in any statewide presidential preference primary election, at any precinct where the presidential preference issue or election of political party officials or both are the only matters on the ballot, the number of election commissioners required in such precinct shall be one commissioner-in-charge and two commissioners.

Added by Acts 1979, No. 684, §1, eff. Dec. 1, 1979; S.C.R. No. 4, 1983 2nd Ex. Sess.; Acts 1986, No. 35, §1, eff. June 17, 1986; Acts 1986, No. 427, §1.

§1280.22. Candidates; procedure for qualifying

A. Candidates for presidential nominee shall qualify in accordance with procedures established by the party. Prior to qualification as a candidate of a political party for presidential nominee, a person shall pay a qualifying fee of seven hundred fifty dollars and any additional fee as authorized by R.S. 18:464(C) or shall have obtained a nominating petition, bearing the signatures of no less than one thousand registered voters affiliated with the party from each of the congressional districts into which the state is divided.

B.(1) The qualifying period for presidential candidates shall open on the second Wednesday in January and shall close at 5:00 p.m. on the following Friday. During the qualifying period, presidential candidates shall file notices of candidacy with the secretary of state. A notice of candidacy shall be accompanied by the qualifying fee and any additional fee imposed or a nominating petition. Each sheet of a nominating petition shall set forth the name of the presidential candidate, as it shall appear on the election ballot, the address of the candidate, the political party with which he is affiliated, and the date of the presidential primary.

(2) Each voter who signs a nominating petition shall include his name and residence address.

(3) All persons who obtained signatures shall certify that to the best of their knowledge, information, and belief all of the signatures on the nominating petition are genuine, and all of the statements contained in the petition are true and correct.

(4) A nominating petition shall be submitted to the registrars of voters in the parishes where the signers reside not less than thirty days before the end of the qualifying period.

(5) The registrar for each parish shall endorse upon the nominating petitions, whether original or supplemental, the date and time of submission and shall promptly certify the nominating petitions, in the order received, by determining and certifying on each nominating petition which of the signers are registered to vote in the parish. A registrar may stop certifying the signatures on a nominating petition when the total number of the signers he has certified as having signed the petition timely and as being registered to vote equals six thousand registered voters. A registrar's certification shall be conclusive as to number of qualified voters who timely signed a nominating petition, and evidence to the contrary shall not be admitted in an action objecting to the candidacy of a presidential candidate filing the nominating petition.

Added by Acts 1979, No. 684, §1, eff. Dec. 1, 1979; S.C.R. No. 4, 1983 2nd Ex. Sess.; Acts 1984, No. 673, §1, eff. Jan. 1, 1985; Acts 1986, No. 35, §1, eff. June 17, 1986; Acts 1986, No. 427, §1; Acts 1987, No. 831, §1, eff. Jan. 1, 1988; Acts 1992, No. 944, §1.

§1280.23. Conduct of election

Except as otherwise specifically provided in this Part, the election for which provision is made in this Part shall be conducted and the returns thereof published and promulgated as provided in the election laws of the state.

Added by Acts 1979, No. 684, §1, eff. Dec. 1, 1979.

§1280.24. Arrangement of ballot

The ballot for the election provided in this Part shall contain the names of each candidate arranged by party affiliation and placed in alphabetical order within each party.

Added by Acts 1979, No. 684, §1, eff. Dec. 1, 1979; S.C.R. No. 4, 1983 2nd Ex. Sess.; Acts 1986, No. 35, §1, eff. June 17, 1986; Acts 1986, No. 427, §1.

§1280.25. Voting according to party affiliation

No elector may vote in the election provided in this Part for a candidate affiliated with a party in which the elector is not registered.

Added by Acts 1979, No. 684, §1, eff. Dec. 1, 1979; S.C.R. No. 4, 1983 2nd Ex. Sess.; Acts 1986, No. 35, §1, eff. June 17, 1986; Acts 1986, No. 427, §1.

§1280.26. Repealed by Acts 1983, No. 681, §2, eff. July 21, 1983.

§1280.27. Delegates to political party conventions; selection; oaths; voting; allocation among presidential nominees

A. Notwithstanding any other provisions of law, at least ninety days prior to a presidential preference primary election, the state governing body of each eligible political party shall establish procedures to be followed in the selection of individual delegates and alternates to the convention of that party, including procedures for the selection of committed and uncommitted delegates. A copy of any rule adopted by the state party committee shall be filed with the secretary of state within seven days after its adoption and shall become public record.

B. Delegates shall be allocated among the presidential candidates according to the results of the presidential primary and according to guidelines established by the governing bodies of the respective parties.

C. *Repealed by Acts 1984, No. 672, §3.*

Added by Acts 1979, No. 684, §1, eff. Dec. 1, 1979. S.C.R. No. 4, 1983, 2nd Ex. Sess.; Acts 1984, No. 672, §1; Acts 1986, No. 35, §1, eff. June 17, 1986; Acts 1986, No. 427, §1.

CHAPTER 6-A. BOND, DEBT, AND TAX ELECTIONS

§1281. Statement of purpose

The purpose of this Chapter is to implement Article VI, Section 22 of the Louisiana Constitution of 1974 by establishing a uniform procedure for the conduct of elections to authorize the issuance of bonds, the assumption of indebtedness, and the imposition or increase of taxes by political subdivisions. The procedure for elections set forth in this Chapter shall apply to and shall supersede those provisions of the Louisiana Constitution of 1921 which were continued as statutes under authority of Part II of Article XIV of the Louisiana Constitution of 1974 and existing laws of the state of Louisiana, notwithstanding any contrary provisions contained therein. However, nothing contained in this Chapter shall repeal the limitations in effect on January 1, 1975 on the authority of political subdivisions to impose or increase taxes.

Added by Acts 1977, No. 545, §2, eff. Jan. 1, 1978.

§1282. Political subdivision defined

For purposes of this Chapter, the term "political subdivision" means a state department, agency, board, or commission; a parish; a municipality; a school board and a school district; a levee board and a levee district; a port board and a port commission; a port, harbor, terminal and industrial district; and any special service district, including but not limited to a road, water, sewerage, fire, protection, recreation, gas utility, or garbage

district, and any other board, district, or unit of local government authorized by law to conduct elections for the issuance of bonds, the levying or increasing of any tax, or the assumption of indebtedness.

Added by Acts 1977, No. 545, §2, eff. Jan. 1, 1978.

§1283. Elections

A. In every case in which the provisions of the Louisiana Constitution of 1974 as now existing or hereafter amended, or of law, as now existing or hereafter amended or enacted, requires the approval of voters at an election in a political subdivision as a prerequisite to the issuance of bonds, levying or increasing of any tax, or the assumption of indebtedness by said political subdivision, the election shall be held substantially in accordance with the election laws set forth in Title 18 of the Louisiana Revised Statutes of 1950, except that the election shall be called, conducted, canvassed, promulgated, and notice thereof given by the governing authority of the political subdivision in accordance with the procedures hereinafter set forth.

B. The governing authority of the political subdivision may call a special election for any of these purposes to be held on any of the dates set forth in R.S. 18:402(F), and it shall call an election for any of these purposes when requested to do so by the petition in writing of one-fourth of the electors qualified to vote at an election.

Added by Acts 1977, No. 545, §2, eff. Jan. 1, 1978.

§1284. Resolution calling election; proposition

A. The election shall be ordered by a resolution of the governing authority of the political subdivision which shall state the purpose for which it is called.

B. If the purpose of the election is to authorize the issuance of bonds, the resolution and the proposition submitted to the voters shall state the purpose for which the bonds are to be issued and, if required by the law pursuant to which the bonds are issued, the maximum amount of the bonds to be issued, the number of years for which the bonds are to run, the maximum rate of interest on the bonds.

C. If the purpose of the election is to authorize the levy or increase of a special tax, the resolution and the proposition submitted to the voters shall state the rate, object, and purpose for which the tax is to be levied or increased and, if it is to be limited as to duration, the number of years it is to run.

D. If the purpose of the election is to authorize the assumption of indebtedness, the resolution and the proposition submitted to the voters shall state the amount and nature of the debt to be assumed.

E. In each election ordered by a governing authority of a political subdivision for the purpose of authorizing the issuance of bonds, the proposition on the ballot submitted to the voters shall state the kind and source of revenues which are pledged to retire the bonds.

F.(1) The preparation of the statement of the proposition to be submitted to the voters at an election shall be the responsibility of the governing authority of the political subdivision ordering the election. The statement of the proposition shall also include a simple and unbiased concise summary in easily understood language which sets forth the substance of the proposition and shall not exceed four hundred words in length. Such summary shall be set in all capital letters and shall be placed at the beginning of the statement of the proposition.

(2) The secretary of state shall be responsible for ensuring that the statement of the proposition contains the summary as provided in Paragraph (1) of this Subsection.

Added by Acts 1977, No. 545, §2, eff. Jan. 1, 1978. Amended by Acts 1978, No. 292, §1, eff. July 6, 1978; Acts 1983, No. 519, §1, eff. July 8, 1983; Acts 1993, No. 426, §1, eff. Jan. 1, 1994.

§1285. Notice of election

A.(1) Notice of the election shall be given and shall embrace substantially all matters required to be set forth in the resolution ordering the election, including a list of precincts where the proposition will be voted on and an indication for each precinct as to whether or not all registered voters in the precinct will be eligible to vote on the proposition, unless the proposition is to be voted on parishwide. The list of commissioners for an election called in accordance with R.S. 18:1286(A) is not required to be set forth in the notice of election. It also shall state that the governing authority of the political subdivision ordering the election will, in open session, at the hour and place named, proceed to canvass the returns and declare the result of the election.

(2) The notice shall be published once a week for four consecutive weeks in the official journal of the political subdivision, or, if there is none, then in a newspaper of general circulation in the parish or, if there is

no newspaper of general circulation in the parish, then in a newspaper of general circulation in an adjoining parish. Not less than forty-five days nor more than ninety days shall intervene between the date of the first publication and the date of the election.

B.(1)(a) Written notice of the election and the certificate required by Subparagraph (1)(c) of this Subsection 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 and certificate shall be received by said officials on or before the last date for candidates to qualify for that primary election. If the election is not to be held on a primary election date, then the notice and certificate shall be received by said officials on or before the forty-sixth 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 candidates to qualify in a primary election or after the forty-sixth day prior to an election, whichever is applicable.

(b) Notwithstanding Subparagraph (1)(a) of this Subsection, if a proposition is to be submitted to the voters at the gubernatorial primary election, the notice of such election and the certificate required by Subparagraph (1)(c) of this Subsection shall be received by the secretary of state on or before the last working day in July of the year in which the election is to be held, and no revisions to a proposition, including but not limited to changes in the title, text, or numerical designations, shall be accepted by the secretary of state after such date.

(c) The secretary of state shall not prepare or certify the ballot with respect to any election for bond, debt, or tax propositions, conducted pursuant to this Chapter, or in respect to any other election where the proposition is subject to approval by the Louisiana State Bond Commission, including but not limited to any proposition to adopt, amend, or repeal a home rule charter which is subject to such approval, until he receives certification in writing from the chairman of that commission that the commission has considered and approved the proposition.

(2) The secretary of state shall not include any proposition on any ballot of any election if such notice and certificate required by Subparagraph (1)(c) of this Subsection are not timely received by the secretary of state. The failure of the commissioner of elections, clerk of court, or registrar of voters to timely receive notice and the certificate, as provided for herein, shall not prevent the secretary of state from including the proposition on the ballot. Any elector who is eligible to vote in the election may apply for injunctive relief to prohibit the placing of a proposition on the ballot if notice and the certificate are not timely received by the secretary of state. Venue for such application shall be in any parish in which the election is called, and the secretary of state shall be a proper party defendant.

Added by Acts 1977, No. 545, §2, eff. Jan. 1, 1978. Amended by Acts 1979, No. 229, §1, eff. July 13, 1979; Acts 1980, No. 792, §1, eff. Jan. 1, 1981; Acts 1981, No. 76, §1, eff. June 26, 1981; S.C.R. No. 8 of 1981 1st Ex. Sess; Acts 1984, No. 589, §1, eff. July 12, 1984; Acts 1986, No. 669, §1; Acts 1987, No. 831, §1, eff. Jan. 1, 1988; Acts 1988, No. 909, §1, eff. Jan. 1, 1989, Acts 1989, No. 179, §1, eff. Jan. 1, 1990; Acts 1992, No. 949, §1, eff. Jan. 1, 1993; Acts 1993, No. 418, §1, eff. Jan. 1, 1994.

§1286. Polling places; election officers

A. When an election called under the provisions of this Chapter is not held at the same time as the election of any public official, the governing authority of the political subdivision ordering the election shall use the established polling places, provide the voting machines and a compiled statement of qualified voters, and fix the compensation of the election officers. On or before the twenty-first day prior to such election, the parish board of election supervisors shall appoint not less than two commissioners and not less than two alternate commissioners for each precinct, all of whom shall meet the qualifications set forth in Part II of Chapter 5 of this Title. The commissioner-in-charge for each precinct at which an election called under the provisions of this Chapter is held shall be the commissioner-in-charge selected or appointed for such precinct under the provisions of Part II of Chapter 5 of this Title.

B. When an election called under the provisions of this Chapter is held at the same time as the election for any public official, the election shall be held solely in compliance with the provisions of Parts II and V of Chapter 5 of this Title, and the commissioners selected for the election for public officials shall be the commissioners for the election called under the provisions of this Chapter and shall only receive the compensation provided for in R.S. 18:424 and R.S. 18:425.

Added by Acts 1977, No. 545, §2, eff. Jan. 1, 1978. Amended by Acts 1978, No. 292, §1, eff. July 6, 1978; Acts 1982, No. 778, §1, eff. Aug. 4, 1982; Acts 1985, No. 754, §1; Acts 1988, No. 907, §1, eff. Jan. 1, 1989; Acts 1989, No. 179, §1, eff. Jan. 1, 1990.

§1286.1. Authority to consolidate polling places; reduce number of election officials

A. Notwithstanding any provision of R.S. 18:1286(A), when an election called under the provisions of this Chapter is not held at the same time as the election of any public official, in cases where more than one polling place is within the same location the parish board of election supervisors may consolidate polling places in that location for that election and may reduce the number of voting machines to be used in the election below the number fixed by R.S. 18:1363 and, in such case, shall notify the parish custodian of voting machines and the commissioner of elections of the number of machines to be prepared and delivered for the polling places so consolidated.

B. Whenever the parish board of election supervisors consolidates polling places as authorized by Subsection A of this Section, it shall appoint a commissioner-in-charge to serve at each such consolidated polling place and may reduce to not less than two the number of commissioners and alternate commissioners to be appointed to serve at each such polling place.

Added by Acts 1983, No. 519, §1, eff. July 8, 1983.

§1287. Election officers; substitutes

The commissioner-in-charge and the commissioners shall be present at the polling place at least thirty minutes prior to the time the polls are to open. A commissioner-in-charge who fails to so appear shall be replaced in accordance with R.S. 18:433(H). If any commissioner fails to so appear, or if the number of commissioners present is less than the number necessary to conduct the election as previously established by the governing authority, the commissioner-in-charge shall appoint the necessary number of commissioners in accordance with R.S. 18:434(D)(2).

Added by Acts 1977, No. 545, §2, eff. Jan. 1, 1978. Amended by Acts 1982, No. 778, §1, eff. Aug. 4, 1982.

§1288. Election officers; oaths

Commissioners-in-charge and commissioners shall take the oath or affirmation as provided by R.S. 18:424 and R.S. 18:425. A commissioner may administer any oath and receive any affidavit provided for in this Chapter.

Added by Acts 1977, No. 545, §2, eff. Jan. 1, 1978.

§1289. Penalty for violations

A. In elections held under the provisions of this Chapter the commissioners shall have the same powers and duties in conducting the elections and in preserving order at the polls as are conferred and imposed upon similar officers under the provisions of this Title for other elections. Whatever is declared in Chapter 10 of this Title to be a felony, misdemeanor or other crime shall be the same for any election held under the provisions of this Chapter and shall be punished in the same manner.

B. Any willful failure or neglect to comply with the requirements of this Chapter or any willful violation by any officer, agent, or employee of any political subdivision availing itself of the provisions of this Chapter shall be punished by a fine of not less than twenty-five dollars or more than five hundred dollars or by imprisonment not exceeding one year, with or without hard labor, or by both fine and imprisonment.

Added by Acts 1977, No. 545, §2, eff. Jan. 1, 1978.

§1290. Qualification of voters

A. All qualified electors of the political subdivision ordering the election shall be entitled to vote in an election on the issuance of bonds, levying or increase of a tax, or the assumption of indebtedness by the political subdivision, and such bonds may be issued, such tax levied or increased, or indebtedness assumed if approved by a vote of a majority in number of the qualified electors voting on the proposition at such election as is provided in this Chapter. No voter shall be required to sign a ballot or vote assessed valuation of property.

B. The registrar of voters shall furnish to the election commissioners appointed to hold the election the precinct register for each precinct or polling place. No defect or irregularity in or omission from the register so furnished shall affect the validity of the election unless it is established that the voters were thereby deprived of votes sufficient in number to have changed the result of the election.

Added by Acts 1977, No. 545, §2, eff. Jan. 1, 1978.

§1291. Voting

Except as otherwise provided in this Chapter, voting machines shall be used and the election laws of this state applicable to other elections held under this Title shall govern the conduct of the voting in elections held under this Chapter.

Added by Acts 1977, No. 545, §2, eff. Jan. 1, 1978.

§1292. Canvass of returns

On the date and at the hour and place specified in the notice of election, the governing authority ordering the election, in public session, shall examine and canvass the returns and declare the result of the election. The result shall be promulgated by one publication in a newspaper of general circulation in the political subdivision or, if there is none, in a newspaper of general circulation in the parish or, if there is no newspaper of general circulation in the parish, then in a newspaper of general circulation in an adjoining parish.

Added by Acts 1977, No. 545, §2, eff. Jan. 1, 1978.

§1293. Proces verbal

The governing authority ordering the election shall preserve a proces verbal of the canvass and shall forward a copy to the secretary of state, who shall record it. A copy also shall be forwarded to the clerk of the district court, and in Orleans Parish to the clerk of the civil district court, who shall record it in the mortgage records. The remaining copy shall be retained in the archives of the office of the governing authority ordering the election.

Added by Acts 1977, No. 545, §2, eff. Jan. 1, 1978.

§1294. Contests

For sixty days after promulgation of the results of an election held under this Chapter to incur debt, issue bonds, levy or increase a tax or assume debt, any person in interest may contest the legality of the election, the bond issue provided for, the tax authorized, or the assumption of indebtedness for any cause. After that time no one shall have any cause or right of action to contest the regularity, formality, or legality of the election, tax provisions, or bond authorization, for any cause whatsoever. If the validity of any election, tax, debt assumption, or bond issue authorized or provided for is not raised within the sixty days, the authority to incur or assume debt, levy the tax, or issue the bonds, the legality thereof, and the taxes and other revenues necessary to pay the same shall be conclusively presumed to be valid, and no court shall have authority to inquire into such matters.

Added by Acts 1977, No. 545, §2, eff. Jan. 1, 1978.

§1295. Special election to increase interest rate

A. Any parish, municipality, or other political subdivision of the state in which a special election has been held, at which election the issuance of bonds of said political subdivision has been approved and a maximum rate of interest to be borne by said bonds has been established may, through the respective governing authority thereof, call and hold a special election to authorize the issuance and sale of such bonds at a maximum rate of interest greater than that rate specified in the proposition or propositions previously approved. However, such greater maximum rate of interest so submitted for approval shall not exceed the maximum rate of interest than permitted by the applicable laws of the state for the type of bonds described in the aforesaid proposition or propositions.

B. Any election called and held hereunder shall be held and conducted under the same legal authority under which the previous election was held and conducted unless such laws since have been amended, in which event said election shall be held and conducted in accordance with the laws of the state then in effect with respect to the holding and conducting of special elections to authorize the issuance of such bonds. An election held and conducted hereunder shall have no effect other than to permit the issuance and sale of said bonds at a maximum rate of interest greater than that approved at the previously held election.

C. Notwithstanding any contrary provision of this Chapter, the authority to issue any bonds approved in prior bond elections shall remain in full force and effect.

Added by Acts 1977, No. 545, §2, eff. Jan. 1, 1978.

CHAPTER 6-B. ELECTIONS AT WHICH A PROPOSITION OR QUESTION IS TO BE SUBMITTED TO THE VOTERS

§1299. Applicability

The provisions of this Chapter provide the procedures to be used in elections, except those provided for in Chapter 6-A of this Code, at which a proposition or question, authorized by the state constitution, by a statute of this state, or by a home rule charter, shall be submitted to the voters.

Added by Acts 1978, No. 292, §1, eff. July 6, 1978. Acts 1984, No. 672, §1.

§1299.1. Statement of question or proposition to be voted on; statement length

A. The preparation of the statement of any question or proposition to be submitted to the voters at an election shall be the responsibility of the governing authority or other entity calling the election or submitting the question or proposition. The statement of the proposition shall also include a simple and unbiased concise summary in easily understood language which sets forth the substance of the proposition and shall not exceed four hundred words in length. Such summary shall be set in all capital letters and shall be placed at the beginning of the statement of the proposition.

B. The secretary of state shall be responsible for ensuring that the statement of the proposition contains the summary as provided in Subsection A of this Section.

Added by Acts 1983, No. 519, §1, eff. July 8, 1983; Acts 1993, No. 426, §1, eff. Jan. 1, 1994.

§1300. Procedures; notice of election; expenses

A.(1) When an election at which a proposition or question is to be submitted to the voters is held at the same time as an election for any public official, the election shall be held in compliance with the applicable provisions of Chapter 5 and Chapter 6-A of this Title.

(2) The commissioners selected to serve at the election for the public officials also shall serve as the commissioners for the election at which a proposition or question is to be submitted to the voters, and the compensation for each shall be only that amount provided for in R.S. 18:424 and R.S. 18:425 for the day of service as a commissioner or commissioner-in-charge.

B. When an election at which a proposition or question is to be submitted to the voters is not held at the same time as the election of any public official, the election shall be held solely in compliance with and shall be subject to the applicable provisions of Chapter 6-A of this Title.

C.(1)(a) 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 on or before the last day for candidates to qualify in 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 day prior to the election.

(b) Notwithstanding the provisions of Subparagraph (C)(1)(a), if a proposition or question is to be submitted to the voters at the gubernatorial primary election, the notice of such election shall be received by the secretary of state on or before the last working day in July.

(2)(a) 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 candidates to qualify in a primary election or after the forty-sixth day prior to an election, whichever is applicable. The secretary of state shall not include any proposition on any ballot of any election if such notice is not timely received by the secretary of state.

(b) Notwithstanding the provisions of Subparagraph (C)(2)(a), if a proposition or question is to be submitted to the voters at the gubernatorial primary election, no revisions to a proposition or question, including but not

limited to changes in the title, text, or numerical designations, shall be accepted by the secretary of state after the last working day in July.

(3) Any elector who is eligible to vote in the election may apply for injunctive relief to prohibit the placing of a proposition on the ballot if notice is not timely received by the secretary of state. Venue for such application shall be in any parish in which the election is called, and the secretary of state shall be a proper party defendant.

D. Repealed by Acts 1983, No. 681, §2, eff. July 21, 1983.

Added by Acts 1978, No. 292, §1, eff. July 6, 1978. Amended by Acts 1980, No. 792, §1, eff. Jan. 1, 1981; Acts 1981, No. 76, §1, eff. June 26, 1981; H.C.R. No. 8, 1981 1st Ex. Session; Acts 1982, No. 778, §1, eff. Aug. 4, 1982; Acts 1983, No. 681, §2, eff. July 21, 1983; Acts 1987, No. 831, §1, eff. Jan. 1, 1988; Acts 1988, No. 909, §1, eff. Jan. 1, 1989; Acts 1989, No. 179, §1, eff. Jan. 1, 1990; Acts 1992, No. 949, §1, eff. Jan. 1, 1993; Acts 1993, No. 418, §1, eff. Jan. 1, 1994.

CHAPTER 6-C. RECALL ELECTIONS

§1300.1. Recall authorized

Any public officer, excepting judges of the courts of record, may be recalled in accordance with the provisions of this Chapter. However, no recall petition may be submitted for certification to or accepted for certification by the registrar of voters or any other official if less than six months remain in the term of office.

Acts 1992, No. 949, §1, eff. Jan. 1, 1993.

§1300.2. Petition for recall election

A. Whenever the recall of any public officer is sought, a petition shall be directed to the governor. The petition shall be confined to the request that an election be called and held in the voting area for the purpose of recalling the officer. No recall petition shall seek an election for the recall of more than one public officer, individually, in the same recall petition.

B. This petition shall be signed by a number of the electors of the voting area as will in number equal not less than thirty-three and one-third percent of the number of the total electors of the voting area wherein and for which a recall election is petitioned; however, where fewer than one thousand qualified electors reside within the voting area, the petition shall be signed by not less than forty percent of said electors.

C. Prior to the entering of any signatures on a petition, the chairman designated to represent the petitioners shall file a copy of the recall petition which will be used with the registrar of voters for each parish in which the recall election is to be held and with the secretary of state. The petition shall be deemed filed when it is received in the offices of the registrar of voters and 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 offices of the registrar of voters and secretary of state. The signed and dated petition shall be submitted not later than one hundred eighty days after the day on which the copy of the petition was filed with the registrar of voters and the secretary of state. If the final day for submitting the signed and dated petition falls on a Saturday, Sunday, or legal holiday, the deadline for filing such petition shall be on the next day which is not a Saturday, Sunday, or legal holiday. The chairman shall file notice with the registrar on the third day before the petition is submitted to the registrar that he will submit the petition and the date of such submission, unless such submission is made on or after the third day before the last day for submitting such petition. Such notice of submission shall be public record. If the notice filed with the registrar on the third day before the petition is submitted includes a date for submitting the signed and dated petition which falls on a Saturday, Sunday, or other legal holiday, the registrar shall so inform the chairman and advise the chairman of the next day which is not a Saturday, Sunday, or other legal holiday and on which the petition is to be submitted.

D. Each elector, at the time of signing the petition, shall enter his address and the date on which he signed beside or underneath his signature; however, if a person is unable to write, as provided in R.S. 18:1300.4, the two witnesses shall date their signatures. In addition, each petition shall be in compliance with the provisions of R.S. 18:3. In determining the number of qualified electors who signed the petition in any parish, the registrar of voters shall not count any signature which is undated or bears a date prior to the date on which the copy of the petition initially was filed with the registrar or after the last day hereinabove set forth for submission of the

petition to the registrar. The registrar shall not receive or certify a petition submitted to him for certification unless it is submitted to him timely.

Amended by Acts 1968, No. 590, §1; Acts 1977, No. 473, §1; Acts 1979, No. 148, §1; Acts 1984, No. 672, §1; Acts 1985, No. 754, §1; Acts 1986, No. 669, §1; Acts 1988, No. 909, §1, eff. Jan. 1, 1989; Acts 1990, No. 107, §1, eff. Jan. 1, 1991.

§1300.3. Certification of registrar of voters; addition or withdrawal of signatures; form of names

A. The registrar of voters of each parish in the state, wherein a recall election is sought, shall certify on the recall petition, within ten working days after presented to him for that purpose, the number of names appearing thereon, the number of persons who are electors of the voting area, and also the total number of electors of the voting area, as of the date of execution of the certificate. He also shall indicate on the petition the names appearing thereon who are not electors of the voting area.

B. After receipt of the copy of the signed petition as provided in R.S. 18:1300.2(C), and prior to certification of said petition, the registrar of voters shall honor the written request of any voter who either desires to have his signature stricken from the petition or desires to have his signature added to the petition.

C. When there is no registrar of voters, or deputy registrar of voters in any parish, or in case of the absence or inability of that officer, the clerk of the district court of the parish shall execute the certificate. Immediately after the recall petition is certified a copy of the petition shall be made and the original recall petition shall be sent to the governor by the officer executing the certificate. Such copy shall be retained in the office of the registrar of voters in each parish affected by the petition and shall be a public record.

D. When any officer designated in this Chapter refuses to execute the certificates provided for, any signer of a recall petition, or the chairman or vice chairman designated to represent the signers, may compel the execution of the certificates by summary process in the district court having jurisdiction over the officer.

E. In determining the number of persons who are electors in the voting area, the registrar shall not include either the name of any person who has not affixed to the petition his signature and his address or the name of any person whose name affixed to the petition is not the same as the name on the registrar's roll of electors.

Amended by Acts 1952, No. 127, §16; Acts 1975, No. 338, §1; Acts 1977, No. 473, §1; Acts 1980, No. 247, §1; Acts 1982, No. 166, §1, eff. July 14, 1982. Acts 1984, No. 672, §1; Acts 1985, No. 754, §1; Acts 1989, No. 179, §1, eff. Jan. 1, 1990; Acts 1992, No. 949, §1, eff. Jan. 1, 1993.

§1300.4. Signature to recall petition

No person may sign any name to a recall petition other than his own, except in a case where a person is unable to write, in which case the incapacitated person shall affix his mark to the petition and the person circulating the petition shall affix the name and address of the incapacitated person, as well as the date on which the incapacitated person affixed his mark to the petition, provided he does so in the presence of two witnesses who shall also sign their names as witnesses to the mark.

Acts 1987, No. 831, §1, eff. Jan. 1, 1988.

§1300.5. Chairman and vice chairman designated in petition

The recall petition shall designate a chairman to act for the signers of the petition in all matters, and a vice chairman to act on order of the chairman or in case of the death, disability, absence, or resignation of the chairman. The petition shall include the full name and residence address of the chairman and the vice chairman. The chairman and vice chairman each shall be a qualified voter in the voting area from which the public official whose recall is being sought is elected.

Acts 1989, No. 727, §1, eff. Jan. 1, 1990.

§1300.6. Acts prohibited; penalty

A. It shall be unlawful for any person to circulate recall petitions or seek signatures to a recall petition within any polling place being used in an election on election day or within any place wherein absentee voting is being conducted, or within a radius of six hundred feet of the entrance to any polling place being used in an election on election day or any place wherein absentee voting is being conducted.

B. Whoever violates any provision of this Section shall be fined not more than five hundred dollars or be imprisoned for not more than six months, or both. On a second offense or any succeeding offense, the penalty shall be a fine of not more than one thousand dollars or imprisonment for not more than one year, or both.

Acts 1993, No. 219, §1.

§1300.7. Governor to order election; proclamation; publication

A. Within fifteen days after a petition for a recall election is presented to the governor, if the required number of registered voters qualified to vote as of the date on which the registrar of voters of each parish within the area issues his certification, calculated from the certificate of each of the registrars of voters, signed the petition, the governor shall issue a proclamation ordering an election to be held for the purpose of voting on the question of the recall of the officer. The proclamation shall order the election to be held on the next available date specified in R.S. 18:402(F). If the election is to be held on a primary election date, the proclamation shall be issued on or before the last day for candidates to qualify in the election. If the election is not to be held on a primary election date, then the proclamation shall be issued before the forty-sixth day prior to the election.

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 mailed to the secretary of state at the same time and in the same manner. Within twenty-four hours after he receives the copies, the secretary of state shall notify, by mail and in the same manner, all 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.

Amended by Acts 1978, No. 292, §2, eff. July 6, 1978; Acts 1988, No. 909, §1, eff. Jan. 1, 1989; Acts 1990, No. 107, §1, eff. Jan. 1, 1991; Acts 1992, No. 949, §1, eff. Jan. 1, 1993.

§1300.8. Voting areas

The voting area for an election to recall an officer is the area which composes the state, district, parish, municipality or ward from which the officer's successor is to be chosen.

This area is the basis on which to determine whether the signatures to the recall petition are sufficient and proper; the number of signatures required is determined by calculation of the number of electors of the voting area as set forth in R.S. 18:1300.2.

§1300.9. Recall elections, conduct in accordance with Election Code

Elections for the recall of any public officer shall be held under and in accordance with the applicable provisions of the Louisiana Election Code, except as otherwise specifically provided in this Chapter.

Amended by Acts 1978, No. 292, §2, eff. July 6, 1978.

§1300.10. Commissioners of election

The parish board of election supervisors shall name the three commissioners who shall compose the three election commissioners.

Acts 1988, No. 907, §1, eff. Jan. 1, 1989.

§1300.11. Preparation of ballots; marking of ballots

The ballots at recall elections shall be provided and supplied in the same manner as the ballots for general elections, and in accordance with general election laws, except as provided in this Chapter. All ballots shall be printed upon white paper, of uniform quality, texture, and size, and printed in black ink. At the top of the ballot, printed in large capital letters, shall be:

"SPECIAL ELECTION FOR THE RECALL OF

(Here state name and title of the officer whose recall is at issue.)"

Then shall follow the number and name of the election district and the location of the polling place. Then shall follow the dates of the election. Then shall follow, in separate lines on the ballot, the following:

"FOR THE RECALL. _____
AGAINST THE RECALL. _____"

After the words "FOR the Recall," shall be a blank square, and after the words "AGAINST the Recall," shall be a blank square. The ballot shall have a printed instruction on its face in conformity with R.S. 18:1306(A), informing the voter of the types of marks which may be used to indicate his vote.

Amended by Acts 1981, No. 77, §1, eff. June 26, 1981; Acts 1982, No. 166, §1, eff. July 14, 1982.

§1300.12. Results of election

The majority of the votes cast shall determine the result of the recall election. Votes shall be tabulated and returns made, declared, and promulgated as at a general election.

§1300.13. Declaration of vacancy

When the majority is in favor of the recall, the public officer is, ipso facto, recalled and removed from the office, and the governor shall, by proclamation, declare the office vacant, and the office shall be filled as in the case of ordinary vacancies and according to the constitution and laws of the state. A public officer who has been recalled and removed from office shall not be appointed to succeed himself in the office from which he was recalled and removed.

Amended by Acts 1979, No. 229, §2, eff. July 13, 1979.

§1300.14. Failure of recall

In case any election is called and held for the purpose of deciding upon whether or not any public officer shall be recalled, and at the election the effort to recall fails, then no election shall be held to recall the same officer within eighteen months from date of the election at which the recall failed to carry.

§1300.15. Recall proceedings involving governor or Secretary of State

In all cases where the governor's office is involved in a recall election, the Secretary of State shall issue the proclamation and act in all matters where it is made the duty of the governor to act, and in case the office of Secretary of State is involved, then the governor shall act instead of the Secretary of State.

§1300.16. Penalty

Whoever violates any provision of this Chapter shall be fined not less than one hundred dollars nor more than one thousand dollars, and imprisoned for not less than thirty days nor more than ninety days.

§1300.17. Right to contest preserved

Nothing contained in this Chapter shall be construed to deny to any public officer recalled, or whose recall is sought, the right to contest the recall, or any proceedings in relation thereto, in any court of competent jurisdiction, for fraud or other illegality. The procedural provisions of Chapter 9, Part I, of this Code shall be applicable to such actions.

Acts 1986, No. 669, §1.

CHAPTER 7. ABSENTEE VOTING

§1301. Applicability

This Chapter provides a method of voting by absentee ballot in primary and general elections, bond elections, tax elections, and special elections, which is in addition to the methods otherwise provided in this Title.

Acts 1976, No. 697, §1, eff. Jan. 1, 1978.

§1302. Definitions

As used in this Chapter, unless the context clearly indicates otherwise, the following terms shall have the meanings hereafter ascribed to each:

- (1) "Federal postcard application" means an application for absentee ballot as permitted by 50 USC 1464.¹
- (2) "Clerk" means the clerk of court of each parish, except that in a parish having both a civil and a criminal sheriff, the word refers to the civil sheriff.
- (3) "Election official" means the parish board of election supervisors; clerks and their employees who perform duties in the election process; registrars of voters and their employees; the secretary of state and employees of his office who perform duties in the election process; the commissioner of elections and employees of his office; and the poll commissioners, including the commissioner-in-charge.
- (4) "United States Service" means the following persons, and their spouses and dependents:
 - (a) A member of the armed forces while in active service.
 - (b) A member of the merchant marine of the United States.
 - (c) A civil employee of the United States, in any category, while serving outside the territorial limits of the several states of the United States and the District of Columbia, whether or not the employee is subject to the federal civil service laws and the Classification Act of 1949 and whether or not paid from funds appropriated by Congress.
 - (d) A member of a religious group or welfare agency assisting members of the armed forces who is officially attached to and serving with the armed forces.
- (5) "Registrar" means the registrar of voters of each parish.
- (6) "Board" means the parish board of election supervisors of each parish. If absentee commissioners are utilized by the parish board of election supervisors to count and tabulate absentee votes, the term "board" for the purposes of R.S. 18:1313; 18:1315; 18:1316; and 18:1317 may also mean absentee commissioners.

Acts 1976, No. 697, §1, eff. Jan. 1, 1978. Amended by Acts 1980, No. 506, §1, eff. Jan. 1, 1981.

¹50 U.S.C.A. §1464.

§1303. Persons entitled to vote in compliance with this Chapter

A. In person. The persons hereafter enumerated, who are otherwise qualified to vote, may vote absentee in person at a place designated by the registrar as provided in R.S. 18:1309(A) and (B):

- (1) A person who expects to be absent from the parish in which he is qualified to vote on election day.
- (2) A person who expects to be hospitalized on election day or a person who expects to be hospitalized and released prior to election day but who expects to be restricted to his bed by his physician on election day.
- (3) A member of the United States Service, as defined in R.S. 18:1302, and his spouse and dependents, who expect to be out of the parish on election day.
- (4) A student, instructor, or professor in an institution of higher learning located outside the parish in which he is qualified to vote and who lives outside of said parish by reason thereof, and his spouse and dependents accompanying and residing with him, who expect to be out of the parish on election day.
- (5) A minister, priest, rabbi, or other member of the clergy assigned to a religious post outside of the United States and his spouse and any dependents accompanying and residing with him, who expect to be out of the parish on election day.
- (6) A person residing outside the United States who expects to be out of the parish on election day.
- (7) A person who, after the registration books have closed as required by R.S. 18:135, has moved his residence to another parish, and the new residence is more than one hundred miles from the parish seat of the parish of his former residence, in which case he may vote by absentee ballot in the parish of his former residence.
- (8) *Repealed by Acts 1993, No. 418, §2, eff. Jan. 1, 1994.*
- (9) A person involuntarily confined to an institution for mental treatment who is not interdicted and judicially declared mentally incompetent.

(10) A person who, by virtue of his employment or occupation, expects to be out of his parish of registration on election day or who by virtue of his employment or occupation expects to be out of his precinct of registration and upon the waters of the state on election day.

(11) A disabled voter, as provided in R.S. 18:1304.

(12) A person who declares to the registrar that tenets of his religion require his attendance at religious services on election day, prevent him from affixing his signature on any ballot or registration rolls on an election day, or otherwise prevent him from casting his ballot on election day.

(13) A clerk of court, registrar of voters, or a person who is employed by the secretary of state, the commissioner of elections, a clerk of court, or registrar of voters and who, by virtue of his employment, expects to be unable to go to his polling place on election day to cast his ballot.

(14) A person serving as commissioner-in-charge, commissioner, or alternate commissioner for an election in a precinct other than the precinct in which he is registered to vote.

(15) A person who is sixty-five years of age or older.

(16) Any person who has registered by mail who has not previously voted in any election.

B. By mail. The following persons, otherwise qualified to vote, who expect to be out of the parish on election day, may vote absentee by mail upon meeting the requirements of this Chapter:

(1) A member of the United States Service, as defined in R.S. 18:1302, and his spouse and dependents.

(2) A student, instructor, or professor in an institution of higher learning located outside the parish in which he is qualified to vote and who lives outside of said parish by reason thereof, and his spouse and any dependent accompanying and residing with him.

(3) A minister, priest, rabbi, or other member of the clergy assigned to a religious post outside the parish in which he is registered and his spouse and any dependents accompanying and residing with him.

(4) A person who is or who expects to be temporarily outside the territorial limits of the state or absent from the parish in which he is qualified to vote during the absentee voting period and on election day.

(5) A person who, after the registration books have closed as required by R.S. 18:135, has moved his residence to another parish and the new residence is more than one hundred miles from the parish seat of the parish of his former residence, in which case he may vote by absentee ballot in the parish of his former residence.

(6) A person involuntarily confined in an institution for mental treatment outside the parish in which he is qualified to vote, who is not interdicted and not judicially declared incompetent.

(7) *Repealed by Acts 1993, No. 418, §2, eff. Jan. 1, 1994.*

(8) A person residing outside the United States.

C. Sequestered jury member. A person who is otherwise qualified to vote, who is a member of a sequestered jury on election day, may vote absentee as provided in R.S. 18:1307.1, R.S. 18:1307.2, and R.S. 18:1308.1, upon meeting the requirements of this Chapter.

D. Hospitalized. (1) A person who is otherwise qualified to vote, who expects to be hospitalized on election day and who did not have knowledge of his proposed hospitalization until after the time to vote absentee in person had expired, may vote absentee by mail upon meeting the requirements of this Chapter.

(2) A person who is otherwise qualified to vote, who expects to be hospitalized on election day and who was hospitalized during the time to vote absentee in person, may vote absentee by mail upon meeting the requirements of this Chapter.

(3) A person who was hospitalized and released prior to an election but who is either hospitalized or restricted to his bed by his physician during absentee voting in person and is restricted to his bed by his physician on election day may vote absentee by mail upon meeting the requirements of this Chapter.

E. Employed upon state waters. A person who, by virtue of his employment or occupation expects to be out of his precinct of registration and upon the waters of the state both during the absentee voting period and on election day may vote absentee by mail upon meeting the requirements of this Chapter.

F. Special handicapped persons. A person who lives at home and is approved for participation in the Special Handicapped Program under Part III of Chapter 7-A of this Title may vote absentee by mail as provided therein.

G. Persons incarcerated. A person incarcerated in an institution inside or outside the parish in which he is qualified to vote, who is not under an order of imprisonment for conviction of a felony, may only vote absentee by mail and only upon meeting the requirements of this Chapter and certification to the appropriate registrar by the sheriff of the parish where the person is incarcerated that he is not a convicted felon.

Acts 1976, No. 697, §1, eff. Jan. 1, 1978. Amended by Acts 1977, No. 299, §3, eff. Jan. 1, 1978; Acts 1977, No. 513, §1, eff. Jan. 1, 1978; Acts 1979, No. 229, §1, eff. July 13, 1979; Acts 1980, No. 506, §1, eff. Jan. 1, 1981; Acts 1981, No. 106, §1; Acts 1981, No. 475, §1; Acts 1983, No. 500, §1, eff. July 6, 1983; Acts 1985, No. 754, §1; Acts 1985, No. 223, §1; Acts 1988, No. 909, §1, eff. Jan. 1, 1989; Acts 1989, No. 179, §1, eff. Jan. 1, 1990; Acts 1990, No. 107, §1, eff. Jan. 1, 1991; Acts 1992, No. 748, §1; Acts 1992, No. 922, §1; Acts 1993, No. 418, §§1 and 2, eff. Jan. 1, 1994; Acts 1994, 3rd Ex. Sess., No. 10, §1, eff. Jan. 1, 1995.

§1304. Disabled voters; permanent disability

A. A person who is physically disabled to an extent which prevents him from voting at the polls on election day may vote absentee in person when the application therefor is accompanied by a certificate of a physician certifying that the disability makes the voter unable to go to the polls on election day.

B.(1) Any qualified voter who has a permanent physical disability which makes it improbable that he will be able to be present at the polls at any future election may obtain a disabled voter's identification card which will enable him to vote under this Chapter as a physically incapacitated voter without the necessity of accompanying his application for a ballot for each election with the certificate of a physician, as required by Subsection A hereof. Application for a disabled voter's identification card shall be made in writing to the registrar of voters and shall be accompanied by a certificate of the attending physician specifically describing the nature of the physical disability and stating that it is improbable that the person will be physically able to vote at the polls in the foreseeable future. Upon receipt of the application and the physician's certificate, the registrar of voters shall issue a disabled voter's identification card to the applicant. The identification card shall bear an identification number, which shall be clearly noted on the registration records of the voter. If the holder becomes physically capable of voting in person at the polls, he shall surrender his disabled voter's identification card to the registrar of voters before the next election.

(2) A disabled voter's identification card shall be valid for five years, but may be renewed for successive periods of five years in the same manner as is herein prescribed for issuance of the original card, accompanied by a new certificate of the attending physician. Within ninety days prior to the expiration date appearing on each identification card, the registrar of voters shall notify the voter to whom it was issued by mail of the date on which the identification card will expire and that he no longer will be eligible to vote as herein provided unless the card is renewed.

Acts 1976, No. 697, §1, eff. Jan. 1, 1978. Amended by Acts 1982, No. 778, §1, eff. Aug. 4, 1982.

§1305. Voting at polls prohibited

A person who has voted by absentee ballot either by mail or in person shall not vote in person at the polls on election day.

Acts 1976, No. 697, §1, eff. Jan. 1, 1978. Amended by Acts 1977, No. 513, §1, eff. Jan. 1, 1978; Acts 1980, No. 506, §1, eff. Jan. 1, 1981.

§1306. Preparation and distribution of absentee ballots

A.(1) The secretary of state shall prepare absentee ballots. The size and weight of paper, size and type of print, and other matters pertaining to absentee ballots shall be determined by the secretary of state, subject to approval as to content by the attorney general. All ballots and paraphernalia of the same kind shall be identical as to size and weight of paper, size, type, and color of print, and other matters.

(2) Each ballot shall have printed on its face instructions informing the voter of the types of marks which may be used on that ballot to indicate his vote. Depending on the type of ballot used in an election, the following marks may be used by a voter to indicate his vote:

- (a) A cross [X] mark;
- (b) A check [✓] mark;
- (c) A mark that is made by filling in the appropriate space or box; or

(d) A mark that is made by punching out the appropriate space or box.

The instructions shall inform the voter that a combination of marks may not be used on the same ballot and that the use of more than one type of mark on the same ballot will result in that ballot being voided.

(3) Depending on the type of ballot used in an election, a ballot shall be marked by the voter with a pencil containing black lead or a pen or ball-point pen containing black, blue-black, or blue ink, or with an instrument or device to punch out the appropriate space or box on the ballot. The instructions printed on the face of the ballot shall inform the voter of the type of instruments that he shall use to mark his ballot.

(4) The secretary of state shall prepare a special absentee ballot for candidates and constitutional amendments to be voted on in general elections, subject to approval as to content by the attorney general. This special ballot shall only be for use by a qualified voter who is either a member of the United States Service or who resides outside of the United States. Such special ballot shall contain a list of the titles of all offices being contested at the primary election and the candidates qualifying for the primary election for each office, and shall permit the elector to vote in the general election by indicating his order of preference for each candidate for each office. On the special ballot shall also be printed each constitutional amendment to be voted on in the general election. To indicate his order of preference for each candidate for each office to be voted on in the election, the voter shall put the number one next to the name of the candidate who is the voter's first choice, the number two for his second choice and so forth so that, in consecutive numerical order, a number indicating the voter's preference is written by the voter next to each candidate's name on the ballot. A space shall be provided for the voter to indicate his preference for or against each constitutional amendment contained on the ballot. The voter shall not be required to indicate his preference for more than one candidate on the ballot if the voter so chooses. The secretary of state shall also prepare instructions for use of the special ballot.

B. The secretary of state shall prepare mail absentee ballot envelopes, in-person absentee ballot envelopes, absentee voting instructions, certificates, and other absentee balloting paraphernalia consistent with the provisions of this Chapter, subject to approval of the attorney general as to content. 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 state, with approval of the attorney general as to content, shall prepare and furnish absentee ballots, absentee voting instructions, and certificates in the minority language in sufficient quantity to send each absentee voter requesting voting material in that language.

C.(1) At least twenty days before each primary election and at least thirteen days before each general election, the secretary of state shall deliver to the registrar in each parish in which the election is to be held the absentee ballots, envelopes, certificates, instructions to be used in voting by absentee ballot in that election, and a statement, approved by the attorney general, explaining the scope and nature of any proposed constitutional amendment. The number of absentee ballots and other necessary paraphernalia to be so delivered shall be up to ten percent of the registered voters within each parish.

(2) At least twenty days before each primary election the secretary of state shall deliver to the registrar in each parish in which the election is to be held the special absentee ballot for qualified voters who are either members of the United States Service or persons residing outside of the United States. The number of special ballots and other necessary paraphernalia, including instructions for the use of the special ballot, to be so delivered shall be up to one percent of the registered voters within each parish.

D. A mail or in-person absentee ballot envelope shall have printed on its face in red bold face type:

**FOR BALLOT ONLY
VIOLATION OF ABSENTEE VOTING LAWS VOIDS BALLOT
AND MAY RESULT IN CRIMINAL PENALTIES
VOTING AT POLLS AFTER VOTING ABSENTEE IS
PROHIBITED
AND MAY RESULT IN CRIMINAL PENALTIES**

E.(1) A mail or in-person absentee ballot envelope also shall have a perforated extension or flap below the sealing line, which shall bear a certificate prescribed by the secretary of state and approved by the attorney general. The certificate shall include but not necessarily be limited to:

(a) The full name and place of residence of the voter in Louisiana, including state, parish, ward, precinct, city, and street.

(b) The statement of the voter certifying that he applied for the ballot, marked the enclosed ballot(s) himself or that they were marked for him according to his instructions and in his presence.

(c) The statement of the voter that he is entitled to vote at the precinct he names.

(d) Authorization to the parish board of election supervisors to open the envelope and count his ballot.

(e) His mother's maiden name.

(f) An affidavit followed by a line for the signature of the voter, certifying that the statements made by him are true and correct and that the voter is aware of the penalties for knowingly making a false statement therein, which penalties shall be stated on the certificate.

(2) The certificate on a mail absentee ballot envelope also shall include:

(a) Spaces for the state and parish or county where it is executed.

(b) A list of the causes which entitle a voter to vote by mail absentee ballot, including a method by which the voter shall indicate the cause applicable to him.

(3) The certificate on an in-person absentee ballot envelope also shall include a statement of the voter that he has reviewed the eligibility requirements and is entitled to vote absentee in person.

(4) A mail or in-person absentee ballot envelope flap shall also contain lines for the signature of two witnesses. The voter may sign the certificate in the presence of two witnesses, who must also sign the certificate, and in such a case, the voter shall not be required to obtain the signature of a notary public, but his certificate shall be made under penalty of perjury for providing false or fraudulent information. Above the perforation and along the seal line the words "DO NOT DETACH FLAP" shall be printed.

F. The secretary of state shall design and provide a standard notice advising the public of the causes which entitle a voter to vote by absentee ballot in person. The notice shall be furnished to each parish registrar of voter's office wherein absentee voting in person is being conducted. The registrar shall post the notice in a prominent location to allow prospective voters to review eligibility requirements for voting absentee in person.

Acts 1976, No. 697, §1, eff. Jan. 1, 1978. Amended by Acts 1977, No. 513, §1, eff. Jan. 1, 1978; Acts 1978, No. 292, §1, eff. July 6, 1978; Acts 1980, No. 506, §1, eff. Jan. 1, 1981; Acts 1981, No. 77, §1, eff. June 26, 1981; Acts 1982, No. 10, §1, eff. Jan. 1, 1983; Acts 1982, No. 166, §1, eff. July 14, 1982; Acts 1985, No. 755, §1; Acts 1986, No. 425, §1; Acts 1987, No. 831, §1, eff. Jan. 1, 1988; Acts 1988, No. 909, §1, eff. Jan. 1, 1989; Acts 1989, No. 179, §1, eff. Jan. 1, 1990; Acts 1992, No. 438, §1, eff. June 20, 1992; Acts 1992, No. 949, §1, eff. Jan. 1, 1993.

§1307. Application by mail

A. A person qualified to vote absentee by mail under this Chapter may make application therefor to the registrar by letter; over his signature; setting forth:

(1) The election or elections for which he requests an absentee ballot.

(2) The reason for his request to vote absentee and attaching any documents in support thereof that are required by law.

(3) The address to which the absentee ballot or ballots shall be sent.

(4) The ward and precinct in which the person is qualified to vote, if known.

(5) If the person requests that a ballot for a general election be sent in addition to a ballot for the primary, he shall declare in writing to the registrar that he will be eligible to vote absentee by mail in the general election.

B. Except as provided in Subsection C of this Section, an application must be received by the registrar not earlier than sixty days or later than ninety-six hours before the close of the polls for the election for which it is requested, and the date received shall be noted thereon.

C. If the applicant is a member of the United States Service or resides outside the United States, he may use the federal postcard application, and the period during which applications may be received by the registrar shall extend from twelve months to seven days before election day.

D. A person entitled to vote absentee by mail may request in his application for an absentee ballot for a primary election that an absentee ballot for the succeeding general election be sent to him when such ballots

become available for distribution. However, in such case, the applicant shall declare in writing to the registrar that he will be eligible to vote absentee by mail in the general election.

Acts 1976, No. 697, §1, eff. Jan. 1, 1978. Amended by Acts 1977, No. 513, §1, eff. Jan. 1, 1978; Acts 1980, No. 506, §1, eff. Jan. 1, 1981; Acts 1985, No. 754, §1; Acts 1990, No. 107, §1, eff. Jan. 1, 1991.

§1307.1. Application by person serving on sequestered jury

A. A person qualified to vote absentee pursuant to R.S. 18:1303(C) may make application therefor to the registrar by letter over his signature, setting forth:

- (1) The election for which he requests an absentee ballot.
- (2) The reason for his request to vote absentee and attaching thereto a certified copy of the court order required by R.S. 18:1307.2.
- (3) The address to which the absentee ballot shall be delivered.
- (4) The ward and precinct in which the person is qualified to vote, if known.

B. An application must be received by the registrar on the day of the election for which it is requested, and the date received shall be noted thereon by the registrar.

Added by Acts 1981, No. 475, §1.

§1307.2. Procedure for absentee voting by member of sequestered jury

Upon the request of a person selected to serve as a member of a jury which is sequestered on the day of an election and who is entitled to vote by absentee ballot under the provisions of R.S. 18:1303(C), the court shall so inform the registrar of voters in writing and shall order that the officer of the court in charge of the jury:

- (1) Permit the jurors to make application to vote by absentee ballot as set forth in R.S. 18:1307.1 and provide the jurors with the materials needed to make application.
- (2) Deliver all of the applications to the registrar of voters at the earliest feasible time during the registrar's regular office hours as set forth in R.S. 18:1309(A) on the day of the election.
- (3) Obtain from the registrar of voters and deliver to the applicants necessary instructions, certificates, ballots, and envelopes as provided in R.S. 18:1308.1(A).
- (4) Deliver to the registrar of voters the envelopes containing absentee ballots as set forth in R.S. 18:1308.1, prior to the closing of the polls.

Added by Acts 1981, No. 475, §1.

§1308. Absentee voting by mail

A.(1)(a) Beginning with the date on which the registrar receives the absentee ballots and other necessary paraphernalia from the secretary of state, and thereafter, immediately upon receipt of an application by mail, the registrar shall mail the necessary instructions, certificates, ballots, and envelopes to the applicant at the address furnished by the applicant. The registrar shall detach the perforated slip from the absentee ballot before mailing it to the voter and shall retain the slip in the records of his office for six months.

(b) If the voter feels he will not have time to vote timely by mail, the voter may request that the registrar transmit to him by facsimile a ballot, including the affidavit, or a second ballot, as the case may be, and the registrar shall do so if he has a facsimile machine in his office. The voter may then mail his voted ballot, including the affidavit, back to the registrar or transmit it by facsimile if the registrar has a facsimile machine in his office. If the voter transmits his voted ballot to the registrar by facsimile, the transmittal shall contain the following statement: "I understand that by faxing my voted ballot I am voluntarily waiving my right to a secret ballot." This statement shall be followed by the voter's signature, date, and social security number. Upon receipt of the transmittal, the registrar shall place the voted ballot along with the signed statement and affidavit in an appropriately marked envelope and seal it. The registrar and his staff shall take the steps necessary to keep the voted ballots received by facsimile as confidential as practicable.

(2)(a) With respect to persons on active duty in the United States military service or outside the continental boundaries of the United States, these materials shall be mailed as provided by the Uniformed and Overseas Citizens Absentee Voting Act (39 USC 3406 and 42 USC 1973ff et seq.) and shall include both the primary

election ballot and the special ballot for the general election. The envelope mailed to the voter shall contain four envelopes, two of which shall be the ballot envelopes and two of which shall be return envelopes. Each return envelope shall bear the official title and mailing address of the registrar, whether it contains a primary or general election ballot, and the name, return address, and precinct or district number of the voter. The voter shall return his voted primary election ballot and special ballot for the general election to the registrar in the appropriate envelopes. The registrar of voters shall not mail a regular general election absentee ballot to a member of the United States Service or to persons residing overseas if the registrar has mailed the special ballot, as provided herein, to such voter.

(b) Notwithstanding the provisions of Subparagraph A(2)(a), if the voter is on active duty in the United States military service or residing outside the United States continental boundaries and feels he will not have time to vote timely by mail, the voter may request that the registrar transmit to him by facsimile a ballot, including the affidavit, or a second ballot, as the case may be, and the registrar shall do so if a facsimile machine is available for his use. The voter may then either mail or transmit by facsimile his voted ballot, including the affidavit, back to the registrar at the facsimile machine number designated by the registrar. If the voter chooses to transmit his voted ballot to the registrar by facsimile, the transmittal shall contain the following statement: "I understand that by faxing my voted ballot I am voluntarily waiving my right to a secret ballot." This statement shall be followed by the voter's signature, date, and social security number. Upon receipt of the transmittal, the registrar shall place the voted ballot along with the signed statement and affidavit in an appropriately marked envelope and seal it. The registrar and his staff shall take the steps necessary to keep the voted ballots received by facsimile as confidential as practicable.

(c) The secretary of state as the chief election officer of the state, in conjunction with the commissioner of elections, shall take all actions reasonably necessary to allow persons residing outside the continental boundaries and persons on active duty in the armed forces to vote according to the Uniformed and Overseas Citizens Absentee Voting Act or otherwise during a period of declared emergency, whether by mail, facsimile, or other means of transmission of the ballot, notwithstanding any provision of this Code to the contrary.

B. The ballot shall be marked as provided in R.S. 18:1310 and returned to the registrar. Upon its receipt, the registrar shall post the name and precinct of the voter as required by R.S. 18:1311.

C. Except as provided in R.S. 18:1308.1(C) and 1311(D) (1) and (5), all ballots received by the registrar before election day shall be counted.

Acts 1976, No. 697, §1, eff. Jan. 1, 1978. Amended by Acts 1977, No. 513, §1, eff. Jan. 1, 1978; Acts 1980, No. 506, §1, eff. Jan. 1, 1981; Acts 1981, No. 77, §1, eff. June 26, 1981; Acts 1981, No. 475, §1; Acts 1983, No. 519, §1, eff. July 8, 1983; Acts 1986, No. 425, §1; Acts 1987, No. 831, §1, eff. Jan. 1, 1988; Acts 1988, No. 909, §1, eff. Jan. 1, 1989; Acts 1991, No. 201, §1, eff. July 2, 1991; Acts 1992, No. 438, §1, eff. June 20, 1992; Acts 1993, No. 418, §1, eff. Jan. 1, 1994.

§1308.1. Absentee voting by person serving on sequestered jury

A. Immediately upon receipt of an application, the registrar shall deliver the necessary instructions, certificates, ballots, and envelopes to the officer of the court in charge of the sequestered jury on which the applicant is serving, at the address furnished by the applicant. The registrar shall detach the perforated slip from each absentee ballot before delivering it to the officer, shall retain the slip from each absentee ballot before delivering it to the officer, and shall retain the slip in the records of his office for six months. Each envelope delivered to the officer shall contain two envelopes, one of which shall be the ballot envelope and the other shall be a return envelope bearing the official title and mailing address of the registrar and the name, return address, and precinct or district number of the voter. This latter envelope shall be used by each voter to return his ballot.

B. The ballot shall be marked as provided in R.S. 18:1310 and returned to the registrar by the officer of the court in charge of the sequestered jury. Upon its receipt, the registrar shall post the name and precinct of the voter as required by R.S. 18:1311.

C. All ballots of persons serving on a sequestered jury received by the registrar by the time of closing of the polls on the day of the election shall be counted.

Added by Acts 1981, No. 475, §1.

§1308.2. Absentee voting by mail for presidential candidates

A. At least forty-five days before each presidential election, the secretary of state shall deliver to each registrar a sufficient quantity of absentee ballots, envelopes, certificates, and instructions to be used only by members of the United States service, as defined in R.S. 18:1302, and persons residing outside the United States who are registered to vote pursuant to R.S. 18:103(C), for the election of the President of the United States. The absentee ballot shall be prepared according to law and shall contain only presidential candidates. The ballot return envelope shall be marked "Presidential Ballot Only".

B. Absentee voting by mail for presidential candidates as provided in Subsection A hereof shall be conducted pursuant to the provisions of this Chapter governing absentee voting generally.

Added by Acts 1982, No. 778, §1, eff. Aug. 4, 1982.

§1309. Absentee application and voting in person

A.(1) The periods for conducting absentee application and voting in person shall be from twelve days to six days prior to any scheduled election.

(2) During the period of absentee voting in person, the registrar shall maintain regular office hours, remaining open from 8:30 a.m. to 4:30 p.m. Monday through Friday, and from 8:30 a.m. to 12 o'clock noon on Saturday; however, if any holiday provided by law or proclaimed by the governor for state departments falls during the period for absentee voting, the office of the registrar shall remain open until 4:30 p.m. on the last day of the period for absentee voting. If the holiday falls on the last day of the period for absentee voting, the registrar shall post a notice to that effect at the entrance to the office of the registrar. Absentee voting in person on the last day of voting will terminate when all persons who were in line to vote at the close of the regular office hours of the registrar's office, as provided herein, have been allowed to vote. If the office space of the registrar is insufficient or inconvenient to accommodate absentee voting, the registrar may provide for an alternate location to conduct absentee voting, which location shall be in the courthouse or in a public building in the immediate vicinity thereof, and in such case, adequate notice shall be posted at the registrar's office informing the public of the location where absentee voting is being conducted.

(3) A registrar shall observe the holidays which are provided by law or proclaimed by the governor for state departments during any period for conducting absentee application and voting in person.

B. For the purpose of facilitating absentee voting in person, the registrar may designate, in addition to the location for absentee voting provided in Subsection A hereof, one branch office wherein absentee voting in person may be conducted. Any such branch office shall be located in a public building and the hours during which absentee voting in person may be conducted therein shall be fixed by the registrar as provided in Subsection A of this Section.

C. In parishes which extend in one direction more than fifty miles and which are interspersed with navigable waters, the registrar may designate, in addition to the locations for absentee voting provided for in Subsections A and B hereof, one additional branch office wherein absentee voting in person may be conducted. Any such branch office shall be located in a public building and the hours during which absentee voting in person may be conducted therein shall be fixed by the registrar.

D.(1) Before any voter is allowed to vote absentee in person at a place as provided in Subsection A of this Section, the registrar or his deputy shall establish the voter's identity by requiring him to submit his current Louisiana driver's license or his current registration certificate. If the voter does not have either document in his possession, the registrar or his deputy shall establish his identity in the manner provided in R.S. 18:105(A).

(2) Before any voter is allowed to vote at a branch office as provided in Subsection B of this Section, the registrar or deputy registrar shall establish the voter's identity by requiring him to submit his current registration certificate.

E.(1) Upon a voter's application to vote absentee in person, the registrar or his deputy shall obtain the information required to be included on the list provided in R.S. 18:1311(A).

(2) The registrar shall hand to the voter the ballot, ballot envelope, and the certificate provided in R.S. 18:1310(B), if needed. Except as otherwise provided in this Paragraph, the voter shall sign the precinct register prior to executing the absentee ballot. If the voter is voting at a branch office as provided in Subsection B of this Section, he shall be required to sign and date a duplicate of the list provided in R.S. 18:1311(A) prior to executing the absentee ballot.

(3) The voter then shall retire to a place within the area designated for the marking of ballots in secrecy and shall fill in the flap certificate and mark his ballot as provided in R.S. 18:1310. He shall fold his marked ballot and, without the voter releasing it, the registrar shall detach the perforated slip from the ballot, after which the voter shall place it in the ballot envelope, seal it, and return it to the registrar or his deputy.

F. By no later than the fifth day before an election, the registrar shall have received from the branch office all ballots, ballot envelopes, certificates, lists, and other election paraphernalia. Immediately upon receipt of these materials, the registrar shall compare the information contained on the flap certificate of each ballot and the signed duplicate lists with the information contained in the precinct register. If the registrar finds any discrepancies between the information contained on the flap certificate of a ballot envelope and that contained in the precinct register, he shall make a note thereof on the front of the ballot envelope.

G. Prior to delivery of the precinct register to the parish custodian, the registrar shall enter the word "absentee" and the date of the election in the proper space on the precinct register for each voter who voted absentee in person and for each voter who voted absentee by mail whose ballot the registrar had received on or before the last day for voting absentee in person.

Acts 1976, No. 697, §1, eff. Jan. 1, 1978. Amended by Acts 1980, No. 506, §1, eff. Jan. 1, 1981; Acts 1981, No. 106, §1, eff. July 3, 1981; Acts 1982, No. 10, §1, eff. Jan. 1, 1983; Acts 1983, No. 519, §1, eff. July 8, 1983; Acts 1984, No. 672, §1; Acts 1985, No. 755, §1; Acts 1987, No. 831, §1, eff. Jan. 1, 1988; Acts 1989, No. 179, §1, eff. Jan. 1, 1990; Acts 1992, No. 949, §1, eff. Jan. 1, 1993.

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

A. When a voter receives the absentee voting materials by mail or in person, he first shall fill in all blanks on the certificate on the ballot envelope flap and shall sign it. The voter then shall mark the ballot according to the printed instructions on its face. Then the voter shall place the ballot in the envelope and seal the envelope.

B.(1) No candidate in any election shall assist any voter in casting his ballot in that election.

(2) Except as otherwise provided in Paragraph (1) of this Subsection, a person otherwise qualified to vote by absentee ballot who is blind or physically handicapped or who is unable to read or write may receive assistance in voting absentee from any person of his selection. The failure of a voter to furnish notice and proof during the time that the registration records are closed shall not deprive the voter of his right to receive assistance in voting if he complies with the requirements of the laws governing the conduct of elections with respect to assistance to voters in casting their votes as required by R.S. 18:564(D)(1).

(3) A person who is eligible for assistance in voting absentee may, in the same manner, seek assistance in the signing of his name or making of his mark. Any person who assists a voter in signing his name or making his mark shall explain to the voter that a signature or mark so made certifies that all statements in the certificate are true and correct and that any person who knowingly provides false or incorrect statements is subject to a fine or imprisonment, or both.

Acts 1989, No. 179, §1, eff. Jan. 1, 1990; Acts 1993, No. 418, §1, eff. Jan. 1, 1994.

§1311. List of absentee voters; posting; delivery of alphabetized list to precincts; supplements

A. Immediately upon receipt of an application to vote absentee by mail or in person, the registrar shall enter the name of the applicant and his street or mailing address, ward, and precinct number on a list. He shall post the list in a conspicuous place accessible to the public at the entrance to his office.

B. The registrar shall keep a list containing the names of all persons who vote by absentee ballot in person and of those whose absentee ballots by mail he has received. He shall post this list in a conspicuous place accessible to the public at the entrance to his office. After the last day for voting absentee in person, the registrar shall prepare a list, arranged alphabetically by precinct, of the names of all persons who have voted absentee in person or from whom absentee ballots by mail were received on or before the last day for voting absentee in person. The registrar shall retain a copy of the list for use by the parish board of election supervisors on election night and shall post a copy of the list in a conspicuous place accessible to the public at the entrance to his office.

C.(1) The registrar shall prepare a supplemental list, arranged alphabetically by precinct, of the names of all persons from whom absentee ballots by mail have been received after the last day for voting absentee in

person and before election day. The registrar shall deliver the supplemental list for each precinct to the parish custodian. The parish custodian shall then deliver the supplemental list for each precinct to the deputy parish custodian appointed for that precinct when the voting machine keys are delivered as provided in R.S. 18:553(A). The registrar shall retain a copy of the supplemental list for use by the parish board of election supervisors on election night and shall post a copy of the supplemental list in a conspicuous place accessible to the public at the entrance to his office.

(2) The registrar shall include the first absentee ballot received from a person voting by mail, if timely received, with those to be counted by the board. Any second or subsequent ballot received from such person shall be considered not timely received.

D.(1) Any absentee ballot submitted by a member of the United States Service or person who resides outside of the United States who has made application to vote absentee timely and which ballot is received by the registrar on election day shall be endorsed with the day and hour of receipt and shall be segregated from and kept separately from any other absentee mail ballot received on or after election day.

(2) Upon receipt of any such absentee ballot, the registrar shall include, on a separate list prepared for this purpose, in alphabetical order and by precinct, the name of any such voter in each precinct.

(3) Each envelope containing such an absentee ballot shall remain sealed until the registrar, after the polls have closed on election day, has verified with the commissioner-in-charge at each precinct for which a name appears on the list whether or not such voter has voted in person at that precinct.

(4)(a) If the voter has not voted in person at the precinct, the registrar shall include the first absentee ballot received, if received timely, with those to be counted by the board, or, if the counting and tabulation of absentee ballots has commenced, shall transmit such ballot to the board to be counted. Any second or subsequent ballot received from such person shall be considered as not timely received. Accompanying any such absentee ballot shall be a statement certified by the registrar that he has verified that such voter has not voted in person at the precinct where he is registered to vote.

(b) If the voter has voted in person at the precinct, the registrar shall write across the ballot the words "rejected, voted at precinct" and shall include such ballot with all other mail ballots received on or after election day, to be kept unopened for six months, and destroyed.

(5)(a) Upon receipt of the special ballot for members of the United States Service and persons residing outside of the United States, the registrar shall endorse the day and hour of receipt on said ballots and place those received on the day of the general election in an envelope separate from any other mail ballot. The registrar shall include, on a separate list for this purpose, in alphabetical order and by precinct, the name of each voter submitting such special absentee ballot.

(b) Each envelope containing such ballot shall remain sealed until the registrar, after the close of polls on election day, has verified with the commissioner-in-charge at each precinct for which a name appears on the list whether or not such voter has voted in person at that precinct.

(c) If the voter has not voted in person at the precinct, the first special ballot received from the voter by the registrar, if timely received, shall be counted and tabulated in accordance with the provisions of this Chapter relative to absentee mail ballots.

E. The commissioners at the polling place shall use the supplemental list provided for in Subsection C of this Section to insure that persons who have voted absentee do not vote in person at the polls on election day.

Acts 1976, No. 697, §1, eff. Jan. 1, 1978, Amended by Acts 1977, No. 513, §1, eff. Jan. 1, 1978; Acts 1980, No. 506, §1, eff. Jan. 1, 1981; Acts 1981, No. 76, §1, eff. June 26, 1981; Acts 1985, No. 754, §1; Acts 1985, No. 755, §1; Acts 1986, No. 425, §1; Acts 1986, No. 669, §1; Acts 1988, No. 909, §1, eff. Jan. 1, 1989; Acts 1989, No. 179, §1, eff. Jan. 1, 1990; Acts 1992, No. 438, §1, eff. June 20, 1992.

§1312. Retention of ballots at registrar's office

A. All absentee ballots shall be retained in the office of the registrar of voters except as otherwise provided in this Chapter.

B. All absentee ballots which are received timely shall be arranged by ward and precinct and placed and retained in a special absentee ballot envelope designated and used only for that purpose and shall be delivered to the parish board of election supervisors to be counted and tabulated as provided in R.S. 18:1313.

C. After the tabulation of the absentee ballots on election night, the board shall replace the absentee ballots in the special absentee ballot envelope and return the envelope to the registrar of voters. The registrar shall retain these absentee ballots inviolate in the special absentee ballot envelope until the delay for filing an election contest has lapsed, or, if an action contesting the election has been filed, until the judgment in the action becomes definitive.

D. Except as otherwise provided in R.S. 18:1308.1(C) and 1311(D)(1) and (5), all mail ballots received on or after election day shall not be counted, but shall be endorsed with the day and hour of receipt, shall be kept unopened for six months, and then shall be destroyed. Any absentee ballot received by mail or facsimile not the first received from the voter shall be treated as provided in this Subsection.

E. Absentee ballots, applications for absentee ballots, certificates, and other absentee ballot paraphernalia associated with an election shall be retained for six months after an election, unless litigation is pending relative to such election. If litigation is pending relative to such election, such paraphernalia shall be retained in accordance with any applicable court order and until said litigation is concluded. However, if an executed affidavit on an absentee ballot envelope was used as an address confirmation, the registrar shall retain such affidavit for a period of twenty-two months from the date of the election.

Acts 1976, No. 697, §, eff. Jan. 1, 1978. Amended by Acts 1977, No. 513, §1, eff. Jan. 1, 1978; Acts 1980, No. 506, §1, eff. Jan. 1, 1981; Acts 1981, No. 475, §1; Acts 1985, No. 754, §1; Acts 1985, No. 755, §1; Acts 1986, No. 669, §1; Acts 1988, No. 909, §1, eff. Jan. 1, 1989; Acts 1992, No. 438, §1, eff. June 20, 1992; Acts 1994, 3rd Ex. Sess., No. 10, §1, eff. Jan. 1, 1995.

§1313. Tabulation and counting of absentee ballots

A. The parish board of election supervisors shall be responsible for the counting and tabulation of all absentee ballots in the parish. The board may utilize absentee commissioners to count the absentee ballots in the parish. If the board determines that absentee commissioners are necessary to count and tabulate the absentee ballots, it shall select absentee commissioners in accordance with the provisions of R.S. 18:1314.

B. Absentee ballots shall be counted at the office of the registrar of voters or at a place within the parish courthouse at a time fixed by the parish board of election supervisors which time shall be set no earlier than 4:00 p.m. and no later than 8:00 p.m. on election day. In parishes having a civil and criminal courthouse, the parish courthouse shall be the civil courthouse.

C.(1) If the counting and tabulation of absentee ballots begins prior to the closing of the polls, such counting and tabulation shall be conducted in a location and manner to prevent disclosure of the results prior to the closing of the polls. Each person except a person providing technical assistance pursuant to Paragraph (2) of this Subsection, who enters the location in which the absentee ballots are being counted and tabulated shall remain in that location and shall not be allowed to leave except temporarily, and then only when accompanied by a law enforcement officer, and shall not communicate with any person outside until the polls are closed. The parish board of election supervisors may take any action necessary to insure that no information with respect to the counting and tabulation of absentee ballots is transmitted from the location where the absentee ballots are being counted and tabulated prior to the close of the polls on election day.

(2) Any person, authorized by the commissioner of elections, may provide technical assistance including advice, analysis, diagnosis, or repair for voting machines at the location where absentee votes are being counted and tabulated. Such technical assistance shall be provided only upon the request of the parish board of election supervisors or a team of absentee commissioners, and may be made in person at the location where absentee votes are being counted and tabulated, or by telephone, or both. Any authorized person providing such assistance may enter and leave the location where absentee votes are being counted and tabulated before the closing of the polls and during the process of counting and tabulation. He shall not disclose any information with respect to the counting and tabulation of absentee ballots prior to the close of the polls on election day.

D. Candidates, their representatives, and qualified electors may be present during the counting and tabulation of absentee ballots. If the counting and tabulation of absentee ballots begins prior to the closing of the polls, the board shall give notice reasonably calculated to inform any person who wants to be present during the counting and tabulation that no person will be allowed to leave or to communicate with any other person outside, until such time as the polls are closed.

E. The board shall count and announce the results of the absentee ballots as the total number of absentee votes cast in the election for each candidate and the total number cast for and against each proposition.

F. The procedure for counting absentee ballots shall be as follows:

(1) A member of the board shall remove the envelopes containing the absentee ballots from the special absentee ballot envelope.

(2) The board shall announce the name of each absent voter and the ward and precinct where he is registered to vote, and shall compare the name on the flap of the envelope containing the absentee ballot with the names on the list of absentee voters and on the supplemental list, to verify that the absent voter has not otherwise voted in that election and that the ballot is valid.

(3) The board shall determine the validity of challenges filed in accordance with R.S. 18:1315.

(4) If the board determines that an absentee ballot is valid, a member of the board shall tear the flap from the envelope containing the absentee ballot, leaving the envelope sealed, and shall write the word "absentee" on the list beside the name of the voter as it appears on the list or supplemental list of persons who voted absentee, and shall sign his name in the space therefor which shall be provided on the list for the purpose.

(5) If a majority of the members of the board determine that an absentee ballot is invalid, the members shall leave the flap on the envelope containing the absentee ballot, leave the envelope sealed, and shall write the word "rejected", together with the reasons for rejecting the ballot, across the envelope containing the ballot. The rejected absentee ballots shall be replaced in the special absentee ballot envelope.

(6) After the validity of all absentee ballots has been determined, the members of the board shall place the flaps removed from the valid absentee ballots in the envelope provided for that purpose and seal the envelope. Two of the members shall execute the certificate on the envelope containing the flaps.

(7) The members shall open the envelopes containing the valid absentee ballots and remove the ballots.

(8) The board shall, in accordance with the requirements of R.S. 18:1316, reject any ballot which contains a distinguishing mark or feature making the ballot susceptible of identification.

(9) A member shall announce the votes on each valid absentee ballot in the order the offices and candidates are listed on the ballot, and two members of the board shall enter the votes on the record of the absentee vote count.

G. The record of the absentee vote count by the parish board of election supervisors shall be transmitted to the clerk of court immediately upon completion of the tabulation of the absentee ballots on election night, and a copy of the record shall be transmitted immediately to the secretary of state.

H. When the supplemental lists have been returned to the registrar of voters, the registrar, based on the information contained in the lists, shall enter the word "absentee" and the date of the election in the proper space on the precinct register for each voter who voted absentee.

I. Upon completion of the tabulation and counting of the absentee ballots, the parish board of election supervisors shall return the absentee ballots to the special absentee ballot envelope, shall seal the envelope, and shall deliver the envelope containing the absentee ballots to the registrar of voters. The registrar shall preserve the envelope, and the absentee ballots contained therein, inviolate and, except upon order of a court of competent jurisdiction, shall not allow the absentee ballots to be inspected by anyone until the delay for filing an action contesting the election has lapsed. If an action contesting the election is commenced timely, the registrar shall continue to preserve these ballots inviolate, subject to the orders of the court, until the final judgment in the action has become definitive.

Acts 1976, No. 697, §1, eff. Jan. 1, 1978. Amended by Acts 1980, No. 506, §1, eff. Jan. 1, 1981; Acts 1982, No. 166, §1, eff. July 14, 1982; Acts 1983, No. 519, §1, eff. July 8, 1983; Acts 1984, No. 672, §1; Acts 1985, No. 755, §1; Acts 1986, No. 669, §1; Acts 1989, No. 179, §1, eff. Jan. 1, 1990.

§1314. Absentee commissioners

A. *Repealed by Acts 1988, No. 907, §2, eff. Jan. 1, 1989 and Acts 1988, No. 909, §2, eff. Jan. 1, 1989.*

B. **Qualifications.** An absentee commissioner shall be a registered voter of the parish in which he is selected to serve and shall have the other qualifications of a commissioner as otherwise provided by law.

C. **Selection for primary election.** (1) The parish board of election supervisors shall determine the number of absentee commissioners necessary to count the absentee ballots in the parish. The parish board of election supervisors shall select a minimum of three absentee commissioners.

(2) The parish board of election supervisors shall meet at 10:00 a.m. on the fifth day before a primary election and shall select the absentee commissioners and alternate absentee commissioners for the parish in the manner provided by law for the selection of commissioners and alternate commissioners.

(3) Absentee commissioners and alternate absentee commissioners shall be issued commissions, take the oath of office, be replaced, and be disqualified, all in the manner provided by law for commissioners and alternate commissioners.

D. Selection for general election. (1)(a) The parish board of election supervisors shall determine if the number of absentee commissioners necessary to count the absentee ballots in the general election can be reduced or should be increased from the number which counted absentee ballots in the primary election.

(b) If it determines that the number cannot be reduced or should be increased, those persons who served as absentee commissioners and alternate absentee commissioners for the parish in the primary election shall serve in the general election, unless replaced or disqualified in the manner provided by law for commissioners and alternate commissioners. The number of absentee commissioners for a general election shall not be less than three.

(2)(a) If the parish board determines that the number of absentee commissioners can be reduced, it shall notify each person who served as an absentee commissioner or alternate absentee commissioner in the primary election of its decision to reduce the number of absentee commissioners and of the date and time of the meeting to select the absentee commissioners for the general election. The parish board shall meet at 10:00 a.m. on the fifth day before a general election and shall select the absentee commissioners and alternate absentee commissioners to serve in the general election for the parish.

(b)(i) The parish board shall prepare a list containing the names of all persons who served as absentee commissioners in the primary election. The absentee commissioners and alternate absentee commissioners for the general election shall be selected from that list in the manner provided by law for the selection of commissioners and absentee commissioners.

(ii) If the list does not contain sufficient names to select the number of absentee commissioners and alternate absentee commissioners determined by the board to be needed for the general election, the board shall fill any remaining alternate commissioner positions from a list of those persons who were selected as alternate absentee commissioners for the primary election, such list to be prepared and the selection made in the same manner provided herein for selection of absentee commissioners for the general election.

(3) If the parish board determines that the number of absentee commissioners should be increased, the parish board shall meet at 10:00 a.m. on the fifth day before a general election and shall select the additional absentee commissioners and alternate absentee commissioners to serve in the general election for that parish from the list of certified commissioners who have not been chosen to serve in the general election as a commissioner-in-charge, commissioner, or, if applicable, absentee commissioner in the manner provided by law for the selection of commissioners and alternate commissioners.

E. Compensation. An absentee commissioner who serves on election day shall receive fifty dollars.

Acts 1976, No. 697, §1, eff. Jan. 1, 1978. Amended by Acts 1978, No. 292, §1, eff. July 6, 1978; Acts 1980, No. 506, §1, eff. Jan. 1, 1981; Acts 1981, No. 77, §1, eff. June 26, 1981; Acts 1984, No. 672, §1; Acts 1985, No. 755, §1; Acts 1988, No. 907, §2, eff. Jan. 1, 1989; Acts 1988, No. 909, §2, eff. Jan. 1, 1989; Acts 1989, No. 179, §1, eff. Jan. 1, 1990; Acts 1990, No. 107, §1, eff. Jan. 1, 1991.

§1315. Challenge of absentee ballot

A.(1) A candidate or his representative, a member of the board, or a qualified elector may challenge an absentee ballot for the grounds specified in R.S. 18:565(A), by personally filing his written challenge with the registrar, no later than the fourth day before the election for which the ballot is challenged. Such challenge shall be on a form provided by the commissioner of elections.

(2) The form shall include:

(a) The ground, specified in R.S. 18:565(A), on which the challenge is made.

(b) The election involved.

(c) The specific reason for which the challenge is made.

(d) The name, address, and telephone number, if any, of the person challenging the ballot, all of which shall be written by the person challenging the vote.

(3) The form shall also include information about the date and place where the board will determine the validity of the challenge, which information shall be included by the registrar. Within twenty-four hours after the challenge has been filed, the registrar shall mail a copy of the challenge to the voter whose absentee ballot is being challenged at the address shown on the registrar's roll of electors. The registrar shall retain the original challenge form and shall transmit it to the place where the absentee ballot will be counted and tabulated for the use of the board on election day.

B. During the counting and tabulating of absentee ballots, any candidate or his representative, member of the board, or qualified elector may challenge an absentee ballot for cause, other than those grounds specified in R.S. 18:565(A).

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

(2) If a challenge in accordance with the provisions of Subsection A is sustained, the vote shall not be counted, the ballot shall be placed in the special absentee ballot envelope, and the board shall notify the voter in writing of the challenge and the cause therefor. This notification shall be on a form provided by the secretary of state and shall be signed by at least a majority of the members of the board. The notice of the challenge and the cause therefor shall be given within three days by certified mail, return receipt requested, addressed to the voter at his place of residence. The board shall retain a copy of the notification.

(3) If a challenge in accordance with the provisions of Subsection B is sustained or if a ballot is rejected pursuant to the provisions of R.S. 18:1316, the vote shall not be counted, the board shall write "rejected" and the cause therefor on a separate slip of paper and attach it to the ballot, and shall place the ballots so rejected in the special absentee ballot envelope. However, if the challenge is based upon a change of residence within the parish or is based upon a change of residence outside the parish that has occurred within the last three months, the ballot shall be counted provided that the voter has signed the affidavit on the absentee ballot envelope confirming his current address. In such case, the registrar shall so inform the district attorney and shall transmit to the district attorney such affidavit and notice of challenge of such voter.

Acts 1985, No. 755, §§1 and 2; Acts 1994, 3rd Ex. Sess., No. 10, §1, eff. Jan. 1, 1995.

§1316. Rejection of ballot having distinguishing marks

A. Any ballot with a distinguishing mark or feature making the ballot susceptible of identification shall be rejected if at least a majority of the members of the board determine that the distinguishing mark was made by action of the voter. The marking of the ballot by the voter in such manner that a portion of an authorized mark to indicate a vote inadvertently extends outside the box in which it is to be placed shall not be sufficient cause to reject the ballot. Any ballot containing a combination of authorized marks and any ballot marked by a mark or an instrument other than as instructed on the ballot shall be considered as susceptible of identification and shall be rejected by the board.

B. A ballot transmitted by facsimile shall not be considered as having distinguishing marks.

Acts 1976, No. 697, §1, eff. Jan. 1, 1978. Amended by Acts 1980, No. 506, §1, eff. Jan. 1, 1981; Acts 1982, No. 166, §1, eff. July 14, 1982; Acts 1985, No. 755, §1; Acts 1992, No. 438, §1, eff. June 20, 1992.

§1317. Death of voter prior to opening of polls

When the members of the board determine by proof satisfactory to them that a voter who has voted by absentee ballot has died prior to the opening of the polls on the day of the election, they shall return the ballot of the voter in the same manner as is provided in R.S. 18:1315 for the challenge of ballots. However, the casting of an absentee ballot by a voter who thereafter dies or the tabulation of such a ballot shall not invalidate the election.

Acts 1976, No. 697, §1, eff. Jan. 1, 1978. Amended by Acts 1980, No. 506, §1, eff. Jan. 1, 1981. Acts 1984, No. 672, §1.

§1318. Applicability of election laws

All applicable provisions of this Title which are not inconsistent with the provisions of this Chapter shall apply to voting under this Chapter.

Added by Acts 1980, No. 506, §1, eff. Jan. 1, 1981.

**CHAPTER 7-A. SPECIAL PROGRAM FOR
PHYSICALLY HANDICAPPED VOTERS**

PART I. GENERAL PROVISIONS

§1321. Special voter programs, authority to establish

A. Notwithstanding any provision of law to the contrary, the commissioner of elections shall establish, supervise, and carry out, in cooperation with the registrars of voters of each parish in the state, a special program that will permit any citizen of the state to vote who otherwise meets the qualifications set forth in R.S. 18:101 and is not ineligible to vote under the provisions of R.S. 18:102, and who is physically disabled to such an extent that he is unable to appear in person either before the registrar of voters of the parish in which he seeks to vote by absentee ballot or at the polling place where he is registered to vote, as provided in this Chapter, in any election held within the period during which the special program is in operation.

B. In order to carry out the purposes of this Chapter, the commissioner may adopt such rules and regulations, not inconsistent with the provisions hereof, as are necessary to effectuate the programs provided for by this Chapter.

Added by Acts 1983, No. 500, §1; eff. Jan. 1, 1984; Acts 1994, 3rd Ex. Sess., No. 10, §1, eff. Jan. 1, 1995.

PART II. REGISTRATION PROGRAM

§1325. Repealed by Acts 1994, 3rd Ex. Sess., No. 10, §2, eff. Jan. 1, 1995.

PART III. SPECIAL PROGRAM FOR HANDICAPPED VOTERS

§1331. Persons entitled to vote in compliance with this Chapter

A qualified voter who is physically disabled to the extent that he is unable to vote in person at the polls on election day, either at the polling place in the precinct in which he is registered to vote or at another polling place as provided in R.S. 18:531(B), and is unable to vote absentee in person at the registrar's office as permitted by R.S. 18:1304, may vote by absentee ballot in accordance with the provisions of this Part.

Added by Acts 1983, No. 500, §1; eff. Jan. 1, 1984.

§1332. Disabled voters; physical disability rendering voter incapable of voting in person, voting absentee by mail; requirements

A. Except as provided in R.S. 18:1333, a person otherwise qualified to vote who is physically disabled to an extent which prevents him from voting at the polls on election day or from voting absentee in person as authorized by R.S. 18:1304 may vote absentee by mail in accordance with the applicable provisions of Chapter 7 of this Election Code, upon approval for participation in the special program as provided by this Chapter.

B.(1) Any qualified voter may file a written request with the registrar of voters to participate in the program, stating that by reason of physical disability he is unable to vote in person at the polls or by absentee ballot and including in the request a brief general description of the physical disability and its probable duration. Any qualified voter who is unable to write because of his physical disability may make such a request by telephone. In such instances, the voter shall give the registrar the same information and the registrar shall document his request for him.

(a) Upon receipt of the request the registrar shall transmit to the voter at the return address shown on the request, or if the request was by telephone the address provided:

(i) A form on which the voter shall list the names and addresses of at least two persons residing in his precinct who could make oath, if required, to the effect that he is physically disabled to such an extent that to the best of their knowledge he is unable to appear in person either before the registrar to vote by absentee ballot or at the polling place to vote.

(ii) A certificate form, to be executed by the applicant's physician, upon which the physician shall indicate his diagnosis of the voter's disability, a specific description thereof in laymen's terms, his prognosis of the voter's condition and its probable duration, and the certificate of the physician that it is his professional opinion that by reason of physical disability the voter is unable to appear in person either before the registrar to vote by absentee ballot or at the polling place to vote. There shall be printed on the form a notice that false statements by a physician constitutes an election offense, punishable by a fine or imprisonment, or both.

(b) Upon receipt of these documents, the voter shall complete and sign the forms for the required witnesses, submit to and obtain from the physician the executed certificate, and return the documents to the registrar. If the voter is unable to write because of his physical handicap, he may receive assistance in completing the forms and sign them with his mark in the presence of two witnesses, who shall sign as witness to his mark.

(c) The completed forms must be received by the registrar at least thirty days prior to an election for the voter, if approved under the provisions of this Subsection, to be eligible to vote in that election. If the completed forms are received within thirty days before an election, the voter, if approved for participation in the program under this Subsection, will be eligible to vote in subsequent elections.

(2)(a) Upon receipt of the completed documents, the registrar shall review the documents to insure proper execution. In the event the registrar is not satisfied with the documentation he receives or if he determines other evidence is necessary to assist him in determining whether the voter is qualified for the program, he may contact any of the witnesses or the physician or interview the voter.

(b) If the evidence establishes to the satisfaction of the registrar that the voter is eligible for participation in the special program for voters, the registrar shall recommend his participation to the parish board of election supervisors.

(3) The parish board of election supervisors may examine all or any part of the evidence and shall make the final determination in the matter. If the board approves the eligibility of the voter for participation, it shall direct the registrar to place the voter in the special program and notify him thereof. The parish board of election supervisors may direct the registrar to remove for cause a voter from participation in the program if the board determines after a hearing on the matter that the voter has failed to vote on at least two occasions despite assistance. If removal is ordered as a result of such hearing, the voter shall be notified immediately by the parish board of election supervisors.

Added by Acts 1983, No. 500, §1; eff. Jan. 1, 1984. Acts 1988, No. 909, §1, eff. Jan. 1, 1989; Acts 1992, No. 949, §1, eff. Jan. 1, 1993; Acts 1993, No. 418, §1, eff. Jan. 1, 1994; Acts 1994, 3rd Ex. Sess., No. 10, §1, eff. Jan. 1, 1995.

§1333. Voting by persons confined to a nursing home

A. For purposes of this Section, the term "nursing home" shall have the meaning ascribed to it in R.S. 40:2009.2(1) and, with respect to a physically handicapped person who is confined in a hospital for an extended period of time by reason of a physical disability that makes it improbable that he will be able to vote in person at the polls or by absentee ballot, the term also shall mean a hospital.

B. A qualified voter who is unable to vote because of confinement in a nursing home within the parish in which he is entitled to vote by reason of physical handicap to an extent which prevents him from voting in person at the polls or from voting in person by absentee ballot as otherwise provided by this Code may vote absentee as provided in this Section during the period extending at least one week prior to the beginning day for absentee voting in person through the last day for absentee voting in person established by R.S. 18:1309.

C. A voter who has not been approved for participation in the special program for handicapped voters shall mail a written request to participate in the program to the registrar of voters. Upon receipt of the request, the registrar, the voter making the request, and the parish board of election supervisors shall follow the procedures for approval set forth in R.S. 18:1332(B).

D.(1) A voter qualified to vote under this Section and approved for participation in the special program for handicapped voters shall make application to vote by absentee ballot to the registrar of voters by letter, over his signature, setting forth the following:

- (a) The election or elections for which he requests an absentee ballot.
- (b) The reason for his request to vote absentee.
- (c) The name and address of the nursing home wherein he is confined.
- (d) The ward and precinct in which he is qualified to vote, if known.

(e) If at the time the disabled voter requests an absentee ballot for a primary election, he also requests an absentee ballot for the general election, he shall declare in writing to the registrar that he will be eligible to vote absentee in the general election.

(2) An application to vote by absentee ballot as provided in this Subsection shall be submitted to and received by the registrar of voters at least thirty days prior to the election.

E.(1) Upon receipt of the application for an absentee ballot, the registrar shall first enter the date and time of receipt thereof and ascertain to his satisfaction the accuracy of the information contained in the application. An application not timely submitted and received as required in Subsection (D) of this Section shall be immediately returned to the applicant with a brief statement citing the reasons for the return; however, if such application requested an absentee ballot for both a primary and general election, the registrar shall retain the application, notify the applicant that the request to vote by absentee ballot in the primary election was not timely submitted and received, and process the application for the general election as provided herein.

(2) The registrar shall notify the applicant by letter, at the return nursing home address shown on the request, the day on which a deputy registrar or other qualified person selected by the registrar will be present at the nursing home to permit the applicant to cast his absentee ballot. The registrar shall assign a number to the applicant, that shall be stamped or entered in ink on the upper right side of the letter and also shall be entered in clearly distinguishable figures on the flap of the absentee ballot envelope that will contain the absentee ballot to be delivered to that applicant on the day designated in the letter. If the letter is mailed by the registrar prior to his receipt of the absentee ballots for the election, he shall enter the name of the applicant, his address, ward and precinct, and the number assigned to the applicant on a list that he shall keep for the purpose and, upon receipt of the absentee ballots for the election, he shall enter the number on the absentee ballot envelope as above provided.

F:(1) On the day within the period fixed by law for absentee voting specified in the letter to the applicant as provided in Subsection (E) of this Section the registrar shall send one or more deputies to each nursing home within the parish wherein reside one or more voters who have made application to vote by absentee ballot and to whom the registrar mailed the letter provided for in Subsection (E) hereof.

(2) The deputy shall have in his possession such materials and supplies as are needed to permit each of such voters to cast an absentee ballot, including but not restricted to absentee ballot envelopes, each of which bears the number corresponding to the number entered on the letter mailed to the applicant as provided by Subsection (E) hereof; instructions; certificates; envelopes; acknowledgement forms required by Subsection (G)(4) of this Section; and a portable metal box equipped with an open slot in its top surface of sufficient size to permit a completed ballot envelope to be deposited in the box. The registrar shall lock the box before it leaves his office and shall retain the keys in his office.

G. The voting by each voter shall be accomplished in the following manner:

(1) The voter shall present to the deputy registrar the letter he received from the registrar that bears the reply number assigned as provided in Subsection E of this Section. The deputy registrar shall compare the number with that on the ballot envelope in his possession and, if they are identical, he shall hand the envelope containing the absentee ballot to the voter. However, if the voter is on the inactive list of voters, the voter must complete an address confirmation card prior to receiving the envelope containing the absentee ballot.

(2) Unless requested by the voter to assist him in voting, as provided in Paragraph (4) of this Subsection, the deputy registrar shall retire from the presence of the voter while the voter marks his ballot and completes his ballot envelope.

(3) The voter shall execute the certificate on the ballot envelope flap, sign it, and mark his ballot as provided in R.S. 18:1310(A). The voter then shall place the ballot in the ballot envelope and seal the envelope.

(4)(a) The voter may receive assistance from any person of his selection, except a candidate in the election and except the owner, operator, or administrator of the nursing home or an employee of any of them. However, no person except a spouse, blood relative, or the deputy registrar may assist more than one voter in voting.

(b) Any person who assists the voter in signing his name or marking his ballot shall explain to the voter that a signature or mark so made constitutes certification that all statements in the certificate are true and correct and that any person who knowingly provides false or incorrect statements is subject to a fine or imprisonment, or both.

(c) Any person who assists the voter shall execute an acknowledgement, on a form which shall be prescribed and furnished to the registrar of voters by the commissioner of elections and made available by the registrar of voters through the deputy registrar who appears at the nursing home, verifying that he has marked the ballot in the manner dictated by the voter.

(5) The voter shall notify the deputy registrar when he has completed his voting, and the voter shall place the sealed ballot envelope in the locked metal box.

(6)(a) The deputy registrar shall proceed in the above described manner and using the same procedure for each voter in the nursing home who is qualified to vote by absentee ballot in that election. Upon completion of the voting procedure, the deputy shall return the locked metal box to the registrar.

(b) Upon its receipt, the registrar shall unlock the metal box containing the absentee ballots, remove them from the box, and otherwise follow the procedures for the posting of the name, ward, and precinct of the voter, and other procedures as required by R.S. 18:1311 and other applicable provisions of the Election Code relating to absentee ballots.

(7) Upon receipt of an address confirmation card, the registrar shall reinstate the voter to the official list of voters.

Added by Acts 1983, No. 500, §1; eff. Jan. 1, 1984; Acts 1992, No. 949, §1, eff. Jan. 1, 1993; Acts 1994, 3rd Ex. Sess., No. 10, §1, eff. Jan. 1, 1995.

§1334. Electioneering in connection with absentee voting; enforcement; penalty

A. During the period extending from thirty days prior to the time that absentee voting begins for an election until the absentee voting for that election closes, no owner, operator, employee, or agent of such owner or employee, or any stockholder of any nursing home or candidate or employee of or agent or worker for any candidate shall perform or cause to be performed any of the following acts while on duty or on the premises of the facility:

(1) Solicit in any manner or by any means whatsoever any person confined to a nursing home to vote for or against any candidate or proposition being voted on in the election.

(2) Hand out, place, or display campaign cards, pictures, or other campaign literature of any kind or description in the nursing home.

(3) Place or display political signs, pictures, or other forms of political advertising in the nursing home.

B. The law enforcement officers of the political subdivision in which any such election is to be held shall enforce the provisions of this Section when requested to do so by any person. The law enforcement officers shall seize and remove any political cards, signs, pictures, or literature used or displayed in violation of any provision of this Section.

C. Whoever violates any provision of this Section shall be fined not more than five hundred dollars or be imprisoned for not more than six months, or both. For a second offense or any succeeding offense, the penalty shall be a fine of not more than one thousand dollars or imprisonment for not more than one year, or both.

Added by Acts 1983, No. 500, §1; eff. Jan. 1, 1984.

§1335. Liberal construction of Chapter

To effectuate the purposes of this Chapter, it is the intention of the legislature that the provisions of this Chapter shall be construed liberally, with a view toward giving the fullest possible implementation to the programs authorized hereby.

Added by Acts 1983, No. 500, §1; eff. Jan. 1, 1984.

CHAPTER 8. VOTING AND VOTING MACHINES

PART I. GENERAL PROVISIONS

§1351. Definitions

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

- (1) "Candidate counters" and "question counters" mean the counters on which are registered numerically the votes cast with respect to candidates and questions.
- (2) "Diagram" means a sample ballot illustrative of the official ballot as placed upon the machine, showing the names of the parties, offices, and candidates and statements of questions, in their proper places, and showing the voting devices therefor.
- (3) "Election" means and includes all elections held in Louisiana, whether primary, general, or special.
- (4) "Model" means a mechanically operated model or miniature of the whole or a part of the face of the voting machine, illustrating the manner of voting.
- (5) "Official ballot" means the list of candidates, offices, amendments, questions, or propositions prominently displayed on the front of the voting machine.
- (6) "Parish custodian" refers to the parish custodian of voting machines and means the persons designated as such by R.S. 18:1354.
- (7) "Protective counter" means a counter, tabulator, or protective device that will register each time the machine is operated.
- (8) "Public counter" means a counter, tabulator, or other device on the outside or on the face of the machine, which shall at all times indicate the number of times votes have been cast on a machine at an election.
- (9) "Question" means an amendment, proposition, or like matter to be voted on in an election.
- (10) "Vote indicator" means the device on a voting machine with which votes upon a candidate or question are indicated.
- (11) "Voting machine" means the enclosure occupied by the voter when voting, as formed by the machine and its screen, hood, or curtain.

Acts 1976, No. 697, §1, eff. Jan. 1, 1978.

§1352. Use of voting machines throughout state; exception for absentee voting

Voting machines shall be used throughout this state in all elections; however, nothing in this Chapter shall prohibit absentee voting as otherwise provided in this Title.

Acts 1976, No. 697, §1, eff. Jan. 1, 1978.

§1353. Commissioner of elections; powers and duties

A. The commissioner of elections shall head the Department of Elections and Registration and shall administer the laws relating to the custody of voting machines and relating to voter registration.

B. The commissioner of elections shall prescribe uniform rules and regulations with respect to matters pertaining to the purchase, preparation, and use of voting machines in the conduct of elections and the duties of each category of persons charged with responsibility for any matter relating to voting machines. The rules and regulations shall be approved by the attorney general and thereafter shall be distributed by the commissioner of elections to the election officials having responsibilities relating to voting machines. The rules and regulations shall be applied uniformly throughout the state.

C. In addition to any other duties and functions now or hereafter provided by law, the commissioner of elections shall:

- (1) Determine general policy and supervise the administration and execution of the laws relating to voting machines.

(2) Be responsible for all purchases, sales, and transfers of voting machines and for all matters in connection with the advertising for and opening of bids for or in connection therewith.

(3) Maintain, repair, and store all voting machines and have custody of them, except when, in accordance with law, the machines are placed in the direct charge and supervision of the parish custodian or of the election commissioners.

(4) Furnish for each polling place for each election a model showing the face of a voting machine as it is to be used in the election and a card of instructions to voters and commissioners, and also furnish a seal for sealing each machine after the termination of voting.

(5) Prepare all machines necessary for each election and deliver the machines and other election supplies, except those supplies required to be supplied by the secretary of state directly to the parish custodian under R.S. 18:552, to the custody of the parish custodian in complete readiness for use at the polls.

D. The commissioner of elections may appoint or employ mechanics, experts, and other assistants when necessary in order to assume the maintenance, upkeep, and proper functioning and operation of the machines, or when necessary in order to explain and demonstrate to the election officials or to the public the proper method of operation of the machines.

E. On the day of each election the commissioner of elections shall have mechanics and experts available at suitable and convenient places for the purpose of repairing or adjusting any machine which needs repair or adjustment during election day. During this time each of them shall be under the supervision and control of the parish custodian of voting machines.

Acts 1976, No. 697, §1, eff. Jan. 1, 1978. Acts 1983, No. 519, §1, eff. July 8, 1983.

§1354. Parish custodian of voting machines; powers and duties; appointment of deputy custodians

A.(1) The clerk of the district court is ex officio parish custodian of voting machines in each parish, except that in any parish having a civil and a criminal district court the clerk of the criminal district court is ex officio parish custodian of voting machines. The parish custodian of each parish shall assist the commissioner of elections in the performance of his functions within the parish.

(2) The commissioner of elections may fix a monthly amount to be paid to parish custodians throughout the state as compensation for their duties in connection with elections. Any such amount fixed shall be in conformity with a uniform compensation schedule that the commissioner of elections shall adopt and that shall be based on the number of machines allocated to the various parishes. No parish custodian shall be paid more than two hundred dollars per month for such duties. Compensation so paid shall be paid monthly by the commissioner of elections from any funds appropriated to him for the purpose.

B. In addition to any other duties vested in him by law, the parish custodian shall:

(1) Provide for the instruction of election commissioners and the issuance of certificates of instruction as provided in R.S. 18:431 and 433.

(2) Notify the candidates in each election of the date and time when they may examine the voting machines as provided in R.S. 18:1373.

(3) Certify that the candidate counters, question counters, and public counters are set at zero on the machines, and certify to the number on the protective counter or device of the machines prior to the election, as provided in R.S. 18:1373.

(4) Supervise and have custody of the machines from the time they are taken from the warehouses or other central point for distribution to the polling places until the machines are turned over to the election commissioners, and from the time the machines are surrendered by the election commissioners until they are returned to the commissioner of elections at the place of storage.

(5) Be responsible for the trucking and delivery of the machines to the polling places. Where necessary, he shall provide guards for the machines in transit and at the polling places, and for this purpose, he may use local law enforcement officers. Upon the request of the parish custodian, the chief administrative officer of the police force shall furnish law enforcement officers for this purpose, and his failure to do so shall be punishable as provided in R.S. 18:1461(B)(1).

(6) After the election, notify the candidates of the date, hour, and place or places of the breaking of the seals on the machines and supervise the breaking of the seals.

(7) Receive from the registrar of voters the precinct register of every precinct and the computer voter lists or the duplicate poll lists, which shall be delivered by the contractors employed for the delivery of voting machines to the various precincts prior to the time fixed for opening the polls.

C. The parish custodian of voting machines may employ persons on a temporary basis, as needed, to assist him in the performance of his duties. He may appoint a deputy parish custodian of voting machines for any polling place he deems necessary. The compensation of a deputy parish custodian shall be fifty dollars for each election at which he serves. The deputy parish custodian shall deliver the keys and the supplemental list to the commissioner-in-charge at least one-half hour before the fixed time for the opening of the polls.

Acts 1976, No. 697, §1, eff. Jan. 1, 1978. Amended by Acts 1977, No. 523, §1, eff. Jan. 1, 1978; Amended by Acts 1979, No. 229, §1, eff. July 13, 1979; Acts 1981, No. 77, §1, eff. June 26, 1981; Acts 1983, No. 519, §1, eff. July 8, 1983; Acts 1983, No. 681, §1, eff. July 21, 1983; Acts 1985, No. 754, §1.

§1355. Construction and equipment of machines; requirements

Each voting machine used in an election shall be so constructed and equipped as to:

- (1) Secure to the voter secrecy in the act of voting.
- (2) Provide facilities for voting for or against each question that is submitted.
- (3) Permit the voter to vote for as many persons for an office as he is lawfully entitled to vote for, but no more. However, where the voter may vote for more than one person for an office, it shall count each vote cast, even though the voter has voted for fewer than the total number of votes he is entitled to cast for a particular office.
- (4) Prevent the voter from voting more than once on the same candidate or on the same question.
- (5) Permit the voter to vote for or against any question upon which he has a right to vote, but no other.
- (6) When used in a primary election at which members of a political party committee are to be voted on, it shall be so equipped that, by a single adjustment on the outside of the machine, the election officials can lock out all candidate counters except those of the party with which the voter is affiliated.
- (7) Permit all unused vote indicators or devices to be locked out against use.
- (8) Correctly register and record and accurately count all votes cast for each candidate and for or against each question.
- (9) Be provided with a protective counter or tabulator or protective devices which will prevent any operation of the machine before or after the election.
- (10) Be provided with a counter or tabulator which at all times during the election shall show the number of persons who have voted.
- (11) Contain one or more automatic locks which, upon exposure of the vote count at any time after the polls are opened on election day, will automatically lock the machine against further operation.
- (12) For mechanical voting machines only, be provided with a mechanical model illustrating the manner of voting on the machine, suitable for the instruction of voters.
- (13) Contain a gong or other sound creating device which will audibly indicate that a voter has left the machine after casting his vote.
- (14) Contain, for elections for president and vice president, those devices needed in order to comply with R.S. 18:1259.
- (15) Have a lighting device which provides sufficient light to enable voters to read the ballot and to enable the election commissioners to examine the counters or tabulators.
- (16) Be provided with a screen, hood, or curtain which is so made and can be so adjusted as to conceal the voter while voting.

(17) For a mechanical voting machine only, be either a manually operated machine or a machine capable of being operated either manually or by motive power. For an electronic voting machine, be capable of being operated by motive power.

(18) Be incapable of being reset, altered, or used except by operating the machine.

Acts 1976, No. 697, §1, eff. Jan. 1, 1978. Acts 1984, No. 672, §1.

§1356. *Repealed by Acts 1987, No. 831, §2, eff. Jan. 1, 1988.*

PART II. ACQUISITION AND ALLOCATION OF VOTING MACHINES

§1361. Approval of machines; certificate; expenses of examination

A. The commissioner may examine any type or make of voting machine upon the request of a representative of the maker or supplier thereof, and if he determines that the machine complies with the requirements of this Chapter and that it meets standards acceptable to him as to durability, accuracy, efficiency, and capacity, he shall approve that type or make of machine for use in this state and shall issue his certificate of approval thereof. This certificate, together with any relevant reports, drawings, and photographs, shall be a public record.

B. The commissioner of elections may employ experts to assist him in making the examination provided for in Subsection A hereof. The expenses of the services of such experts, not to exceed a total of five hundred dollars, shall be paid prior to the examination by the person requesting examination of the machine. Experts employed in the examination shall sign the certificate of approval made by the commissioner of elections. No machine shall be used at any election which has not been approved by the commissioner of elections as herein provided.

Acts 1976, No. 697, §1, eff. Jan. 1, 1978.

§1362. Method of acquiring voting machines; parts and supplies

A.(1) All voting machines used in this state shall be purchased by the commissioner of elections, out of state funds appropriated for that purpose, on the basis of public bids submitted to the commissioner of elections in accordance with specifications prepared by him. The specifications may require tests and examinations of the operation of the machines, and the commissioner, for that purpose, may employ experts to report thereon and charge the expense thereof to the bidders. Advertisement and letting of contracts for the purchase of voting machines shall be in accordance with the Louisiana Procurement Code contained in Chapter 17 of Title 39 of the Louisiana Revised Statutes of 1950.

(2) Notwithstanding any provision of law to the contrary, particularly the provisions of Chapter 17 of Title 39 of the Louisiana Revised Statutes of 1950, the commissioner of elections is authorized to purchase directly from the supplier, through the Department of Elections and Registration, voting machine parts, supplies, and other election paraphernalia.

B. Title to all voting machines shall vest in the state.

Acts 1976, No. 697, §1, eff. Jan. 1, 1978. Amended by Acts 1981, No. 77, §1, eff. June 26, 1981; Acts 1985, No. 754, §1.

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

A. In determining the number of voting machines to be purchased and allocated for each voting precinct in each parish or municipality, each voting precinct shall have at least one voting machine and thereafter the number to be allocated shall be as follows:

(1) One machine for each precinct where six hundred or less voters were registered to vote at the last general election.

(2) Two machines for each precinct where more than six hundred but not more than one thousand voters were registered to vote at the last general election.

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

(4) Four machines for each precinct where more than fourteen hundred voters were registered to vote at the last general election.

(5) The parish board of election supervisors may reduce the number of voting machines to be allocated and used in elections called under the provisions of Chapter 6-A or Chapter 6-B of this Code when the election is not held at the same time as the election of any public official. In such case, the parish board of election supervisors shall notify the parish custodian of voting machines and the commissioner of elections at least three weeks prior to such election, of the number of machines to be prepared and delivered for the polling places.

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

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

Acts 1976, No. 697, §1, eff. Jan. 1, 1978; Acts 1983, No. 519, §1, eff. July 8, 1983; Acts 1986, No. 705, §1; Acts 1986, No. 669, §1.

PART III. PREPARATION, DELIVERY, AND USE OF VOTING MACHINES

§1371. Delivery and return of machines and supplies; contract; time of delivery

A. The commissioner of elections shall contract for the delivery to the voting precincts of the machines and other election equipment and supplies for which he is responsible and for their return to the storage warehouses. The specifications for the contract shall be prepared by the commissioner of elections after consultation with and approval by the parish custodian of the parish in which the contract is to be performed. The contract shall be advertised and let in accordance with the Louisiana Procurement Code. The governing authority of the parish or municipality in which the voting machines are to be used may submit bids and be awarded contracts for the drayage of the voting machines.

B. At least thirty minutes before the time fixed by law for opening the polls at an election, the contractor, under the supervision of the parish custodian or his representative, shall deliver the proper number of voting machines, the mechanically operated models, a seal for sealing each voting machine after termination of voting and other election equipment, supplies, and paraphernalia to the polling places of each precinct and shall place the machines in the polling place for use in voting. Each machine shall remain sealed until examined by or under the supervision of the commissioner-in-charge immediately before the polls are opened as required by R.S. 18:553.

Acts 1976, No. 697, §1, eff. Jan. 1, 1978; Acts 1985, No. 754, §1.

§1372. Preparation of machines for election; testing and adjusting

Immediately after the secretary of state furnishes the ballots to the commissioner of elections as required by R.S. 18:552, the commissioner of elections shall prepare the voting machines for the election by placing them in order, inserting the proper ballots, and testing and adjusting them for the election. In preparing the machines, the commissioner of elections shall lock out against use on each machine those vote indicators or devices that are not to be used at the election. In preparing and adjusting machines the commissioner of elections shall use the mechanics and technicians authorized by R.S. 18:1353.

Acts 1983, No. 519, §1, eff. July 8, 1983.

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

A. The commissioner of elections shall notify each parish custodian of the time and place at which he will begin preparing the voting machines for an election. The parish custodian then shall mail a notice to each

candidate in the election, stating the time and place at which the machines will be sealed and stating that the candidate or his representative may be present to observe the preparation of the machines for sealing by the parish custodian and will be afforded an opportunity to inspect and test vote the machines to see that they are in the proper condition for use in the election. However, no candidate, representative, or citizen shall interfere with the commissioner of elections or any employee or technician or assume any of their duties. Each candidate or representative shall identify to the commissioner of elections the candidate whom he is representing. In addition, any citizen of this state may be present to observe the sealing of the machines by the parish custodian and shall be afforded an opportunity to inspect the machines to see that they are in proper condition for use in the election.

After the machines have been examined by each candidate, or representative, or citizen who is present, the parish custodian shall enclose the registration books or lists and other paraphernalia and shall forthwith seal each machine with a numbered seal. At that time, the parish custodian, in the presence of the candidates, or their representatives, and any citizens who are present, shall certify to the numbers of the machines, that all of the public, candidate and question counters are set at zero, and as to the number registered on the protective counter of the machine.

B. After each voting machine has been properly locked and sealed, the keys shall be placed in an envelope on which shall be written the precinct number and the assigned precinct location of the voting machine, the number of the seal, and the number registered on the protective counter or device. The envelope shall be sealed in the presence of the candidates or their representatives then present and shall be held by the parish custodian or his representative until turned over for delivery to the election commissioners at the polling place on election day.

C. The preparation, inspection, and sealing of the machines and all duties required by R.S. 18:1372 and R.S. 18:1373(A) and (B) shall be completed not later than thirty-six hours prior to the time fixed by law for the opening of the polls.

Acts 1976, No. 697, §4, eff. Jan. 1, 1978. Amended by Acts 1979, No. 229, §1, eff. July 13, 1979; Acts 1982, No. 10, §1, eff. Jan. 1, 1983.

§1374. Equipment of polling places; location of machines

To the extent possible, the authority charged with the selection of polling places shall designate polling places which are equipped with proper electric current, fixtures, and outlets necessary to properly operate the voting machines and otherwise conduct the election. Each voting machine shall be placed inside the polling place and shall be in full view of the public from the time the election begins until the last elector has voted. The commissioners and watchers shall be stationed near the voting machines, and they shall regulate the admission of the voters thereto, and each shall always be in full view of the other election commissioners and watchers and, as far as possible, of the public.

Acts 1976, No. 697, §1, eff. Jan. 1, 1978.

§1375. Duplicate keys

Any duplicate or extra keys to the machines shall be sealed in an envelope by the parish custodian and the commissioner of elections and placed in a safe place. The seal shall not be broken or the keys used in any manner except with the consent of both the parish custodian and commissioner of elections.

Acts 1976, No. 697, §1, eff. Jan. 1, 1978.

§1376. Release of voting machines; return to warehouse; retention of totals; clearing machines

A. Immediately upon completion of the tabulation of the returns and the sealing of the machines at the polling place, the machines shall be released to the parish custodian or his deputy. The parish custodian shall insure that all voting machines used within the parish are returned to the appropriate warehouse no later than forty-eight hours after the polls close on election day. Proper provisions shall be made for safeguarding machines after the polls close.

B.(1) For all elections subject to the provisions of this Title, the parish custodian shall insure that the vote totals on the voting machines are retained and that the voting machines are locked and sealed until the secretary of state directs that the voting machines be cleared in accordance with R.S. 18:1376(B)(2).

(2) If an action contesting an election is not instituted within the period of time prescribed in R.S. 18:1405(B), then on the day after the lapse of the time for filing such an action the secretary of state shall direct that the voting machines be cleared. If an action contesting such an election is timely filed, the secretary of state shall direct that the voting machines be cleared when the trial judge certifies to him that the court has obtained all the information from the machines necessary for the trial of the action. The trial judge shall so certify no later than the end of the sixth day after the day on which the suit was filed.

Acts 1976, No. 697, §1, eff. Jan. 1, 1978. Amended by Acts 1980, No. 506, §1; Acts 1981, No. 77, §1, eff. June 26, 1981; Acts 1981, No. 77, §1, eff. June 26, 1981; Acts 1982, No. 10, §1, eff. Jan. 1, 1983; Acts 1982, No. 778, §1, eff. Aug. 4, 1982; Acts 1983, No. 519, §1, eff. July 8, 1983; Acts 1984, No. 712, §1, eff. July 13, 1984; Acts 1985, No. 754, §1; Acts 1989, No. 179, §1, eff. Jan. 1, 1990; Acts 1989, No. 283, §1, eff. Jan. 1, 1990.

PART IV. EXPENSES

§1381. *Repealed by Acts 1983, No. 681, §2, eff. July 21, 1983.*

§1382. Apportionment of expenses

The governing bodies of municipalities and parishes covered by the provisions of this Chapter are authorized to purchase suitable sites and to construct and equip suitable buildings for the proper storage of voting machines, and one-half of the costs thereof shall be paid by the governing body of each municipality or parish and the other one-half by the state of Louisiana. The portion to be paid by the state of Louisiana shall be by appropriation for the purpose by the legislature to the commissioner of elections. In the event of such purchase of sites and construction and maintenance of buildings, the title thereto shall rest one-half in the state and one-half in the parish or municipality coming under the provisions of this Chapter.

Acts 1977, No. 523, §1, eff. Jan. 1, 1978. Amended by Acts 1979, No. 229, §1, eff. July 13, 1979.

PART V. ALTERNATIVE VOTING SYSTEMS

SUBPART A. ABSENTEE COUNTING EQUIPMENT

§1391. Absentee ballot counting equipment; authorization

Notwithstanding any provision of law to the contrary, the commissioner of elections is authorized to utilize absentee ballot counting equipment, including but not limited to voting machines, voting devices, automated or electronic counting devices, computerized counting systems, or a combination of any of these, to facilitate absentee voting and the counting of such ballots. The commissioner may use such absentee counting equipment throughout the state or in any parish or parishes thereof for any election.

Added by Acts 1981, No. 105, §1, eff. July 3, 1981. Amended by Acts 1982, No. 778, §§1 and 5, eff. Aug. 4, 1982.

§1392. Selection of absentee counting equipment

A.(1) The specific kind or type of absentee counting equipment used in a parish for an election shall be determined by the commissioner of elections and shall be approved as provided in R.S. 18:1361.

(2) Any absentee counting equipment selected shall correctly and accurately count all votes lawfully cast for each candidate and for or against each proposition. When a voter may vote for more than one person for an office, it shall count each vote cast, even though the voter has voted for fewer than the total number of votes he is entitled to cast for a particular office. If a voter casts his vote for more persons for a particular office than he is legally entitled to vote for, it shall not count the votes for that office, but it shall count all other lawfully cast votes.

(3) Any absentee counting equipment selected shall be capable of proving, through the production of a zero tally, that its candidate and question counters contain no votes for either a candidate or proposition. Such equipment shall be capable of reproducing the absentee results of an election to verify the initial absentee count.

(4) Absentee counting equipment into which the voter directly casts his absentee ballot shall contain one or more automatic locks which, upon exposure of the vote count at any time will automatically lock the equipment against further voting.

B. Before any absentee counting equipment selected and approved in accordance with Subsection A of this Section is used in an election, the commissioner of elections shall consult with the secretary of state to insure that absentee ballots can be prepared in a manner consistent with the equipment's capabilities and that such ballots can be produced in a period within the time limitations of the election. If the absentee ballot configuration for an election is unduly complex or if the absentee ballots cannot be produced within the time limitations of an election, absentee counting equipment shall not be used in that election.

Added by Acts 1981, No. 105, §1, eff. July 3, 1981; Acts 1982, No. 778, §5, eff. Aug. 4, 1982.

§1393. Placement and sufficiency of equipment

A. Absentee counting equipment placed in a parish for an election shall be located where absentee voting in person is conducted as provided in R.S. 18:1309(A). The commissioner of elections shall install and program any absentee counting equipment used in an election, and shall insure that such equipment is ready to perform its necessary functions on election day. Following an election, the commissioner shall determine whether such equipment shall remain with the registrar of voters, whether it shall be transferred to a voting machine warehouse or other storage facility, or whether it shall be relocated to another parish.

B. The commissioner of elections shall determine the sufficiency of the absentee counting equipment necessary to conduct absentee voting in an election. He shall insure that the absentee counting equipment placed within a parish for an election is adequate and sufficient to process and count the absentee ballots cast in the election within a reasonable period.

Added by Acts 1981, No. 105, §1, eff. July 3, 1981. Amended by Acts 1982, No. 10, §1, eff. Jan. 1, 1983; Acts 1982, No. 778, §5, eff. Aug. 4, 1982; Acts 1985, No. 754, §1.

§1394. Ballots; marking ballots

A. Absentee ballots to be counted or processed in any absentee counting equipment shall conform as nearly as practicable to all the requirements in Chapter 7 of this Title, particularly R.S. 18:1306. Except as provided in Subsection B hereof, and depending on the particular type of absentee counting equipment utilized in an election, the State Board of Election Supervisors may promulgate rules and regulations specifying the form of the absentee ballot used in an election, the manner in which such ballot shall be executed by the voter, and the specific procedures used in tabulating the absentee results of the election.

B. For the purposes of this Subpart, the secretary of state shall include with the election paraphernalia accompanying absentee ballots an informational pamphlet, approved by the commissioner of elections and the attorney general, generally describing the particular absentee counting equipment utilized in the election to count absentee ballots. Included therein shall be instructions for marking the absentee ballot and examples of the correct and incorrect methods of marking the ballot. The instructions shall inform the voter that his absentee ballot may be marked utilizing a variety of symbols to indicate his vote as provided in R.S. 18:1306(A).

Added by Acts 1981, No. 105, §1, eff. July 3, 1981. Amended by Acts 1982, No. 166, §1, eff. July 14, 1982; Acts 1982, No. 778, §5, eff. Aug. 4, 1982; Acts 1985, No. 754, §1.

§1395. Voting; execution of certificates

A. Except as specifically provided in Subsection B of this Section, in an election in which absentee counting equipment is utilized a voter shall execute his absentee ballot, either by mail or in person, as required in R.S. 18:1308 through R.S. 18:1310, and the procedures required therein shall be followed by the voter and the registrar without exception.

B. If the absentee counting equipment used in an election is of the type which allows the voter to directly cast his absentee ballot, the voter shall execute the certificate on the absentee ballot envelope, mark his absentee ballot, return the empty absentee ballot envelope with the attached certificate to the registrar, and then he shall directly deposit his absentee ballot into the absentee counting equipment.

C. Any voter who votes absentee by mail or in person shall be required to execute any certificate required in this Title.

Added by Acts 1981, No. 105 §1, eff. July 3, 1981; Acts 1982, No. 778, §5, eff. Aug. 4, 1982.

§1396. Tabulation and counting of absentee ballots; procedures; absentee precinct

A. Except as specifically provided in this Section, the provisions of R.S. 18:1312 and 18:1313 shall be followed by the election officials involved without exception.

B.(1) Depending on the type of absentee counting equipment used in an election, prior to the actual counting of any absentee ballot, the parish board of election supervisors shall generate a zero tally to insure that the equipment's candidate and question counter are set at zero and that no votes have been cast for any candidate or for or against any proposition.

(2) If the absentee counting equipment used in an election is of the type which allows the voter to directly cast his absentee ballot, the parish board of election supervisors shall determine the validity of each absentee mail ballot as provided in R.S. 18:1313(F) and instead of counting such ballots as provided in R.S. 18:1313(F)(7), the board shall utilize the absentee counting equipment to count such ballots.

(3) For other types of absentee counting equipment, the board shall determine the validity of each absentee ballot as provided in R.S. 18:1313(F) and instead of counting such ballots as provided in R.S. 18:1313(F)(7), the board shall utilize the absentee counting equipment to count such ballots.

C. The absentee votes cast for a candidate and those cast for and against a proposition shall be counted and announced as the total number of absentee votes cast in the election for the particular candidate and those cast for and against the particular proposition.

Added by Acts 1981, No. 105, §1, eff. July 3, 1981. Amended by Acts 1982, No. 166, §1, eff. July 14, 1982; Acts 1982, No. 778, §§1 and 5, eff. Aug. 4, 1982; Acts 1983, No. 519, §1, eff. July 8, 1983.

§1397. Miscellaneous provisions

A. Before an absentee ballot loses its identity it may be challenged as provided in R.S. 18:1315.

B. Except as provided in R.S. 18:1394(B) the board may reject any ballot that it determines is susceptible of identification as provided in R.S. 18:1316.

Added by Acts 1981, No. 105, §1, eff. July 3, 1981; Acts 1982, No. 778, §5, eff. Aug. 4, 1982.

SUBPART B. VOTING MACHINES

§1398. Printer-type mechanical voting machines; electronic voting machines; authorization

A. Notwithstanding any provision of law to the contrary, the commissioner of elections is authorized to utilize either mechanical or electronic voting machines which are capable of producing printed election results. The commissioner may use such voting machines throughout the state or in any parish or parishes thereof for any election.

B. Except as specifically provided in R.S. 18:1399, the provisions of this Title shall be followed without exception by the voters and the election officials involved in any election in a parish wherein voting machines which are capable of producing printed election results are used. All such mechanical or electronic voting machines authorized for use herein shall conform to the construction and equipment requirements set forth in R.S. 18:1355.

Added by Acts 1981, No. 105, §1, eff. July 3, 1981. Amended by Acts 1982, No. 778, §§1 and 5, eff. Aug. 4, 1982; Acts 1984, No. 672, §1.

§1399. Voting machines; inspection; counting and tabulation; election returns

A. Before the time for the opening of the polls, the commissioners and watchers shall inspect all voting machines capable of producing printed election results as provided in R.S. 18:553(B), except that instead of examining the machine's counters to determine whether each registers zero, the commissioners shall cause each voting machine to produce a zero proof sheet. The commissioners and watchers shall determine from the zero proof sheet produced by a voting machine that each counter on that voting machine is set at zero. The commissioners shall sign and certify to the correctness of the zero proof sheet and shall then immediately post, within the polling place, the zero proof sheet for each voting machine. If a voting machine produces a zero proof sheet which is illegible or damaged, the commissioners shall immediately notify the parish custodian of voting machines who shall take any required remedial action necessary to make the machine operative. If the

zero proof sheet indicates that any candidate or question does not register zero, the commissioners shall proceed as required by R.S. 18:553(B)(2).

B. The procedure for voting on election day on a voting machine capable of producing printed election results shall be the same procedure as required in this Title for voting on any other approved voting machine and shall be followed without exception.

C.(1) Except as specifically provided in this Subsection, the procedures with respect to counting and tabulating votes required by R.S. 18:571 shall be followed without exception.

(2) After voting has terminated, the commissioners shall lock against further voting all voting machines capable of producing printed election results. Instead of opening the voting machine's counter compartments and reading and announcing the vote from its counters, the commissioners shall cause each voting machine to produce a set of four identical final result tally sheets.

(3) The commissioners shall then examine, sign, and certify each set of final result tally sheets and immediately post, in the polling place, one copy of each final result tally sheet for each voting machine.

(4) The vote on each voting machine may be transcribed by the commissioners from the final result tally sheets to the tabulation blank and compiled statement forms.

(5) If a voting machine produces a set of final result tally sheets which is illegible or damaged, the commissioners shall immediately notify the parish custodian of voting machines who shall expose the candidate and question counters so that the commissioners may directly examine and announce the vote from the machine's counters.

D. The zero proof sheet and final result tally sheets from each voting machine shall be transmitted as follows:

(1) The zero proof sheet and one copy of the final result tally sheet shall be sealed with the other election paraphernalia in the envelope marked "Put in Voting Machine" as provided in R.S. 18:571(12).

(2) One copy of the final result tally sheet shall be mailed with the other election paraphernalia to the secretary of state as provided in R.S. 18:572(A)(2).

(3) One copy of the final result tally sheet shall be delivered to the clerk of court as provided in R.S. 18:572(A)(3).

E. The zero proof sheet and final result tally sheets from each voting machine shall be the official election results from that machine and shall form a part of the official election returns.

Added by Acts 1981, No. 105, §1, eff. July 3, 1981. Amended by Acts 1982, No. 778, §1, eff. Aug. 4, 1982; Acts 1984, No. 672, §1.

CHAPTER 8-A. ELECTION EXPENSES

§1400.1. Election costs paid by secretary of state; governing authorities; reimbursement

A. The cost of ballots and election materials used in gubernatorial and congressional elections, whether or not a gubernatorial or congressional candidate appears on the ballot, shall be paid by the state from funds appropriated to the secretary of state for that purpose, except that when a local or municipal candidate or a local bond, debt, tax, proposition, or question also appears on the ballot, the state shall be required to pay one-half of the cost of ballots and election materials. The remaining one-half shall be pro-rated between the state and all local or municipal entities participating in such election. The pro-rata share of a local or municipal entity shall be determined by dividing the number of that entity's offices, propositions, or questions on the ballot by the total number of all offices, propositions, or questions on the ballot within that local jurisdiction.

B.(1) The cost of ballots and election materials used in any special election when any of the following appear on the ballot shall be paid by the state from funds appropriated to the secretary of state for that purpose:

- (a) A state candidate, as defined in R.S. 18:452(1).
- (b) A candidate for the state legislature.

(c) A candidate for judge of a judicial district court or juvenile court or a candidate for judge of the criminal district or civil district court for Orleans Parish.

(d) A candidate for the office of district attorney.

(e) A proposed constitutional amendment.

(2) Notwithstanding the provisions of Paragraph (1), when a local or municipal candidate or a local bond, debt, tax, proposition, or question also appears on the ballot, the state shall be required to pay one-half of the cost of ballots and election materials. The remaining one-half shall be pro-rated between the state and all local or municipal entities participating in such election. The pro-rata share of a local or municipal entity shall be determined by dividing the number of that entity's offices, propositions, or questions on the ballot by the total number of all offices, propositions, or questions on the ballot within that local jurisdiction.

C.(1) The cost of ballots and election materials used in any election not provided for in Subsections A and B of this Section shall be paid by the appropriate governing authority that relates to the character of the office or the issue involved in such election.

(2) In any special election called only by a local governing authority or only by a parish or city school board solely for the purpose of voting on a proposition under Chapter 6-A of this Title, a fee of five dollars per certificate and two dollars per page shall be paid to the secretary of state for recording the proces verbal as required by R.S. 18:1293.

(3) To administratively facilitate the payment of costs as provided in this Subsection, the secretary of state may initially pay such costs; however, the appropriate governing authority shall reimburse all such costs to the secretary of state, and all monies so received by the secretary of state shall be remitted to the state treasurer. If more than one governing authority is involved in an election, the secretary of state shall prorate the reimbursable costs among the governing authorities as equitably as possible.

Added by Acts 1983, No. 681, §1, eff. July 21, 1983. Acts 1986, No. 783, §1, eff. July 10, 1986; Acts 1990, No. 107, §1, eff. Jan. 1, 1991; Acts 1992, No. 963, §1.

§1400.2. Election costs paid by commissioner of elections; governing authorities; reimbursement

A. The costs of publication of the location of polling places; of renting polling places; of drayage; of setting up voting machines; of compensating commissioners and deputy parish custodians; and of transmitting election returns for gubernatorial and congressional elections, whether or not a gubernatorial or congressional candidate appears on the ballot, shall be paid by the state from funds appropriated to the commissioner of elections for that purpose, except that when a local or municipal candidate or a local bond, debt, tax, proposition, or question also appears on the ballot, the state shall be required to pay one-half of such costs. The remaining one-half shall be pro-rated between the state and all local or municipal entities participating in such election. The pro-rata share of a local or municipal entity shall be determined by dividing the number of that entity's offices, propositions, or questions on the ballot by the total number of all offices, propositions, or questions on the ballot within that local jurisdiction.

B.(1) The cost of publication of the location of polling places; of renting polling places; of drayage; of setting up voting machines; of compensating commissioners and deputy parish custodians; and of transmitting election returns for any special election when any of the following appear on the ballot shall be paid by the state from funds appropriated to the commissioner of elections for that purpose:

(a) A state candidate, as defined in R.S. 18:452(1).

(b) A candidate for the state legislature.

(c) A candidate for judge of a judicial district court or juvenile court or a candidate for judge of the criminal district or civil district court for Orleans Parish.

(d) A candidate for the office of district attorney.

(e) A proposed constitutional amendment.

(2) Notwithstanding the provisions of Paragraph (1), when a local or municipal candidate or a local bond, debt, tax, proposition, or question also appears on the ballot, the state shall be required to pay one-half of such costs. The remaining one-half shall be pro-rated between the state and all local or municipal entities participating in such election. The pro-rata share of a local or municipal entity shall be determined by dividing the number of that entity's offices, propositions, or questions on the ballot by the total number of all offices, propositions, or questions on the ballot within that local jurisdiction.

C.(1) The cost of publication of the location of polling places; of renting polling places; of drayage; of setting up voting machines, which cost shall be ten dollars per machine; of compensating commissioners and deputy parish custodians; and of transmitting election returns for any election not provided for in Subsections A and B of this Section shall be paid by the appropriate governing authority that relates to the character of office or issue involved in such election. Except as provided in Paragraph (2) of this Subsection, if more than one governing authority is involved in an election, a statement of such expenses shall be transmitted to each governing authority involved in the election and payment thereof shall be prorated among the governing authorities as equitably as possible.

(2) To administratively facilitate the payment of costs with respect to elections as provided in this Subsection, the commissioner of elections may initially pay such costs; however, the appropriate governing authority shall reimburse all such costs to the commissioner of elections, who shall remit all such funds to the state treasurer. If more than one governing authority is involved in an election, the commissioner of elections shall prorate its reimbursable costs among the governing authorities as equitably as possible.

Added by Acts 1983, No. 681, §1, eff. July 21, 1983. Acts 1986, No. 426, §1; Acts 1986, No. 783, §1, eff. July 10, 1986; Acts 1988, No. 909, §1, eff. Jan. 1, 1989; Acts 1990, No. 107, §1, eff. Jan. 1, 1991; Acts 1992, No. 963, §1.

§1400.3. Election expenses incurred by clerks of court and registrars of voters; payment by commissioner of elections; payment by governing authorities

A. Election expenses incurred by clerks of court and registrars of voters for gubernatorial and congressional elections, whether or not a gubernatorial or congressional candidate appears on the ballot, shall be paid by the state from funds appropriated to the commissioner of elections for that purpose, except that when a local or municipal candidate or a local bond, debt, tax, proposition, or question also appears on the ballot, the state shall be required to pay one-half of such costs. The remaining one-half shall be pro-rated between the state and all local or municipal entities participating in such election. The pro-rata share of a local or municipal entity shall be determined by dividing the number of that entity's offices, propositions, or questions on the ballot by the total number of all offices, propositions, or questions on the ballot within that local jurisdiction.

B.(1) Election expenses incurred by clerks of court and registrars of voters for any special election when any of the following appear on the ballot shall be paid by the state from funds appropriated to the commissioner of elections for that purpose:

(a) A state candidate, as defined in R.S. 18:452(1).

(b) A candidate for the state legislature.

(c) A candidate for judge of a judicial district court or juvenile court or a candidate for judge of the criminal district or civil district court for Orleans Parish.

(d) A candidate for the office of district attorney.

(e) A proposed constitutional amendment.

(2) Notwithstanding the provisions of Paragraph (1), when a local or municipal candidate or a local bond, debt, tax, proposition, or question also appears on the ballot, the state shall be required to pay one-half of such costs. The remaining one-half shall be pro-rated between the state and all local or municipal entities participating in such election. The pro-rata share of a local or municipal entity shall be determined by dividing the number of that entity's offices, propositions, or questions on the ballot by the total number of all offices, propositions, or questions on the ballot within that local jurisdiction.

C.(1) Election expenses incurred by clerks of court and registrars of voters for any election not provided for in Subsections A and B of this Section shall be paid by the appropriate governing authority that relates to the character of office or issue involved in such election. Except as provided in Paragraph (2) of this Subsection, if more than one governing authority is involved in an election, a statement of such expenses shall be transmitted to each governing authority and payment thereof shall be prorated among the governing authorities as equitably as possible.

(2) To administratively facilitate the payment of costs with respect to elections as provided in this Subsection, the commissioner of elections may initially pay such costs; however, the appropriate governing authority shall reimburse all such costs to the commissioner of elections, who shall remit all such funds to the state treasurer. If more than one governing authority is involved in an election, the commissioner of elections shall prorate its reimbursable costs among the governing authorities as equitably as possible.

D. For the purposes of this Section, "election expenses incurred by registrars of voters" is defined and limited to the following:

(1) Expenses incurred by a registrar of voters to pay for one or more temporary part-time clerical employees to perform election duties and responsibilities associated with his office as provided in this Title. Such employees shall be paid at an hourly rate established by the registrar at not to exceed that of a Voter Registration Specialist in the General Schedule at the entry level as specified in the classification and pay plan of the Louisiana Department of Civil Service.

(2) Expenses incurred by a registrar of voters to pay a permanent employee below the level of chief deputy and confidential assistant to perform election duties and responsibilities associated with his office during other than normal hours of operation of his office.

(3) Expenses of an extraordinary nature incurred by a registrar of voters for an election which have received prior approval of the commissioner of elections.

E. For the purposes of this Section, "election expenses incurred by clerks of court" is defined and limited to the following:

(1) Actual expenses incurred by a clerk of court to publish notices required by law in the official journal of the parish and, to insure maximum coverage, in any other journal of the parish or political subdivision thereof. Information contained in such notices shall be limited to that required by law. The commissioner of elections shall prescribe the size of such notices which shall be uniform throughout the state.

(2) Itemized expenses incurred by a clerk of court to conduct the general courses of instruction for commissioners as provided in R.S. 18:431(A) and the course of instruction for commissioners-in-charge as provided in R.S. 18:433(A).

(3)(a) Documented expenses incurred by a clerk of court to perform or fulfill election duties imposed by law. For the purpose of this Paragraph, such expenses shall include the following:

(i) Expenses for postage and office supplies used in connection with an election or used to fulfill an election duty imposed by law.

(ii) Expenses for rental space and instructional paraphernalia to conduct schools of instruction for commissioners and commissioners-in-charge.

(iii) Expenses for personnel used in connection with an election or used to fulfill an election duty imposed by law. Such expenses shall be itemized and reimbursement shall be authorized only for work not performed during regular office hours of the clerk of court.

(iv) Incidental expenses incurred in conducting the general courses of instruction for commissioners and the course of instruction for commissioners-in-charge. Reimbursement for such expenses shall be limited to one hundred dollars per general commissioner school and one hundred dollars for the commissioner-in-charge school. Maximum reimbursement to a clerk of court for conducting such schools shall be limited to three hundred dollars per calendar year and all reimbursements shall be deposited in the general fund of the clerk of court.

(b) The commissioner of elections shall establish rules and regulations governing reimbursement for expenses set forth herein and may establish rules and regulations to add other categories of reimbursable expenses. All reimbursements shall be deposited in the general fund of the clerk.

(4) Expenses of an extraordinary nature incurred by a clerk of court for an election which have received prior approval of the commissioner of elections.

Added by Acts 1983, No. 681, §1, eff. July 21, 1983; Acts 1986, No. 783, §1, eff. July 10, 1986; Acts 1986, No. 669, §1; Acts 1988, No. 909, §1, eff. Jan. 1, 1989; Acts 1990, No. 107, §1, eff. Jan. 1, 1991; Acts 1992, No. 963, §1.

§1400.4. Elections costs for parish boards of election supervisors; payment of compensation; reimbursement; expenses

A. Election expenses incurred by parish boards of election supervisors for gubernatorial and congressional elections, whether or not a gubernatorial or congressional candidate appears on the ballot, shall be paid by the state from funds appropriated to the commissioner of elections for that purpose, except that when a local or municipal candidate or a local bond, debt, tax, proposition, or question also appears on the ballot, the state shall be required to pay one-half of such costs. The remaining one-half shall be prorated between the state and all local or municipal entities participating in such election. The pro rata share of a local or municipal entity shall

be determined by dividing the number of that entity's offices, propositions, or questions on the ballot by the total number of all offices, propositions, or questions on the ballot within that local jurisdiction.

B.(1) Election expenses incurred by parish boards of election supervisors for any special election when any of the following appear on the ballot shall be paid by the state from funds appropriated to the commissioner of elections for that purpose:

- (a) A state candidate, as defined in R.S. 18:452(1).
- (b) A candidate for the state legislature.
- (c) A candidate for judge of a judicial district court or juvenile court or a candidate for judge of the criminal district or civil district court for Orleans Parish.
- (d) A candidate for the office of district attorney.
- (e) A proposed constitutional amendment.

(2) Notwithstanding the provisions of Paragraph (1), when a local or municipal candidate or a local bond, debt, tax, proposition, or question also appears on the ballot, the state shall be required to pay one-half of such costs. The remaining one-half shall be prorated between the state and all local or municipal entities participating in such election. The pro rata share of a local or municipal entity shall be determined by dividing the number of that entity's offices, propositions, or questions on the ballot by the total number of all offices, propositions, or questions on the ballot within that local jurisdiction.

C.(1) Election expenses incurred by parish boards of election supervisors for any election not provided for in Subsections A and B of this Section shall be paid by the appropriate governing authority that relates to the character of office or issue involved in such election. Except as provided in Paragraph (2) of this Subsection, if more than one governing authority is involved in an election, a statement of such expenses shall be transmitted to each governing authority and payment thereof shall be prorated among the governing authorities as equitably as possible.

(2) To administratively facilitate the payment of costs with respect to elections as provided in this Subsection, the commissioner of elections may initially pay such costs; however, the appropriate governing authority shall reimburse all such costs to the commissioner of elections, who shall remit all such funds to the state treasurer. If more than one governing authority is involved in an election, the commissioner of elections shall prorate its reimbursable costs among the governing authorities as equitably as possible.

D. For the purposes of this Section, "election expenses incurred by the parish boards of election supervisors" is defined and limited to the following:

(1) Compensation of each member of the parish board of election supervisors as provided in R.S. 18:423(E).

(2) Expenses of an extraordinary nature incurred by the parish boards of election supervisors for an election which have received prior approval of the commissioner of elections.

E. Any other expenses incurred by the parish board of election supervisors in the performance of its duties shall be paid by the state from funds appropriated to the commissioner of elections for that purpose.

Added by Acts 1983, No. 681, §1, eff. July 21, 1983; Acts 1986, No. 669, §1; Acts 1990, No. 116, §1; Acts 1992, No. 963, §1.

§1400.5. Costs and expenses of a presidential preference primary election

A. Except as otherwise provided herein, the costs and expenses incurred for a presidential preference primary election shall be paid by the secretary of state and the commissioner of elections as in gubernatorial elections.

B. When a local governing authority is required by this Chapter to pay the costs and expenses incurred for an election, and such election is scheduled to be held on the date of a presidential preference primary election, the local governing authority shall pay all costs and expenses incurred for such elections.

Added by Acts 1983, No. 681, §1, eff. July 21, 1983.

§1400.6. Costs and expenses of primary and general elections

A. Any local governing authority or school board which receives a request for reimbursement of election costs pursuant to this Title shall pay such reimbursement promptly.

B. Interest on any unpaid balance shall be added to the amount of any such reimbursement for which payment has not been received by the thirtieth day after the date of billing by the offices of the secretary of state or the commissioner of elections. Such interest shall be at an annual percentage rate of fifteen percent and shall be received by the secretary of state or the commissioner of elections to be remitted to the state treasurer.

C. If payment for any such reimbursement is not received by the secretary of state or commissioner of elections on the one hundred and twentieth day following the first billing by the offices of said officials, the account shall be forwarded to the attorney general for collection. The attorney general is additionally authorized to collect the actual expenses his office incurs in the collection of such account.

Added by Acts 1983, No. 682, §1; Acts 1986, No. 669, §1; Acts 1988, No. 909, §1, eff. Jan. 1, 1989.

CHAPTER 9. CONTESTS AND CHALLENGES

PART I. PROCEDURE FOR OBJECTIONS TO CANDIDACY AND ELECTION CONTESTS

§1401. Objections to candidacy and contests of elections; parties authorized to institute actions

A. A qualified elector may bring an action objection to the candidacy of a person who qualified as a candidate in a primary election for an office in which the plaintiff is qualified to vote.

B. A candidate who alleges that, except for substantial irregularities or error, or except for fraud or other unlawful activities in the conduct of the election, he would have qualified for a general election or would have been elected may bring an action contesting the election.

C. A person in interest may bring an action contesting any election in which any proposition is submitted to the voters if he alleges that except for irregularities or fraud in the conduct of an election the result would have been different.

D. *Repealed by Acts 1989, No. 662, §8, eff. July 7, 1989.*

Acts 1976, No. 697, §1, eff. Jan. 1, 1978. Amended by Acts 1980, No. 506, §1, eff. Jan. 1, 1981; Acts 1980, No. 564, §1, eff. July 23, 1980; Acts 1989, No. 662, §8, eff. July 7, 1989.

§1402. Proper parties

A. The following persons are the proper parties against whom actions may be instituted in actions objecting to candidacy and in election contests: (1) the person whose candidacy is objected to; (2) the person or persons whose eligibility to be a candidate in a general election or whose election to office is contested; (3) the governing authority who called an election submitting a proposition to the voters, other than a proposed amendment to the constitution; (4) the secretary of state, when any election upon any proposed amendment to the constitution is contested; or (5) the official before whom the person whose candidacy is objected to had qualified.

B. Any candidate in an election which is contested shall be a proper party to and shall have standing to intervene in the action contesting the election.

C. The secretary of state and the commissioner of elections shall be indispensable parties defendant to any action contesting an election for public office for the purpose of giving the trial court jurisdiction over those officers insofar as the judgment of the court affects the ministerial duties of those officers. When named as defendants as provided in this Subsection, costs of court shall not be assessed against these officers.

Acts 1976, No. 697, §1, eff. Jan. 1, 1978. Amended by Acts 1980, No. 506, §1, eff. Jan. 1, 1981.

§1403. Jurisdiction

The district courts shall have exclusive original jurisdiction of actions objecting to candidacy and contesting elections. In a judicial district wherein there is a criminal and a civil district court, the civil district court shall have exclusive original jurisdiction.

Acts 1976, No. 697, §1, eff. Jan. 1, 1978.

§1404. Venue

A. An action objecting to a candidate or contesting an election shall be instituted in the district court for the parish where the state capitol is situated if the action involves an office filled by statewide election and shall be instituted in the district court for any parish included, in whole or part, in the district for the office the action involves.

B. An action contesting an election on a proposition, except an election on a proposed constitutional amendment, shall be brought in the district court for the parish where the governing authority calling the election is domiciled.

C. An action contesting an election upon a proposed constitutional amendment shall be brought in the district court for the parish where the state capitol is situated.

Acts 1976, No. 697, §1, eff. Jan. 1, 1978. Amended by Acts 1980, No. 506, §1, eff. Jan. 1, 1981.

§1405. Time for commencement of action

A. An action objecting to candidacy shall be instituted within seven days after the close of qualifications for candidates in the primary election. After the expiration of the time period set forth in this Section, no further action shall be commenced objecting to candidacy based on the grounds for objections to candidacy contained in R.S. 18:492.

B. An action contesting any election involving election to office shall be instituted on or before the ninth day after the date of the election, and no such contest shall be declared moot because of the performance or nonperformance of a ministerial function including but not limited to matters relating to the printing of ballots for the general election.

C. An action contesting an election on a proposed constitutional amendment shall be instituted within ten days after promulgation of the results of the election by the secretary of state.

D. An action contesting an election submitting a proposition to the voters, except a constitutional amendment or a proposition covered by Subsection E of this Section, shall be instituted within thirty days after the official promulgation of the results of the election.

E. An action contesting an election on a proposition submitted to the voters relating to the issuance of bonds, refunding bonds, assuming an indebtedness, or levying a tax shall be instituted within sixty days after official promulgation of the results. If the legality of the election, the bond issue provided for, the tax authorized, or the assumption of indebtedness is not contested within the sixty days herein prescribed, the authority to incur the debt, levy the tax, or issue the bonds, the legality thereof, and the taxes and other revenues necessary to pay the same shall be conclusively presumed to be valid and no court thereafter shall have authority to inquire into such matters.

F. An action contesting the certification of a recall petition shall be instituted within fifteen days after the governor has issued the proclamation ordering the recall election.

Acts 1976, No. 697, §1, eff. Jan. 1, 1978. Amended by Acts 1977, No. 523, §1, eff. Jan. 1, 1978; Acts 1980, No. 506, §1, eff. Jan. 1, 1981; Acts 1982, No. 10, §1, eff. Jan. 1, 1983; Acts 1984, No. 712, §1, eff. July 13, 1984; Acts 1989, No. 179, §1, eff. Jan. 1, 1990; Acts 1992, No. 949, §1, eff. Jan. 1, 1993.

§1406. Petition; answer; notification

A. An action objecting to candidacy or contesting an election shall be instituted by filing a petition in a court of competent jurisdiction and venue and posting a copy of the petition in a conspicuous place at the entrance of the office of the clerk of court where the petition is filed.

B. The petition shall set forth in specific detail the facts upon which the objection or contest is based. If the action contests an election, the petition shall allege that except for substantial irregularities or error, fraud, or other unlawful activities in the conduct of the election, the petitioner would have qualified for a general election or would have been elected. The trial judge may allow the filing of amended pleadings for good cause shown and in the interest of justice.

C. The defendant shall be served with citation directing him to appear in court at 10:00 a.m. on the fourth day after suit was filed, subject, however, to the provisions of R.S. 18:1408(D). The defendant is not required to answer the petition, but if he answers, he shall do so prior to trial.

D. The clerk of court shall immediately notify the secretary of state and the commissioner of elections, by telephone and by written notice sent certified mail, when an action objecting to candidacy or contesting an election has been filed.

Acts 1976, No. 697, §1, eff. Jan. 1, 1978. Amended by Acts 1980, No. 506, §1, eff. Jan. 1, 1981; Acts 1985, No. 754, §1.

§1407. Appointment of agent for service of process

A. By filing notice of candidacy a local or municipal candidate appoints the clerk of court for each parish in which he is to be voted on as his agent for service of process in any action objecting to his candidacy, contesting his qualification as a candidate in a general election, or contesting his election to office. However, if a clerk of court who otherwise would be an agent for service of process under this Subsection is a named party in the petition, then the registrar of voters for that parish shall be the agent for service of process upon the defendant.

B. By filing notice of his candidacy a state candidate appoints the secretary of state as his agent for service of process in any action objecting to his candidacy, contesting his qualification as a candidate in the general election, or contesting his election to office. However, if the secretary of state who otherwise would be an agent for service of process under this Subsection is a named party in the petition, then the commissioner of elections shall be the agent for service of process upon the defendant.

Acts 1976, No. 697, §1, eff. Jan. 1, 1978.

§1408. Service of process; sending notice and copies; documents to be filed

A. If service of process is to be made on the appointed agent, as authorized by R.S. 18:1407, such service shall be made by serving citation on this agent, but at the same time that service is made on the appointed agent, a diligent effort shall be made to make personal service on the defendant at his domiciliary address as shown by his qualifying papers.

B. When service is made on the appointed agent, he shall immediately send notice thereof, together with a copy of the citation, by certified mail, return receipt requested, to addressee only, to the defendant at his domiciliary address as listed in his notice of candidacy. If the appointed agent has reason to believe that the candidate is temporarily absent from his domiciliary address as listed in his notice of candidacy, he shall give additional notice to the candidate in the manner required by this Subsection by mailing a copy of the citation to any place where the candidate temporarily resides.

C. Proof of mailing, certified by the official mark of the United States Postal Service, along with the return receipt if received by the agent, shall be filed in the proceedings.

D. Service of process on and citation of the appointed agent, together with the posting of the petition as provided in R.S. 18:1406, shall be sufficient service to give the trial court jurisdiction over the person of the defendant.

Acts 1976, No. 697, §1, eff. Jan. 1, 1978. Amended by Acts 1980, No. 506, §1, eff. Jan. 1, 1981.

§1409. Trial; decision; appeal

A. Actions objecting to candidacy or contesting an election shall be tried summarily, without a jury, and in open court. The trial shall begin at 10:00 a.m. on the fourth day after suit was filed. If the defendant does not appear on the date set for the trial, either in person or through counsel, the court shall appoint an attorney at law to represent him by instanter appointment made prior to the commencement of the trial. In a case where a court appointment of an attorney to represent the defendant is made, the proceedings shall be conducted contradictorily against the court appointed attorney. The court shall determine the amount of the fee payable to curators ad hoc in accordance with criteria used by the court in fixing curator fees under Code of Civil Procedure Article 5091, et seq. The court shall tax the curator's fee as costs, and such fee shall be paid by the plaintiff unless the defendant was served personally and the appointment of a curator ad hoc was necessitated by his failure to appear at the trial, in which case the court may require the defendant to pay the curator's fee.

B.(1) If the action involves the contest of a primary election for a major office, the trial judge, for good cause shown, may postpone the date of the general election for the office as to which the contest was filed for a period not to exceed five weeks.

(2) Whenever the trial of an action contesting a primary election for a major office, extends past 5:00 p.m. on the fourteenth day after the day of the election, the trial judge shall order the general election for the affected office postponed to a Saturday specified by him which is at least thirty days after the date on which the trial court renders judgment.

(3) As used in this Subsection, "major office" means offices voted on throughout the state or a congressional district, the offices of justice of the supreme court or judge of a court of appeal, the offices of members on a state board or commission, or offices which require election from a territorial jurisdiction having a population exceeding two hundred fifty thousand.

C. In all actions, the trial judge shall render judgment within twenty-four hours after the case is submitted to him.

D. Within twenty-four hours after rendition of judgment, a party aggrieved by the judgment may appeal by obtaining an order of appeal and giving bond for a sum fixed by the court to secure the payment of costs. The clerk of the trial court shall give notice of the order of appeal to the clerk of the court of appeal and to all the parties or their counsel of record. The trial judge shall fix the return day at a time not to exceed five days after rendition of judgment.

E. The clerk of the trial court shall prepare the record on appeal and transmit it to the clerk of the court of appeal within twenty-four hours after the order of appeal is granted.

F. Immediately upon receipt of the record the clerk of the court of appeal shall notify the parties and the case shall be heard no later than forty-eight hours after the record is lodged with the court of appeal. Judgment shall be rendered within twenty-four hours after the case is argued.

G. An application to the supreme court for a writ of certiorari shall be made within forty-eight hours after judgment is rendered by the court of appeal.

H. The appellate court shall sit en banc in all election contests involving candidates for offices voted on throughout the state or throughout a congressional district, justice of the supreme court, judge of a court of appeal, membership on a state board or commission, district judge, district attorney, or membership in the state legislature. In all other cases arising under this Chapter, the court may sit in panels of three or more as directed by the chief judge.

I. No application for a new trial or for a rehearing shall be entertained by any court, but a court, upon its own motion, may correct manifest error to which its attention is called.

J. As used in this Chapter, judgment shall be deemed to have been rendered when signed by the judge.

Acts 1976, No. 697, §1, eff. Jan. 1, 1978. Amended by Acts 1980, No. 506, §1, eff. Jan. 1, 1981; Acts 1983, No. 137, §1, eff. June 24, 1983.

§1410. Judgments in objection to candidacy or election contest; transmittal of certified copy to secretary of state and commissioner of elections

A certified copy of the judgment rendered in an action objecting to candidacy or contesting an election shall be transmitted by the clerk of court to the secretary of state and commissioner of elections.

Acts 1976, No. 697, §1, eff. Jan. 1, 1978; Acts 1985, No. 754, §1.

§1411. Depositions

A party to an objection to candidacy or an election contest may take a deposition relative to the facts specified or to be specified in the petition at any time before the trial, upon giving the other party at least forty-eight hours notice of the time and place the deposition is to be taken. The deposition may be taken before any officer authorized to administer oaths, and the attendance of witnesses and the production of documentary evidence of any kind may be compelled by a court.

Acts 1976, No. 697, §1, eff. Jan. 1, 1978. Amended by Acts 1980, No. 506, §1, eff. Jan. 1, 1981.

§1412. Pleadings alleging fraud in conduct of election; delivery to attorney general and district attorney

The clerk of court shall deliver a certified copy of any pleading contesting an election on grounds of fraud to the attorney general and to the district attorney for the parish where the fraud is alleged to have occurred.

Acts 1976, No. 697, §1, eff. Jan. 1, 1978.

§1413. Computation of time

Computation of all time intervals in this Chapter shall include Sundays and other legal holidays. However, if the final day in a time interval falls on a Sunday or other legal holiday, then the next legal day shall be deemed to be the final day of the time interval.

Acts 1976, No. 697, §1, eff. Jan. 1, 1978.

§1414. Code of Civil Procedure

Any procedural matter not specifically provided for in this Code shall be governed by the Code of Civil Procedure.

Added by Acts 1980, No. 506, §1, eff. Jan. 1, 1981.

PART II. COURT DETERMINATION OF ELECTION CONTESTS

§1431. Fraudulent or illegal votes; uncounted votes; determination of election result

When the court finds that one or more of the votes cast in a contested election are illegal or fraudulent, the judge shall subtract such vote or votes from the total votes cast for the candidate who received them if the contest involves election to office, or from the total vote for or against a proposition, if the contest is of an election upon a proposition. If the court determines that legal votes cast in the election were excluded in the total votes cast on a candidate or proposition, then these excluded legal votes shall be added to the total votes on the candidate or the proposition to which they are attributable. Thereafter, and after considering all the evidence, the court shall determine the result of the election.

Acts 1976, No. 697, §1, eff. Jan. 1, 1978.

§1432. Remedies

A. If the trial judge in an action contesting an election determines that: (1) it is impossible to determine the result of election, or (2) the number of qualified voters who were denied the right to vote by the election officials was sufficient to change the result in the election, if they had been allowed to vote, or (3) the number of unqualified voters who were allowed to vote by the election officials was sufficient to change the result of the election if they had not been allowed to vote, or (4) a combination of the factors referred to in (2) and (3) herein would have been sufficient to change the result had they not occurred, the judge may render a final judgment declaring the election void and ordering a new primary or general election for all the candidates, or, if the judge determines that the appropriate remedy is the calling of a restricted election, the judge may render a final judgment ordering a new election and specifying the date of the election, the appropriate candidates for the election, and the office or other position for which the election shall be held.

B. If the trial judge determines that an action contesting an election or objecting to candidacy was filed frivolously, he may award all costs of court, plus a reasonable attorney fee, plus damages, to the defendant.

Acts 1976, No. 697, §1, eff. Jan. 1, 1978. Amended by Acts 1980, No. 506, §1, eff. Jan. 1, 1981.

§1433. Revote in precincts where voting machine malfunctions if result cannot be otherwise ascertained

Notwithstanding the provisions of R.S. 18:1432, if a discrepancy sufficient to change the result of the election between the total votes cast at an election and the votes counted for the candidates in the election occurs as a result of a voting machine malfunction, and an accurate count of the votes cast on the malfunctioning machine cannot be determined by the offering of circumstantial evidence or any other evidence, the court shall order a revote in the precinct where the voting machine malfunctioned, which shall be limited to those persons listed on the poll list as having cast their ballots in person at the polls in the election in which the machine malfunctioned. Those persons who cast their votes by absentee ballots in that election shall not be eligible to vote in the revote election. The votes cast by absentee ballot in the first election shall be retained, counted, and added to the voting machine totals in the revote election.

Acts 1976, No. 697, §1, eff. Jan. 1, 1978. Amended by Acts 1977, No. 523, §1, eff. Jan. 1, 1978.

§1433.1. Revote in elections where precinct contained multiple election districts if result cannot be otherwise ascertained

A. Notwithstanding the provisions of R.S. 18:1432, if a discrepancy sufficient to change the result of the election between the total votes cast at an election and the votes counted for the candidates in the election occurs as a result of any precinct containing multiple election districts in which votes were counted in the wrong election district, the court shall order a revote for that election in the precinct or precincts containing multiple election districts.

B. The revote shall include all candidates listed on the ballot in the challenged election for the disputed office. The revote shall be limited to those persons listed on the poll list as having cast their ballots in person at the polls in the election in which the discrepancy occurred.

C. Those persons who cast their votes by absentee ballots in that election shall not be eligible to vote in the revote election. The votes cast by absentee ballot in the first election shall be retained, counted, and added to the voting machine totals in the revote election.

Acts 1984, No. 672, §1.

§1434. Waiver of objections to voter qualifications when voter is not challenged at the election

An objection to the qualifications of a voter or to an irregularity in the conduct of the election which, with the exercise of due diligence, could have been raised by a challenge of the voter or objections at the polls to the procedure is deemed waived.

Acts 1976, No. 697, §1, eff. Jan. 1, 1978.

PART III. RECOUNT OF ABSENTEE BALLOTS

§1451. Recount of absentee ballots authorized

Prior to the trial of an election contest, a party to the suit by ex parte motion may seek a recount of the absentee ballots if he alleges that there is an error in the counting of the absentee ballots which would have changed the outcome of the election.

Acts 1976, No. 697, §1, eff. Jan. 1, 1978.

§1452. Costs of recount

Upon the recount of the absentee ballots, if the court determines that the original count of the absentee ballots was correct or that the error would not have changed the result of the election, the cost of recounting shall be assessed against the party who demanded the recount. If the court determines that an error was made in the original count of the absentee ballots that changed the result of the election, the cost of recounting the absentee ballots shall not be assessed against any party.

Acts 1976, No. 697, §1, eff. Jan. 1, 1978.

§1453. Recount procedure

A. When a recount is ordered, the trial judge shall appoint counters to conduct the recount. The trial judge shall determine the time and location of the recount. The recount may be held in open court or in any other place the trial judge deems appropriate.

B. The trial judge shall give notice of the time and place of the recount to all interested parties. The parties, or their representatives, may be present at the recount, but the recount shall not be an adversary proceeding.

C. A trial judge who orders a recount shall have jurisdiction to order each registrar of voters to produce the absentee ballots, each clerk of court to produce the record of the absentee vote count, and either of them to produce any other documents in his possession which will affect the recount, including election returns. The trial judge shall give notice of the time and place of the recount to the various registrars of voters and clerks of court. Service of a written court order on a registrar of voters or clerk of court shall not be required prior to the commencement of the recount.

D. A trial judge who orders a recount may use any of the facilities of the state, or its boards, agencies, commissions, or departments to implement the recount procedure.

E. The result of the recount shall be announced publicly by the trial judge and shall be delivered to the secretary of state, who shall promulgate the results of the election in conformity with the definitive judgment rendered in the action.

Acts 1976, No. 697, §1, eff. Jan. 1, 1978. Amended by Acts 1980, No. 506, §1, eff. Jan. 1, 1981.

CHAPTER 10. ELECTION OFFENSES

§1461. Election offenses; penalties

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

(1) Fail, refuse, or neglect to discharge any duty imposed upon him, either individually or in an official capacity, by any provision of this Title.

(2) Being a commissioner, permit fraudulent votes to be cast, or knowingly count votes not entitled to be cast.

(3) Have in his possession an official ballot in violation of any provision of this Title.

(4) Offer, promise, solicit, or accept money or anything of present or prospective value to secure or influence a vote or registration of a person.

(5) Forge, alter, add to, deface, take, destroy, or remove from proper custodial care any book, card, record, election return, nomination papers, withdrawals of candidacy, election supplies, election paraphernalia, or any affidavit or other document required or provided for under the provisions of this Title, unless required to be removed by a court of competent jurisdiction for inspection and photostatic copying for the court record.

(6) Intimidate, directly or indirectly, any voter or prospective voter in matters concerning voting or nonvoting or registration or nonregistration.

(7) Vote or attempt to vote more than once at an election.

(8) Offer money or anything of present or prospective value or use, directly or indirectly, any form of intimidation to influence the action or encourage inaction of any public official with regard to the duties of his office or to influence a commissioner or watcher in his decision to serve or not to serve as such or in the performance of his duties on election day.

(9) Disobey any lawful instruction of the commissioners or a law enforcement officer assisting at the polls, or without lawful authority obstruct, hinder, or delay any voter on his way to or while returning home from any polling place where an election is being held or on his way to or while returning home from a place where he can legally exercise a vote concerning candidate representation of his party.

(10) Vote or attempt to vote, knowing that he is not qualified, or influence or attempt to influence another to vote, knowing such voter to be unqualified or the vote to be fraudulent.

(11) Register, vote, or attempt to register or vote in the name of another or in an assumed or fictitious name, or in any manner other than as provided in this Title.

(12) Have in his possession the registration certificate of another with intent to violate any provision of this Title.

(13) Supply a false answer or statement to an election official or in any document required by this Title, or execute an affidavit knowing it to contain false or incorrect information.

(14) Forge the name of another or use a fictitious name on an affidavit or document required under this Title.

(15) Unlawfully, directly or indirectly, possess, tamper with, break, impair, impede, or otherwise interfere with the maintenance, adjustment, delivery, use, or operation of any voting machine or part thereof or with any of the paraphernalia connected with or appertaining thereto.

(16) As a voter, commissioner, watcher, or person assisting a voter, allow a ballot to be seen, except as provided by law; announce the manner in which a person has cast his vote; place a distinguishing mark on a ballot with intent to make the ballot identifiable, or make a false statement concerning ability to mark a ballot without assistance.

(17) Give or offer to give, directly or indirectly, any money or thing of present or prospective value to any person who has withdrawn or who was eliminated prior or subsequent to the primary election as a candidate for public office, for the purpose of securing or giving his political support to any remaining candidates or to candidates for public office in the primary or general election.

(18) Being a physician, certify to the disability of a voter under R.S. 18:1304, or certify that a person will be hospitalized on election day, knowing such information to be false.

(19) Breach any mandatory provision of this Title.

(20) Procure or submit voter registration applications that are known by the person to be materially false, fictitious, or fraudulent.

B.(1) Whoever violates any provision of this Section, except Paragraph (4) of Subsection A, shall be fined not more than five hundred dollars or be imprisoned for not more than six months, or both. On a second offense, or any succeeding offense, the penalty shall be a fine of not more than one thousand dollars or imprisonment for not more than one year, or both.

(2) Whoever violates the provisions in Paragraph (4) of Subsection A of this Section shall be fined not more than one thousand dollars or be imprisoned for not more than one year, or both. On a second offense, or any succeeding offense, the penalty shall be a fine of not more than two thousand five hundred dollars or imprisonment for not more than five years, or both.

Acts 1976, No. 697, §1, eff. Jan. 1, 1978. Amended by Acts 1980, No. 786, §1, eff. Jan. 1, 1981; Acts 1994, 3rd Ex. Sess., No. 10, §1, eff. Jan. 1, 1995.

§1462. Acts prohibited on election day; electioneering; exception; enforcement; penalty

A. Except as otherwise specifically provided by law, it shall be unlawful for any person, between the hours of 6:00 a.m. and 9:00 p.m., to perform or cause to be performed any of the following acts within any polling place being used in an election on election day or within any place wherein absentee voting is being conducted, or within a radius of six hundred feet of the entrance to any polling place being used in an election on election day or any place wherein absentee voting is being conducted:

(1) To solicit in any manner or by any means whatsoever any other person to vote for or against any candidate or proposition being voted on in such election.

(2) To remain within any such polling place or place wherein absentee voting is being conducted or within a radius of six hundred feet of the entrance of any such polling place, except when exercising the right to vote, after having been directed, in writing, by an election commissioner or law enforcement officer to leave the premises or area of a polling place or after having been directed, in writing, by a registrar or deputy registrar to leave the place wherein absentee voting is being conducted.

(3) To hand out, place, or display campaign cards, pictures, or other campaign literature of any kind or description whatsoever.

(4) To place or display political signs, pictures, or other forms of political advertising.

B. The provisions hereof shall not apply to the placing and displaying, either by the owner, lessee, or lawful occupant thereof, or with the consent of such owner, lessee or occupant, of political signs or pictures on private property which is not being used as a polling place.

C. The provisions of this Section shall not be construed as prohibiting any appointed election commissioner or any official watcher from remaining in and about the polling place in which he was selected to serve. However, no appointed election official shall wear any badge, button, pin, or other insignia identifying him with any political candidate or faction, nor shall any such official in any manner attempt to influence any voter to vote for or against any candidate or proposition being voted on in the election being held in that polling place.

D. No person shall:

(1) Possess any beverage of alcoholic content in a polling place after having been directed by a commissioner or law enforcement officer assisting at the polls to remove or dispose of the beverage.

(2) Appear at a polling place in an intoxicated condition.

E. The duly constituted law enforcement officers of the political subdivision in which any such election is being held shall enforce the provisions of this Section when requested to do so by the commissioners. The election commissioners at the several polling places likewise shall enforce the provision of this Section. These law enforcement officers and commissioners are authorized to seize, remove, and destroy any political cards, signs, pictures, or literature being used or displayed in violation of any of the provisions hereof.

F. Whoever violates any provision of this Section shall be fined not more than five hundred dollars or be imprisoned for not more than six months, or both. On a second offense or any succeeding offense, the penalty shall be a fine of not more than one thousand dollars or imprisonment for not more than one year, or both.

Acts 1976, No. 697, §1, eff. Jan. 1, 1978. Amended by Acts 1980, No. 810, §1; Acts 1982, No. 778, §1, eff. Aug. 4, 1982.

§1463. Political material; legislative finding of compelling state interest; identification of source of materials; materials containing false allegations of affiliation

A. The Legislature of Louisiana finds that the state has a compelling interest in taking every necessary step to assure that all elections are held in a fair and ethical manner and finds that an election cannot be held in a fair and ethical manner when any candidate or other person is allowed to print or distribute any material which falsely alleges that a candidate is supported by or affiliated with another candidate, group of candidates, or other person, or a political faction, or to publish anonymous statements that make scurrilous, false, or irresponsible adverse comments about a candidate or a proposition. The legislature further finds that the state has a compelling interest to protect the electoral process, and that the people have a right to know the identity of each candidate whose number appears on a sample ballot in order to be fully informed and to exercise their right to vote for a candidate of their choice. The legislature further finds that the people of this state have a right to know and that, among other things, it is essential to the protection of the electoral process that the people know who is responsible for such publications in order to more properly evaluate the statements contained in them and to informatively exercise their right to vote.

B.(1) No person shall cause to be printed or assist in the distribution, transportation, or transmission by any means of any facsimile of an official ballot or cause to be printed, distributed, transported, or transmitted any unofficial sample ballot, writing, pamphlet, paper, photograph, statement, or printed material, which alleges that any candidate or group of candidates participating in a primary or general election are supported by or affiliated with another candidate, group of candidates, or other person, or a political faction without printing on such material the name and address of the individual or the name of the association, organization, committee, or corporation and the full and correct name of its chairman or other chief administrative officer responsible for its publication and whether or not such individual, association, organization, committee, or corporation supports or opposes such candidate or candidates.

(2) No person shall cause to be printed or assist in the distribution, transportation, or transmission by any means of any facsimile of an official ballot or cause to be printed, distributed, transported, or transmitted any unofficial sample ballot with the number of a candidate unless the name of the candidate to whom the ballot number was assigned is correctly listed on the ballot.

C.(1) No person shall cause to be distributed, or transmitted, any oral, visual, or written material containing any statement which he knows or should be reasonably expected to know makes a false statement about a candidate for election in a primary or general election or about a proposition to be submitted to the voters.

(2) This Subsection shall not apply to:

(i) Statements which merely express support for or opposition to a candidate or proposition.

(ii) Statements on bumper stickers, lapel pins and stickers, lawn signs, hat bands, badges, ribbons, or to balloons, matchbooks, pens, pencils, and similar paraphernalia.

(iii) Radio and television broadcasters who broadcast paid political announcements or paid advertisements that include the voice or picture of a candidate for public office.

(3) Notwithstanding any other provision of this Subsection, however, and except for the provisions contained in Paragraph (2) of this Subsection, if an individual, association, organization, committee, or corporation is responsible for or causes the distribution or transmission of any statements relative to candidates or propositions, there shall be included thereon the name of the individual or the name of the association,

organization, committee, or corporation, and the full and correct name and address of its chairman or other chief administrative officer and whether or not such individual, association, organization, committee, or corporation supports or opposes such candidate or proposition.

D. An affected candidate or voter shall be entitled to an injunction to restrain future violations of Subsections B and C of this Section.

E. Whoever violates any provision of this Section may be punished by a fine not to exceed five hundred dollars or be imprisoned not to exceed six months, or both.

Acts 1976, No. 697, §1, eff. Jan. 1, 1978. Amended by Acts 1977, No. 543, §1, eff. Jan. 1, 1978; Acts 1988, No. 957, §1; Acts 1991, No. 255, §1; Acts 1993, No. 254, §1.

§1464. Excessive charge for political advertisements prohibited; penalty

A. No daily, bi-weekly, weekly, semi-monthly, or monthly newspaper, journal, periodical, or other publication and no radio station, television station, or chain or network of radio or television stations operating in this state shall assess or charge for political announcements and advertisements any amount which is in excess of the rates assessed and charged for regular commercial advertising.

B. Whoever violates this Section shall be fined not more than five hundred dollars or be imprisoned for not more than six months, or both.

Acts 1976, No. 697, §1, eff. Jan. 1, 1978.

§1465. Prohibited use of public funds

A. No public funds shall be used to urge any elector to vote for or against any candidate or proposition, or be appropriated to a candidate or political organization. This provision shall not prohibit the use of public funds for dissemination of factual information relative to a proposition appearing on an election ballot.

B. Whoever violates any provision of this Section shall be fined not more than five hundred dollars or be imprisoned for not more than six months, or both. On a second offense or any succeeding offense, the penalty shall be a fine of not more than one thousand dollars or imprisonment for not more than one year, or both.

Acts 1976, No. 697, §1, eff. Jan. 1, 1978.

§1466. Person defined

For the purposes of this Chapter, the term "person" shall have the meaning ascribed to it by R.S. 1:10.

Acts 1976, No. 697, §1, eff. Jan. 1, 1978.

§1467. Conviction in fraudulent vote cases; prohibition from employment in elections

Any person who has been convicted of any crime involving fraud while serving in the conduct of an election and in his capacity as a commissioner-in-charge, commissioner, watcher, or employee of a parish custodian of voting machines, or deputy of a clerk of court or of the civil sheriff of the parish of Orleans, shall thereafter be prohibited from serving in any of the positions aforementioned in any election or in connection with any election.

Added by Acts 1977, No. 590, §3, eff. Jan. 1, 1978.

§1468. Contributions in return for endorsement; prohibition

A. No person shall solicit or receive funds nor any thing of value from a candidate or political committee and no candidate or political committee or other person shall pay any funds or any thing of value to any person for the purpose of endorsing, supporting, opposing, or securing an endorsement, support of or opposition to any candidate. Nothing in this Section shall be construed to prohibit the payment by a candidate, political committee, or other person, of funds or any thing of value to a person in return for the conducting, by such person to whom the payment is made, of a social function which is in support of or in opposition to a candidate or political committee of* which otherwise seeks to influence an election.

B. The terms used in this Section shall be defined as in Chapter 11 of this Title.

C. Whoever violates the provisions of this Section shall be guilty of a misdemeanor and shall be fined not in excess of five hundred dollars or imprisoned for not more than six months, or both.

Added by Acts 1980, No. 786, §2, eff. Jan. 1, 1981.

**So in enrolled bill*

§1469. Bribery of a candidate; crime defined; penalty

A. Bribery of a candidate is the giving, promising or offering to give, directly or indirectly, a campaign contribution to a candidate, political committee, or other person, or the accepting, soliciting, offering to accept, directly or indirectly, a campaign contribution, by a candidate, political committee or other person, with the intention that the candidate will provide or influence another to provide the contributor or another person a position of public employment, an appointive governmental position, a public contract, or anything of apparent present or prospective value.

B. The definitions of terms in Chapter 11 of the Louisiana Election Code shall be applicable to this Section.

C. Whoever commits the crime of bribery of a candidate shall be fined not more than one thousand dollars, or imprisoned, with or without hard labor, for not more than five years, or both.

Added by Acts 1980, No. 786, §2, eff. Jan. 1, 1981.

§1470. Political advertising; prohibition

Notwithstanding any other provision of law to the contrary, political campaign signs shall not be erected, displayed, or posted on any publicly owned property or right of way, or to or on any public utility pole or stanchion.

Acts 1984, No. 225, §2.

§1471. Temporary restraining order; notice; hearing

A. Notwithstanding any other provision of law to the contrary, a temporary restraining order shall not issue with respect to an allegation of any practice or procedure contrary to the election laws of the state unless notice is given to the adverse party and an opportunity had for a hearing prior to the local, state, or national election affected.

B. After service of the notice, the temporary restraining order shall be assigned for hearing not less than ten days prior to the election.

C. An appeal may be taken as a matter of right from a temporary restraining order relating to an alleged violation of the Louisiana Election Code. However, such an order shall be suspended during the pendency of an appeal unless the court in its discretion orders otherwise.

Acts 1990, No. 107, §1, eff. Jan. 1, 1991.

CHAPTER 11. ELECTION CAMPAIGN FINANCE

PART I. GENERAL PROVISIONS

§1481. Short title

This Chapter may be cited as the Campaign Finance Disclosure Act.

Acts 1980, No. 786, §1, eff. Jan. 1, 1981.

§1482. Statement of purpose

The legislature recognizes that the effectiveness of representative government is dependent upon a knowledgeable electorate and the confidence of the electorate in their elected public officials. The legislature, therefore, enacts this Chapter to provide public disclosure of the financing of election campaigns and to regulate certain campaign practices.

Acts 1980, No. 786, §1.

§1483. Definitions

As used in this Chapter, the following terms shall have the meanings herein given to each unless the context clearly indicates otherwise:

(1) "Affiliated organization" means any organization which is not a political committee but which directly or indirectly establishes, administers, or financially supports a political committee.

(2) "Aggregating period" means:

(a) For a political committee, except a political committee which supports only one candidate, the period from January first of the calendar year through December thirty-first of the same calendar year.

(b) For a candidate, the period from the date on which he became a candidate as defined herein through the closing date for the current report.

(c) For a committee which supports only one candidate, the period from the time when the committee first participates in the election through the closing date for the current report.

(3)(a) "Candidate" means a person who seeks nomination or election to public office, except the office of president or vice president of the United States, presidential elector, delegate to a political party convention, United States senator, United States congressman, or political party office. An individual shall be deemed to seek nomination or election to such office if he has:

(i) Since prior participation in an election, if any, received and accepted a contribution or made an expenditure, or has given his consent for any other person or committee to receive a contribution or make an expenditure with a view to influencing his nomination or election to office whether or not the specific public office for which he will be a candidate is known at the time the contribution is received or the expenditure is made, or

(ii) Taken the action necessary under the laws of the state of Louisiana to qualify himself for nomination or election to public office.

(b) Notwithstanding any provision of R.S. 42:1101 et seq. and specifically notwithstanding any provision of R.S. 42:1115, for purposes of R.S. 42:1123(5) a "candidate" shall mean a "candidate" as defined in this Paragraph and shall also mean any public servant required to file reports under the provisions of this Chapter.

(4) "Chairman" means the principal executive officer of a political committee regardless of his title.

(5) "Closing date" means the date through which the report is complete.

(6)(a) "Contribution", except as otherwise provided in this Chapter, means a gift, conveyance, payment, or deposit, of money or anything of value, or the forgiveness of a loan or of a debt, made for the purpose of supporting, opposing, or otherwise influencing the nomination or election of a person to public office, or for the purpose of supporting or opposing a proposition or question submitted to the voters, whether made before or after the election.

(b) "Contribution" shall also include, without limitation:

(i) Contributions in-kind made for any of the purposes stated in this Paragraph, having an attributable monetary value in excess of twenty-five dollars. Contributions in-kind shall include without limitation: the donation by any person, other than a candidate or a political committee, of the services of paid employees, the value of which services exceeds twenty-five dollars, such value to be the amount paid for such services; the donation of, or the donation of the right to use, any item of tangible property when the same is used or consumed and not exchanged or converted to cash or the equivalent of cash and when the accepting candidate, the chairman of the accepting political committee, or accepting person required to file reports under this Chapter and the campaign treasurer of such recipient, if any, determines that its value or the use value, when only the right of use is given, exceeds twenty-five dollars and such determination shall be prima facie evidence of the correctness of the valuation of the item or of the use value when applicable. In addition, successive donations made by the same person, which donations individually are valued below twenty-five dollars but which together exceed such amount, shall be deemed to be in-kind contributions and shall be aggregated for purposes of the requirements of this Chapter. Contributions shall also include expenditures made by any person in cooperation, consultation, or concert, with, or at the request or suggestion of, a candidate, his authorized political committees, or their agents and shall be considered to be a contribution to such candidate.

(ii) A promissory note or written contract to make a contribution as defined above.

(iii) A payment to purchase campaign paraphernalia, such as campaign pins, buttons, badges, flags, emblems, hats, shirts, banners, literature, and similar items, other than expenditures made by a candidate or political committee to purchase its own paraphernalia.

(iv) A payment for tickets to a testimonial or similar fund-raising event.

(c) "Contribution" shall not include:

(i) Personal services provided voluntarily by any person without compensation or by any person who is employed for purposes other than solely campaign purposes by the reporting candidate, by a partnership of which he is a member, or by a corporation of which he owns a majority of the stock.

(ii) Any dues or membership fees of any membership organization or corporation made by its members or stockholders, if such membership organization or corporation is not organized primarily for the purpose of supporting, opposing or otherwise influencing the nomination for election, or election, of any person to public office. However, any funds of such an organization or corporation used for the purpose of contributions to candidates or committees or to publicly advocate support or defeat of a candidate or for expenditures as defined in this Chapter shall be reportable and all contributions made by such membership organization or corporation which are otherwise reportable under the provisions of this Chapter shall be reported.

(iii) A transfer of funds between political committees.

(iv) A loan.

(d) A contribution of anything of value other than money or an in-kind contribution shall be considered for all purposes of this Chapter as a contribution of money in the amount of the fair market value thereof.

(7) "District office" means the following offices but shall not include any major office:

(a) The office of a member of the Louisiana Legislature.

(b) All public offices elected parishwide.

(c) All public offices elected in more than one parish.

(d) All public offices elected in any election district containing a population in excess of thirty-five thousand as determined by the most recently published decennial federal census. All public offices elected in any city or parish election in a parish containing a municipality with a population of four hundred fifty thousand or more as determined by the most recently published decennial federal census.

(8) "Election" means any primary, general, or special election held, pursuant to the laws of this state or a parish or municipal charter or ordinance or a court order, to choose a public officer or nominee. For purposes of this Chapter, a primary election and a general election for a particular office shall constitute one election. For purposes of the reporting requirements for the support or opposition of a proposition or question submitted to the voters, "election" shall also mean any primary, general, or special election, except local option elections held pursuant to the provisions of Chapter 3 of Title 26 of the Louisiana Revised Statutes of 1950, at which a proposition or question is submitted to the voters in accordance with Chapters 6-A, 6-B, and 6-C of this Code.

(9)(a) "Expenditure" means a purchase, payment, advance, deposit, or gift, of money or anything of value, made for the purpose of supporting, opposing, or otherwise influencing the nomination or election of a person to public office, or for the purpose of supporting or opposing a proposition or question submitted to the voters, whether made before or after the election.

(b) "Expenditure" shall also include:

(i) A promissory note or written contract to make an expenditure as defined above.

(ii) Expenditures in-kind which have an attributable monetary value in excess of twenty-five dollars, made for any of the purposes stated in this Paragraph. Expenditures in-kind shall include without limitation: the donation by any person, candidate, or political committee of the services of paid employees, the value of which services exceeds twenty-five dollars, such value to be the amount paid for such services; the donation of, or the donation of the right to use, any item of tangible property when the same is used or consumed and not exchanged or converted to cash or the equivalent of cash and when the donating candidate, the chairman of the donating committee, or the donating person required to file reports under this Chapter, and the campaign treasurer of such donor, if any, determines that its value or the use value, when only the right to use is given,

exceeds twenty-five dollars and such determination shall be prima facie evidence of the correctness of the valuation of the item or the use value when applicable. In addition, successive donations made to the same person, which donations individually are valued below twenty-five dollars but which together exceed such amount, shall be deemed to be in-kind expenditures and shall be aggregated for purposes of the requirements of this Chapter.

(c) Expenditures made by a public relations firm, an advertising agency, or agent for a candidate, political committee, or other person required to file reports under this Chapter shall be considered expenditures of the candidate, political committee, or such other person, and must be specifically reported as required by this Chapter. Each such firm, agency, or agent, which makes any expenditure for any candidate, political committee, or other person required to file reports under this Chapter, shall timely furnish to such candidate, political committee, or person such information relative thereto as may be required for compliance with this Chapter.

(d) "Expenditure" shall not include:

(i) Personal services provided voluntarily by any person without compensation or by any person who is employed for purposes other than solely campaign purposes by the reporting candidate, by a partnership of which he is a member, or by a corporation of which he owns a majority of the stock.

(ii) Any communication by any membership organization or business entity to its employees, members, or stockholders, if such membership organization or business entity is not organized primarily for the purpose of supporting, opposing, or otherwise influencing the nomination for election, or election, of any person to public office or for the purpose of supporting or opposing a proposition or question to be submitted to the voters. All other expenditures made by such membership organization or business entity which are otherwise reportable under the provisions of this Chapter shall be reported. For purposes of this definition, business entity means any proprietorship, partnership, corporation, or other legal entity, including their subsidiaries.

(iii) A transfer of funds between political committees.

(iv) A loan.

(e) An expenditure of anything of value other than money or an in-kind expenditure shall be considered for all purposes of this Chapter as an expenditure of money in the amount of the fair market value thereof.

(10) "Loan" means a transfer of money, property, or anything of value in exchange for an obligation to repay in whole or in part, made for the purpose of supporting, opposing, or otherwise influencing the nomination for election, or election, of any person to public office, or for the purpose of supporting or opposing a proposition or question submitted to the voters, whether made before or after the election.

(11) "Major office" means the following offices: governor, lieutenant governor, secretary of state, attorney general, state treasurer, commissioner of agriculture, commissioner of insurance, commissioner of elections, the superintendent of education, public service commissioner, and justice of the supreme court, as long as these offices are elective offices, and any candidate for office with an election district containing a population in excess of two hundred fifty thousand persons as determined by the most recently published decennial federal census.

(12) "Participation" or "participating" in an election means the following:

(a) With regard to a candidate, that the candidate was opposed by another candidate in the election; however, any person who is a candidate as defined in this Chapter shall be deemed to participate in the primary election whether or not the candidate has failed to qualify for office after becoming a candidate, has withdrawn from the election, or is unopposed therefor. Additionally, any candidate who withdraws from a general election subsequent to the primary election and prior to the general election who would have been qualified to appear on the general election ballot shall be deemed to participate in the general election, as shall the person who would have been opposed by the one withdrawing.

(b) With regard to a political committee, that the committee:

(i) With regard to the primary election, gave or received a contribution prior to the primary election from, to, or for a candidate participating in that primary election, made an expenditure in support of or in opposition to a candidate participating in that primary election, made a loan to or received a loan from a candidate or committee participating in that primary election, or made a transfer of funds to or from another committee participating in that primary election.

(ii) With regard to the general election, that the committee gave or received a contribution subsequent to the primary election from, to, or for a candidate participating in the general election, made an expenditure in support of or in opposition to a candidate participating in the general election, made a loan to or received a loan from a candidate or committee participating in that general election, or made a transfer of funds to or from another committee participating in the general election.

(c) A candidate or committee which participates in a primary election or the general election shall be deemed to participate in the election.

(d) With regard to a person who solicits or receives any contribution or makes any expenditure in support of or in opposition to a proposition or question submitted to the voters, that said person solicited or received a contribution or made an expenditure of two hundred fifty dollars or more.

(13) "Person" means any individual, partnership, association, labor union, political committee, corporation, or other legal entity, including their subsidiaries.

(14) "Political committee" or "committee" means two or more persons, other than a husband and wife, and any corporation organized for the primary purpose of supporting or opposing any candidate, proposition, or political party, which accepts contributions in the name of the committee, or makes expenditures from committee funds or in the name of the committee, or makes a transfer of funds to or receives a transfer of funds from another committee, or receives or makes loans in an aggregate amount in excess of five hundred dollars within any calendar year. Any state central committee, parish executive committee, and any other committee of any political party which receives contributions or makes expenditures in such amount during such period shall be considered a "political committee" for the purposes of this Chapter. An entity that (a) during the reporting period has supported candidates in states other than Louisiana, (b) has received less than fifty percent of its total receipts for the applicable reporting period from Louisiana candidates or committees formed to support Louisiana candidates, and (c) has expended less than fifty percent, but not more than twenty thousand dollars, of its total disbursements for the applicable reporting period in support of or in opposition to Louisiana candidates shall not constitute a "political committee" for purposes of requirements of R.S. 18:1491.1 through R.S. 18:1491.8 which would require such an entity to keep records and submit reports.

(15) "Principal campaign committee" means a political committee designated by a candidate pursuant to R.S. 18:1491.3(A) or a political committee which has designated subsidiary committee(s).

(16) "Public office" means any state, parish, municipal, ward, district, or other office or position that is filled by election of the voters, except those specifically excepted in Paragraph (3) of this Section.

(17) "Reporting period" shall mean those periods established by R.S. 18:1491.6(G) and R.S. 18:1495.4(G).

(18) "Subsidiary committee" means a political committee other than a principal campaign committee, designated by a candidate or by a principal campaign committee pursuant to R.S. 18:1491.3(B) or R.S. 18:1491.3(C) to receive contributions or make expenditures on behalf of the candidate or the committee.

(19) "Supervisory committee" means the Board of Ethics for Elected Officials established in R.S. 42:1132 when functioning as the Supervisory Committee on Campaign Finance Disclosure, as provided in R.S. 18:1511.1, to enforce the provisions of this Chapter.

(20) "Transfer of funds" means any money, regardless of amount, received by a committee from another committee or money given by a committee to another committee.

(21) *Repealed by Acts 1988, No. 994, §3, eff. Jan. 1, 1989.*

Acts 1980, No. 786, §1, eff. Jan. 1, 1981. Amended by Acts 1981, No. 59, §1, eff. June 17, 1981; Acts 1982, No. 266, §1, eff. July 18, 1982; Acts 1984, No. 492, §1; Acts 1986, No. 669, §1; Acts 1987, No. 722, §1, eff. July 16, 1987; Acts 1987, No. 831, §1, eff. Jan. 1, 1988; Acts 1988, No. 994, §§1, 3, eff. Jan. 1, 1989; Acts 1989, No. 179, §1, eff. Jan. 1, 1990; Acts 1990, No. 180, §1, eff. Jan. 1, 1991; Acts 1991, No. 252, §1, eff. July 2, 1991.

§1484. Disclosure reports; persons required to file

Except as otherwise specifically provided, the following persons or their campaign treasurers, if any, shall file reports of contributions and expenditures as more specifically provided in this Chapter:

(1) Each candidate for major office or district office.

(2) Each candidate for any other public office who makes expenditures in excess of five thousand dollars or who receives a contribution in excess of two hundred dollars in the aggregate during the aggregating period.

(3) Each political committee.

(4) Any person other than a candidate or political committee required to file reports under the provisions of Part IV of this Chapter.

Acts 1980, No. 786, §1, eff. Jan. 1, 1981. Acts 1988, No. 994, §1, eff. Jan. 1, 1989.

§1485. Filing; receipt by supervisory committee

A. For purposes of this Chapter, a report, statement, or any other paper or document required to be filed with the supervisory committee shall be deemed to be filed when it is received in the office of the supervisory committee in Baton Rouge, or at the time it is postmarked by the United States Postal Service or is receipted on a return receipt requested form, if it is subsequently received in the office of the supervisory committee in Baton Rouge.

B. If the date on which a report is required to be filed occurs on a weekend or holiday, the report shall be filed no later than the first working day after the date it would otherwise be due.

C. *Repealed by Acts 1984, No. 466, §2.*

Acts 1980, No. 786, §1, eff. Jan. 1, 1981. Acts 1984, No. 466, §1, §2.

§1486. Proposition elections; required reports

A. Any person, including a political committee, who solicits or receives any contribution or makes any expenditure in support of or opposition to a proposition or question submitted to the voters shall be required to file reports of such contributions and expenditures. Except as otherwise specifically provided herein, the reporting and filing requirements, prohibited practices, and recordkeeping provisions of this Section shall be the same as those required for political committees.

B. This reporting requirement shall be applicable only if the aggregate amount of contributions or expenditures equals or exceeds two hundred dollars at any time during the aggregating period. "Aggregating period" for purposes of this Section shall mean the period from the date on which the first contribution is received or the first expenditure is made by the person or political committee, whichever is earlier, through the closing date for the last report filed in accordance with this Chapter.

C. The reports shall be filed on the thirtieth day prior to the election, which shall be complete through the fortieth day prior to the primary election, on the tenth day prior to the election, which shall be complete through the twentieth day prior to the election, and on the fortieth day after the election, which shall be complete through the thirtieth day after the election, and a report complete from midnight of the twentieth day prior to the election and extending through midnight of election day shall be filed, which report shall be due within forty-eight hours after the time any contribution or expenditure in excess of two hundred dollars is made; if such time falls other than during regular working hours, this report shall be filed with the supervisory committee on the next working day after the report is otherwise due. If the report filed on the fortieth day after the election shows a deficit, the person or political committee reporting shall be required to file supplemental reports as required by R.S. 18:1491.6(D).

Acts 1987, No. 722, §1, eff. July 16, 1987; Acts 1988, No. 994, §1, eff. Jan. 1, 1989; Acts 1990, No. 180, §1, eff. Jan. 1, 1991.

§1487. Reports, name and address

Whenever the full name and address of a person is required to be in a report in this Chapter, the party responsible for filing the report shall list the full name and address of the person or the best information he can obtain regarding that person if the full name and/or address is not available.

Added by Acts 1988, No. 994, §1, eff. Jan. 1, 1989.

PART II. POLITICAL COMMITTEES

§1491.1. Registration of political committees

A. Each political committee, including a subsidiary committee, which knows or anticipates that it will receive contributions or loans, make expenditures or loans, or make a transfer of funds to or receive a transfer of funds from another committee during a calendar year in the aggregate amount exceeding five hundred dollars

shall file a statement of organization with the supervisory committee annually after January 1 and no later than January 31 of each calendar year. Any such committee organized after January 31 shall file the required statement of organization no later than the tenth day after its organization. Any committee which, after January 31, knows or anticipates that it will receive contributions, loans, or transfers of funds or make expenditures, loans, or transfers of funds in the aggregate in excess of five hundred dollars during the calendar year shall file the required statement of organization within ten days after the date on which it has information which causes it to know or anticipate that it will receive such contributions, loans, or transfers of funds or make such expenditures, loans, or transfers of funds. If a political committee which knows or anticipates that it will receive contributions, loans, or transfers of funds or make expenditures, loans, or transfers of funds in the aggregate in excess of five hundred dollars during a calendar year, is organized within ten days prior to any election, it shall file the statement of organization required by this Section no later than the third day after such organizing. Any committee required to file supplemental reports under the provisions of R.S. 18:1491.6 shall file the annual statement of organization. The supervisory committee shall issue a certificate of registration to each committee which submits the statement required by this Subsection.

B. The statement of organization shall include:

(1) The name of the committee, and the address of the committee, or of its chairman if the committee has no address.

(2) The names, addresses, and relationships of affiliated organizations.

(3) The name and address of the campaign treasurer of the committee, if any, and of any deputy campaign treasurers of the committee.

(4) The name and address of the committee chairman and the name, address, and position of other principal officers and directors of the committee, if any.

(5) A statement, if applicable, that the committee is a principal campaign committee and the candidate by whom it is designated as a principal campaign committee, if any, or a statement if applicable, that the committee is a subsidiary committee and the committee or candidate by whom it is designated as a subsidiary committee.

(6) A listing of all banks, safety deposit boxes, or other depositories used for committee funds.

(7) The estimated number of members of the committee.

(8) Certification of membership as required by R.S. 18:1505.2(H)(2)(b), if applicable.

C. Any change in information previously submitted in the annual statement of organization shall be reported to the supervisory committee within ten days following the change.

D. No committee shall receive contributions or loans, make expenditures or loans or make a transfer of funds to or receive a transfer of funds from another committee in the aggregate in excess of five hundred dollars in any calendar year until it has filed the annual statement of organization required by this Section. Any committee which violates the provisions of this Subsection shall be subject to the penalties provided in R.S. 18:1505.5 and R.S. 18:1505.6.

E. The supervisory committee is hereby authorized to impose a fee not to exceed the amount of one hundred dollars for each statement required to be filed under this Section to be remitted to the supervisory committee together with the statement on or before the time the statement is required to be filed. Any statement submitted without the proper fee shall be deemed as not being properly submitted to the supervisory committee. All fees collected hereunder shall be used solely by the supervisory committee for the enforcement of the provisions of this Chapter, as appropriated by the legislature.

Acts 1980, No. 786, §1, eff. Jan. 1, 1981. Acts 1988, No. 994, §2, eff. July 27, 1988.

§1491.2. Statement of dissolution

A. Each political committee, including any subsidiary committee, which after having filed an annual statement of organization wishes to dissolve or disband and (1) determines that it no longer meets the criteria in R.S. 18:1491.1(A), or (2) determines that it will no longer receive any contributions, loans, or transfer of funds and will no longer make any expenditures, loans, or transfers of funds, shall file a statement of dissolution with the supervisory committee prior to dissolving. No committee which has unpaid debts or obligations or which has any funds on hand shall file a statement of dissolution, until any debts or obligations have been paid or otherwise extinguished and any funds have been expended or otherwise distributed. A statement of

dissolution shall include (1) a certified statement by the committee chairman and campaign treasurer, if any, that the committee has not received contributions, transfers of funds, or loans, or made expenditures, transfers of funds, or loans in the aggregate during the calendar year in excess of five hundred dollars and does not anticipate doing so, or (2) a certified statement by the committee chairman and campaign treasurer, if any, that the committee will receive no contributions, transfers of funds, or loans and will make no expenditures, transfers of funds, or loans, during the remainder of the calendar year. The committee shall file a report of contributions and expenditures containing the information required in R.S. 18:1491.7 with the statement of dissolution.

B. No political committee shall dissolve or file a statement of dissolution as provided in Subsection A above and reorganize under a modified name, charter, or organizational structure merely as a subterfuge to avoid the reporting and other requirements of this Part. Any committee which dissolves or files a statement of dissolution as provided in Subsection A above and is thereafter recreated with substantially the same membership and purposes with the intent to avoid the requirements of this Part, for purposes of this Part, shall be deemed not to have been dissolved and shall be subject to the provisions of this Part as if no dissolution had taken place and no statement of dissolution filed. In addition, any committee which violates the provisions of this Subsection shall be subject to the penalties provided in R.S. 18:1505.4, R.S. 18:1505.5, and R.S. 18:1505.6.

Acts 1980, No. 786, §1, eff. Jan. 1, 1981.

§1491.3. Principal campaign committees; subsidiary committees; consolidation of reports

A. Each candidate may designate one political committee as his principal campaign committee. Such designation shall be in writing and a copy thereof shall be filed with the supervisory committee no later than ten days after such designation is made. Any committee which designates subsidiary committees shall be a principal campaign committee and shall file a self-designation as a principal campaign committee with the supervisory committee at the time it first files a designation of a subsidiary committee. A principal campaign committee of a candidate shall report, in lieu of the candidate, all information required to be reported by the candidate pursuant to R.S. 18:1495.4 and R.S. 18:1495.5.

B. A candidate or a committee which supports or has supported only one candidate may designate additional political committees as subsidiary committees of such candidate or committee.

C. Any committee, except a principal campaign committee, which is organized to support a single candidate shall be a subsidiary committee of the candidate or of the candidate's principal campaign committee unless the candidate files a statement in writing with the supervisory committee that the committee is not his subsidiary committee or a subsidiary of his principal campaign committee and unless he files such a statement the candidate or his principal campaign committee shall designate any such committee as a subsidiary committee within ten days after such committee is organized. No candidate shall file a statement that a committee is not his subsidiary committee or a subsidiary committee of his principal campaign committee if the candidate, his principal campaign committee, or a subsidiary committee of the candidate or of his principal campaign committee makes an expenditure, a loan, or a transfer of funds to or receives a contribution, a loan, or a transfer of funds, from the committee.

D. No committee organized primarily for the purpose of supporting a single candidate shall nominally support an additional candidate or candidates for the purpose of avoiding designation as a subsidiary committee and the requirements of this Part relating to the records and reports of subsidiary committees. Any committee which violates the provisions of this Subsection shall be subject to the penalties provided in R.S. 18:1505.4, R.S. 18:1505.5, and R.S. 18:1505.6.

E. A designation of a subsidiary committee shall be in writing and a copy thereof shall be filed with the supervisory committee no later than ten days after the designation is made. Any candidate who has designated a principal campaign committee shall also file a copy of the designation of each subsidiary committee with his principal campaign committee no later than ten days after the designation is made.

F. A political committee may not be designated as the principal campaign committee of more than one candidate. No political committee which supports or has supported more than one candidate may be designated as a principal campaign committee and no such committee shall be a subsidiary committee.

G.(1) Each subsidiary committee shall maintain all records required by this Part. Each subsidiary committee designated by a candidate shall furnish such records on a timely basis to the principal campaign committee of the candidate, if any, or if none, to the candidate by whom it was designated as a subsidiary

committee. Each subsidiary committee designated by a principal campaign committee shall furnish such records on a timely basis to such principal campaign committee.

(2) Each principal campaign committee of a candidate shall receive records furnished to it by subsidiary committees of the candidate for which it is the principal campaign committee and shall consolidate them with its own records and records of the candidate and shall file with the supervisory committee a consolidated report for each report required by this Chapter for committees or candidates. Each principal campaign committee, other than a principal campaign committee of a candidate, shall receive all records furnished to it by its subsidiary committees and shall consolidate them with its own records and shall file with the supervisory committee a consolidated report for each report required by this Part for committees.

Acts 1980, No. 786, §1, eff. Jan. 1, 1981.

§1491.4. Campaign treasurers; campaign depositories; expenditures by check; petty cash fund

A. The chairman of each political committee shall be the campaign treasurer of the political committee, unless the political committee appoints a campaign treasurer. Political committees also may appoint one or more deputy campaign treasurers. The names and addresses of any campaign treasurer or deputy campaign treasurer so appointed shall be filed with the supervisory committee in the statement of organization required by R.S. 18:1491.1, or if appointed after the statement of organization is filed, the names and addresses of any campaign treasurer or deputy campaign treasurer shall be reported to the supervisory committee within ten days following appointment.

B.(1) Any person may solicit contributions for or on behalf of the political committee, or sell political paraphernalia, including such items as buttons, flags and literature, or tickets to a testimonial or other fund-raising event, provided that all contribution(s) or proceeds are transmitted directly to the chairman of the political committee or its designated treasurer or a designated deputy treasurer of the committee together with such information as may be required by this Chapter. No chairman of a political committee or designated treasurer or deputy treasurer shall accept such funds without such information and they shall be responsible under the provisions of this Chapter for any errors and omissions in records or reports of such funds. Any contributions or transfer of funds received by a political committee which has appointed a campaign treasurer shall be transferred to the campaign treasurer.

(2) When any person who is not the campaign treasurer or a deputy treasurer of a political committee makes any expenditure for the committee, he shall transmit directly to the campaign treasurer or a deputy treasurer all information concerning the expenditure required by this Chapter. The campaign treasurer of the committee shall be responsible under the provisions of this Chapter for any errors or omissions in the records or reports of such expenditures.

(3) For purposes of all reports required by this Chapter, all contributions received by or transferred to a campaign treasurer or a deputy treasurer of a political committee, and all expenditures made by a campaign treasurer or a deputy treasurer of a political committee or by any other person on behalf of the committee, shall be considered contributions or expenditures of the political committee.

C. Deputy campaign treasurers of a committee may exercise any of the powers and duties of a campaign treasurer as set forth in this Chapter when specifically authorized to do so by the campaign treasurer and the chairman of the political committee.

D. The chairman of each political committee shall designate one or more national or state banks or state or federally chartered savings and loan associations or savings banks as the campaign depositories of the committee. The committee chairman, the committee campaign treasurer, and any deputy treasurers shall deposit any contributions received by them into an account or accounts maintained at such depository or depositories. No expenditure shall be made by any committee chairman, committee campaign treasurer, deputy treasurer, or any other person on behalf of the committee, except by check drawn on such account or accounts, except as specifically provided in Subsection E below. Each check drawn on any such account shall be made payable to a specific person, except a check made payable to petty cash. Each check drawn on such an account shall indicate the objects or services for which such check is drawn and such check shall be maintained as part of the records required by R.S. 18:1491.5. The name and address of such campaign depository so designated shall be filed with the supervisory committee in the statement of organization required by R.S. 18:1491.1. If any additional depositories are designated they shall be reported within ten days following such designation as required by R.S. 18:1491.1.

E. A political committee may maintain a petty cash fund or funds. A petty cash fund shall be maintained on an imprest system, that is, expenditures may be made in cash from the fund and the fund shall from time to time be restored to its original amount by a transfer of funds from other committee funds of a sum equal to the aggregate of the sums expended from the fund. No expenditure in excess of one hundred dollars shall be made from the petty cash fund and no expenditure shall be made from the petty cash fund for any personal services, except for gratuities paid for the serving of food or drink. No expenditure shall be made from the petty cash fund in violation of R.S. 18:1531. A complete record of petty cash expenditures shall be maintained in accordance with the provisions of R.S. 18:1491.5(D).

Acts 1980, No. 786, §1, eff. Jan. 1, 1981; Acts 1985, No. 550, §1, eff. July 12, 1985; Acts 1993, No. 199, §1, eff. June 1, 1993.

§1491.5. Maintenance of records; valuation of in-kind contributions and expenditures

A. The chairman of each political committee and the campaign treasurer, if the chairman does not act as campaign treasurer, shall be responsible for providing and maintaining such records of campaign finances as are necessary to comply with the provisions of this Part, including but not limited to the records specifically required by this Section.

B.(1) Except as otherwise provided in this Section, the campaign treasurer of each political committee shall keep such records of campaign contributions received and accepted by him or a deputy treasurer as shall be necessary to comply with the provisions of this Part, including the names and addresses of all contributors, and the date of each contribution, the amount or value of the contribution of whatever value, and a description and valuation of all in-kind contributions.

(2) Payments made to purchase campaign paraphernalia, such as campaign pins, buttons, badges, flags, emblems, hats, shirts, banners, literature, and similar items, other than expenditures made by a political committee for its own paraphernalia, and payments for tickets to testimonials and similar fundraising events are contributions, and records thereof shall be maintained, provided that:

(a) In the case of any single transaction involving the sale of items such as campaign pins, buttons, badges, flags, emblems, hats, banners, literature, and similar material which is for an amount not in excess of twenty-five dollars and the proceeds of which are received and deposited by a political committee, no record need be kept by the campaign treasurer for such recipient committee, except the total amount received and deposited from such sale and the fact that such amount was received from such sale.

(b) No person shall sell or buy campaign paraphernalia in successive single transactions for amounts below those for which specific records are required by this Paragraph as a subterfuge to avoid requirements of this Part that names and addresses of contributors and dates and amounts of contributions be recorded, aggregated, and reported. Such transactions shall be considered single transactions and shall be recorded and reported as provided in this Part. Any person who violates the provisions of this Section shall be subject to the penalties provided in R.S. 18:1505.4, R.S. 18:1505.5, and R.S. 18:1505.6.

(3) The campaign treasurer of each political committee shall also keep such records of campaign expenditures made or contracted as shall be necessary to comply with the provisions of this Part, including the name and address of the person or firm from whom goods or services were purchased or contracted, the date, the amount or value and the purpose of the expenditure, a description of the goods or services purchased or contracted, and a description and valuation of all in-kind expenditures.

(4) All transactions involving the sale of tickets to a testimonial or similar fundraising event shall be evidenced by a record of the names and addresses of the purchasers, the amount of tickets purchased, and the value of the tickets purchased.

C. The valuation of in-kind contributions or expenditures shall be the estimated fair market value thereof at the time received and expended.

D. A record shall be kept of all expenditures made from the petty cash fund for which provision is made in R.S. 18:1491.4, including the name and address of the person or firm from whom goods or services were purchased or contracted, the amount and the purpose of the expenditure, and a description of the goods or services purchased or contracted. In addition, a receipt shall be kept for each such expenditure in any case in which a receipt would normally be provided in the usual course of business.

E. A record shall be kept of each loan made by the committee to or from any person or political committee, together with the full name and address of the lender, of the recipient of the proceeds of the loan, and of any person who makes any type of security agreement binding himself or his property, directly or indirectly, for the repayment of all or any part of the loan. In addition, a record shall be kept of the repayment of each such loan and of the source of funds expended for repayment.

F. *Repealed by Acts 1993, No. 199, §2, eff. June 1, 1993.*

G. A record shall also be kept of:

(1) Cash investments and income received therefrom.

(2) All transfers of funds to or from another committee, the name and address of the committee to or from which the transfer is made and the date and amount thereof.

(3) All debts and obligations.

(4) The amount and date of each anonymous contribution and the date each is transmitted to the state as required by this Chapter.

(5) All other receipts, the name and address of the source, and the date and amount thereof.

(6) All other disbursements, the name and address of the person to whom made and the date and amount thereof.

H. Expenditures made by a public relations firm, an advertising agency, or agent for a political committee shall be considered expenditures of the political committee and must be specifically reported as required by this Part. Each such firm, agency, or agent shall timely furnish to such political committee such information relative thereto as may be required for compliance with this Part. Failure by any such firm, agency or agent to timely furnish a political committee such information required for compliance with this Part shall be grounds for a civil action for damages.

I. A campaign treasurer shall preserve records required by this Part for six years; except a campaign treasurer for a committee which supports only one candidate shall preserve such records for two years after the final report which he is required by this Part to file for the election has been filed, including any supplemental reports required.

J. The accounts and records kept by a campaign treasurer under the provisions of this Part shall be available for inspection or use by the supervisory committee in connection with any investigation pursuant to this Chapter, or by any grand jury or court in connection with any proceeding instituted under the provisions of this Chapter; however, such accounts and records shall be kept strictly confidential by the supervisory committee and any court, except to the extent any contents thereof may become a public record in any judicial proceeding to enforce the provisions of this Chapter.

Acts 1980, No. 786, §1, eff. Jan. 1, 1981. Acts 1988, No. 994, §1, eff. Jan. 1, 1989; Acts 1993, No. 199, §2, eff. June 1, 1993.

§1491.6. Reports required; reporting times and periods

A. The chairman of a political committee and the campaign treasurer of the committee, if any, shall be responsible for filing a report of all information required in this Section and R.S. 18:1491.7 with the supervisory committee at the times required in this Section. The political committee chairman and campaign treasurer of the committee, if any, shall certify, in each report, that the information contained in the report is true and correct to the best of their knowledge, information and belief, that no expenditures have been made and no contributions have been received that are not reported therein, and that no information required by this Part has been deliberately omitted.

B. A report shall be filed for a political committee for each regularly scheduled election in which the committee participates according to the following schedule:

(1) Each committee which is participating in the election of a candidate for major office shall file a report no later than the one hundred eightieth day prior to the primary election, which shall be complete through the one hundred ninetieth day prior to the primary election.

(2) Each committee which is participating in the election of a candidate for major office shall file a report no later than the ninetieth day prior to the primary election, which shall be complete through the one hundredth day prior to the primary election.

(3) Each committee shall file a report no later than the thirtieth day prior to the primary election, which shall be complete through the fortieth day prior to the primary election.

(4) Each committee shall file a report no later than the tenth day prior to the primary election which shall be complete through the twentieth day prior to the primary election.

(5) Each committee shall file a report no later than the tenth day prior to the general election which shall be complete through the twentieth day prior to the general election. This shall be the final report for the election for any committee which does not participate in the general election, unless supplemental reports are required as provided in Subsection D of this Section.

(6) Each committee shall file a report no later than the fortieth day after the general election which shall be complete through the thirtieth day after the general election. This report shall be the final report for the election for any committee which participated in the general election, unless supplemental reports are required as provided in Subsection D of this Section.

(7) The final report of a committee that supports or opposes only one candidate who either withdraws as a candidate or is unopposed for election to the office he seeks shall be the next report due as required in this Subsection as of the date that the candidate withdraws or ascertains that he is unopposed, unless supplemental reports are required as provided in Subsection (D) of this Section. The report shall contain a statement that it is the final report and the reasons therefor.

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

(1)(a) The full name and address of each person from whom the committee has received and accepted a contribution, loan, or transfer of funds during such period in excess of the following amounts: a committee participating in the election of a candidate for any major office, five hundred dollars; a committee participating in the election of a candidate for district office, two hundred and fifty dollars; a committee participating in the election of a candidate for any other office, two hundred and fifty dollars. If the committee is participating in the election of candidates for offices with different reporting amounts, the amount shall be the lowest for any candidate in whose election the committee is participating or in which any committee is participating to which it makes or from which it receives a transfer of funds.

(b) Such report shall include the amount and date of each such contribution or loan reported, and a brief description and valuation of each in-kind contribution. If a loan is reported, the report shall contain the name and address of the lender, of the recipient of the proceeds of the loan, and of any person who makes any type of security agreement binding himself or his property, directly or indirectly, for the repayment of all or any part of the loan.

(2) Any expenditure in excess of two hundred dollars made to a candidate, committee, or person required to file reports by this Chapter, who makes endorsements, including the full name and address of each person to whom such expenditure is made, the amount, date and purpose of each such expenditure, and a brief description and valuation of an in-kind expenditure.

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

D.(1) If the final report of a political committee for an election, as required by Paragraph (5), (6), or (7) of Subsection B of this Section shows a deficit, the chairman and treasurer of the committee, if any, shall file supplemental reports with the supervisory committee of all information required in R.S. 18:1491.7. Such reports shall be filed annually no later than February fifteenth and shall be complete through the preceding December thirty-first. Such a supplemental report shall be filed each year until a report has been filed which shows no deficit.

(2) A "deficit", for purposes of this Subsection, means debts or obligations owed by the political committee which are required to be reported by R.S. 18:1491.7(B)(18).

(3) A report need not be filed under this Subsection if the committee is dissolved or disbanded and shows a deficit less than two thousand five hundred dollars. However, if the political committee is dissolved or disbanded and its deficit is equal to or greater than two thousand five hundred dollars, the political committee shall file supplemental reports with the supervisory committee of all information required in R.S. 18:1491.7. Such report shall be filed annually no later than February fifteenth and shall be complete through the preceding December thirty-first. Such report shall be filed each year for five years or until a report has been filed which shows no deficit.

E. A report shall be filed for each committee of all information required in R.S. 18:1491.7 no later than February fifteenth of each year which shall be complete as of the preceding December thirty-first. The annual report required by this Subsection shall not be required:

(1) If under another provision of this Section, the committee has filed another report of the information required by R.S. 18:1491.7 at any time after the preceding December tenth and prior to the February fifteenth due date, or

(2) If during the preceding year the committee has filed a supplemental report required by Subsection D of this Section and has not otherwise, during the reporting period, supported or opposed a candidate, as such term is defined in R.S. 18:1483(3), or

(3) If the committee has received no contributions, made no expenditures, received or made no loans, and received or made no transfers of funds during the reporting period for such report.

F. The reports required for any regularly scheduled election shall also be filed for any special election to the extent the dates for filing reports occur after the call for the election. The supervisory committee may promulgate rules to effect the provisions of this Subsection. Such rules may waive any report required to be filed within ten days after the call for a special election.

G. The reporting period for all reports of political committees, except the first report of a committee, shall be the period from the time through which the preceding report was complete through the closing date for the particular report. The reporting period for the first report of a committee shall be the period from the time when the committee was organized through the closing date for the particular report.

H. Principal campaign committees shall file consolidated reports for subsidiary committees as more specifically provided in R.S. 18:1491.3.

Acts 1980, No. 786, §1, eff. Jan. 1, 1981. Amended by Acts 1982, No. 266, §1, eff. July 18, 1982; Acts 1984, No. 492, §1; Acts 1987, No. 757, §1; Acts 1988, No. 994, §1, eff. Jan. 1, 1989; Acts 1990, No. 180, §1, eff. Jan. 1, 1991.

§1491.7. Reports; contents

A. Unless otherwise specifically provided, each report required by this Part shall contain the following information: (1) the name and address of the political committee for whom the report is filed; (2) the name and address of the treasurer completing the report; (3) the names and addresses of the committee chairman and of the other principal officers; (4) the name, address, office sought, and party affiliation of each candidate whom the committee is supporting or opposing, and a designation as to whether such committee is supporting or opposing such candidate; (5) whether the committee is supporting or opposing the entire ticket of any party, and, if so, the name of the party; (6) if the report is for a principal campaign committee, a statement that the committee is a principal campaign committee and the name of the candidate, if any, and of all subsidiary committees for whom the principal campaign committee is reporting and the address of such committees, or if a committee has no address, the address of the committee chairman.

B. Each report required to be in conformity with this Section shall contain the following information:

(1) The amount of cash and cash investments on hand at the end of the prior reporting period.

(2) The total of all contributions received and accepted by the committee during the reporting period.

(3) Cash income from investments received during the reporting period.

(4) Contribution(s) received during the reporting period for which the report is being completed shall be reported, and the same shall be reported irrespective of the amount thereof as follows:

(a) The full name and address of each person who has made one or more contributions to and which have been received and accepted by the political committee during the reporting period; the aggregate amount of such contributions, except in-kind contributions, from each person, and the date and amount of each such contribution; and a brief description of each in-kind contribution from each person, the valuation thereof made by the chairman and the campaign treasurer, and the date(s) of the in-kind contribution.

(b) The aggregate amount of all contributions, other than in-kind contributions, received and accepted during the reporting period.

(c) The aggregate valuation of in-kind contributions received during the reporting period.

(5) The gross proceeds received and accepted by the political committee during the reporting period from the sale of items such as political campaign pins, buttons, badges, flags, emblems, hats, banners, literature, and similar materials. Purchases of such campaign items and materials from the committee which are made by the same person and are of such amount as to be reportable, either singly or in the aggregate, under Paragraph (4) hereof, shall be so reported; however, single transactions to purchase such items or materials which are for not in excess of twenty-five dollars must be reported only in the report of gross proceeds and shall not be required in Paragraph (4).

(6) The gross proceeds received and accepted by the political committee during the reporting period from the sale of tickets to testimonials or similar fundraising events. The proceeds of any such sale shall be considered a contribution, and such contributions shall also be reported as provided in Paragraph (4).

(7) The name and address of each political committee from which the reporting political committee received and accepted any transfer of funds during the reporting period, and the amount of each such transfer.

(8) Any other cash receipts, not contributions, received from any other source not included above during the reporting period, for example, refunds of overpayments and the nature, source, and an explanation thereof.

(9) Total of all receipts for the reporting period.

(10) The date and amount of each loan for campaign purposes made or received by the political committee to or from any person or political committee during the reporting period, together with the full name and address of the lender, of the recipient of the proceeds of the loan, and of any person who makes any type of security agreement binding himself or his property, directly or indirectly, for the repayment of all or any part of the loan.

(11) The total of all loans made and the total of all loans received during the reporting period.

(12) The total of all expenditures made by the committee during the reporting period.

(13) The full name and address of each person to whom an expenditure has been made by the committee during the reporting period. The amount, purpose, and date of each such expenditure, and the name and address of and office sought by candidates on whose behalf each such expenditure was made shall be reported. A brief description of an in-kind expenditure shall be given, as well as the valuation made by the chairman and the campaign treasurer and the date(s) of the expenditure. When multiple expenditures have been made to the same person during the reporting period, the aggregate amount of such expenditures, other than in-kind expenditures, and the aggregate valuation of in-kind expenditures shall be reported for each such person. The aggregate of all expenditures made during the reporting period, other than in-kind expenditures, and the aggregate valuation of all in-kind expenditures shall also be reported. The aggregate amount expended for each candidate shall also be reported.

(14) The amount and nature of debts and obligations owed by or to the political committee during the reporting period which relate to the conduct of any political campaign, including but not limited to loans required to be reported under Paragraph (10) of this Subsection.

(15) All payments made during the reporting period to repay loans, the amount, date, and source thereof.

(16) *Repealed by Acts 1993, No. 199, §2, eff. June 1, 1993.*

(17) The total amount of expenditures during the reporting period from the petty cash fund.

(18) The name and address of each political committee to which the reporting political committee made a transfer of funds, during the reporting period, and the date and amount of each such transfer.

(19) The date and amount of each anonymous contribution received and the day each was transmitted to the state as required by R.S. 18:1505.2(B) during the reporting period and the total amount of such anonymous contributions received and transmitted during the reporting period.

(20) The amount of cash and cash investments of the committee on hand at the end of the reporting period.

(21) All other disbursements, not expenditures, during the reporting period, and the nature, recipient, and an explanation thereof.

C. Expenditures made by a public relations firm, an advertising agency, or agent for a political committee shall be considered expenditures of the political committee and must be reported as required by this Section. Each such firm, agency, or agent, which makes any expenditure for any political committee shall timely furnish to such political committee such information relative thereto as may be required for compliance with this Part.

D. The supervisory committee, by rule, may require the reporting of totals of any information otherwise required to be reported, including totals of amounts reported in the current report, or in the current report and other previous reports.

E. The reports required in this Part shall be filed on forms provided by the supervisory committee as more specifically provided in R.S. 18:1511.3.

Acts 1980, No. 786, §1, eff. Jan. 1, 1981. Acts 1988, No. 994, §1, eff. Jan. 1, 1989; Acts 1990, No. 180, § 2, eff. Jan. 1, 1991; Acts 1990, No. 1088, §§1 and 2, eff. Jan. 1, 1991; Acts 1992, No. 751, §1, eff. July 7, 1992; Acts 1993, No. 199, §2, eff. June 1, 1993.

§1491.8. Small campaigns; affidavit in lieu of reports

Any political committee which did not receive a contribution in excess of two hundred dollars and which did not make expenditures totaling in excess of five thousand dollars in the aggregate during the aggregating period, may file an affidavit setting out such facts, in lieu of any report required by R.S. 18:1491.6; but a separate affidavit shall be required in lieu of any such report.

Acts 1980, No. 786, §1, eff. Jan. 1, 1981. Acts 1988, No. 994, §1, eff. Jan. 1, 1989.

PART III. CANDIDATES

§1495.1. Report through committee

A. Each candidate may designate a principal campaign committee as provided in R.S. 18:1491.3. If a candidate designates a principal campaign committee, the candidate shall maintain all records required by this Part and furnish them on a timely basis to his principal campaign committee. Each principal campaign committee shall receive all records furnished to it by the candidate, shall consolidate them with its own reports and shall file a consolidated report for reports required by this Chapter for candidates and committees as otherwise provided in this Chapter. In such case, the candidate shall not be required to file separate reports.

B. Each candidate may designate subsidiary committees as provided in R.S. 18:1491.3, and shall designate such subsidiary committees as required in said Section. Any candidate who designates subsidiary committees and who does not designate a principal campaign committee shall receive all records of the subsidiary committees, consolidate them with his own records, and file a consolidated report for reports required by this Chapter for candidates and committees.

Acts 1980, No. 786, §1, eff. Jan. 1, 1981.

§1495.2. Campaign treasurers; campaign depositories; expenditures by check; petty cash fund

A. The candidate shall be his own campaign treasurer, unless he appoints a campaign treasurer. Candidates also may appoint one or more deputy campaign treasurers. The names and addresses of any campaign treasurer or deputy campaign treasurer so appointed shall be filed with the supervisory committee at the time of the first report following appointment. Changes in appointment shall be reported in the first report after such change.

B.(1) Any person may solicit contributions for or on behalf of a candidate, or sell political paraphernalia, including such items as buttons, flags and literature, or tickets to a testimonial or other fund-raising event, provided that all contribution(s) or proceeds are transmitted directly to the candidate or his designated treasurer or a designated deputy treasurer together with such information as may be required by this Chapter. No candidate or designated treasurer or deputy treasurer shall accept such funds without such information and they shall be responsible under the provisions of this Chapter for any errors and omissions in records or reports for such funds. Any contribution received by a candidate who has appointed a campaign treasurer shall be transferred to the campaign treasurer.

(2) When any person who is not the campaign treasurer or a deputy treasurer of a candidate makes any expenditure for the candidate, he shall transmit directly to the campaign treasurer or a deputy treasurer all information concerning the expenditure required by this Chapter. The candidate and his campaign treasurer, if any, shall be responsible under the provisions of this Chapter for any errors or omissions in the records or reports of such expenditures.

(3) For purposes of all reports required by this Chapter, all contributions received by or transferred to a campaign treasurer or a deputy treasurer of a candidate and all expenditures made by a campaign treasurer or a deputy treasurer of a candidate or by any other person on behalf of the candidate, shall be considered contributions or expenditures of the candidate.

C. Deputy campaign treasurers of a candidate may exercise any of the powers and duties of a campaign treasurer as set forth in this Chapter when specifically authorized to do so by the campaign treasurer and the candidate.

D. The candidate shall designate one or more national or state banks or state or federally chartered savings and loan associations or savings banks as his campaign depositories. The candidate, his campaign treasurer, and any deputy treasurers shall deposit any contributions received by them into an account or accounts maintained at such depository or depositories. No expenditure shall be made by any candidate, campaign treasurer, deputy treasurer, or any other person on behalf of the candidate, except by check drawn on such account or accounts, except as specifically provided in Subsection E below. Each check drawn on any such account shall be made payable to a specific person, except a check made payable to petty cash. Each check drawn on such an account shall indicate the objects or services for which such check is drawn and such check shall be maintained as part of the records required by R.S. 18:1495.3. The name and address of each campaign depository so designated shall be filed with the supervisory committee in the first report after such designation. If any additional depositories are designated they shall be reported in the first report following such designation.

E. A candidate may maintain a petty cash fund or funds. A petty cash fund shall be maintained on an imprest system, that is, expenditures may be made in cash from the fund and the fund shall from time to time be restored to its original amount by a transfer of funds from other funds of the candidate of a sum equal to the aggregate of the sums expended from the fund. No expenditure in excess of one hundred dollars shall be made from the petty cash fund and no expenditure shall be made from the petty cash fund for any personal services, except for gratuities paid for the serving of food or drink. No expenditure shall be made from the petty cash fund in violation of R.S. 18:1531. A complete record of petty cash expenditures shall be maintained in accordance with the provisions of R.S. 18:1495.3(D).

Acts 1980, No. 786, §1, eff. Jan. 1, 1981; Acts 1985, No. 550, §1, eff. July 12, 1985; Acts 1993, No. 199, §1, eff. June 1, 1993.

§1495.3. Maintenance of records; valuation of in-kind contributions and expenditures

A. The candidate and the campaign treasurer, if the candidate does not act as campaign treasurer, shall be responsible for providing and maintaining such records of campaign finances as are necessary to comply with the provisions of this Part, including but not limited to the records specifically required by this Section.

B.(1) Except as otherwise provided in this Section, the campaign treasurer for each candidate shall keep such records of campaign contributions received and accepted by him or a deputy treasurer as shall be necessary to comply with the provisions of this Part, including the names and addresses of all contributors, the date of each contribution, the amount or value of the contribution of whatever value, and a description and valuation of all in-kind contributions.

(2) Payments made to purchase campaign paraphernalia, such as campaign pins, buttons, badges, flags, emblems, hats, shirts, banners, literature, and similar items, other than expenditures made by a candidate for his own paraphernalia, and payments for tickets to testimonials and similar fundraising events are contributions, and records thereof shall be maintained, provided that:

(a) In the case of any single transaction involving the sale of items such as campaign pins, buttons, badges, flags, emblems, hats, banners, literature, and similar material which is for an amount not in excess of twenty-five dollars and the proceeds of which are received and deposited by a candidate, no record need be kept by the campaign treasurer for such recipient candidate, except the total amount received and deposited from such sale and the fact that such amount was received from such sale.

(b) No person shall sell or buy campaign paraphernalia in successive single transactions for amounts below those for which specific records are required by this Paragraph as a subterfuge to avoid requirements of this Part that names and addresses of contributors and dates and amounts of contributions be recorded, aggregated, and reported. Such transactions shall be considered single transactions and shall be recorded and reported as provided in this Part. Any person who violates the provisions of this Section shall be subject to the penalties provided in R.S. 18:1505.4, R.S. 18:1505.5, and R.S. 18:1505.6.

(3)(a) Each campaign treasurer for a candidate shall also keep records of the amounts of all expenditures made by the candidate from his own funds.

(b) The campaign treasurer of each candidate shall also keep such records of campaign expenditures made or contracted as shall be necessary to comply with the provisions of this Part, including the name and address of the person or firm from whom goods or services were purchased or contracted, the date, the amount or value and the purpose of the expenditure, a description of the goods or services purchased or contracted, and a description and valuation of all in-kind expenditures.

(4) All transactions involving the sale of tickets to a testimonial or similar fundraising event shall be evidenced by a record of the names and addresses of the purchasers, the amount of tickets purchased, and the value of the tickets purchased.

C. The valuation of in-kind contributions or expenditures shall be the estimated fair market value thereof at the time received or expended.

D. A record shall be kept of all expenditures made from the petty cash fund for which provision is made in R.S. 18:1495.2, including the name and address of the person or firm from whom goods or services were purchased or contracted, the amount and the purpose of the expenditure, and a description of the goods or services purchased or contracted. In addition, a receipt shall be kept for each such expenditure in any case in which a receipt would normally be provided in the usual course of business.

E. A record shall be kept of each loan made by the candidate to or from any person or political committee, together with the full name and address of the lender, of the recipient of the proceeds of the loan, and of any person who makes any type of security agreement binding himself or his property, directly or indirectly, for the repayment of all or any part of the loan. In addition, a record shall be kept of the repayment of each such loan and of the source of funds expended for repayment.

F. *Repealed by Acts 1993, No. 199, §2, eff. June 1, 1993.*

G. A record shall also be kept of:

(1) Cash investments and income received therefrom.

(2) All debts and obligations.

(3) The amount and date of each anonymous contribution and the date each is transmitted to the state as required by this Chapter.

(4) All other receipts, the name and address of the source, and the date and amount thereof.

(5) All other disbursements, the name and address of the person to whom made and the date and amount thereof.

H. Expenditures made by a public relations firm, an advertising agency, or agent for a candidate, shall be considered expenditures of the candidate, and must be specifically reported as required by this Part. Each such firm, agency, or agent shall timely furnish to such candidate such information relative thereto as may be required for compliance with this Part. Failure by any such firm, agency or agent to timely furnish a candidate such information required for compliance with this Part shall be grounds for a civil action for damages.

I. A campaign treasurer shall preserve records required by this Part for two years after the final report which he is required by this Part to file for the election has been filed, including any supplemental reports required.

J. The accounts and records kept by a campaign treasurer under the provisions of this Part shall be available for inspection or use by the supervisory committee in connection with any investigation pursuant to this Chapter, or by any grand jury or court in connection with any proceeding instituted under the provisions of this Chapter; however, such accounts and records shall be kept strictly confidential by the supervisory

committee and any court, except to the extent any contents thereof may become a public record in any judicial proceeding to enforce the provisions of this Chapter.

Acts 1980, No. 786, §1, eff. Jan. 1, 1981. Acts 1988, No. 994, §1, eff. Jan. 1, 1989; Acts 1993, No. 199, §2, eff. June 1, 1993.

§1495.4. Reports required; reporting times and periods

A. The candidate and his campaign treasurer, if any, shall be responsible for filing a report of all information required in this Section and R.S. 18:1495.5 with the supervisory committee at the times required in this Section. The candidate and his campaign treasurer, if any, shall certify, in each report, that the information contained in the report is true and correct to the best of their knowledge, information and belief, that no expenditures have been made and no contributions have been received that are not reported therein, and that no information required by this Part has been deliberately omitted.

B. A report shall be filed for a candidate for each regularly scheduled election in which the candidate participates according to the following schedule:

(1) Each candidate for major office shall file a report no later than the one hundred eightieth day prior to the primary election, which shall be complete through the one hundred ninetieth day prior to the primary election.

(2) Each candidate for major office shall file a report no later than the ninetieth day prior to the primary election, which shall be complete through the one hundredth day prior to the primary election.

(3) Each candidate shall file a report no later than the thirtieth day prior to the primary election, which shall be complete through the fortieth day prior to the primary election.

(4) Each candidate shall file a report no later than the tenth day prior to the primary election which shall be complete through the twentieth day prior to the primary election.

(5) Each candidate shall file a report no later than the tenth day prior to the general election which shall be complete through the twentieth day prior to the general election. This shall be the final report for the election for any candidate who does not participate in the general election, unless supplemental reports are required as provided in Subsection D of this Section.

(6) Each candidate shall file a report no later than the fortieth day after the general election which shall be complete through the thirtieth day after the general election. This report shall be the final report for the election for any candidate who participated in the general election, unless supplemental reports are required as provided in Subsection D of this Section.

(7) The final report of a candidate who either withdraws as a candidate or is unopposed for election to the office he seeks shall be the next report due as required in this Subsection as of the date that the candidate withdraws or ascertains that he is unopposed, unless supplemental reports are required as provided in Subsection D of this Section. The report shall contain a statement that it is the final report and the reasons therefor.

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

(1)(a) The full name and address of each person from whom the candidate has received and accepted a contribution or loan during such period in excess of the following amounts: a candidate for any major office, five hundred dollars; a candidate for district office, two hundred fifty dollars; a candidate for any other office, two hundred fifty dollars.

(b) Such report shall include the amount and date of each such contribution or loan reported, and a brief description and valuation of each in-kind contribution. If a loan is reported, the report shall contain the name and address of the lender, of the recipient of the proceeds of the loan, and of any person who makes any type of security agreement binding himself or his property, directly or indirectly, for the repayment of all or any part of the loan.

(2) Any expenditure in excess of two hundred dollars made to a candidate, committee, or person required to file reports by this Chapter, who makes endorsements, including the full name and address of each person

to whom such expenditure is made, the amount, date, and purpose of each such expenditure, and a brief description and valuation of an in-kind expenditure.

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

D.(1) If the final report of a candidate for an election, as required by Paragraph (5), (6), or (7) of Subsection B above, shows a deficit, the candidate and his treasurer, if any, shall file supplemental reports with the supervisory committee of all information required in R.S. 18:1495.5. Such reports shall be filed annually no later than February fifteenth and shall be complete through the preceding December thirty-first. Such a supplemental report shall be filed each year until a report has been filed which shows no deficit.

(2) "Deficit" for purposes of this Subsection means debts or obligations owed by the candidate which are required to be reported by R.S. 18:1495.5(B)(18).

(3) A report need not be filed under this Subsection if the candidate is not an elected public official and shows a deficit less than two thousand five hundred dollars. However, if the candidate is not an elected public official and his deficit is equal to or greater than two thousand five hundred dollars, the candidate shall file supplemental reports with the supervisory committee of all information required in R.S. 18:1495.5. Such report shall be filed annually no later than February fifteenth and shall be complete through the preceding December thirty-first. Such report shall be filed each year for five years or until a report has been filed which shows no deficit.

E. A report shall be filed for each candidate, as defined by R.S. 18:1483(3), of all information required in R.S. 18:1495.5 no later than February fifteenth of each year which shall be complete as of the preceding December thirty-first. The annual report required by this Subsection shall not be required:

(1) If under another provision of this Section the candidate has filed another report of the information required by R.S. 18:1495.5 at any time after the preceding December tenth and prior to February fifteenth due date, or

(2) If the candidate files a supplemental report as required by R.S. 18:1495.4(D) and has not otherwise, during the reporting period, become a candidate, as defined in R.S. 18:1483(3), or

(3) If the candidate has received no contributions, made no expenditures, and received or made no loans during the reporting period for such report.

F. The reports required for any regularly scheduled election shall also be filed for any special election to the extent the dates for filing reports occur after the call for the election. The supervisory committee may promulgate rules to effect the provisions of this Subsection. Such rules may waive any report required to be filed within ten days after the call for a special election.

G. The reporting period for all reports of candidates, except the first report for any election, shall be the period from the time through which the preceding report was complete through the closing date for the particular report. The reporting period for the first report of candidate for any election shall be the period from the time when the candidate becomes a candidate through the closing date for the report. Notwithstanding the foregoing, if a candidate is required to file reports in connection with a previous candidacy, the reporting period for the first report for the election shall be the period from the time through which the latest report is complete through the closing date for the particular report.

Acts 1980, No. 786, §1, eff. Jan. 1, 1981. Amended by Acts 1982, No. 266, §1, eff. July 18, 1982; Acts 1984, No. 492, §1; Acts 1987, No. 757, §1; Acts 1988, No. 994, §1, eff. Jan. 1, 1989; Acts 1990, No. 180, §1, eff. Jan. 1, 1991.

§1495.5. Reports; contents

A. Unless otherwise specifically provided, each report required by this Part shall contain the following information:

- (1) The name and address of the candidate for whom the report is filed.
- (2) The name and address of the treasurer completing the report.
- (3) The office sought.

(4) If the candidate has designated any subsidiary committees, the name of all subsidiary committees for whom the candidate is reporting and the address of such committees, or if a committee has no address, the address of the committee chairman.

B. Each report required to be in conformity with this Section shall contain the following information:

(1) The amount of cash and cash investments on hand at the end of the prior reporting period.

(2) The total of all contributions received and accepted by the candidate during the reporting period.

(3) Cash income from investments received during the reporting period.

(4) Contribution(s) received during the reporting period for which the report is being completed shall be reported, and the same shall be reported irrespective of the amount thereof as follows:

(a) The full name and address of each person who has made one or more contributions to and which have been received and accepted by the candidate during the reporting period; the aggregate amount of such contributions, except in-kind contributions, from each person, and the date and amount of each such contribution; and a brief description of each in-kind contribution from each person, the valuation thereof made by the candidate and the campaign treasurer, and the date(s) of the in-kind contribution.

(b) The aggregate amount of all contributions, other than in-kind contributions, received and accepted during the reporting period.

(c) The aggregate valuation of in-kind contributions received during the reporting period.

(5) The gross proceeds received and accepted by the candidate during the reporting period from the sale of items such as political campaign pins, buttons, badges, flags, emblems, hats, banners, literature, and similar materials. Purchases of such campaign items and materials which are made by the same person and which are of such amount as to be reportable, either singly or in the aggregate, under Paragraph (4) hereof, shall be so reported; however, single transactions to purchase such items or materials which are for not in excess of twenty-five dollars must be reported only in the report of gross proceeds and shall not be required to be reported as required in Paragraph (4).

(6) The gross proceeds received and accepted by the candidate during the reporting period from the sale of tickets to testimonials or similar fundraising events. The proceeds of any such sales shall be considered a contribution, and such contributions shall also be reported as provided in Paragraph (4).

(7) Any other cash receipts, not contributions, from any other source not included above during the reporting period, for example, refunds of overpayments and the nature, source, and an explanation thereof.

(8) Total of all receipts for the reporting period.

(9) The date and amount of each loan for campaign purposes made or received by the candidate to or from any person or political committee during the reporting period, together with the full name and address of the lender, of the recipient of the proceeds of the loan, and of any person who makes any type of security agreement binding himself or his property, directly or indirectly, for the repayment of all or any part of the loan.

(10) The total of all loans made and the total of all loans received during the reporting period.

(11) The total of all expenditures made by the candidate during the reporting period.

(12) The full name and address of each person to whom an expenditure has been made by the candidate during the reporting period. The amount, purpose, and date of each such expenditure shall be reported. A brief description of an in-kind expenditure shall be given, as well as the valuation made by the candidate and the campaign treasurer and the date(s) of the expenditure. When multiple expenditures have been made to the same person, during the reporting period, the aggregate amount of such expenditures, other than in-kind expenditures, and the aggregate valuation of in-kind expenditures shall be reported for each such person. The aggregate of all expenditures made during the reporting period, other than in-kind expenditures, and the aggregate valuation of all in-kind expenditures shall also be reported. The aggregate amount expended for each candidate shall also be reported.

(13) The total amount of monetary expenditures made by the candidate from his own funds during each reporting period.

(14) The amount and nature of debts and obligations owed by or to the candidate, during the reporting period, which relate to the conduct of any political campaign, including but not limited to loans required to be reported under Paragraph (9) of this Subsection.

(15) All payments made during the reporting period to repay loans, the amount, date, and source thereof.

(16) *Repealed by Acts 1993, No. 199, §2, eff. June 1, 1993.*

(17) The total amount of expenditures during the reporting period from the petty cash fund.

(18) The date and amount of each anonymous contribution received and the date each was transmitted to the state as required by R.S. 18:1505.2(B) during the reporting period and the total amount of such anonymous contributions received and transmitted during the reporting period.

(19) The amount of cash and cash investments of the committee on hand at the end of the reporting period.

(20) All other disbursements, not expenditures, made during the reporting period, and the nature, recipient, and an explanation thereof.

C. Expenditures made by a public relations firm, an advertising agency, or agent for a candidate shall be considered expenditures of the political committee and must be reported as required by this Section. Each such firm, agency, or agent which makes any expenditure for any candidate shall timely furnish to such candidate such information relative thereto as may be required for compliance with this Part.

D. The supervisory committee by rule, may require the reporting of totals of any information otherwise required to be reported, including totals of amounts reported in the current report, or in the current report and other previous reports.

E. The reports required in this Part shall be filed on forms provided by the supervisory committee as more specifically provided in R.S. 18:1511.3.

Acts 1980, No. 786, §1, eff. Jan. 1, 1981. Acts 1988, No. 994, §1, eff. Jan. 1, 1989; Acts 1990, No. 180, §2, eff. Jan. 1, 1991; Acts 1990, No. 1088, §§1 and 2, eff. Jan. 1, 1991; Acts 1992, No. 751, §1, eff. July 7, 1992; Acts 1993, No. 199, §2, eff. June 1, 1993.

§1495.6. Small campaigns; affidavit in lieu of reports

Any candidate, for a major or district office required by this Chapter to file reports of information as provided in R.S. 18:1495.5, who did not receive a contribution in excess of two hundred dollars and who did not make expenditures totaling in excess of five thousand dollars in the aggregate during the aggregating period, may file an affidavit setting out such facts in lieu of each report required by R.S. 18:1495.4, but a separate affidavit shall be required in lieu of each such report.

Acts 1980, No. 786, §1, eff. Jan. 1, 1981. Amended by Acts 1982, No. 266, §1, eff. July 18, 1982; Acts 1988, No. 994, §1, eff. Jan. 1, 1989.

PART IV. OTHER PERSONS REQUIRED TO REPORT

§1501.1. Reports by persons not candidates or committees

Any person, other than a candidate or a political committee, who makes any expenditure or who accepts a contribution, other than to or from a candidate or to or from a political committee, shall file reports of all information required by R.S. 18:1491.7 for such person if either said expenditures or said contributions exceed five hundred dollars in the aggregate during the aggregating period as defined for committees. Such reports shall be filed at the same time and shall contain the same information as reports required of political committees by this Part and shall be certified correct as required by R.S. 18:1491.6(A) by the person filing.

Acts 1980, No. 786, §1, eff. Jan. 1, 1981.

PART V. PROHIBITED PRACTICES AND LIMITATIONS; PENALTIES

§1505.1. Failure to submit report; failure to file report timely or properly

A. Failure to submit the reports required by this Chapter shall constitute a violation of this Chapter. Failure to submit any such report within three days after the final date for filing shall be presumptive evidence of intent not to file the report.

B. Failure to submit the reports required by this Chapter at the time required shall constitute a violation of this Chapter.

C. Failure to disclose or failure to disclose accurately any information required to be reported by this Chapter shall constitute a violation of this Chapter.

D. Failure to properly submit statements in accordance with R.S. 18:1491.1(E) shall constitute a violation of this Chapter.

Acts 1980, No. 786, §1, eff. Jan. 1, 1981; Acts 1988, No. 994, §2, eff. July 27, 1988.

§1505.2. Contributions; expenditures; certain prohibitions and limitations

A. No person shall give, furnish, or contribute moneys, materials, supplies, or make loans to or in support of a candidate or to any political committee, through or in the name of another, directly or indirectly. This prohibition shall not apply to dues or membership fees of any membership organization or corporation made by its members or stockholders, if such membership organization or corporation is not organized primarily for the purpose of supporting, opposing or otherwise influencing the nomination for election, or election of any person to public office.

B.(1) No candidate, political committee, or other person required to file reports under this Chapter shall make any expenditure from funds the source of which is anonymous, and any contribution received by a candidate, political committee, or other person required to file reports under this Chapter from an anonymous source and deposited shall be reported as provided in R.S. 18:1491.7(B)(24) and R.S. 18:1495.5(B)(23) and shall escheat to the state and shall be paid over to the state by such candidate, political committee, or other such person.

(2) Any single transaction involving the sale of items such as political campaign pins, buttons, badges, flags, emblems, hats, banners, literature, and similar materials, which transaction is for not in excess of twenty-five dollars and in which transaction the purchaser is not known, shall not be deemed to constitute an anonymous contribution under the provisions of this Subsection.

C.(1) No person shall make a cash contribution to a candidate or a committee and no candidate or committee shall receive cash contributions in excess of one hundred dollars during any calendar year. Any contribution in excess of such one hundred dollar aggregate amount, other than an in-kind contribution, shall be made by an instrument containing the name of the donor and the name of the payee. Any contribution by a candidate to a committee is an expenditure by the candidate and therefore is subject to the provisions of Subsection D below.

(2) Upon receipt of a cash contribution of one hundred dollars or less, the candidate or committee receiving the contribution shall provide to the contributor a receipt for the exact amount of the contribution; such receipt shall contain the name, address, and social security number of the contributor, shall be signed by the contributor, and the candidate or committee receiving the contribution shall retain a copy of the receipt. If the contributor refuses to furnish his name, address, or social security number or refuses to sign the receipt, the contribution shall be immediately returned to said contributor. If the contributor is unable to write, he shall affix his mark to the receipt, and the person receiving the contribution shall affix the name of the incapacitated person to the receipt, provided he does so in the presence of a witness who shall also sign his name as witness to the mark. The copy of the receipt retained by the candidate or committee provided for in this Subsection shall be available to the supervisory committee for inspection. The supervisory committee shall promulgate rules and regulations relative to the receipt required by this Subsection.

D. Repealed by Acts 1993, No. 199, §2, eff. June 1, 1993.

E. No expenditure in excess of one hundred dollars shall be made from a petty cash fund and no expenditure shall be made from a petty cash fund for any personal services, except for gratuities paid for the serving of food or drink. No expenditure shall be made from the petty cash fund in violation of R.S. 18:1531.

F. No profit or nonprofit corporation, labor organization, or trade, business, or professional association shall make any campaign contribution or expenditure unless specifically authorized to do so whether (1) by the vote of the board of directors of the corporation, of the executive board of the labor organization or of the trade, business, or professional association at a regular or special meeting thereof, or (2) by the president, vice president, secretary or treasurer of a corporation or labor organization whom the board has specifically empowered to authorize such contributions or expenditures, or (3) by a vote of the membership of the labor organization. No profit or nonprofit corporation, labor organization or trade, business, or professional association shall make any contribution or expenditure, other than an in-kind contribution or expenditure, except by check.

G. No committee shall receive contributions or loans or make expenditures or loans, or make or receive a transfer of funds to or from another committee in the aggregate in excess of five hundred dollars during a calendar year until it has filed the annual statement of organization required by R.S. 18:1491.1. The chairman and the treasurer of any committee which violates the provisions of this Subsection shall be subject to the penalties provided in this Part. No candidate shall make a contribution to any committee required to file an annual statement of organization by the provisions of R.S. 18:1491.1 which has not filed such a statement.

H.(1)(a) The following contribution limits are established for contributions made to candidates or the principal campaign committee and any subsidiary committee of a candidate for the following offices:

- (i) Major office - five thousand dollars.
- (ii) District office - two thousand five hundred dollars.
- (iii) Other office - one thousand dollars.

(b) The provisions of this Paragraph shall not apply to contributions made to a candidate or the principal or any subsidiary committee of a candidate by a recognized political party or any committee thereof.

(c) Notwithstanding the provisions of Subparagraph (a), the contribution limit for contributions made to an unsuccessful major office candidate, or the principal campaign committee and any subsidiary committee of such unsuccessful candidate, who does not participate in the general election and for the time period for which such candidate has a deficit for expenditures made through the day of the primary election, shall be ten thousand dollars.

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

- (i) Major office - five thousand dollars.
- (ii) District office - two thousand five hundred dollars.
- (iii) Other office - one thousand dollars.

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

- (i) Major office - ten thousand dollars.
- (ii) District office - five thousand dollars.
- (iii) Other office - two thousand dollars.

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

(c) If the contribution is made to a committee which is supporting or opposing candidates for different offices, the highest applicable limit shall apply.

(d) The provisions of this Paragraph shall not apply to recognized political parties and their committees.

(e) Notwithstanding the provisions of Paragraph (1) and Subparagraph (2)(a) of this Subsection, the contributions limit for contributions by political committees to an unsuccessful major office candidate, or the principal campaign committee and subsidiary committee of such unsuccessful candidate, who does not participate in the general election and for the time period for which such candidate has a deficit for expenditures made through the day of the primary election, shall be ten thousand dollars.

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

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

(3)(a) For purposes of this Subsection, a primary election and a general election shall constitute two separate elections. For purposes of this Subsection, for candidates and committees that participate in a general election, the reporting period for the general election shall be deemed to begin the day following the primary election.

(b) No person shall make a loan, transfer of funds, or contribution, including but not limited to funds for any purchase of campaign materials for more than twenty-five dollars, funds for the purchase of testimonial tickets, and any in-kind contribution, in the aggregate for all reporting periods for an election, as defined in this Paragraph, including reporting periods for any supplemental reports required, in excess of the contribution limits established in Paragraphs (1) and (2) of this Subsection, except as otherwise specifically provided in this Subsection.

(c) No candidate including his principal campaign committee and any subsidiary committee thereof, shall accept from the same contributor a loan, transfer of funds, or contribution, including but not limited to funds for any purchase of campaign materials for more than twenty-five dollars, funds for the purchase of testimonial tickets, and any in-kind contribution, in the aggregate for all reporting periods of an election, as defined in this Paragraph, including reporting periods for any supplemental reports, in excess of the contribution limits established in Paragraph (1) of this Subsection, except as otherwise specifically provided in this Subsection, and except that the provisions of Paragraph (2) shall apply for contributions accepted from a political committee. The provisions of this Subparagraph shall not apply to recognized political parties and their committees.

(d) After January 1, 1989, no person shall make a loan, transfer of funds, or contribution to a candidate including his principal campaign committee with funds loaned to him without disclosing to the candidate or his committee the source of the funds. A candidate or his committee receiving such a loan, transfer of funds, or contribution shall not only report the name of the contributor, but also the source of the funds contributed.

(4) The provisions of this Subsection shall not prohibit a transfer of funds between a candidate or his principal campaign committee and any subsidiary committee thereof, provided that all parties shall comply with applicable reporting requirements.

(5) The provisions of this Subsection shall not apply to any contributions or loans a candidate makes to his own campaign.

(6)(a) For purposes of this Subsection, "loan" shall not include any loan of money by a state bank, a federally chartered depository institution, or a depository institution the deposits or accounts of which are insured by the Federal Deposit Insurance Corporation, Federal Savings and Loan Insurance Corporation, or the Federal Credit Union Administration, any licensed lender under the Louisiana Consumer Law, or an insurance company, other than any overdraft made with respect to a checking or savings account, made in accordance with applicable law and in the ordinary course of business, but such loan:

(i) Shall be considered a loan by each endorser or guarantor, in that proportion of the unpaid balance that each endorser or guarantor bears to the total number of endorsers or guarantors, and such loan by each endorser and guarantor shall be subject to the contribution limits provided in this Subsection;

(ii) Shall be made on a basis which assures repayment, evidenced by a written instrument, and subject to a due date or amortization schedule; and

(iii) Shall bear the usual and customary interest rate of the lending institution.

(7)(a) The total amount of combined contributions for both the primary and general elections, from political committees, which may be accepted by a candidate and his principal and subsidiary campaign committees, shall not exceed the following aggregate amounts:

(i) Major office candidates - fifty thousand dollars.

(ii) District office candidates - thirty-five thousand dollars.

(iii) Other office candidates - ten thousand dollars.

(b) The provisions of this Paragraph shall not apply to contributions made by a recognized political party or any committee thereof.

I.(1) On and after January 1, 1991, contributions received by a candidate or a political committee may be expended for any lawful purpose, but such funds shall not be used, loaned, or pledged by any person for any personal use unrelated to a political campaign or the holding of a public office or party position; except that excess campaign funds may be returned to contributors on a pro rata basis, given as a charitable contribution as provided in 26 USC 170(c), given to a charitable organization as defined in 26 USC 501(c)(3), expended in support of or in opposition to a proposition, political party, or candidacy of any person, or maintained in a segregated fund for use in future political campaigns or activity related to preparing for future candidacy to elective office. However, the use of campaign funds of a candidate or his principal or subsidiary committees to reimburse a candidate for expenses related to his political campaign or his holding of a public office or party position shall not be considered personal use by the candidate. If a candidate is required by state or federal law to pay taxes on the interest earned by campaign funds of the candidate or any political committee of the candidate, the candidate may use the interest on which such tax is paid for such purpose. A payment from campaign funds shall not be considered as having been spent for personal use when the funds are used to replace articles lost, stolen, or damaged in connection with the campaign.

(2) The provisions of this Subsection shall not apply to campaign funds received prior to July 15, 1988.

J.(1) Any candidate, treasurer, or chairman of a political committee who violates any provision of Subsection H or I of this Section shall be assessed a penalty of not more than five thousand dollars or the amount of the violation, whichever is greater, except that the penalty for a knowing and willful violation shall not be more than ten thousand dollars or two hundred percent of the violation, whichever is greater. "Knowing and willful", for purposes of this Subsection, means conduct which could have been avoided through the exercise of due diligence. The civil penalties provided for in R.S. 18:1505.5 shall be inapplicable to violations of Subsection H or I. Enforcement of Subsections H and I shall be in the same manner provided for in Part VI of this Chapter.

(2) The supervisory committee shall institute civil proceedings to collect the civil penalties provided for in this Subsection as soon as the committee determines, as a result of its review and investigation of any sworn complaint or other document or information received by the supervisory committee, that a violation of Subsection H or I of this Section has occurred. If the supervisory committee makes a determination of such violation at least ten days prior to the election in which the candidate, treasurer, or chairman of a political committee in apparent violation is participating, the supervisory committee shall institute such civil proceedings at least by the fourth calendar day prior to the election.

K.(1) During any four year calendar period commencing January 1, 1991 and every fourth year thereafter, no person shall contribute more than one hundred thousand dollars to any political committee or any subsidiary committee of such political committee, other than the principal or any subsidiary committee of a candidate. Such limitation on a contribution shall not apply to any contribution from a national political committee to an affiliated regional or state political committee.

(2) The provisions of this Subsection shall not apply to contributions made by a recognized political party or any committee thereof.

Acts 1980, No. 786, §1, eff. Jan. 1, 1981. Amended by Acts 1982, No. 266, §1, eff. July 18, 1982; Acts 1988, No. 994, §1, eff. Jan. 1, 1989; Acts 1989, No. 179, §1, eff. Jan. 1, 1990; Acts 1990, No. 180, §1, eff. Jan. 1, 1991; Acts 1990, No. 997, §1, eff. Jan. 1, 1991; Acts 1992, No. 949, §1, eff. Jan. 1, 1993; Acts 1993, No. 199, §§1 and 2, eff. June 1, 1993.

NOTE: See Acts 1988, No. 994, §4, eff. Jan. 1, 1989.

§1505.3. Subterfuge to avoid compliance with Chapter

A. As more specifically provided in R.S. 18:1491.3(D), no committee shall nominally support an additional candidate or candidates for the purpose of avoiding designation as a subsidiary committee and the requirements of this Chapter. The committee chairman of any committee which violates the provisions of said Subsection D shall be subject to the penalties provided in R.S. 18:1505.4, R.S. 18:1505.5, and R.S. 18:1505.6.

B. As more specifically provided in R.S. 18:1491.2(B) no political committee shall dissolve and reorganize under a modified name, charter, or organizational structure as a subterfuge to avoid the reporting and other requirements of this Chapter. The chairman of any committee(s) which violates the provisions of said Subsection B shall be subject to the penalties provided in R.S. 18:1505.4, R.S. 18:1505.5, and R.S. 18:1505.6.

C. As more specifically provided in R.S. 18:1491.5(B)(2)(b) and R.S. 18:1495.3(B)(2)(b), no person shall sell or buy campaign paraphernalia in successive single transactions for amounts below those for which specific records are required as a subterfuge to avoid the requirements of this Chapter. Any person who violates the provisions of said Paragraphs shall be subject to the penalties provided in R.S. 18:1505.4, R.S. 18:1505.5, and R.S. 18:1505.6.

Acts 1980, No. 786, §1, eff. Jan. 1, 1981. Acts 1988, No. 994, §1, eff. Jan. 1, 1989.

§1505.4. Civil penalties; failure to file; timely and accurate filing

A.(1) Any candidate, the treasurer or chairman of a political committee, or any other person required to file any reports under this Chapter, who knowingly fails to file or who knowingly fails to timely file any such reports as are required by this Chapter shall be assessed a civil penalty for each day until such report is filed.

(2) The amount of such penalty shall be:

(a) Not less than one hundred dollars per day, nor in excess of five hundred dollars per day, not to exceed ten thousand dollars, for each candidate for major office and any treasurer or chairman of any committee or person supporting or opposing such a candidate;

(b) Not less than thirty dollars per day, nor in excess of three hundred dollars per day and not to exceed five thousand dollars for any candidate for district office and any treasurer or chairman of any committee or person supporting or opposing such a candidate; and

(c) Not in excess of one hundred dollars per day, not to exceed three thousand dollars for any candidate for all other offices and any treasurer or chairman of any committee or person supporting or opposing such a candidate.

(3) If a treasurer or chairman of a committee or person required to file is supporting or opposing candidates with different penalty levels, the penalty shall be the highest penalty for any such candidates.

B. Any candidate, the treasurer or chairman of any political committee, or any other person required to file reports under this Chapter who knowingly and willfully fails to disclose, or knowingly and willfully fails to accurately disclose, any information required by this Chapter to be disclosed in the reports required herein, shall be assessed a civil penalty for each day until such information is disclosed by amendment to the appropriate report of such candidate, political committee, or other person. "Knowingly and willfully", for purposes of this Subsection, means conduct which could have been avoided through the exercise of due diligence. Such penalties shall be as provided in Subsection A above.

Acts 1980, No. 786, §1, eff. Jan. 1, 1981. Amended by Acts 1982, No. 266, §1, eff. July 18, 1982; Acts 1988, No. 994, §1, eff. Jan. 1, 1989; Acts 1989, No. 179, §1, eff. Jan. 1, 1990; Acts 1990, No. 180, §1, eff. Jan. 1, 1991.

§1505.5. Civil penalties; violations of Chapter

A. Except as provided in R.S. 18:1505.4, any person who knowingly and willfully violates any provision of R.S. 18:1505.2 or R.S. 18:1505.3 or any other provision of this Chapter shall be assessed a civil penalty for each violation. "Knowingly and willfully", for purposes of this Subsection, means conduct which could have been avoided through the exercise of due diligence.

B. The amount of such penalty shall be:

(1) Not in excess of five hundred dollars for each candidate for a major office and any treasurer or chairman of any committee or person supporting or opposing such a candidate;

(2) Not in excess of three hundred dollars for any candidate for district office and any treasurer or chairman of any committee or person supporting or opposing such a candidate; and

(3) Not in excess of one hundred dollars for any candidate for all other offices and any treasurer or chairman of any committee or person supporting or opposing such a candidate.

C. If a treasurer or chairman of a committee or person required to file is supporting or opposing candidates with different penalty levels, the penalty shall be the highest penalty for any such candidates. Each day of violation, if applicable, shall constitute a separate offense. Maximum civil penalties imposed under this Section shall be as provided in R.S. 18:1505.4(A).

Acts 1980, No. 786, §1, eff. Jan. 1, 1981. Amended by Acts 1982, No. 266, §1, eff. July 18, 1982;

§1505.6. Criminal penalties

A.(1) It shall be unlawful for any candidate, treasurer, or chairman of a political committee, or any other person required to file reports under this Part to knowingly, wilfully, and fraudulently fail to file or knowingly, wilfully, and fraudulently fail to timely file any such report.

(2) Any candidate, treasurer, or chairman of a political committee, or any other person required to file reports under this Chapter who knowingly, wilfully, and fraudulently fails to file such report or knowingly, wilfully, and fraudulently fails to file such report timely shall, upon conviction, be sentenced to not more than six months in a parish jail or to pay a fine of not more than five hundred dollars, or both.

B.(1) It shall be unlawful for any candidate, treasurer, or chairman of a political committee, or any other person required to file reports under the Chapter knowingly, wilfully, and fraudulently to fail to disclose, or knowingly, wilfully, and fraudulently to disclose inaccurately, any information required to be disclosed in the reports required by this Chapter.

(2) Any candidate, treasurer, or chairman of a political committee, or any other person required to file such reports who knowingly, wilfully, and fraudulently fails to disclose any such information or who knowingly, wilfully, and fraudulently fails to accurately disclose such information shall, upon conviction, be sentenced to not in excess of six months in the parish jail or to pay a fine of not more than five hundred dollars, or both.

C. Any candidate, chairman of a political committee, treasurer, person required to file reports under this Chapter, or any other person who knowingly, wilfully, and fraudulently violates any provision of R.S. 18:1505.2 or R.S. 18:1505.3, or any other provision of this Chapter shall, upon conviction, be sentenced to not in excess of six months in the parish jail or to pay a fine of not more than five hundred dollars, or both.

Acts 1980, No. 786, §1, eff. Jan. 1, 1981. Acts 1988, No. 994, §1, eff. Jan. 1, 1989.

PART VI. ENFORCEMENT

§1511.1. Supervisory Committee on Campaign Finance Disclosure/Board of Ethics for Elected Officials; functions; compensation; immunity

A. The Supervisory Committee on Campaign Finance Disclosure is established. The Board of Ethics for Elected Officials, as established in R.S. 42:1132, shall function as the supervisory committee to administer and enforce the provisions of this Chapter and the rules, regulations, and orders issued hereunder. The members of the Board of Ethics for Elected Officials shall constitute the supervisory committee.

B. The members of the supervisory committee shall be paid the same per diem as members of the legislature for each day of attendance at committee meetings, and shall receive reimbursement for vouchered traveling, lodging, and other expenses at the rate established for state employees.

C. The members of the supervisory committee shall be immune from any civil liability for any official action taken in the exercise of their functions pursuant to or in connection with the provisions of this Chapter, except any wrongful and malicious act or gross negligence.

Acts 1980, No. 786, §1, eff. Jan. 1, 1981. Amended by Acts 1981, No. 59, §1, eff. June 17, 1981.

§1511.2. Supervisory Committee; rule-making authority; advisory opinions

A. The supervisory committee may adopt and promulgate rules and regulations in accordance with the Administrative Procedures Act & necessary to effectuate the provisions and purposes of this Chapter. Such rules shall be in conformity with the provisions of this Chapter and may include but shall not be limited to any rule to:

(1) Provide for operations of the committee and for committee investigations and proceedings pursuant to this Chapter.

(2) Clarify a provision of this Chapter.

(3) Define a term used in this Chapter.

(4) Apply a general provision of this Chapter or of a committee rule or regulation to specific circumstances.

(5) Provide for preparation and distribution of forms for all reports required by this Chapter, as provided in R.S. 18:1511.3, and to provide instructions and explanation for the completion of such forms.

B. The supervisory committee may render an advisory opinion concerning the application of a general provision of this Chapter, or a general provision prescribed as a rule or regulation by the committee. The supervisory committee may render an opinion in response to a request by any public official, any candidate for public office, any political committee, or the committee may render an advisory opinion on its own initiative. Such an opinion shall not constitute a rule under the provisions of the Administrative Procedures Act and the supervisory committee shall not be subject to that Act in carrying out the provisions of this Subsection.

Acts 1980, No. 786, §1, eff. Jan. 1, 1981.

§1511.3. Filing of reports; forms; notice

A. All reports required by this Chapter shall be filed with the supervisory committee as otherwise provided in this Chapter on forms provided by the supervisory committee. The supervisory committee shall prepare forms for all reports required by this Chapter in conformity with the requirements of this Chapter and shall cause such forms to be printed and sufficient copies thereof furnished to the clerks of court and in Orleans Parish to the clerk of the criminal district court, who shall make them available to all persons required to file reports under the provisions of this Chapter. All forms shall contain instructions directing the person filing with whom to file reports. It is the intent of the legislature that the supervisory committee shall provide forms in a simple format in conformity with the requirements of this Chapter.

B. The supervisory committee shall prepare and distribute to the general public through the offices of the clerks of court and in Orleans Parish the office of the clerk of the criminal district court, booklets of explanation and instruction concerning the provisions of this Chapter in such a manner as to inform the citizens of this state as to the procedures and requirements of this Chapter. The supervisory committee may publish and distribute additional material to assist persons in complying with the provisions of this Chapter.

C. The supervisory committee shall take all action necessary to receive and file the reports, statements, documents, and papers filed with them under the provisions of this Chapter. The supervisory committee shall make photostatic copies of all reports filed or forwarded to the committee available to the public for inspection immediately upon receipt thereof.

D. The supervisory committee shall retain all reports for six years from the date of filing.

E. The supervisory committee shall notify each person who has qualified for office the preceding year and whose last filed disclosure report reflects a deficit, each person who filed a supplemental report the preceding year which reflected a deficit, and each declared but unqualified candidate who filed a report the previous year, of the date that the annual report as provided in R.S. 18:1481.6(E) and 18:1495.4(E) is due and of the information required in the report. Each notice shall be mailed at least thirty days prior to the date the report is due; however, failure by the supervisory committee to notify a candidate, committee, or other person as required by this Subsection shall not bar or be a defense to any action brought against a candidate, treasurer or chairman of any committee, or other person by the supervisory committee under the provisions of this Chapter.

Acts 1980, No. 786, §1, eff. Jan. 1, 1981. Amended by Acts 1982, No. 652, §1. Acts 1984, No. 466, §1; Acts 1990, No. 1088, §1, eff. Jan. 1, 1991.

§1511.4. Supervisory committee; investigations

A. The supervisory committee may investigate any apparent or alleged violation of this Chapter. The supervisory committee may initiate such an investigation when, as a result of its review of reports, other documents or information, filed under provisions of this Chapter, three members determine that there is reason to believe a violation of this Chapter has occurred, and it shall initiate an investigation when it makes such a determination upon receipt of a sworn complaint filed with the supervisory committee by any person who believes a violation of the Chapter has occurred.

B. In any investigation under the authority of this Chapter, the supervisory committee may examine or audit records and reports required to be maintained or filed under the provisions of this Chapter.

C.(1) Pursuant to its authority under this Chapter the supervisory committee shall have the power and authority to hold hearings, to subpoena witnesses, administer oaths, compel the production of books, records, and papers, public and private, require the submission under oath of written reports or answers to questions, and to do all that is necessary to effect the provisions of this Chapter.

(2) Upon motion by an affected party including, but not limited to, a candidate, committee, any member of a committee, a prospective witness or any person whose books, records, papers, or other documents are the subject of any subpoena, and for good cause shown, any district court within the jurisdiction of which any inquiry is being conducted may make any order which justice requires to protect such person from annoyance, embarrassment, oppression, or undue burden or expense, including one or more of the following:

- (a) That the inquiry not be had.
- (b) That the inquiry may be had only upon specified terms and conditions including a designation of the time and place.
- (c) That the inquiry shall be conducted by a method other than selected by the supervisory committee.
- (d) That certain matters not be inquired into or that the scope of the inquiry be limited to certain matters.
- (e) That the inquiry be conducted with no one present except persons designated by the court.

D. Upon petition by the supervisory committee, any district court within the jurisdiction of which any inquiry is being carried on may, in case of refusal to obey a subpoena or order of the supervisory committee issued pursuant to this Chapter, issue an order requiring compliance. Any failure to obey the order of the court may be punished by the court as a contempt thereof.

Acts 1980, No. 786, §1, eff. Jan. 1, 1981. Amended by Acts 1981, No. 59, §1, eff. June 17, 1981.

§1511.5. Procedure for enforcement; civil

A.(1) When the results of the investigation by the supervisory committee indicate that a violation of this Chapter has occurred which is subject to civil penalties, the supervisory committee is authorized to file civil proceedings to collect the civil penalties provided in R.S. 18:1505.4 and R.S. 18:1505.5.

(2) The supervisory committee shall, by the fourth calendar day prior to an election, institute civil proceedings to collect the civil penalties provided in R.S. 18:1505.4(A) against any candidate or principal campaign committee participating in an election if all reports required to be filed on or before the tenth day prior to the election by the candidate or principal campaign committee have not been received in the offices of the supervisory committee by the close of business on the fifth calendar day prior to the election.

(3) Except as provided in R.S. 18:1511.7, these proceedings shall be filed in the district court of the parish in which the candidate, chairman or treasurer of the political committee, or other person required to file reports, is domiciled. The proceedings shall be by rule to show cause and shall be conducted pursuant to the relevant provisions of the Louisiana Code of Civil Procedure.

B. In determining the amount of the civil penalty to be assessed, the district court shall take into consideration, where applicable, the reason for the failure to file timely, or the reason for failing to disclose required information, or the reason for inaccurately disclosing required information; the nature of the office sought by the candidate, or the nature of the office or offices sought by a candidate supported or opposed, in the case of a political committee or other person; the significance of the information undisclosed or, where appropriate, inaccurately disclosed to the voting public; and whether or not the candidate, chairman or treasurer of the political committee, or other person actually has filed a report or disclosed such information prior to the election or prior to the institution of the rule to show cause.

C. A judgment of a district court assessing such civil penalties may be appealed suspensively to the appropriate court of appeal according to the provisions of the Louisiana Code of Civil Procedure.

D. A judgment assessing civil penalties shall become executory when all delays for appeal have expired according to the Louisiana Code of Civil Procedure, and may be enforced as any other money judgment; however, the proceeds of such civil penalties shall be paid directly to the treasurer of the state of Louisiana.

Acts 1980, No. 786, §1, eff. Jan. 1, 1981. Amended by Acts 1982, No. 266, §1, eff. July 18, 1982; Acts 1988, No. 994, §1, eff. Jan. 1, 1989.

§1511.6. Procedures for enforcement; criminal

A. When the results of the supervisory committee's investigation indicate that a knowing, willful, and fraudulent violation of this Chapter has occurred, the supervisory committee shall forward all information concerning the alleged violation to the district attorney of the judicial district in which the alleged violation has

occurred who shall review such information and make such investigation and initiate such prosecution as he shall deem necessary; except, if the violation occurred with regard to a campaign for the office of district attorney for the judicial district in which the violation took place, the committee shall forward all information concerning the alleged violation to the attorney general who, for cause, when authorized by the court which would have original jurisdiction and subject to judicial review, shall proceed with such criminal prosecutions as are provided by this Chapter.

B. Only the district attorney or attorney general may initiate criminal actions under the provisions of this Chapter. Initiation of such criminal actions by the district attorney or attorney general shall be on the basis of information forwarded by the supervisory committee to the district attorney or attorney general or on the basis of such other information as may be available to the district attorney or the attorney general. The supervisory committee shall have no authority to initiate prosecution.

Acts 1980, No. 786, §1, eff. Jan. 1, 1981.

§1511.7. Venue

A. Actions or proceedings for violation of R.S. 18:1505.1 shall be brought in the parish of East Baton Rouge.

B. Except as provided in Subsection A, actions or prosecutions for any violation of this Chapter shall be brought in the parish of the domicile of the offender and prosecutions shall be instituted by the district attorney of that parish.

Acts 1980, No. 786, §1, eff. Jan. 1, 1981.

§1511.8. Secrecy of proceedings

A. Each complaint received by the supervisory committee, each review by the committee of reports for compliance with the provisions of this Chapter, and all information forwarded to or gathered by the supervisory committee with regard to such complaints or reviews and all investigation and proceedings of the supervisory committee with regard to the same shall be kept strictly confidential until such time that action with which the supervisory committee or the district attorney has proceeded, or in the case of possible criminal violations in campaigns for district attorney any action with which the attorney general has proceeded, becomes a public record, the prescriptive period has elapsed, or the matter is otherwise finally disposed of. In no event shall such records, evidence, testimony, notes or other data become public records unless and until civil or criminal charges have been instituted in accordance with this Chapter. This prohibition, however, shall not preclude the supervisory committee from: (a) divulging statistical information concerning complaints, reviews, alleged violations, referrals to district attorneys, and similar matters, or (b) divulging that a review or investigation was made or a complaint received with regard to a person or committee, and, upon investigation, no substantial reason was found to believe that a violation of this Chapter has occurred.

B. The attorney general or district attorney shall, prior to the use of any such accounts or records in any criminal proceeding, file a motion in a court of proper jurisdiction requesting a determination by such court of the relevancy or materiality of such accounts or records to a prosecution for violation of this Chapter. The court shall render such determination at an in camera proceeding which shall be confidential and not open to the public. If the court determines that the aforementioned accounts or records are relevant and material to the prosecution in accordance with this Chapter, then such accounts or records shall cease to be confidential in nature and may be introduced as evidence in a criminal proceeding without further restriction. The proceedings in connection with this Subsection shall be conducted in accordance with the provisions of the Louisiana Code of Criminal Procedure¹ governing motions to suppress evidence.

C. Prior to the use of any such accounts or records in any civil proceeding, the supervisory committee shall file a motion in a court of proper jurisdiction requesting a determination by such court of the relevancy or materiality of such accounts or records to an action for violation of this Chapter. The court shall render such determination at an in camera proceeding which shall be confidential and not open to the public. If the court determines that the aforementioned accounts or records are relevant and material to an action in accordance with this Chapter, then such accounts or records shall cease to be confidential in nature and may be introduced as evidence in a proceeding without further restriction.

Acts 1980, No. 786, §1, eff. Jan. 1, 1981.

¹LSA-C.Cr.P. Art. 703.

§1511.9. Immunity from prosecution; prohibition

No person shall be granted immunity from prosecution for testimony or for providing information in connection with any investigation or proceeding conducted under the provisions of this Chapter.

Acts 1980, No. 786, §1, eff. Jan. 1, 1981.

§1511.10. False complaints

Any person who knowingly and willfully files a false complaint with the supervisory committee, any person who knowingly and willfully discloses the contents of any complaint, any person who knowingly and willfully discloses any information forwarded to the appropriate officials with such a complaint, or any person who knowingly and willfully discloses any proceedings of the supervisory committee before any action with which the supervisory committee or district attorney has proceeded or, in the case of criminal actions relating to campaigns for district attorney, any action with which the attorney general has proceeded, becomes a public record, or before the prescriptive period has elapsed or the matter is otherwise finally disposed of, shall be guilty of a misdemeanor and shall be fined not in excess of five hundred dollars, or imprisoned for not in excess of six months, or both. The supervisory committee, district attorney or the attorney general investigating any complaint filed with the supervisory committee or any matter under their review or investigation under the provisions of this Chapter may concurrently investigate such complaint with a view to determining if there has been any violation of this Chapter, or if the complainant has knowingly and willfully filed a false complaint.

Acts 1980, No. 786, §1, eff. Jan. 1, 1981.

§1511.11. Precedence of actions; limitation of actions

A. Any action brought under the provisions of this Chapter shall be advanced on the docket of the district court in which filed, and shall take precedence over and be considered in advance of all other actions other than actions brought under this Chapter.

B. Actions for violation of this Chapter must be commenced before one year has elapsed from the date of the violation.

Acts 1980, No. 786, §1, eff. Jan. 1, 1981.

§1511.12. Legislative intent

In amending and reenacting this Chapter in 1980 and subsequently, it is and was the intent of the legislature that the provisions of R.S. 18:1491.6(D) and R.S. 18:1495.4(D) are remedial and supplemental in nature and, therefore, shall apply retroactively to candidates and committees which were covered by the deficit reporting provisions of this Chapter before and after such amendments.

Added by Acts 1982, No. 266, §1, eff. July 18, 1982.

PART VII. ELECTION DAY EXPENDITURES

§1531. Transportation of voters

A. No person or political committee shall accept or agree to accept, either directly or indirectly, from a candidate, a political committee, or a person required to file reports pursuant to R.S. 18:1505.1, or from a person on behalf of a candidate, a political committee, or a person so required to file reports, anything of economic value, including any reimbursement of costs, for the purpose of conveying an elector or causing an elector to be conveyed in a motor vehicle to a polling place for the purpose of voting in an election or to any place where absentee voting is being conducted for the purpose of voting absentee, or for driving or being in charge of any motor vehicle being so used.

B. No candidate, political committee, or person required to file reports pursuant to R.S. 18:1505.1, and no person on behalf of a candidate, a political committee, or a person so required to file reports, shall pay, or agree or offer to pay, anything of economic value, including any reimbursement of costs, to any person or political committee for the purpose of conveying an elector or causing an elector to be conveyed in a motor vehicle to a polling place for the purpose of voting in an election or to any place where absentee voting is being conducted for the purpose of voting absentee, or for driving or being in charge of a motor vehicle being so used.

C. Whoever violates the provisions of this Section shall be assessed a civil fine of not more than two thousand five hundred dollars. On a second violation, or any succeeding violation, the penalty shall be a civil fine of not more than five thousand dollars. The provisions of R.S. 18:1505.6 shall not apply to violations of this Section.

D.(1) The provisions of this Section shall not be applicable to any person who gratuitously transports voters to the polls on election day or who gratuitously transports voters to vote absentee.

(2) The provisions of this Section shall not prohibit paying or offering or agreeing to pay any bona fide bus, taxi, or transportation service, which holds a license or permit duly issued by the appropriate governmental entity and which regularly does business in the area, to convey an elector to vote or vote absentee, nor shall this Section prohibit any such bus, taxi, or transportation service from accepting or agreeing to accept such a payment.

Added by Acts 1981, No. 716, §1, eff. July 23, 1981; Acts 1993, No. 199, §1, eff. June 1, 1993.

§1532. Disclosure of expenditures for election day

A. *Repealed by Acts 1990, No. 180, §2, effective January 1, 1991.*

B. In addition to all other reports required by this Chapter, not later than ten days after a primary election and not later than ten days after a general election, each candidate, each political committee, and each person required to file reports pursuant to this Chapter shall file a report with the supervisory committee, on such form as the committee shall provide, which shall include:

(1) The total amount of expenditures the candidate, committee, or person required to report has made for each category of expenditures listed below for services performed or advertising broadcast or published on election day:

- (a) Television advertising.
- (b) Radio advertising.
- (c) Newspaper advertising.
- (d) Services by election day workers paid by the candidate, committee, or other person required to report.
- (e) 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.

(2) The name, address, and social security number of each individual to whom a monetary expenditure was made by the candidate, committee, or person required to file, for services performed on election day.

(3) The name, address, and social security number of each individual to whom a monetary expenditure was made by an organization, to whom the candidate, committee, or person has made a contribution or expenditure for purposes of the support of the organization, for services performed on election day and the name and address of the organization. Such information shall be provided to the candidate, committee, or person required to report under this Section by the organization to whom the candidate, committee, or person made a contribution or expenditure for purposes of the support of the organization.

(4) The name and address of any person, as defined in R.S. 18:1483, to whom the candidate, committee, or person required to report made an expenditure directly or indirectly for services performed or advertising broadcast or published on election day, except as reported pursuant to Paragraphs (2) and (3).

(5) The amount paid to each individual listed pursuant to Paragraphs (2), (3), and (4) and the purpose of the payment.

Acts 1988, No. 994, §1, eff. Jan. 1, 1989; Acts 1990, No. 180, §2, eff. Jan. 1, 1991.

CHAPTER 12. REGISTRARS OF VOTERS EMPLOYEES' RETIREMENT SYSTEM

§§1651 - 1844. *Redesignated by Acts 1991, No. 74, §3. See, now, Title 11.*

CHAPTER 13. CENSUS DATA FOR REAPPORTIONMENT

§1901. Purpose

It is the purpose of this Chapter to provide for participation by the state of Louisiana in programs of the Bureau of the Census of the United States Department of Commerce which provide for furnishing census information to the states for purposes of reapportionment, pursuant to federal laws for that purpose.

Added by Acts 1976, No. 626, §1, eff. Aug. 4, 1976. Amended by Acts 1982, No. 559, §1, eff. July 22, 1982.

§1902. State liaison

A. The secretary of the Senate and the clerk of the House of Representatives, or their designees, jointly, shall serve as the state liaison with the United States Bureau of the Census on all matters related to the tabulation of population and other census information for purposes of reapportionment. The secretary and the clerk, jointly, may submit to the bureau, on behalf of the state, a plan identifying the geographic areas for which specific tabulations of population or other census information are desired for reapportionment purposes, in accordance with criteria established by the United States Secretary of Commerce, and may supply such other information as may be required by the census bureau or the Secretary of Commerce in order to furnish the state such tabulations.

B. The secretary of the Senate and the clerk of the House of Representatives, jointly, shall furnish the parish governing authorities and the parish registrars of voters instructions and assistance to enable them to provide the secretary and the clerk such maps and information as may be necessary to comply timely with the census bureau requirements.

Added by Acts 1976, No. 626, §1, eff. Aug. 4, 1976. Amended by Acts 1982, No. 559, §1, eff. July 22, 1982; Acts 1985, No. 670, §1, eff. July 16, 1985.

§1903. Precincts; boundary changes

A. No election precinct shall be created, divided, abolished, or consolidated, or the boundaries thereof otherwise changed between January 1 of any year which last digit is nine and December 31 of any year which last digit is zero unless ordered by a court of competent jurisdiction or by reason of an annexation or other change in the boundaries of a municipality.

B. If a change in the boundaries of a precinct is made as specified in Subsection A above, during the time specified therein, the affected governing body shall, within fifteen days after the entry of the court order, or the date of the ordinance changing the municipal boundaries, send to the secretary of the Senate and the clerk of the House of Representatives a certified copy of the order or ordinance and a copy of a map showing the new boundaries together with a corrected word description of such boundaries. The secretary and the clerk shall likewise be notified of appeals filed, changes in ordinances, or other actions that pertain to any such order or ordinance.

Added by Acts 1976, No. 626, §1, eff. Aug. 4, 1976. Amended by Acts 1982, No. 559, §1, eff. July 22, 1982; Acts 1985, No. 670, §1, eff. July 16, 1985.

§1904. Cooperation of state agencies and officials

A. All state agencies and officials shall cooperate with the secretary of the Senate and the clerk of the House of Representative in carrying out the purposes of this Chapter and shall furnish the secretary and clerk all such statistical information, maps, and other data as they may request to comply with requirements of the census bureau.

B. The office of public works in the Department of Transportation and Development and the assistant secretary of public works, the State Planning Office and its director, and the office of highways and its assistant secretary shall assist the secretary and clerk in submitting the required plan to the census bureau and shall prepare and provide such maps as may be necessary at the request of the secretary and clerk.

Added by Acts 1976, No. 626, §1, eff. Aug. 4, 1976. Amended by Acts 1982, No. 559, §1, eff. July 22, 1982; Acts 1985, No. 670, §1, eff. July 16, 1985.

§1905. Cooperation of local governments and officials

All parish and municipal governing authorities and officials shall cooperate with the secretary of the Senate and clerk of the House of Representatives in carrying out the purposes of this Chapter and shall furnish to the secretary and clerk upon request such information as may be required by the census bureau, including but not limited to precinct maps.

Added by Acts 1976, No. 626, §1, eff. Aug. 4, 1976. Amended by Acts 1982, No. 559, §1, eff. July 22, 1982.

§1906. Tabulation for reapportionment; legislature

In accordance with Article III, Section 6(A) of the Constitution of Louisiana, the tabulation of population for each decennial census on the basis of which the legislature shall reapportion the representation in each house shall be the tabulation of population reported and transmitted by the United States Bureau of the Census to the governor and the legislature within one year after the census date, under the provisions of Public Law 94-171. Such tabulation of population shall be the sole basis for the establishment of legislative districts, and no other or subsequent tabulation of population shall be considered or utilized in such reapportionment.

Acts 1990, No. 288, §1, eff. July 5, 1990.

CHAPTER 13-A. LOCAL REAPPORTIONMENT

§1921. Applicability

This Chapter applies to any local governing body, including but not limited to any police jury, city or parish council, or school board, which is required under the constitution or laws of this state or of the United States to reapportion its voting districts following each decennial census.

Acts 1984, No. 672, §1.

§1922. Time for reapportionment; submission under Voting Rights Act

A. Unless a different period of time is specified by the constitution or by statute, the governing authority of each local governing body shall reapportion its voting districts by the end of the year following the year in which the population of this state is reported to the president of the United States for each decennial census.

B. If the governing body is subject to the preclearance provisions of Section 5 of the Voting Rights Act of 1965,* the governing authority shall submit the reapportionment plan to the Department of Justice no later than one hundred and twenty days after the adoption of the reapportionment plan by the governing authority.

Acts 1984, No. 672, §1.

*42 U.S.C. 1971 *et seq.*

§1923. Failure to comply; misfeasance; sanctions

A. Failure to meet any of the requirements of R.S. 18:1922 shall be misfeasance in office.

B. Failure to meet any of the requirements of R.S. 18:1922 may subject the local governing authority to the sanction of having the amount of any state revenue sharing funds payable to that governing authority withheld, reduced, or both.

Acts 1984, No. 672, §1.

CHAPTER 13-B. LOCAL SUBMISSIONS PURSUANT TO THE VOTING RIGHTS ACT

§1941. Voting Rights Act submission by political subdivisions; copy to secretary of state

A. Each political subdivision of this state which submits any proposed change in voting practice or procedure to the Department of Justice pursuant to Section 5 of the Voting Rights Act of 1965* shall, at the same time as the submission, send a copy of its submission, by certified mail, to the secretary of state. The

political subdivision shall also send to the secretary of state, by certified mail, a copy of any response to the submission received from the Department of Justice.

B. The entity responsible for sending a copy of the submission and any response thereto to the secretary of state, as required pursuant to this Section, is the submitting authority as defined in the Voting Rights Act of 1965.

Acts 1984, No. 672, §1.

**42 U.S.C. 1971, et seq.*

CHAPTER 14. REAPPORTIONMENT MAPS

§1951. Maps of reapportioned districts; Department of Transportation and Development

The Department of Transportation and Development is authorized to prepare maps of the Louisiana congressional districts, legislative districts, Louisiana State Board of Elementary and Secondary Education districts, and Louisiana Public Service Commission districts following reapportionment of the districts as otherwise provided by law.

Added by Acts 1983, No. 519, §2, eff. July 8, 1983; Acts 1991, No. 330, §1, eff. July 6, 1991.



INDEX

(Compiled by Secretary of State's Office)

ABSENTEE BALLOTS

Distribution, 1306
Form, 1306
Linguistic minorities, 1306
Marking, 1310, 1394
Names and numbers, 463, 551
 Nicknames, 463, 551
 Number, 1306
Political party designation, 551
Preparation, 551, 1306
Presidential electors, 1259
Presidential preference primary, 1280.24
Recall elections, 1300.11
Recount, generally, 1451
 Costs of, 1452
 Procedure, 1453
Retention, 1312
Returns, see RETURNS
Special, 1306
Time, 1306
Titles of offices, 551
Uniformity, 551

ABSENTEE VOTING

See also VOTING
Assistance, 1310
Ballots, see ABSENTEE BALLOTS
Board, defined, 1302
Certificate, execution, 1310, 1395
Challenges, 1315, 1397
Clergy, 1303
Clerk, defined, 1302
Death of voter, 1317
Definitions, 1302
Disabled persons, 1303, 1304
Election officials, 1302, 1303
Employment, 1303
Hospitalization, 1303
In person, 1303
 Notice, causes, 1306
 Procedure, time, 1309
Incarceration, 1303
Juries, sequestered, 1303
 Application, 1307.1
 Procedure, 1307.2, 1308.1
Law, application, 1301, 1318
Mail, 1303
 Application, 1307
 Presidential candidates, 1308.2
 Procedure, 1308
Mental institutions, confinement, 1303

(ABSENTEE VOTING, Continued)

Number to be voted, 552
Persons aged 65 or older, 1303
Persons entitled, 1303
Physically handicapped, special program
 Hospitals, 1333
 Liberal construction, 1335
 Nursing homes, 1333
 Electioneering, 1334
 Persons entitled, 1331
 Requirements, 1332
Polls, voting prohibited, 1305
Postcard application, federal
 Defined, 1302
Procedure, 1309, 1310
Registrars
 Defined, 1302
 Records, 158
 Responsibility, 58
Religious beliefs, 1303
Residence
 Change, 1303
 Outside U.S., 1303
Special Handicapped Program
 Participants, 1303
Students, professors, 1303
U.S. service, 1302, 1303
Voters, list, 1311

ADVERTISING

Legal
 Bond, debt and tax
 elections, 1285, 1292
 Election returns, 574
 Polling places, location, 535, 536
 Precincts, location, 535
 Recall elections, 1300.7
 Registration, cancellation, 193
 Special elections, vacancies
 Boards and Commissions, 591
 Judges, 621
 Legislators, 601
 Local offices, 602
 Marshals, 604
 U.S. representatives, 1279
 U.S. senators, 1278
 Voting machines
 Acquisition, 1362
 Drayage contracts, 1371
 Storage contracts, 21
Political
 Excessive charges, 1464
 Notice of candidacy, regulations, 463

**AFFIDAVITS, see REGISTRATION
OF VOTERS**

ARMED FORCES, see MILITARY

ASSISTANCE IN VOTING

See also **ABSENTEE VOTING** and **VOTING**

Persons assisting, 564

Procedure, 564

Registration

Application, 104, 106, 114, 564

Records, 152, 564

Voters entitled, 564

ATTORNEY GENERAL

Constitutional amendments,
statement, 431, 552

Election Supervisors, State Board of, 23

Fraud, conduct of election, 1412

Registrars, legal advisor, 64

BALLOTS

see **ABSENTEE BALLOTS**

see **MACHINE BALLOTS**

see **SAMPLE BALLOTS**

BOARD OF ETHICS FOR ELECTED OFFICIALS

see **ETHICS**

BOND, DEBT, AND TAX ELECTIONS

See also **ELECTIONS**

Commissioners, 1286

Oaths, 1288

Reduction in number, 1286.1

Substitutes, 1287

Conduct, regulation of, 1

Contests, 1294

Laws applicable, 1291

Notice of election, 1285

Petition of voters, 1283

Political subdivision, defined, 1282

Polling places, 1286

Consolidation, 1286.1

Procedure, 1281, 1283

Proposition, statement of, 1284

Regulations, 1281, 1283

Resolution calling, 1284

Returns, canvass, 1292

Proces verbal, 1293

Special election, 1283

Bonds, interest rate, 1295

Violations, penalties, 1289

Voters, qualifications, 1290

Voting machines, use, 1291

CAMPAIGN FINANCE

Generally, 1481 et seq.

Affiliated organization, defined, 1483

Aggregating period, defined, 1483, 1486

Candidates

Defined, 1483

Depositories, 1495.2

Expenditures by check, 1495.2

In-kind, valuation, 1495.3

List provided, 470.1

Petty cash, 1495.2

Records, maintenance, 1495.3

Reports

Affidavits, small campaigns, 1495.6

Committees, 1495.1

Contents, 1495.5

Times and periods, 1495.4

Treasurers, 1495.2

Chairman, defined, 1483

Closing date, defined, 1483

Committee, defined, 1489

Contributions

Amounts, 1491.6, 1495.4

Defined, 1483

In-kind, valuation, 1491.5, 1495.3

Limits, 1505.2

Prohibitions, 1505.2

Definitions, 1483

Disclosure reports, filing, 1484

District office, defined, 1483

Election, defined, 1483

Enforcement procedure

Actions, precedence and

limitations, 1511.11

Civil, 1511.5

Criminal, 1511.6

False complaints, 1511.10

Immunity prohibited, 1511.9

Secrecy, 1511.8

Value, 1511.7

Expenditures

Defined, 1483

Election day, 1532

In-kind, valuation, 1491.5, 1495.3

Prohibitions and limitations, 1505.2

Explanation, forms and pamphlets, 463

Special provisions-1991, 415

Filing, 1485

Loan, defined, 1483

Major office, 1483

Notice of candidacy, 463

Participation, defined, 1483

(CAMPAIGN FINANCE, Continued)

Penalties

Civil

Failure to file, 1505.4

Violations, 1505.5

Criminal, 1505.6

Persons

Defined, 1483

Reports, other than candidates or committees, 1505.1

Political committees

Defined, 1483

Depositories, 1491.4

Dissolution, statement of, 1491.2

Expenditures by check, 1491.4

In-kind, valuation, 1491.5

Petty cash, 1491.4

Principal campaign committee, 1483, 1491.3

Records, maintenance, 1491.5

Registration, 1491.1

Reports

Affidavits, small campaigns, 1491.8

Consolidation, 1491.3

Contents, 1491.7

Times and periods, 1491.6

Subsidiary committees, 1483, 1491.3

Treasurers, 1491.4

Prohibited practices, limitations, 1505.1 et seq.

Proposition elections, 1486

Public office, defined, 1483

Purpose, 1482

Reporting

Amounts, 1491.6, 1495.4

Deficit, retroactive application, 1511.12

Period, defined 1483

Reports

Failure to file timely, 1505.1

Failure to submit, 1505.1

Filing, 1511.3

Small campaigns, affidavits, 1491.8, 1495.6

Special provisions in 1991, 415

Subterfuge, 1505.3

Supervisory committee

Advisory opinions, 1511.2

Defined, 1483

Ethics for elected officials, board of, 1511.1

Forms, 1511.3

Functions, 1511.1

Immunity, members, 1511.1

Instruction, 1511.3

Investigations, 1511.4

Notification, 1511.3

Reports, receipt and retention, 1511.3

(CAMPAIGN FINANCE, Continued)

Rule-making authority, 1511.2

Transfer of funds, defined, 1483

Transportation of voters, 1531

CANDIDATES

Generally, 451 et seq.

Ballots, see ABSENTEE BALLOTS and MACHINE BALLOTS

Bribery, 1469

Campaign finance disclosure, 1495.1 et seq.

Acknowledgement, 463

List of candidates, 470.1

Certification, 513

Classification, 452

Congressional, 1274

Disqualification, 494

Dual candidacy, 453

Election

General, 513

Primary, 511

Endorsements, contributions prohibited, 1468

Governor, financial statement, 463

Names, printing on ballots, 463

Nominating petitions, 465

Disposition, 470

Special provisions-1991, 414

Notice of candidacy, 463

Disposition, 470

Special provisions-1991, 414

Number to be voted, 522

Objections to candidacy, see OBJECTIONS TO CANDIDACY

Political party committees, 446

Presidential preference primary, 1280.22

Qualifications, 451

Qualifying, see QUALIFYING

Unopposed, 511, 512

Voting machines, see VOTING MACHINES

Watchers, 435

Withdrawal, see WITDRAWAL

CENSUS

Cooperation of officials

Local governments, 1905

State agencies, 1904

Liaison, state, 1902

Participation, 1901

Precincts

Boundary changes, 532.1, 1903

Establishment, 532

CHALLENGES, see ABSENTEE VOTING and VOTING

CLERKS

Defined, 2, 1302

CLERKS OF COURT

Acts performed, 471
 Chief election officer, parish, 422
 Commissioners, 431 et seq.
 Defined, 2
 Election date change, notice, 469
 Election expenses, 1400.3
 Election returns, see RETURNS
 Election supervisors, boards of
 Parish 423
 State, 23
 Notices of candidacy, 470
 Objections to candidacy, contests of elections
 See also OBJECTIONS TO CANDIDACY and CONTESTS
 OF ELECTIONS
 Service of process, agent, 1407
 Qualifying, local candidates, 462
 Registered voters, annual lists, 175
 Reports to registrars, 171, 172, 174
 Voting machines, parish custodians, 1354

COLLEGES AND UNIVERSITIES

Absentee voting, 1303
 Election Supervisors, State Board of, 23
 Students, voter registration, 101

COMMISSIONERS

Absentee commissioners, 1314
 Alternate commissioners
 Commission, 434
 Compensation, 426
 Disqualification, 434
 Oath, 426
 Political party affiliation, 426
 Qualifications, 426
 Removal, 434
 Replacement, 434
 Selection, 434
 Bond, debt and tax elections, 1286
 Commissioners
 Commission, 434
 Compensation, 425
 Course of instruction, 431
 Special provisions-1991, 412
 Disqualification, 434
 Number, 425
 Oath, 425
 Political party affiliation, 425
 Qualifications, 425
 Removal, 434
 Replacement, 434

(COMMISSIONERS, Continued)

Selection, 434
 Commissioners-in-charge
 Commission, 433
 Compensation, 424
 Course of instruction, 433
 Disqualification, 433
 Number, 424
 Oath, 424
 Political party affiliation, 424
 Qualifications, 424
 Removal, 433
 Replacement, 433
 Selection, 433
 Term, 433
 Vacancy, 433
 Fraud conviction, employment prohibited, 1467
 Informational pamphlet, 421
 Instruction, courses of, 431, 433
 Certificates, 431
 Constitutional amendments, 431
 Examinations, 431.1
 Reports, 431
 Law enforcement, assistance, 428
 Lists
 Certified persons, 431, 433
 Voting machines, placement in, 571
 Number, 425, 1314
 Reduction, 425.1, 1286.1
 Political party affiliation, 424, 425, 426
 Presidential preference primary, 1280.21
 Proposition elections, 1300
 Recall elections, 1300.10
 Special elections, 436
 Substitutes, 433, 1287
 Votes, counting, 571
 Voting machines, inspection, 553

COMPENSATION AND SALARIES

Commissioners, 425
 Alternate commissioners, 426
 Commissioners-in-charge, 424
 Elections, commissioner of, 17
 Registrars and employees, 55 et seq.

CONGRESSIONAL ELECTIONS

See also ELECTIONS
 Candidacy, declaration, 1274
 Contests, 1280
 Dates, 1272
 Districts, 1276.3
 Law, application, 1271
 Qualifications, 1275
 Qualifying, 1273

(CONGRESSIONAL ELECTIONS, Continued)

Vacancies, 1278, 1279
Votes, certification, 1277

CONSTITUTIONAL AMENDMENTS

Explanatory statement, 431, 552, 553
Promulgation, 574

CONTESTS OF ELECTIONS

Absentee ballots, recount
 Authorization, 1451
 Cost, 1452
 Procedure, 1453
Action, 1401 et seq.
Answer, 1406
Appeal, 1409
Bond, debt and tax elections, 1294
Civil procedure, code of, 1414
Congressional elections, 1280
Court determination, 1431 et seq.
Depositions, 1411
Election, new or restricted, 132
Elections Integrity Commission, 44
Filing, frivolous, 1432
Fraud, pleadings of, 1412
General election, postponement, 1409
Judgment, 1409
 Transmittal, 1410
Jurisdiction, 1403
Notification, 1406
Petition, 1406
Proper parties, 1401, 1402
Recall elections, 1300.17
Remedies, 1432, 1433, 1433.1
Service of process
 Agent, appointment, 1407
 Procedure, 1408
Time
 Appeal, 1409
 Commencement, 1405
 Computation, 1413
 Court appearance, defendant, 1406
 Judgment, 1409
 Trial, 1409
Trial, 1409
Venue, 1404
Voting
 Fraudulent or illegal, 1431
 Revote, 1433, 1433.1
 Uncounted votes, 1431
Voting machines
 Clearing, 1376
 Malfunction, 1433
Waiver of objections, 1434

CONTRACTS

Signature digitization/verification
 system, 22
Voting machines
 Delivery, 1371
 Storage, 21

**CRIMINAL RECORDS, see FELONY CONVICTIONS;
IMPRISONMENT, UNDER AN ORDER OF and
ELECTION OFFENSES**

DEATH

Absentee voter, 1317
Presidential elector, 1258
Qualifying, reopening, 469
Registration of voters, reports, 173

**DEBT ELECTIONS, see BOND, DEBT AND
TAX ELECTIONS**

DIRECTOR OF REGISTRATION, 20

DISABLED VOTERS, see EXCEPTIONAL PERSONS

DISTRICT ATTORNEYS

Fraud, conduct of election, 1412
Office hours, election day, 428
Reports to registrars, 171

DRIVER'S LICENSE FACILITIES

Voter registration, 114

ELECTION OFFENSES

Generally, 1461 et seq.
Alcohol, 1462
Bribery, 1461
 Candidate, 1469
Election day, 1462
Electioneering
 Election day, 1462
 Nursing homes, 1334
Endorsements, contributions prohibited, 1468
Fictitious names, 1461
Forgery, 1461
Fraud
 Conduct of election, 1412
 Conviction, employment prohibited, 1467
Intimidation, 1461
Penalties, 1461 et seq.
Person, defined, 1466
Physicians, 1461
Political advertising
 Excessive Charges, 1464
 Places prohibited, 1470

(ELECTION OFFENSES, Continued)

Political material, 1462, 1463
Polling places, 537
 Six hundred foot radius, 1462
Public funds, 1465
Restraining order, temporary, 1471
Vote buying, 1461
Voter registration, 104, 171.1, 1461
Voting, 1461

ELECTION SUPERVISORS, BOARDS OF

Parish

Generally, 423
Commissioners, 431 et seq.
Election expenses, 1400.4
Election returns, see RETURNS
Qualifying, local candidates, 462
Watchers, 435

State

Generally, 23 et seq.
Annual reports, 25
Powers and duties, 24
Registrars, removal, 53

ELECTIONS

See also specific election headings

Ballots, see ABSENTEE BALLOTS and
MACHINE BALLOTS

Cards of instruction, 421
Certification, candidates elected, 513
Commissioners, see COMMISSIONERS
Commissioners-in-charge, see COMMISSIONERS
Conduct, regulation of, 1
Contests, see CONTESTS OF ELECTIONS
Dates, 402
 Change
 Contests of elections, 1409, 1432
 Objections to candidacy, 1409, 1432
 Qualifying, 467.1, 469
 Prohibited dates, 402
Defined, campaign finance, 1483
Election officials, 421 et seq.
Expenses, see EXPENSES
General, 401 et seq.
Majority vote, 511
Primary, 401 et seq.
Public records, 403
Purpose and nature, 401
Qualifying, see QUALIFYING
Records, preservation, 403
Special provisions-1992, 411 et seq.
Tie vote, 483, 511, 512
Unopposed candidates, 511, 512
Watchers, 427, 435

(ELECTIONS, Continued)

Withdrawal, see WITHDRAWAL

ELECTIONS, COMMISSIONER OF

Generally, 16 et seq.
Clerks of court, lists to, 175
Compensation, 17
Computer registration system, 31
Director of registration, 20
Election expenses, 1400.2, 1400.3
Election Supervisors, State Board of, 23
First assistant, 19
Objections to candidacy, contests of elections
 Notification, 1406
 Service of process, agent, 1407
Powers and duties, 18
Registrars
 Affidavit, chief deputy, 51
Signature digitization/verification system,
 contracts, 22
Term, 17
Vacancy, 17

ELECTIONS, 1992, 411 et seq.

ELECTIONS AND REGISTRATION, DEPT. OF

Generally, 16 et seq.

ELECTIONS INTEGRITY COMMISSION

Generally, 41 et seq.
Contests of elections, 1401

ETHICS FOR ELECTED OFFICIALS, BOARD OF

Generally, 41 et seq.
Annual reports, 46
Contested election, 44
Investigation and hearing, 43
Powers and duties, 45
Rule making power, 42
Staff, 47

ETHNIC ORIGIN

Voter registration, voluntary disclosure, 104

EXCEPTIONAL PERSONS

Mentally handicapped
 Absentee voting, 1303
 Voter registration, 102, 102.1, 104
 Interdiction, report, 172
Physically handicapped
 Absentee voting, 1303, 1304
 Assistance in voting, 564
 Absentee voting, 1310
 Places for voting, 531

(EXCEPTIONAL PERSONS, Continued)

Registration and voting, special programs, 1321 et seq.
Voter registration, assistance, 106

EXPENSES

Clerks of court, 1400.3
Election supervisors, parish boards, 1400.4
Elections, commissioner of, 1400.2, 1400.3
General elections, 1400.6
Governing authorities, 1400.1, 1400.2, 1400.3
Presidential preference primaries, 1400.5
Primary elections, 1400.6
Registrars, 1400.3
Reimbursement, 1400.1, 1400.2, 1400.4
Secretary of state, 1400.1
Voting machines, 1382

FEDERAL ELECTION

Defined, 2

FELONY CONVICTIONS

Reports, 171

FOREIGN SPEAKING PERSONS

Absentee ballots, 1306
Voter registration, 104, 106

GOVERNING AUTHORITIES

Election expenses, 1400.1, 1400.2
Maps, 532
Parish, defined, 2
Precincts, establishment, 532
Registrars
Affidavit, chief deputy, 51
Registration of voters
Address change, due to, 201
Offices, 132

GOVERNOR

Appointment
Election Supervisors, State Board of, 23
Vacancies
Boards and commissions, state, 591
Local and municipal officers, 602
Financial statement, 463
Proclamations
Recall elections, 1300.7
Vacancies
Boards and commissions, state, 591
Judges, 621
Local and municipal offices, 602
Recall elections, 1300.13

HANDICAPPED PERSONS, see EXCEPTIONAL PERSONS

HOLIDAYS

See also RELIGION
Absentee voting, 1309
Campaign finance disclosure, filing, 1485
Contests of elections, time, 1413
Election returns, 574
Elections, prohibited dates, 402
Objections to candidacy, time, 1413
Qualifying period, close of, 468, 469
Recall petitions, 1300.2
Voter registration, 134

IDENTIFICATION

Voter registration, 105
Voters, 562

ILLITERATE PERSONS

Voter registration, 104
Voting assistance, 564
Absentee voting, 1310

IMMEDIATE FAMILY

Defined, 2

IMPRISONMENT, UNDER AN ORDER OF

Candidacy, prohibited, 451
Defined, 2
Voting
Ineligibility, 102
Registration application, 104
Reports to registrars, 171

MACHINE BALLOTS

Distribution, 552
Election materials, 552
Inspection, 553
Names and numbers, 463, 551
Nicknames, 463, 551
Number, 552
Political party designation, 551
Preparation, 551
Presidential electors, 1259
Presidential preference primary, 1280.24
Recall elections, 1300.11
Returns, see RETURNS
Sample ballots, 552, 553
Time, 552
Titles of offices, 551
Uniformity, 551

MAPS

Districts, 532

(MAPS, Continued)

Reapportionment, 1951
Precincts, 532
Boundary changes, 532.1

MENTALLY HANDICAPPED, see
EXCEPTIONAL PERSONS

MILITARY

Absentee voting, 1302, 1303
Voter registration, 103
Challenge, 195

NATIONAL ELECTIONS, 1251 et seq.

See also **CONGRESSIONAL ELECTIONS;**
PRESIDENTIAL ELECTIONS; and
PRESIDENTIAL PREFERENCE PRIMARY

NATURALIZED CITIZENS

Voter registration, proof required, 105

NOMINATING PETITIONS, 465

See also **QUALIFYING**
Disposition, 470
Presidential electors, 1255
Presidential preference primary, 1280.22

OBJECTIONS TO CANDIDACY

Generally, 491 et seq.
Action, 1401 et seq.
Answer, 1406
Appeal, 1409
Civil procedure, code of, 1414
Depositions, 1411
Disqualification, 494
Filing, frivolous, 1432
General election, postponement, 1409
Grounds, 492
Judgment, 1409
 Transmittal, 1410
Jurisdiction, 1403
Multiple offices, 494
Notification, 1406
Petition, 1406
Presidential electors, 1257
Proper parties, 1401, 1402
Registered voter, action by, 491
Service of process
 Agent, appointment, 1407
 Procedure, 1408
Standing to object, 491
Sustaining, effects, 494
Time, 493, 1405
 Appeal, 1409

(OBJECTIONS TO CANDIDACY, Continued)

Commencement, 1405
Computation, 1413
Court appearance, defendant, 1406
Judgment, 1409
Trial, 1409
Trial, 1409
Verme, 1404

OFFICIAL JOURNALS

Bond, debt and tax elections
 Notice, 1285
 Returns, promulgation, 1292
Election returns, promulgation, 574
Polling places, notice
 Location, 1285
 Change, 536
Precincts, notice of location, 535
Recall election, proclamation, 1300.7
Registration, cancellation, publication, 193
Special elections, proclamations
 Boards and commissions, 591
 Judges, 621
 Legislators, 601
 Local offices, 602
 Marshals, 604
 U.S. representatives, 1279
 U.S. senators, 1278
Voting machines, notice for bids
 Acquisition, 1362
 Drayage, 1371
 Storage, 21

PARISHES

See also specific parish officials
Computer registration system, 31
Governing authority, defined, 2
Election supervisors, parish boards, 423
Health officers, death reports, 173
Municipal population in excess of
 475,000, taking office, 514
Precincts, establishment, 532
Shariffs, reports to registrars, 171
Ward, defined, 2

PETITIONS

Bond, debt and tax elections, 1283
Certification, 58
Nominating petition, see **QUALIFYING**
Recall elections, 1300.2 et seq.
Requirements, 3

PHYSICALLY HANDICAPPED, see **EXCEPTIONAL**
PERSONS

POLITICAL ACTIVITIES

Election Supervisors, State Board of, 27
Registrars, 62

POLITICAL MATERIAL, 1463

POLITICAL PARTIES

Generally, 441 et seq.
Ballots, designation on, 551
Commissioners, 424, 425, 426
Committees
 Candidates, 446
 Dual candidacy, 453
 Financial statements, 464
 Parish executive committees, 444
 Election supervisors, parish boards, 423
 Formation, 445
 Qualifying, additional fees, 464
 State central committee, 443, 443.1, 443.2
Organization, 442
Presidential electors, nominating, 1253
Presidential preference primary, 1280.21
 Delegates, party conventions, 1280.27
Qualifying, primary election, 446
Recognition, 441
Voter registration, 104, 107

POLLING PLACES

Bond, debt and tax elections, 1286
 Consolidation, 1286.1
Cards of instruction, posting, 553
Change of place, 534
 Notice, 536
Child accompanying parent or guardian, 563
Commissioners, see COMMISSIONERS
Consolidation, 425.1, 1286.1
Constitutional amendments, statement, 553
Equipment, 1374
Establishment, 533
Law enforcement, assistance, 428
Lease, 533
Location, 533
 Notice, 535
 Prohibited location, 533
Opening and closing, 541
Payment for use, 533
Physically handicapped, 531
Places for voting, 531
Poll lists, 561
Precinct registers, 152
Returns, posting, 572
Sample ballots, posting, 553
Termination of voting, 542
Violations, remedies, 537

(POLLING PLACES, Continued)

Voting machines, see VOTING MACHINES
Watchers, 427, 435

POSTCARD APPLICATION, FEDERAL, 103, 1302

PRECINCTS

Boundaries, changes, 532.1, 1903
Defined, 2
Establishment, 532
Notice of location, 535
Polling places, 533
Voting machines, allocation, 1363

PRESIDENTIAL ELECTIONS

See also ELECTIONS AND PRESIDENTIAL
PREFERENCE PRIMARY
Ballot, arrangement, 1259
Certificate of election, 1261
Compensation, 1265
Credentials, 1262
Election, time and manner, 1251
Independent candidates, 1254
Meeting of electors, 1263
Nominating petitions, 1255
Nomination, certificates of, 1253
Objections, 1257
Persons prohibited, 1252
Qualifications, 1252
Results, 1261
Tie vote, 1261
Vacancy, 1258, 1264
Votes for candidates, electors, 1260
Watchers, 435
Withdrawal, 1256

PRESIDENTIAL PREFERENCE PRIMARY

See also ELECTIONS and PRESIDENTIAL
ELECTIONS
Ballot arrangement, 1280.24
Candidates, qualifying, 1280.22
Conduct of election, 1280.23
Date, 1280.21
Delegates, party conventions, 1280.27
Expenses, 1400.5
Returns, 1280.23
Voting, political party
 affiliation, 1280.21, 1280.25

PROPOSITION OR QUESTION ELECTIONS

See also BOND, DEBT AND TAX
ELECTIONS and ELECTIONS
Commissioners, 1286, 1300
Expenses, 1300

(PROPOSITION OR QUESTIONS ELECTIONS, Contimed)

Law, application, 1299
Notice, 1285, 1300
Procedure, 1300
Special provisions-1991, 417
Statement, length, 1299.1

PUBLIC SAFETY AND CORRECTIONS, DEPT. OF

See STATE AGENCIES

QUALIFICATIONS

Candidates, 451
 Congressional, 1275
Commissioners, 425
 Alternate commissioners, 426
 Commissioners-in-charge, 424
Elections, commissioner of, 17
Presidential electors, 1252
Registrars, 52
Voter registration, 101
Voters 521
Watchers, 427

QUALIFYING

Congressional candidates, 1273
Fees, 464
 Disposition, 470
 Refund, withdrawal, 501
 Special provisions-1991, 414, 416
General elections
 Candidates, 481
 Number, 482
 Tie vote in primary, 483
Nominating petitions, 465
 Disposition, 470
 Presidential electors, 1255
 Presidential preference primary, 1280.22
Presidential preference primary, 1280.22
Primary elections
 Manner, 461
 Notice of candidacy, 463
 Disposition, 470
 Officials with whom to qualify, 462
 Political party committees, 446
 Time, 466
 Change of election date, 467.1
 Close, 468
 Opening, 467
 Reopening, 469
 Special provisions-1991, 413

RACE

Voter registration, voluntary disclosure, 104

REAPPORTIONMENT

Census data, 1901 et seq.
Failure to comply, 1923
Law, application, 1921
Maps, 1951
Parish governing authorities, 532
Time, 1922
 Voting rights act, submissions under, 1922
 Secretary of state, copy to, 1941

RECALL ELECTIONS

See also ELECTIONS and PETITIONS
Authorization, 1300.1
Ballots, 1300.11
Commissioners, 1300.10
Conduct, 1300.9
Contest, right, 1300.17
Failure, 1300.14
Governor, order, 1300.7
Governor, proceedings involving, 1300.15
Petition, 1300.2
 Certification, 1300.3
 Chairman, vice chairman, 1300.5
 Names, form, 1300.3
 Signatures, 1300.3, 1300.4
Proclamation, 1300.7
Results, 1300.13
Secretary of state, proceedings
 involving, 1300.15
Time limits, 1300.1
Vaancy, declaration, 1300.13
Violations, penalties, 1300.16
Voting areas, 1300.8

RECORDS

Preservation of, 403

REGISTRARS OF VOTERS

Generally, 51 et seq.
Appointment, 51
Attorney general, legal advisor, 64
Bond, 51, 54
Commission, 51
Compensation, 55, 59.3
 Deputies, other employees, 59
 Increase or decrease, publication, 55
 Reduction, prohibited, 57
 State portion, payment, 55, 59.1
 Supplemental, 56
Computer system, voter registration,
 participation, 58
Courses of instruction, driver's license
 facilities, 114
Deputies, 59

(REGISTRARS OF VOTERS, Continued)

Acting for registrar, 61
Affidavit, chief deputy, 51
Compensation, 59, 59.1
Driver's license facilities, 114
Grand Isle, 133.1
Removal, 60
Duties, miscellaneous, 221
Election expenses, 1400.3
Election supervisors, boards of
 Parish, 423
 State, 23
Employees
 Positions, 59.2
 Removal, 60
Oaths, 54
 Administering, 58
 Deputies, 61
Office hours, 134
 Absentee voting, 1309
Offices, 131 et seq.
Petitions
 Certification, 58
 Requirements, 3
Political activities, 62
Powers and duties, 58
Public office, ineligibility, 63
Qualifications, 52
Recall petitions, 1300.3
Records and recordation
 Alteration, defacing, 156
 Cancellation of registration, 152
 Close of registration, 135
 Closed, disqualified, 152
 Computer system, 31, 151
 Confidentiality
 Law enforcement, 154
 Social security numbers, 154
 Custody, 151
 Forms, 152
 Inspection and copying, 154
 Refusal, remedies, 155
 Precinct register, 152, 157, 1290
 Errors and omissions, 562
 Registration lists, 175
 Regulations, 152
 Removal, 151, 156
 Required records, 152
 Absentee voting and records, 158
 Federal election registration records, 158
 Voter registration lists, 152, 157, 175
Removal, 53
Reports, 171 et seq.
 Death, 173

(REGISTRARS OF VOTERS, Continued)

Imprisonment, felony conviction, 171
Interdiction, mental incompetence, 172
Suspension, 53
Tax rolls, 153
Training programs, 117
Vacancy in office, 51

REGISTRATION OF VOTERS

Generally, 101 et seq.

Affidavits

 Defined, 200
 Registration, 103, 104
 Voter, at polls, 562, 573

Application

 Affidavits, 103, 104
 Assistance, 106, 114
 Indication, 104

 Changes, see Changes, herein

 Driver's license facilities, 114

 Form, 104, 114, 115

 Mail registration, 103

 Military, 103

 Offices, see Offices, herein

 Personal appearance, 103

 Political party affiliation, 104, 107

 Postcard, federal, 103

 Preclearance, 104

 Race, voluntary disclosure, 104

 U.S. service, 103

Branch offices, see Offices herein

Cancellation

 Challenge, 573

 Four-year period, 191

 Limitation, 197

 New registration, 199

 Notice, procedures, 193

 Records, 152

 Reinstatement, 193

 Reports, on basis of, 176

 Request, 110

Canvass, 191, 192

Challenge

 Notice, procedures, 193, 195

 Reports, on basis of, 176

 Temporary residence out of U.S., 195

 U.S. service, 195

Changes

 Endorsement, 112

 Name, 111, 114, 174

 Remarriage, 174

 Notice, 109

 Place of registration, 108

 Political party affiliation, 107

(REGISTRATION OF VOTERS, Continued)

- Removal from precinct or parish, 110
- Residence, 114
 - Governing authority, action, 201
 - Inquiry, change of records, 198
 - U.S. Postal Service, 201
- Close of registration, 135
- Computer system, 31
- Denial, remedies, 113
- Director of registration, 20
- Driver's license facilities, 114
 - Rules and regulations, 114
- Elections, commissioner of, 18
- Exceptional persons
 - Mentally handicapped, 102, 102.1, 104
 - Physically handicapped, 106, 114
 - Mail registration, 1325
 - Telephone registration, 1325
- Felony conviction, 171.1
- Identification, 105, 114
- Imprisonment, under order of, ineligibility, 102
- Inactive list, procedures, 196
- Mail registration, 103, 115
- Married women
 - Name, 111
 - Remarriage, 174
 - Residence, 101
- Mobile registration units, see Offices herein
- National Voter Registration Act of 1993
 - Denial of registration, 113
 - Registration applications, 114
- Notice
 - Assistance in voting, 106
 - Cancellation of registration, 176, 193
 - Canvass, 192
 - Challenge, 193, 195
 - Registration and change, 109
 - Required records, 152
- Offices
 - Generally, 131
 - Branch offices, 131, 133
 - Absentee voting, 1309
 - Grand Isle, 133.1
 - Temporary, 133
 - Driver's license facilities, 114
 - Expenses, 132
 - Federal and nongovernmental offices, 116
 - Mobile registration units, 131, 133
 - Office hours, 131
 - Public assistance agencies, 116
 - Recruitment offices, 116
 - State or local governmental offices, 116
- Permanent registration, 191

(REGISTRATION OF VOTERS, Continued)

- Persons ineligible, 102
- Postcard application, federal, 103, 115
- Precinct register, 152, 157, 1290, 1354
 - Errors and omissions, 562
- Presidential elections, 101
- Qualifications, 101
- Records and registration, 151 et seq.
- Registration lists, 152, 175
 - Delivery, 157
 - Error listings, 175
- Reinstatement, 193
- Report, address change, governing authority, 201
- Reports, 171 et seq.
- Residence
 - Removal from precinct or parish, 110
 - Requirements, 101
- Statistics and data, 18
- Students, 101
- Temporary branch offices, see Offices herein
- Training programs, 117

RELIGION

- Absentee voting, 1301
- Elections, prohibited dates, 402

RESIDENCE

- Voter registration, 101
 - Cancellation, 193
 - Canvass, 192
 - Change, 114, 201

RESIGNATIONS

- Elected officials, 651 et seq.

RETURNS

- Announcement of votes, 571
- Clerk of court, transmission to, 572
- Counting and tabulating, 571
 - Absentee ballots, 1313, 1396
 - Counting equipment, 1391 et seq.
 - Recount, contest of election, 1451 et seq.
 - Rejection, distinguishing marks, 1316, 139
- Election night, 576
- Posting, 572
- Presidential preference primary, 1280.23
- Promulgation, 574
- Records, preservation, 573
- Recount, absentee ballots, 1451 et seq.
- Results
 - Congressional, certification, 1277
 - Court determination, 1431, 1432
 - Evidence, 573

(RETURNS, Continued)

Official, 575

Recall elections, 1300.12

Tie vote, 483, 511, 512

Presidential electors, 1261

Secretary of State, transmission to, 572, 576

Time, 572

Transmission, 572

SAMPLE BALLOTS

Distribution, 552

Inspection, 553

Posting, 553

SECRETARY OF STATE

Ballots, 551, 552

Cards of instruction, 421

Chief election officer, state, 421

Constitutional amendments, statement, 431

Election date change, notice, 469

Election expenses, 1400.1

Election returns, see RE TURNS

Election Supervisors, State Board of, 23

Notice, absentee voting, 1306

Notices of candidacy, 463

Objections to candidacy, contests of
elections, notification, 1406

Qualifying, state candidates, 462

Reapportionment, voting rights act,
submissions, 1941

State central committees, filing, 443,
443.1, 443.2

Vacancies, special elections, 591 et seq.

SPECIAL ELECTIONS

See also ELECTIONS and specific
elections headings

Commissioners, 436

Vacancies, 583 et seq.

STATE AGENCIES

Ethics for Elected Officials, Board of,
campaign finance disclosure,
supervisory committee, 1511.1

Health and Human Resources, Dept. of,
reports to registrars, 173, 174

Public Safety and Corrections, Dept. of,
Driver's license facilities, voter
registration, 114

Rules and regulations, 114

Reports, felony convictions, 171

Transportation and Development, Dept. of
Maps, 1951

STATE BOARD OF ELECTION SUPERVISORS, see
ELECTION SUPERVISORS, BOARDS OF, State

STATE CENTRAL COMMITTEES, see POLITICAL
PARTIES

STUDENTS, see COLLEGES AND UNIVERSITIES

TAX ELECTIONS, see BOND, DEBT AND TAX
ELECTIONS

TRANSPORTATION AND DEVELOPMENT, DEPT. OF,
see STATE AGENCIES

TRANSPORTATION OF VOTERS, 1531

UNITED STATES POSTAL SERVICE

Voter registration

Address change, 201

Cancellation, 293

Canvass, 192

Registration by mail, 115

UNITED STATES SERVICE, see MILITARY

VACANCIES

Boards and commissions, 591

Congress, 1278, 1279

Judges, 621

Judgment declaring, 671 et seq.

Law, application, 582

Legislators, 601

Local governmental subdivision,
defined, 581

Marshal

City court, 604

Municipal court, 604

Municipal offices, 602 et seq.

Parish offices, 602

Political parties

Parish executive committees, 444

State central committees, 443

Political subdivision, defined, 581

Presidential electors, 1258, 1264

Procedure, 583 585

Recall elections, 1300.13

Registrars, 51

Special elections, dates, 402

Vacancy, defined, 581

VOTER REGISTRATION AGENCY, defined, 2

VOTER REGISTRATION COMPUTER SYSTEM, STATE, 31

See also REGISTRATION OF VOTERS

VOTING

See also ABSENTEE VOTING and

ASSISTANCE IN VOTING

Challenges, 565
Child accompanying parent or guardian, 563
District, defined 2
Hours, 541
Number to be voted, 522
Offenses, see ELECTION OFFENSES
Places for voting, 531
Poll lists, 561
Presidential candidates, electors, 1260
Procedure, 562, 563
Termination, 542
Time limit, 563

Voters

Application, 562
Identification, 562, 1309
Prerequisites, 562
Qualifications, 521
 Bond, debt and tax elections, 1290
Records, errors and omissions, 562
Signature, 562
Transportation, 1531

VOTING DISTRICT, defined, 2

VOTING MACHINES

Absentee voting
 Counting equipment, 1391 et seq.
 Exception, 1352
Acquisition, 1362
Adjusting, 1372
Allocation, 1363
Approval, certificate, 1361
Ballot, official, 1351
Bond, debt and tax elections, 1291
Child accompanying parent or guardian, 563
Clearing, 1376
Commissioners, see COMMISSIONERS
Consolidation of polling places, 425.1
Construction and equipment,
 requirements, 1355
Contracts
 Delivery, 1371
 Signature digitation/verification
 system, 22
 Storage, 21
Counters, 1351
 Certification, 1354
Custodians, parish
 Defined, 1351
 Deputies, 1354
 Powers and duties, 1354

(VOTING MACHINES, Continued)

Precinct registers, delivery, 157
Custody
 Elections, commissioner of, 1353
 Parish custodians, 1354
Definitions, 1351
Delivery, 1354, 1371
Diagram, 1351
Election, defined, 1351
Election materials, furnishing
 and delivery, 552
Elections, commissioner of, 18
 Powers and duties, 1353
Expenses, apportionment, 1382
Inspection, 553, 1373
 Notice, 1354
Keys
 Delivery and disposition, 553,
 571, 572
 Duplicates, 1375
Location, 1374
Locking, 571, 1373
Machine certificates, 553, 571
Maintenance, 1353
Mechanics, 1353
Model
 Defined, 1351
 Furnishing, 1353
Number, 1363
Opening, 573
Operation, 553
Parts and supplies, 1362
Polling places, equipment, 1374
Precinct registers, 152, 157,
 1280, 1354
Preparation, 553, 1353, 1372
 Notice, 1373
Presidential electors, ballot
 arrangement, 1259
Printer-type, 1298, 1399
Purchase 1353, 1362
Question, defined, 1351
Repairs, 1353
Reserve machines, 1363
Return, 1376
Rules and regulations, 1353
Safeguards, 1354, 1376
Seals, 571, 1353, 1373
 Breaking, notification, 1354
Storage, 1353
Supplies, 1353
Testing, 1372
Title, 1361
Use, 1352

(VOTING MACHINES, Continued)

Vote indicator, 1351
Vote totals, retention, 1376

VOTING RIGHTS ACT, FEDERAL

Absentee ballots, 1306
Reapportionment, submissions, 1922
Secretary of State, copy to, 1941
Voter registration, 104, 106, 152

WARD

Defined, 2

WATCHERS

Generally, 427
Appointment, 435
Number, 427, 435
Votes, counting and tabulating, 571
Voting machines, inspection, 553

WITHDRAWAL

Effect, 502
Objections to candidacy, 494
Presidential electors, 1256
Procedure, 501
Qualifying fees, refund, 501

WORDS AND PHRASES

Canvass, 192
Clerk, 2, 1302
Clerk of court, 2
Courses of instruction, 431
Dual candidacy, 453
Electioneering, 1334, 1462
Imprisonment, under order of, 2
In-kind contributions and
expenditures, 1491.5, 1495.3
Local candidates, 452
Local governmental subdivision, 581
Mobile registration units, 133
Municipal candidates, 452
Parish executive committees, 444
Parish governing authority, 2
Political subdivision, 581, 1282
Poll lists, 561
Precinct, 2
Precinct register, 157
Reporting period, 1483
Resident, 101
Restraining order, temporary, 1471
Sample ballots, 552
State candidates, 452
State central committee, 442

(WORDS AND PHRASES, Continued)

Vacancy, 581
Voting district, 2
Ward 2,
Watchers, 435

