STATE OF LOUISIANA

STATE PLAN

As required by Public Law 107-252
Help America Vote Act 2002

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TABLE OF CONTENTS

Table of Contents 2

Overview of the Louisiana Election System 4

Section 1. Meeting the Requirements of HAVA 5

Section 1.1	Voting System Standards (Section 301(a))	5
Section 1.2.a	Audit capacity	7
Section 1.1.b	Accessibility for individuals with disabilities	8
Section 1.1.c	Alternative language accessibility	8
Section 1.1.d	Error rates	9
Section 1.1.e	Uniform definition of what constitutes a vote	9
Section 1.2	Provisional Voting (Section 302)	13
Section 1.3	Voting Information Requirements (Section 302(b))	17
Section 1.4	Computerized Statewide Voter Registration List	19
Section 1.5	Requirements for Voters Who Register By Mail	21

Section 2. Managing Disbursement of HAVA Funds 23

Section 3. Educational Programs 23

Section 3.1	Election Official Education and Training	23
Section 3.2	Poll Worker Training	24
Section 3.3	Voter Education	25

Section 4. Voting System Standards 26

Section 5. HAVA Fund 26

Section 6. State Budget 27

Section 7. Louisiana's Maintenance of Effort 29

Section 8. Performance Goals and Measures 30

Section 8.1	Replacement of lever voting systems	30
Section 8.2	Voting accessibility for individuals with disabilities	30
Section 8.3	Statewide voter registration system	31
Section 8.4	Provisional voting	31
Section 8.5	Posting of voting information	31
Section 8.6	Voter education on how to correctly cast a ballot for paper ballot voting system	32

Section 9.	**Administrative Complaint Procedure**	32
Section 10.	**Use of Title I Payment**	33
Section 11.	**State Plan Management**	34
Section 12.	**Help America Vote Advisory Committee**	35
Appendix 1	**Absentee Ballot Instruction**	39
Appendix 2	**Voting System Standards**	41
Appendix 3	**Act 1220 of the 2003 Regular Legislative Session**	51
Appendix 4	**Act 423 of the 2003 Regular Legislative Session**	76
Appendix 5	**Louisiana's Mail-In Registration Form**	97
Appendix 6	**Act. 286 of the 2003 Regular Legislative Session**	101
Appendix 7	**Act 142 of the 2003 Regular Legislative Session**	105
Appendix 8	**Agenda's for Louisiana Help America Vote Advisory Committee Meetings**	110
Appendix 9	**Public Meetings**	116

Overview of the Louisiana Election System

Since 1962 the State of Louisiana has administered all elections in its state and local jurisdictions through a bifurcated system of elections management. The Secretary of State serves as the Chief Election Officer for the State of Louisiana and oversees the preparation and certification of ballots for all elections, the promulgation of all election returns, and the administration of the elections laws, except those relating to voter registration and the custody of voting machines. The Louisiana Department of Elections and Registration (Department of Elections and Registration) and the Commissioner of Elections are constitutionally and statutorily charged with administering laws with regard to registration of voters and voting machines. With regard to the registration of voters, the Commissioner of Elections is instructed to direct and assist the Registrars of Voters on the issue of registration, promulgate rules and regulations relative to registration, maintain a statewide database of voter registration data and to coordinate the state's compliance with the National Voters Registration Act of 1992 (NVRA). These two statewide officials are assisted by the local election officials, Clerks of Court and Registrars of Voters, in the conduct of all elections occurring in the State of Louisiana.

Louisiana has a commitment to providing accurate, efficient and technologically advanced elections systems to its constituents. Since the mid-1950s, Louisiana has conducted all of its elections on voting machines. The first voting machines to be introduced were the Shoup 2.5 lever voting machines. Since that time, Louisiana has upgraded its voting equipment to include lever and electronic systems each of which provides a printed copy of the election results. In 2001-2002, the State of Louisiana became one of the first states in the country to install touch screen electronic voting machines in its statewide absentee voting process and in election day voting in two of its parishes. These machines are equipped to accommodate disabled voters including those with visual impairments or disabilities.

The extent of Louisiana's cutting-edge election system is not limited to its voting machinery. Nearly eighteen years ago, the Department of Elections and Registration developed its elections and registration information network (ERIN), a statewide, centralized election management system. ERIN was designed to maintain voter registration records for every voter in the State of Louisiana in a central location, provide access to those voter records to authorized users in the Department of Elections and Registration and local Registrars of Voters offices, generate forms and reports required by the Registrars of Voters including printing precinct registers, and coordinate with computerized accounting programs and procedures to generate invoices for responsible parties and checks for personnel working in an election.

By the time that the Help America Vote Act of 2002 (HAVA) became law, Louisiana had implemented a significant number of the reforms and efficiencies that are required by HAVA. Louisiana had begun the move to more technologically advanced and accessible voting apparatus and had developed and refined its centralized election registration information system.

In January of 2004, Louisiana will end its bifurcation of elections management at the state level by merging the Department of Elections and Registration with the Louisiana Department of State (Department of State). All elections will be administered by the Secretary of State as the Chief Election Officer for the state and as the repository for all voter registration records.[1]

The following plan has been developed jointly by the Commissioner of Elections and Secretary of State in conjunction with the Louisiana Help America Vote Advisory Committee and the Governor. It details the plans, budget and ideals that Louisiana seeks to attain in its election process using funds authorized by HAVA.

Meeting the Requirements of HAVA

SECTION 1: How the State will use the requirements payment to meet the requirements of Title III, and, if applicable under Section 251(a)(2), to carry out other activities to improve the administration of elections. (Section 254(a)(1))

Section 1.1 Voting Systems Standards (Section 301(a))

HAVA requires that each voting system used in an election for Federal office on and after January 1, 2006 shall meet the following requirements:

- Permit the voter to verify the votes selected by the voter on the ballot before the ballot is cast and counted.
- Provide the voter with the opportunity to change the ballot or correct any error before the ballot is cast and counted.

[1] References in this plan may be made to the Secretary of State and/or Commissioner of Elections. After January 12, 2004, the responsibility for all functions of both constitutional officers will lie with the Secretary of State.

- If the voter selects votes for more than one candidate for single office, notify the voter that the voter has selected more than one candidate for a single office on the ballot; notify the voter before the ballot is cast and counted of the effect of casting multiple votes for the office; and provide the voter with the opportunity to correct the ballot before the ballot is cast and counted.

HAVA further requires that all paper ballot systems meet the following requirements:

- Establish a voter education program specific to that voting system that notifies each voter of the effect of casting multiple votes for an office and provide the voter with instructions on how to correct the ballot before it is cast and counted including instructions on how to correct the error through the issuance of a replacement ballot if the voter was otherwise unable to change the ballot or correct any error.

- Voting system shall ensure that any notification required under Section 301 preserves the privacy of the voter and the confidentiality of the ballot.

Louisiana's HAVA Compliance

Louisiana currently has four types of voting systems in place for casting election day and absentee ballots. For election day voting, Louisiana conducts elections only on lever and electronic voting machines. Fifty of Louisiana's sixty-four parishes are equipped with the AVM-POM, lever-type voting machines. Fourteen parishes are outfitted with electronic voting machines. Those machines are provided by two different vendors: AVC Advantage, manufactured by Sequoia Voting Systems, and iVotronic, manufactured by Election Systems & Software (ES&S). As for absentee voting, in-person ballots are cast on electronic, touch screen voting machines (iVotronic). All mail-in absentee ballots are cast on mark-sense paper and read by NCS Optiscan 5 scanners.

The voting system standards and voting apparatus currently in place in Louisiana allow the voter to review his selections and alter any selection prior to activating the cast vote mechanism. All three machines prevent an overvote by refusing to allow the voter to make more selections than are permitted in a particular candidate or proposition election. The iVotronic gives the user a message stating that he has attempted to select more selections than are allowed in that election and to change one of his previous selections. However, the AVM-POM and AVC Advantage simply will not allow the voter to depress an additional lever or electronic selection key. In order to alter one of these selections, the voter must de-select one of his/her previous choices.

Paper ballots are accompanied by instructions that tell the voter how to cast a vote on the paper ballot, including the proper technique in marking the selection and correcting a selection. These instructions have been attached as Appendix "1". Legislation was adopted by the Louisiana Legislature, which requires the Secretary of State to amend

those instructions to include information relative to using pencil to mark the paper ballot, allowing for corrections, and instructions on what effect selecting more than the allowed number of selections in a single election will have on the counting of the voter's ballot. See Act No. 1220 of the 2003 Regular Legislative Session.

The Louisiana voting system standards further require that each election device be contained within a booth that provides privacy to the voter. A copy of the voting system standards has been attached as Appendix "2". All voting apparatus used in Louisiana are shielded either by a curtain or booth such that the selections of the voter cannot be seen.

In addition, the voting system standards require that the system "provide secrecy in the act of voting such that the selection of a voter cannot be determined after that vote has been cast." See Appendix "2". Lever machines tally votes using mechanical counters. The appropriate counter advances each time that position is voted. The counters are locked inside the machine such that persons cannot ascertain the number of votes on the counters during voting on election day. A final result is printed upon the close of polls, when all counters have been locked against further voting. As for the electronic systems in use in Louisiana, each computer assigns the votes cast to random positions within the computer's memory so as to avoid the ability to determine an individual's vote.

Section 1.1.a. Audit capacity

- Voting system shall produce a record with an audit capacity for such system.
- Manual audit capacity: Voting system shall produce a permanent paper record with a manual audit capacity for such system; shall provide the voter with an opportunity to change the ballot or correct any error before the permanent paper record is produced; and the paper record produced shall be available as an official record for any recount conducted with respect to any election in which the system is used.

Louisiana's HAVA Compliance

Each voting system currently in place in the State of Louisiana produces a permanent paper record of the results tallied by that apparatus. All lever machines produce a paper record by sliding a platen over the raised numbers on the counters, similar to an old-style credit card imprinting device. All electronic voting machines produce a printed result generated by the computer. Last, all scanners used to calculate results of paper mail-in absentee ballots are attached to a computer that provides a printed result of the tally.

Upon the replacement of lever voting machines with a direct record electronic voting system, all machines used in Louisiana will be capable of printing not only a paper record of the final results but also a paper record of each vote cast in the election.

Section 1.1.b. Accessibility for individuals with disabilities

- Voting system shall be accessible for individuals with disabilities, including nonvisual accessibility for the blind and visually impaired, in a manner that provides the same opportunity for access and participation as for other voters; use at least one direct recording electronic voting system or other voting system equipped for individuals with disabilities at each polling place; and if used Title II money to purchase machines, meet the voting system standards for disability access by January 1, 2007.

Louisiana's HAVA Compliance

Two parishes for election day voting and all sixty-four parishes for absentee in-person voting are equipped with voting machines that meet the disability requirements of HAVA. Those parishes and the Registrars of Voters Offices are equipped with iVotronics manufactured by ES&S. These laptop-style, touch screen voting machines accommodate individuals restricted to wheelchairs, by allowing the individual to hold the machine in his lap and vote the ballot. In addition, at least one unit in each precinct and each Registrar of Voter's office is equipped with an audio ballot to accommodate blind and visually impaired voters by reading the ballot to the voter.

In addition, the AVC Advantage voting machines will accommodate physically disabled persons, by lowering the ballot screen to a level that an individual confined to a wheelchair would be able to reach. Those machines are not currently equipped with audio ballots. However, a retrofit is available to provide an audio ballot on those machines. At least one voting machine in each precinct in the twelve parishes using AVC Advantage voting machines will be retrofitted to provide an audio ballot for visually impaired and blind voters.

The AVM-POM lever voting machines can be lowered to a level accessible for a handicapped individual, but cannot be upgraded to permit an audio ballot. The state will have to acquire alternative voting systems in order to comply with HAVA in the precincts in the fifty parishes currently using AVM-POM lever voting machines.

Section 1.1.c. Alternative language accessibility

- System shall provide alternative language accessibility pursuant to Section 203 of the Voting Rights Act of 1965.

Louisiana's HAVA Compliance

Two voting systems currently comply or would allow accommodation for a foreign language ballot. Louisiana does not currently have a mandate to provide a foreign language ballot. However, should that need arise in the future, both the iVotronic and

AVC Advantage ballots can be developed to accommodate multiple languages. The ballot layout for the AVM-POM machines does not allow room to print more than one language on the same ballot. As such, some other voting system would have to be available for those fifty parishes using AVM-POM voting machines in order to accommodate foreign language ballots.

Section 1.1.d. Error rates

- Error rate of the voting system in counting ballots shall comply with the error rate standards established under Section 3.2.1 of the voting systems standards issued by the Federal Election Commission (FEC) in effect on October 29, 2002.

Louisiana's HAVA Compliance

Assuming that the error rate adopted by the FEC in its 2002 voting system standards is made applicable to all voting systems as required by Section 301(a)(5), then every system currently in use in Louisiana that was previously certified under the 1990 standards would have to be resubmitted by its vendor to the National Association of State Election Directors (NASED) for testing under the 2002 FEC standards. At this time, it is uncertain whether any of the independent testing authorities approved by NASED are testing voting systems according to the 2002 FEC voting system standards.

It is believed that the iVotronic and AVC Advantage will meet the error rate provided in Section 3.2.1 of the 2002 FEC voting system standards. However, that remains to be seen, as those machines will both have to be resubmitted for testing in the near future. As for the AVM-POM, it is highly uncertain as to whether this system will meet the error rate requirement as this system was implemented for use in elections long before the FEC had developed any type of standards for voting.

Assuming that one or more of these systems do not meet the error rate set forth in Section 3.2.1 of the 2002 FEC voting system standards, the system(s) will have to be replaced with a voting apparatus that meets the FEC standards for errors.

Section 1.1.e. Uniform definition of what constitutes a vote

- State shall adopt uniform and nondiscriminatory standards that define what constitutes a vote and what will be counted as a vote for each category of voting system used in the State.

Louisiana's HAVA Compliance

Act 1220 of the 2003 Regular Session of the Louisiana Legislature complies with the HAVA requirement for a uniform definition of what constitutes a vote and what will be counted as a vote:

a) Provides that in order to cast a vote on a voting machine, a voter shall make at least one selection in a candidate or proposition election and that voting is completed by activating the cast vote mechanism.

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

See Act 1220 attached as Appendix "3".

SECTION 1.1 VOTING SYSTEM STANDARDS

VOTING SYSTEM STANDARDS	VOTING MACHINE COMPLIANCE IN LOUISIANA		
	AVM-PO M	AVC	iVotronic
Pemit the voter to verify the votes selected by the voter on the ballot before the ballot is cast and counted.	Yes	Yes	Yes
Provide the voter with the opportunity to change the ballot or correct any error before the ballot is cast and counted.	Yes	Yes	Yes
If the voter selects for more than one candidate for a single office, notify the voter that the voter has selected more than one candidate for a single office on the ballot; notify the voter before the ballot is cast and counted of the effect of casting multiple votes for the office; and provide the voter with the opportunity to correct the ballot before the ballot is cast and counted.	The AVM -POMdoes not allow the voter to cast more than the maximum number of votes in a particular race. It will not allow the voter to depress another lever to cast an overvote. It thereby meets this requirement and the notification part of this requirement is self-evident.	The AVC does not allow the voter to cast more than the maximum number of votes in a particular race. It will not allow the voter to illuminate another button to cast an overvote. It thereby meets this requirement and the notification part of this requirement is self-evident.	The iVotronic will not allow more than the appropriate number of votes in a single race and provides an error message to the user. The voter is instructed to change his selection by deselecting his previous choice and then selecting the candidate or position that he chooses.
Voting system shall produce a record with audit capacity for such system, including manual audit capacity.	AVM – POM will provide a printed version of final result, but does not provide a printed log of each vote cast on the machine.	AVC will provide a printed version of final result and a printed log of each vote cast on the machine.	iVotronic will provide a printed version of final result and a printed log of each vote cast on the machine.
Voting system shall be accessible for individuals with disabilities, including nonvisual accessibility for the blind and visually impaired.	AVM –POM can provide access to physically handicapped indivduals but not to visually impaired voters.	AVC can provide access to physically handicapped indivduals and to visually impaired voters via retrofit.	iVotronic can provide access to physically handicapped indivduals and visually impaired voters.

SECTION 1.1 VOTING SYSTEM STANDARDS (CONTINUED)			
VOTING SYSTEM STANDARDS	VOTING MACHINE COMPLIANCE IN LOUISIANA		
	AVM-POM	AVC	iVotronic
System shall provide alternative language accessibility pursuant to Section 203 of the Voting Rights Act.	Due to the limited space and ballot layout, AVM cannot provide alternate languages.	AVC ballot style will allow alternate languages to be printed beside English text.	iVotronic's electronic ballot will allow for alternate languages.
Error rate of system shall comply with the error rate standard established under Section 3.2.1 of the voting system standard issued by the FEC in effect on October 29, 2002.	It is uncertain as to whether the AVM-POM will meet the error rate standard. AVM-POM's were introduced prior to the FEC's error rate standard.	AVC is believed to meet the error rate standard of the FEC; machine will have to undergo recertification under that standard.	iVotronic is believed to meet the error rate standard of the FEC; machine will have to undergo recertification under that standard.
State shall adopt uniform and non-discriminatory standards that define what constitutes a vote and what will be counted as a vote for each category of voting system used in the state.	Act 1220 defines what constitutes a vote and what shall be counted as a vote on a lever voting machine.	Act 1220 defines what constitutes a vote and what shall be counted as a vote on an electronic voting machine.	Act 1220 defines what constitutes a vote and what shall be counted as a vote on an electronic voting machine.

SECTION 1.1 VOTING SYSTEM STANDARDS (CONTINUED)	
VOTING SYSTEM STANDARDS	PAPER BALLOT COMPLIANCE IN LOUISIANA
	Mark Sensor Paper Ballots used in Absentee by Mail and Provisional Voting
Establish education program that notifies each voter of the effect of casting multiple votes for an office and provide instuctions on how to correct the ballot before it is cast and counted.	Louisiana already has in place an instruction sheet that is distributed with absentee mail-in ballots. That pamphlet must be revised pursuant toAct 1220 to include instructions on filling out the ballot in pencil to allow for corrections and specific information about how to properly alter a selection.
Uniform and non-discriminatory standard that defines what constitutes a vote and what will be counted as a vote.	Act 1220 defines what constitutes a vote and what shall be counted as a vote on a paper ballot distributed during absentee by mail or provisional voting.

Section 1.2 Provisional Voting (Section 302)

HAVA requires that provisional voting be permitted in federal elections on and after January 1, 2004 as follows:

- If an individual declares that he is a registered voter in the jurisdiction in which he desires to vote and that he is eligible to vote in an election for Federal office, but his name is not on the official list of eligible voters at a polling place or an election official asserts that the individual is not eligible to vote, the individual may cast a provisional ballot.

- The election official must notify the voter that he is eligible to cast a provisional ballot.

- The voter may cast a provisional ballot or absentee provisional ballot at the polling place or Registrar of Voter's office after signing an affirmation that states that he

is a registered voter in the jurisdiction and that he is eligible to vote in the federal election.

- The election official shall transmit the provisional ballot or the voter information contained in the written affirmation to the appropriate state or local election official to verify if the individual is eligible to vote.
- If the appropriate state or local election official determines that the individual is eligible to vote under state law, the individual's provisional ballot shall be counted as a vote in the federal election in accordance with state law.
- At the time the individual casts a provisional ballot, the appropriate state or local election official shall give the voter written information that explains how to ascertain whether his vote was counted, and, if his vote was not counted, the reason that his vote was not counted.
- The appropriate state or local election official shall establish a free access system for an individual who casts a provisional ballot to determine whether his vote was counted, and if his vote was not counted, the reason that his vote was not counted.
- The state or local official must maintain reasonable procedures to protect the security, confidentiality, and integrity of personal information used for the free access system. Access to the information concerning the provisional ballot will be restricted to the individual voter who cast the provisional ballot.
- A provisional ballot shall also be cast by any individual who votes for a federal office after the polls close pursuant to a court order or any other order extending the poll hours. Those provisional ballots cast shall be held separate from other provisional ballots cast by voters who cast provisional ballots during regular poll hours.

Louisiana's HAVA Compliance

Louisiana will comply with the provisional voting requirements of HAVA and legislation was passed in the 2003 Regular Session of the Louisiana Legislature to provide for provisional voting. Act 423 of 2003 Regular Legislative Session implements provisional voting in Louisiana only in elections for federal office as follows:

1) Authorizes an individual to cast a provisional paper ballot for candidates for federal office if his name does not appear on the precinct register and he has not been authorized by the Registrar of Voters to vote by affidavit or his eligibility to vote has been challenged by the commissioners or registrar/deputy registrar.

2) Procedure for provisional voting for federal office at a polling place or the Registrar of Voter's office:

- Applicant fills in the provisional ballot envelope flap and signs the certificate on the flap attesting that he is a registered voter in the parish and is eligible to vote in the election for federal office.
- Applicant marks the provisional ballot, places the provisional ballot in the provisional ballot envelope, seals the envelope, and returns the provisional ballot envelope to the commissioner or registrar/deputy registrar.
- Applicant who casts a provisional ballot shall be provided written instructions by the commissioner or registrar/deputy registrar that explains how the applicant may determine whether his provisional vote was counted, and, if his provisional vote was not counted, the reason his vote was not counted.

3) Counting of provisional ballots:

- The parish Registrar of Voters compiles a list of the names of individuals who voted a provisional ballot.
- The Registrar of Voters, Secretary of State, and other state and local agencies shall compile and provide available registration documentation for the Parish Board of Election Supervisors (Parish Board) to determine if an individual casting a provisional ballot is a registered voter and eligible to vote in the federal election.
- The Parish Board shall be responsible for counting and tabulation of provisional ballots for federal office.
- Provisional ballots shall be counted by the Parish Board on the third day following the election.
- Candidates, their representatives, and qualified electors may be present during the counting and tabulation of provisional ballots.
- The Parish Board shall determine if a provisional ballot shall be counted.
- All provisional ballots that are rejected by the Parish Board shall be sealed in the special provisional ballot envelope. No rejected provisional ballot shall be counted.
- A member of the Parish Board shall remove the flaps from the valid provisional ballots. The valid provisional ballot flaps and supporting registration documentation shall then be placed in the designated envelope and transmitted to the Registrar of Voters.
- The members of the Parish Board shall count the valid provisional ballots by hand and the total number of provisional votes cast for a candidate shall be entered on the final provisional ballot vote report and the results shall be certified.
- A copy of the signed list of provisional voters indicating which ballots were counted and which ballots were rejected shall be transmitted to the Secretary of State.

4) Provisional voting for federal office during extension of poll hours:

- An applicant who votes during the extension of poll hours pursuant to a court order or any other order extending the poll hours shall vote by provisional ballot for federal offices.
- The provisional ballots cast during the extension of poll hours shall be kept separate and placed in a separate envelope.
- The provisional ballots cast during the extension of poll hours shall be counted according to the same procedure set forth for provisional ballots cast during absentee voting in person or during regular poll hours.
- An emergency as defined by Louisiana law, La. R.S. 18:401.1, does not constitute a circumstance in which polling hours are delayed necessitating the use of provisional ballots.

5) Results of federal election:

- The results of the federal election prepared by the Parish Board shall also include the total provisional votes for each candidate for federal office.

See Act 423 attached as Appendix "4".

The Secretary of State in conjunction with the Clerks of Court and Registrars of Voters will ensure that the State complies fully with the requirements of HAVA for provisional voting as follows:

1) The Secretary of State will be responsible for preparing the forms that are required for implementing provisional voting in Louisiana.

2) The Secretary of State will be responsible for establishing a free access system that allows an individual who casts a provisional ballot to determine whether his vote was counted, and, if his vote was not counted, the reason that his vote was not counted. The system will include a toll-free telephone number where access to the information about an individual's provisional ballot will be restricted to the individual who casts the ballot.

3) The Secretary of State will provide an updated informational pamphlet that will provide instructions for provisional voting, counting and tabulation of provisional ballots, and posting of additional information for provisional voting required by HAVA.

4) The Clerks of Court and Registrars of Voters will be responsible for implementing provisional voting for federal offices at the polling places on election day and during absentee voting in person, respectively.

Section 1.3 Voting Information Requirements (Section 302(b))

Section 302(b) of HAVA requires, with respect to federal elections held on and after January 1, 2004, the following voting information to be publicly posted at each polling place on the day of each election for federal office:

- A sample version of the ballot that will be used for that election;
- Information regarding the date of the election and the hours during which polling places will be open;
- Instructions on how to vote, including how to cast a vote and how to cast a provisional ballot;
- Instructions for mail-in registrants and first-time voters under Section 303(b);
- General information on voting rights under applicable federal and state laws, including information on the right of an individual to cast a provisional ballot and instructions on how to contact the appropriate officials if these rights are alleged to have been violated; and
- General information on federal and state laws regarding prohibitions on acts of fraud and misrepresentation.

Louisiana's HAVA Compliance

Louisiana law requires the following election day and absentee voting information:

1) La. R.S. 18:421B. requires the Secretary of State to 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.

2) La. R.S. 18:552A.(2) requires the Secretary of State to furnish the parish custodian of voting machines for each parish two sample ballots for each voting precinct at which voting shall be conducted in an election.

3) La. R.S. 18:562 provides the requirements for the identification of voters. The Secretary of State prepares an informational poster that sets forth the requirements of R.S. 18:562, and informs the voter that he may sign an affidavit and vote if he does not have a Louisiana driver's license, a Louisiana special identification card, or other generally recognized picture identification.

4) La. R.S. 18:1306B.(2) requires the Secretary of State to prepare 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 or voting machines used to cast absentee ballots. The pamphlet shall also include instructions that inform the voter how to cast his vote, which shall include instructions for marking the absentee ballot and examples of the correct and incorrect methods of marking the ballot, if applicable.

Legislation was passed during the 2003 Regular Session of the Louisiana Legislature to comply with the HAVA voting information requirements.

Act 1220:

a) Requires the Secretary of State, in the case of a federal election, to supply informational posters as required by the Help America Vote Act of 2002.

b) Requires the commissioners to post informational posters, if required, in addition to instructions, the statement of proposed constitutional amendments on the ballot, and a sample ballot in a conspicuous place at the principal entrance to the polling place.

See Appendix "3".

Act 423:

a) Requires the commissioner or registrar/deputy registrar to provide an applicant who casts a provisional ballot with written instructions for how the applicant may ascertain whether the provisional vote was counted, and if the provisional vote was not counted the reason the vote was not counted.

See Appendix "4".

The Secretary of State will update the following publications to meet the requirements of HAVA: 1) the card of instructions on how to vote, including how to cast a vote and how to cast a provisional ballot, and 2) the informational pamphlet required by R.S. 18:1306 for absentee voting to provide the voter who votes on a paper ballot with instructions on how to correct the ballot before it is cast and counted.

The Secretary of State will also prepare new informational posters to provide the following: information regarding the date of the election and the hours during which polling places will be open; instructions for mail-in registrants and first time voters under Section 303(b); general information on voting rights under applicable federal and state laws, including information on the right of an individual to cast a provisional ballot and instructions on how to contact the appropriate officials if these rights are alleged to have been violated; and general information on federal and state laws regarding prohibitions on acts of fraud and misrepresentation.

Section 1.4 Computerized Statewide Voter Registration List

Title III, Section 303(a) sets forth the computerized statewide voter registration list requirements:

- Requires a single, uniform, official, centralized, interactive computerized list of all legally registered voters in the state and each voter assigned a unique identifier.
- Any election official may obtain immediate access to the list or database.
- Requires computerized list maintenance.
- Requires removal of individuals in accordance with the NVRA.
- Requires coordination of felony status and death records with state agencies.
- Requires security preventing unauthorized access.
- Requires verification of certain voter registration information provided by applicants. (Should individual provide last four digits of his social security number, verification must be obtained from the Social Security Administration via link through the Office of Motor Vehicles (OMV) that the number provided is an accurate and valid number. State Elections Official and Motor Vehicle Authority shall enter into an agreement to match information in the statewide registration database and the OMV database to verify accuracy of information provided on voter registration application.)
- Requires applicant to provide driver's license number, if issued, or last four digits of social security number, if issued. If applicant has neither, a unique number will be generated to identify the individual.
- Requires sharing of information in databases.

Compliance with Section 303(a) of HAVA must be completed on or before January 1, 2004.

Louisiana's HAVA Compliance

Louisiana already has in place a single, centralized computerized list of voters registered to vote in the State of Louisiana. ERIN has been in place for nearly eighteen years. By and large, ERIN already accomplishes exactly what HAVA envisions. The system maintains all records of registered voters throughout the state and assigns each voter a unique identification number. However, there are a few, minor alterations that must be made to conform to the HAVA requirements.

Modifications that will be required to ERIN, include allowing Clerks of Court access. ERIN already provides access to the Registrar of Voters in each jurisdiction. However, HAVA requires access to all local election officials. Thus, the Clerks of Court, chief local election officials, will be given inquiry access to ERIN. In order to accomplish this

link, Clerks of Court in all parishes must be linked to the system via a series of routers, switches and lines. This project was already underway in light of the upcoming merger between the Department of State and Department of Elections and Registration. This project is expected to be completed on or before December 31, 2003.

ERIN meets the requirements of removal of individuals in accordance with the NVRA. Duplicate names are eliminated from the list. In addition, regular list maintenance is performed, placing individuals who do not respond to mailings on the inactive list and purging them from the list of voters if they are inactive for the course of two federal general elections. ERIN data is also compared to felony lists provided by the Louisiana Department of Public Safety and Corrections (DPS) and federal and state clerks or court and death notices from the Louisiana Department of Health and Hospitals. Persons who have been convicted of a felony and are serving a sentence of imprisonment, as defined by Louisiana law, are suspended during the period of incarceration and probation. Similarly, death notices are matched against ERIN data to allow for the removal of deceased voters. No modifications are necessary to meet HAVA's removal of voters requirement in keeping with the provisions of the NVRA.

ERIN provides customized software security disallowing unauthorized access. No modifications are necessary to meet the security requirements of HAVA.

In order to meet the registration information verification requirements of HAVA, certain modifications will be required. ERIN will be modified as follows:

- Add field for driver's license number on application entry screen and forms.
- Add driver's license number and OMV data to add/update screen.
- Develop applications to process verification and exchange information with OMV.
- Develop programs to update/add/load information provided by OMV.
- Develop reports for Registrars of Voters.
- Update ERIN manual.

In addition to the in-house changes that must be made to ERIN, certain changes must be made by the OMV to both their software and procedures to ensure compliance with the HAVA information verification requirements:

- The voter's driver's license number will be preprinted on in-person and mail-in voter registration applications.
- Develop exchange information processes with the Department of Elections and Registration.
- Create an interface with the Social Security Administration on social security number verification method.

The Department of Elections and Registration and DPS will exchange information electronically via a secure encrypted protocol (VPN). An exchange data format has been developed between the agencies. In order to accomplish this information sharing, the following alterations must be made to ERIN.

- Develop encription software scripts.
- Develop program to capture data.

No changes are anticipated to be necessary to the DPS system to accommodate an encrypted data transfer.

Section 1.5 Requirements For Voters Who Register By Mail

Section 303(b) of HAVA sets forth the requirements for persons who register to vote by mail. The changes affect the information that is contained on the mail-in registration form and the information or proof of identity provided by the mail-in registrant.

Any mail-in registration form must contain the following information:

- Whether the registrant is a citizen of the United States.
- Whether the registrant will be 18 years of age or older by the next election date.
- Instructions on discontinuing the application process if the answer to one of these two questions is “no”.
- Instructions that certain verification information must be provided with the mail-in registration form in order to avoid the necessity for the provision of additional verification information upon voting for the first time.

If the registrant has a driver’s license number, that number must appear on the voter registration form. If the registrant does not have a driver’s license number but has a social security number, at least the last four digits of the registrant’s social security number must be provided on the voter registration form. If these numbers are issued and are not provided, the registration application cannot be processed. Certain alternative information may be provided by a mail-in registrant in order to avoid additional identification requirements upon voting for the first time. This information includes:

- A copy of a current and valid photo identification; or
- A copy of a current utility bill, bank statement, government check, paycheck, or government document that shows the name and address of the voter.

Persons who fall into one of the following categories are exempted from the additional identification requirements:

- A registrant authorized to receive an absentee ballot under the Uniform and Overseas Citizens Absentee Voting Act (UOCAVA); or
- A registrant authorized to vote otherwise than in person by Section 3(b)(2)(B)(ii) of the Voting Accessibility for the Elderly and Handicapped Act (VAEHA); or
- A registrant entitled to vote other than in-person under any other Federal law.

If this identifying information is not provided or the registrant does not fall into one of the categories of authorized persons under UOCAVA, VAEHA, or any other Federal law, the new registrant must provide the following information upon voting for the first time in-person or by mail:

- Current and valid photo identification; or
- A copy of a current utility bill, bank statement, government check, paycheck, or other government document that shows the name and address of the voter.

If this information is not provided, the voter will be allowed to cast a provisional ballot.

Louisiana's HAVA Compliance

The Louisiana Legislature in Act 1220 made changes that require all registrants to provide either a valid and current photo identification, driver's license number, social security number, or copy of a current utility bill, bank statement, government check, paycheck, or other government document that shows the name and address of the registrant as a part of the registration process. This seeks to assure that Louisiana will have the information necessary to apply Section 303(b)(3) and be exempted from Sections 303(b)(1) and 303(b)(2). See Appendix "3".

Louisiana has revised its mail-in registration form to comply with HAVA. It has obtained initial preclearance from the U. S. Department of Justice, Voting Rights Division. A copy of that form has been attached as Appendix "5". However, additional changes are required and the changed form will be resubmitted to the Department of Justice for further review.

Managing Disbursement of HAVA funds

SECTION 2. How the State will distribute and monitor the distribution of the requirements payment to units of local government or other entities in the State for carrying out the activities described in paragraph (1), including a description of – (A) the criteria to be used to determine the eligibility of such units or entities for receiving the payment; and (B) the methods to be used by the State to monitor the performance of the units or entities to whom the payment is distributed, consistent with the performance goals and measures adopted under paragraph (8). (Section 254(a)(2))

The State of Louisiana funds the conduct of federal elections, including the costs of ballot preparation, election packets, election materials for use at the polls and for absentee voting, personnel charges for time spent on election functions outside the regular office hours of the Clerks of Court, conducting schools for commissioners, per diems for the members of the Parish Board of Election Supervisors, pay for the commissioners and commissioners-in-charge, and fees for drayage contractors to haul voting machines. As a result, there will be no distribution of requirements payments to units of local government or other entities.

Educational Programs

Section 3. How the State will provide for programs for voter education, election official education and training, and poll worker training which will assist the State in meeting the requirements of Title III. (Section 254(a)(3))

Section 3.1 Election Official Education and Training

The Clerk of Court for each parish is the Chief Election Officer of the parish and is responsible for qualifying local and municipal candidates, conducting general courses of instruction for commissioners, serving as a member of the Parish Board of Election Supervisors, and choosing deputy custodians, key custodians and janitors.

The Registrar of Voters for each parish is responsible for conducting voter registration, maintaining accurate voter registration records, conducting the annual canvas of registered voters, making changes to voter registration rolls relative to reapportionment and changes in district lines, conducting absentee voting, and serving as a member of the Parish Board of Election Supervisors.

The Parish Board of Election Supervisors consists of the Clerk of Court, Registrar of Voters, one representative of each of the two recognized political parties and a representative appointed by the Governor. This body is responsible for certifying the official results of any election in their jurisdiction.

The Secretary of State will keep the Clerks of Court and Registrars of Voters updated on changes in the law, including changes required by HAVA. In addition, the informational pamphlet required by La. R.S. 18:421 will be amended to provide instructions for provisional voting, counting and tabulation of provisional ballots, and posting of additional information required by HAVA.

Section 3.2 Poll Worker Training

The Clerk of Court for each parish is required to conduct courses of instruction for the commissioners. La. R.S. 18:431A requires each Clerk of Court to semiannually conduct a general course of instruction for the commissioners and provide the following: a copy of the informational pamphlet provided by the Secretary of State, instructions in the use of the voting machines, instructions in conducting a primary and general election, and instructions on the commissioner's duty to offer a voter the opportunity to sign an affidavit and vote if the voter does not have a picture identification.

La. R.S. 18:431B authorizes the Clerk of Court to conduct a course of instruction for commissioners-in-charge, commissioners, and alternate commissioners who are selected to serve in each election. The course primarily covers the procedures to be used in the election for which the officials were selected. Poll worker training will include information about persons with disabilities and the best way to assist them with participating in the voting process.

The Secretary of State, in addition to amending the informational pamphlet to address the requirements of HAVA, will prepare and supply the following new informational posters for use at the courses of instruction: information regarding the date of the election and the hours during which polling places will be open; instructions for mail-in registrants and first time voters under Section 303(b) of HAVA; general information on voting rights under applicable federal and state law, including information on the right of an individual to cast a provisional ballot and instructions on how to contact the appropriate officials if these rights are alleged to have been violated; and general information on federal and

state laws regarding prohibitions on acts of fraud and misrepresentation. The Secretary of State will make the information described in these publications accessible to individuals with disabilities and will work with the disability community on how to more efficiently and effectively provide this information.

Section 3.3 Voter Education

Voter education is of vital importance to the election process. Voter education includes educating voters as to what is contained on the ballot, use of the voting systems, polling place locations, election dates, dates of absentee voting, casting an absentee ballot, and registering to vote. The goal of voter education is to provide educational programs and information to all voters to facilitate a firm understanding of the election process and applicable laws that govern the conduct of elections in Louisiana. To that end, the Secretary of State will make it a priority to coordinate with governmental agencies and non-governmental organizations to ensure that all strata of the Louisiana population are reached through voter education programs.

Act 286 of the 2003 Regular Session of the Louisiana Legislature requires the Secretary of State, as of January 12, 2004, in administering the laws relating to the custody of voting machines and voter registration to do the following:

- Prescribe uniform rules, regulations, forms, and instructions as to standards for effective nonpartisan voter education. Standards shall address but shall not be limited to voter education concerning voter registration, balloting procedures, distribution of sample ballots, and effective voter education methods.
- Review current voter education programs within Louisiana.
- Prepare an annual report on the effectiveness of voter education programs.
- Develop activities, events, informational posters and pamphlets, and public service announcements for the implementation of an annual voter registration week, and generally be responsible for implementation of such voter registration week.

The Secretary of State will implement a more comprehensive voter education program that meets the requirements of Act 286, and the following additional activities may be included in the program:

- Expansion of website information and toll-free telephone access to provide additional information to citizens on how to participate fully in the election process.
- Coordination with parish election officials to establish community-based programs for voter outreach and education programs.
- Continuation of student mock elections.
- Continuation of school-aged and college voter outreach and registration programs.

- Preparation of public service announcements for voter education and registration information.
- Conduct of seminars throughout Louisiana for voter education and registration.
- Coordinate with NVRA officials and other civic groups to assist with voter registration drives.
- Coordinate with other state officials to provide voter education on the use and operation of new voting equipment.

See Act 286 attached as Appendix "6".

Voting System Standards

SECTION 4. How the State will adopt voting system guidelines and processes which are consistent with the requirements of Section 301. (Section 254(a)(4))

The State of Louisiana has both statutory provisions and administrative rules relative to the types and forms of voting systems that can be certified for use in the state. Currently, the Commissioner of Elections is required by statute to adopt voting system standards that meet with her requirements for durability, accuracy, efficiency and capacity. All voting systems must be certified by the Commissioner or a committee of experts appointed by her prior to use in state elections. La. R.S. 18:1361. State law requires that all voting systems comply with applicable standards and regulations adopted by the FEC and tested through independent testing authorities appointed by NASED. La. R.S. 18:1361(A). A copy of the existing standards has been attached as Appendix "2".

Modifications will be required to these standards to assure that all machines in use meet the error rate standards established by Section 3.2.1 of the 2002 FEC standards for electronic voting machines. In addition, there are a number of other changes that will be adopted in the next several months to assure that the ever-changing and improving technology is reflected as a part of the certification and testing process in Louisiana.

HAVA Fund

SECTION 5. How the State will establish a fund described in subsection (b) for the purposes of administering the State's activities under this part, including information on fund management. (Section 254(a)(5))

Act 142 of the 2003 Regular Session of the Louisiana Legislature establishes the Help Louisiana Vote Fund as a special fund in the state treasury for the deposit of all funds received pursuant to HAVA. See Act 142 attached as Appendix "7". Act 142 provides that federal monies shall be deposited into the fund and allocated by the State Treasurer to one of the following five accounts: Election Administration Account; Voting Systems Account; HAVA Requirements Account; Voting Access Account; and College Program Account. The Help Louisiana Vote Fund is a separate fund from the state general fund and all interest earned on the investment of the monies in the fund shall be credited to the fund.

The Secretary of State will provide written instructions to the State Treasurer as to the appropriate account into which the HAVA funds shall be deposited. Appropriations will be made by the Louisiana Legislature from the fund, and the Secretary of State will direct the expenditure of the monies from the fund in compliance with HAVA.

State Budget

SECTION 6. The State's proposed budget for activities under this part, based on the State's best estimates of the costs for such activities and the amount of funds to be made available, including specific information on – A) the costs of the activities required to be carried out to meet the requirements of Title III; B) the portion of the requirements payment which will be used to carry out activities to meet such requirements; and C) the portion of the requirements payment which will be used to carry out other activities. (Section 254 (a)(6))

Louisiana received $4,911,421 of Section 101 funds for the purpose of improving the administration of elections for Federal office, and $7,351,684 of Section 102 funds as reimbursement for the purchase of punch card or lever voting systems and for the replacement of punch card or lever voting systems.

It is estimated that Louisiana will be eligible to receive a maximum of $37,234,037 of Title II funds for requirements payments during federal fiscal years 2003-2005. HAVA authorized appropriations of $1,400,000,000 for federal fiscal year 2002-2003, $1,000,000,000 for federal fiscal year 2003-2004, and $600,000,000 for federal fiscal year 2004-2005. However, federal fiscal year 2002-2003 was not fully funded, as $830,000,000 was appropriated for Title II. The estimate of the maximum Title II payment for Louisiana of $37,234,037 is based on the current appropriation and the assumption that federal fiscal years 2003-2004 and 2004-2005 will be fully funded. In

addition, the maximum payments to Louisiana of Title II funds are subject to pro rata reductions to ensure that all states and territories receive the minimum payments required by Title II of HAVA.

The Title II funds require a state match of 5% and the State of Louisiana has appropriated $654,360 in the appropriations bill for Louisiana's fiscal year 2003-2004. The Secretary of State will make budget requests for the 5% state match in the appropriations bills for fiscal years 2004 and 2005.

The proposed budget for HAVA funds is based on the following priorities: federal funding will be used first to address the mandates placed on the State of Louisiana by HAVA, specifically voting systems, accessibility for individuals with disabilities, computerized statewide voter registration list, computerized list maintenance, and verification of registration information; and second for discretionary improvements to the election process.

The following budget is based on an estimate of costs for implementation of the requirements of HAVA. The estimated budget percentages assume that the amounts set forth in HAVA will be fully funded and that Louisiana's share will be the maximum amount that Louisiana is eligible to receive under the provisions of HAVA. The budget percentages are subject to modification based on the uncertainty in funding and the amount that Louisiana will receive due to pro rata reductions. The proposed budget percentages will be adjusted accordingly upon receipt of actual federal funds.

Preliminary Estimated Budget: (percentage of funds received)

Budget Item	**Percentage of Federal Funds**
Replacement of non-compliant lever voting systems and upgrade of existing electronic voting systems to meet disability access requirements	91.8
Statewide voter registration database, including software and hardware, and upgrade/replacement of software and hardware for Clerks of Court, Registrars of Voters and Secretary of State to provide access to ERIN and improve ballot preparation and voting system programming	4.0
Voter education, election official education and training, and poll worker training for meeting the requirements of Title III of HAVA	2.7
Update voting system standards	0.1
Development of state plan(s), production of reports, monitoring of performance goals, fiscal management and management of the state plan	1.3
Telecommunications	0.1
Voting information requirements	0 – State funds[2]
Provisional voting	0 – State funds
State-based administrative complaint procedure	0 – State funds
Requirements for first time voters who register by mail	0 – State funds

Louisiana's Maintenance of Effort

SECTION 7. How the State, in using the requirements payment, will maintain the expenditures of the State for activities funded by the payment at a level that is not less than the level of such expenditures maintained by the State for the fiscal year ending prior to November 2000. (Section 254(a)(7))

[2] "State funds" denotes that money for this program or project will be provided out of funding allocated to the Department of State and/or Department of Elections and Registration as a part of their annual state funded budgets.

Louisiana has a state-driven election system and Louisiana will maintain the expenditures of the state for activities funded by the payment at a level equal to or greater than the level of such expenditures in Louisiana for fiscal year 2000.

Performance Goals and Measures

SECTION 8. How the state will adopt performance goals and measures that will be used by the State to determine its success and the success of units of local government in the State in carrying out the plan, including timetables for meeting each of the elements of the plan, descriptions of the criteria the State will use to measure performance and the process used to develop such criteria, and a description of which official is to be held responsible for ensuring that each performance goal is met. (Section 254(a)(8))

Section 8.1 Replacement of lever voting systems

1) Deadline: First federal election on and after January 1, 2006.[3]

2) Criteria: Replacement of lever voting systems that comply with Title III of HAVA in the fifty-two parishes that used lever voting machines in the 2000 federal election.

3) How Criteria is Judged: Success of meeting the performance goal will be based on the number of the lever voting systems still in use in Louisiana after the 2006 deadline.

4) Responsible Official: Secretary of State.

Section 8.2 Voting accessibility for individuals with disabilities

1) Deadline: First federal election on and after January 1, 2006.

2) Criteria: Providing at least one direct recording electronic voting system for individuals with disabilities in each precinct in Louisiana.

3) How Criteria is Judged: Success of meeting the performance goal will be based on the placement of at least one direct recording electronic voting system for individuals with disabilities in each precinct in Louisiana.

[3] Louisiana will request a waiver of the January 2, 2004 deadline.

4) Responsible Official: Secretary of State in cooperation with the Clerks of Court and Registrars of Voters.

Section 8.3 Statewide voter registration system

1) Deadline: January 1, 2006.[4]

2) Criteria: Implementation "in a uniform and nondiscriminatory manner, a single, uniform, official, centralized, interactive, computerized statewide voter registration list that is defined, maintained, and administered at the State level that contains the name and registration information of every legally registered voter in the State and assigns a unique identifier to each legally registered voter in the State".

3) How Criteria is Judged: Success of meeting this performance goal will be based on implementation of minor changes to ERIN to meet the requirements of HAVA.

4) Responsible Official: Secretary of State in conjunction with the Registrars of Voters.

Section 8.4 Provisional voting

1) Deadline: January 1, 2004.

2) Criteria: Implementation of provisional voting for federal elections and establishment of a free access system so that provisional voters can determine if their provisional ballots were counted.

3) How Criteria is Judged: Success of meeting this performance goal will be based on the implementation of provisional voting in each parish at the polling places on election day and during absentee voting in person and establishment of the free access system required for provisional voters.

4) Responsible Official: Secretary of State in conjunction with the Clerks of Court and Registrars of Voters.

Section 8.5 Posting of voting information

1) Deadline: January 1, 2004.

2) Criteria: Posting of the required information at each polling place required by Section 302(b) of HAVA.

[4] Louisiana is not anticipating need for waiver, but will request a waiver if needed.

3) How Criteria is Judged: Success of meeting this performance goal will be based on the preparation of the required information and the posting of the information at each polling place and each Registrar of Voter's office.

4) Responsible Official: Secretary of State in conjunction with the Clerks of Court and Registrars of Voters.

Section 8.6 Voter education on how to correctly cast a ballot for a paper ballot voting system

1) Deadline: January 1, 2006.[5]

2) Criteria: Establishment of a voter education program for a paper ballot voting system that notifies the voter of the effect of casting multiple votes for an office and how to correct the ballot before it is cast and counted.

3) How Criteria is Judged: Success of meeting this performance goal is based on the establishment and implementation of the voter education program for the paper ballot voting system used in Louisiana.

4) Responsible Official: Secretary of State in conjunction with the Clerks of Court and Registrars of Voters.

Administrative Complaint Procedure

SECTION 9. A description of the uniform, nondiscriminatory State-based administrative complaint procedures in effect under Section 402.

Act 423 of the 2003 Regular Session of the Louisiana Legislature establishes a uniform, nondiscriminatory procedure for the resolution of a complaint alleging a violation of any provision of Title III of HAVA for an election for federal office.

See Appendix "4".

[5] Louisiana is not anticipating need for a waiver, but will request waiver if needed.

Elements of the Louisiana's Administrative Complaint Procedure include:

- The complaint must be in writing, signed by the complainant, executed before a notary public, and sworn under oath.
- The complaint shall be filed with the Secretary of State within ninety days after the final certification of the federal election.
- The complainant may request that the State Board of Election Supervisors (State Board) conduct a hearing on the record.
- The complainant, any respondent, or any other interested person may appear at the hearing and testify or present tangible evidence in connection with the complaint.
- The State Board shall determine whether a violation of Title III has occurred and shall issue a written decision.
- The final decision of the State Board shall be issued within ninety days from the date the complaint was filed, and the decision shall be posted on the Secretary of State's website.
- If the State Board fails to issue a final decision within ninety days from the date the complaint was filed or within any extension to which the complainant consents, the complaint shall be referred for final resolution to the Division of Administrative Law.
- An administrative law judge shall issue a written resolution of the complaint within sixty days after the final board decision was due.
- The final decision of the State Board or the final resolution of the administrative law judge may be judicially reviewed by filing a petition in the Nineteenth Judicial District Court, Parish of East Baton Rouge, within thirty days after the mailing of the notice of the final decision.

Use of Title I Payment

SECTION 10. If the State received any payment under Title I, a description of how such payment will affect the activities proposed to be carried out under the plan, including the amount of funds available for such activities. (Section 254(a)(10))

Louisiana received $4,911,421 in Title 1, Section 101 funds for the purpose of improving the administration of elections for Federal office.

These funds will be used for the following activities: (percentage of funds to be used)

Budget Item	**Percentage of Title I Funds**
Replacement of lever voting systems and upgrade of existing electronic voting systems to meet disability access requirements	75.3
Voter registration system, equipment and information technology	2.8
Toll-free telephone system	0.9
Remaining Section 101 funds to be used for purposes outlined in Section 101	21

Louisiana received $7,351,684 in Title I, Section 102 funds as reimbursement for the purchase of punch card or lever voting systems and for the replacement of punch card or lever voting systems.

These funds will be used as follows:

- $654,360 of the reimbursement funds for Louisiana's 5% state match required by Section 253(b)(5) of HAVA.
- The balance of Section 102 funds will be used for replacement of non-compliant lever voting systems and upgrade of existing voting systems for disability access.

State Plan Management

Section 11. How the state will conduct ongoing management of the plan, except that the State may not make any material change in the administration of the plan unless the change – A) is developed and published in the Federal Register in accordance with Section 255 in the same manner as the State plan; B) is subject to public notice and comment in accordance with Section 256 in the same manner as the State plan; and C) takes effect only after the expiration of the 30-day period which begins on the date the change is published in the Federal Register in accordance with subparagraph (A). (Section 254(a)(11))

The Secretary of State as the "chief election officer of the state" will be responsible for the ongoing management and implementation of the plan. The State Plan is a critical component in Louisiana's effort to improve accessibility and accountability in the election process. Louisiana presently has met many of the requirements of HAVA, including but not limited to, the presence of the statewide voter registration system, and the implementation and maintenance of the State Plan will be a continuation of Louisiana's commitment to a progressive and efficient election process.

Input from the Clerks of Court and Registrars of Voters in accomplishing the requirements of HAVA is essential and the Secretary of State will coordinate with the Clerks of Court and Registrar of Voters to review the performance goals and assess compliance with the objectives of Louisiana's State Plan.

The State agrees that it may not make any material change in the administration of the State Plan unless the change:

1) Is developed and published in the Federal Register in accordance with Section 255 of HAVA in the same manner as the State Plan;

2) Is subject to public notice and comment in accordance with Section 256 of HAVA in the same manner as the State Plan; and

3) Takes effect only after the expiration of the 30-day period which begins on the date the change is published in the Federal Register.

Help America Vote Advisory Committee

SECTION 12. A description of the committee which participated in the development of the State plan in accordance with Section 255 and the procedures followed by the committee under such Section and Section 256. (Section 254 (a)(13))

The members of the Louisiana Help America Vote Advisory Committee were the following:

Mr. Al Ater, First Assistant Secretary of State (Chairman)
P. O. Box 44276
Baton Rouge, LA 70804-4172

Representative of the Secretary of State

Mr. Michael Stephenson Bell, Director of Registration
4737 Sweetbriar Street
Baton Rouge, LA 70808
Representative of the Department of Elections and Registration

Honorable Larry Cager
Clerk of the Criminal Court, Orleans Parish
2700 Tulane Ave., Room 115
New Orleans, LA 70119
Chief Local Election Official in the largest state jurisdiction

Honorable Carolyn Caldwell
Clerk of Court, Madison Parish
P.O. Box 1710
Tallulah, LA 71284-1710
Representative of Clerk of Court Association

Honorable Jon A. Gegenheimer
Clerk of Court, Jefferson Parish
P.O. Box 10
Gretna, LA 70054
Chief Local Election Official in the second largest state jurisdiction

Mr. Cedric Grant (Vice Chair)
3523 Piedmont Drive
New Orleans, LA 70122-4746
At Large Member

Honorable Charles D. Jones
State Senator
141 Desiard Street, Suite 315
Monroe, LA 71202
Representative of Senate & Governmental Affairs Committee of the Louisiana Legislature

Mr. Ernest Ladd
106 Jackson Street
Franklin, LA 70538
Representative of Louisiana NAACP

Ms. Tina Mosca
4417 Prien Terre Drive
Lake Charles, LA 70605
At Large Member

Honorable Charles Lancaster
State Representative
2201 Veterans Memorial Blvd., #200
Metairie, LA 70002
Chairman of House & Governmental Affairs Committee of the Louisiana Legislature

Honorable Kristi McCormick
Registrar of Voters, Sabine Parish
400 Capitol Street
Many, LA 71449
Representative of Registrars of Voters Association

Honorable Ed Murray
State Representative
1540 North Broad Street
New Orleans, LA 70119
Representative of House & Governmental Affairs Committee of the Louisiana Legislature

Honorable Angela M. Quienalty
Registrar of Voters, Calcasieu Parish
1000 Ryan Street, Room 7
Lake Charles, LA 70601
Representative of Registrars of Voters Association

Ms. Kimberly W. Rosenberg
1139 Bourbon Street
New Orleans, LA 70116-2709
Representative of the Governor's Office

Ms. Lois V. Simpson, Executive Director
Advocacy Center
225 Baronne Street
New Orleans, LA 70112
Representative of the disabilities community

Honorable Chris Ullo
State Senator
2150 Westbank Expressway, Suite 705
Harvey, LA 70058
Chairman Senate & Governmental Affairs Committee of the Louisiana Legislature

Honorable M. Dwayne Wall
Registrar of Voters, St. Tammany Parish
P.O. Box 1815
Covington, LA 70434
Representative of Registrars of Voters Association

The Louisiana Help America Vote Advisory Committee met five times. The dates of its meetings were as follows:

March 27, 2003 (Introduction to HAVA)
April 14, 2003 (Voter Registration System and Provisional Voting)
April 28, 2003 (Publication Requirements and Educational Programs)
May 12, 2003 (Voting Systems and Educational Programs – Continued)
June 5, 2003 (Complaint Procedure, Funding, Draft HAVA Plan)

Copies of the agendas of those meetings have been attached as Appendix "8".

The Louisiana Help America Vote Advisory Committee adopted this plan by unanimous vote on June 5, 2003. In addition, the Committee issued one resolution recommending other state-related voting considerations that will be submitted to the Secretary of State.

Public meetings were held to present the State Plan and obtain comments thereon in Alexandria and Shreveport on June 26, 2003, Monroe on June 27, 2003, Lafayette and Baton Rouge on June 30, 2003, Lake Charles on July 1, 2003 and New Orleans on July 9, 2003. A copy of the agenda for these meetings are attached as Appendix "9".

APPENDIX 1

INSTRUCTIONS FOR ABSENTEE VOTING – BY MAIL

State of Louisiana

DEADLINES FOR REGISTRAR OF VOTERS TO RECEIVE ABSENTEE BALLOTS BY MAIL:

For military personnel.....election day
For U. S. citizens residing outside the United States.....election day
For sequestered jurors.....before polls close on election day
For all others.....the day before election day

REGULAR ABSENTEE BALLOT

Instructions for voting white regular absentee ballot

1. Fill in all the information required in the certificate on the white ballot envelope flap. DO NOT SIGN CERTIFICATE AT THIS TIME.
2. Follow instructions on the ballot to vote your ballot.
3. Place ballot in white ballot envelope and seal. DO NOT DETACH FLAP.
4. **Sign the certificate on the flap in the presence of an officer authorized to administer oaths OR in the presence of two witnesses, who must also sign the certificate.**
5. Place the sealed ballot envelope in the return envelope addressed to the Registrar of Voters. Add postage, if necessary, and deposit it in the mail.
6. Your vote will be counted either by op-scan reader or manually.

SPECIAL ABSENTEE BALLOT (Green)

Instructions for voting green special absentee ballot for general election

(This ballot is provided for use by military personnel or U. S. Citizens residing overseas ONLY. This is the only ballot you will receive for the general election.)

1. Fill in all the information required in the certificate on the green ballot envelope flap. DO NOT SIGN CERTIFICATE AT THIS TIME.
2. Vote your ballot as follows:

   In order to be certain that you will cast a vote that will be counted for a candidate who advances to the general election (runoff election) for a particular office, you must indicate your order of preference for each candidate by placing number one (1) in the box next to the name of the candidate who is your first choice, the number two (2) next to the name of the candidate who is your second choice, and so on until you have placed a number next to the name of each candidate. By numbering the candidates according to your order of preference, if your first choice candidate is eliminated in the primary and your second choice candidate advances to the general election, your second choice candidate will receive your vote and so on until your order of preference is exhausted.

   You may, but are not required to, number all of the candidates for an office on the ballot. However, if you choose to number only one candidate, for instance, and if that candidate does not advance to the general election, you will NOT have cast a vote for a candidate for that office in the general election.

3. Place ballot in green ballot envelope marked "SPECIAL ABSENTEE BALLOT - GENERAL ELECTION" and seal. DO NOT DETACH FLAP.

   PROPOSED CONSTITUTIONAL AMENDMENT BALLOT: If you have been provided with a ballot containing a proposed constitutional amendment, you must be careful to return it in the proper envelope for tabulation. This ballot will reflect either the primary election date or the general election date. If it reflects the same date as the green special absentee ballot for the general election, place it in the green envelope. If it reflects the same date as the white regular absentee ballot for the primary election, place it in the white envelope.

4. **Sign the certificate in the presence of an officer authorized to administer oaths OR in the presence of two witnesses, who must also sign the certificate.**
5. Place the sealed ballot envelope in the return envelope addressed to the Registrar of Voters. Add postage, if necessary, and deposit it in the mail.
6. Your vote will be counted either by op-scan reader or manually.

ASSISTANCE TO VOTERS

A voter is entitled to receive assistance in voting if he is (1) unable to read, or (2) unable to vote without assistance because of a physical handicap, including blindness. Persons prohibited from assisting voters:

1. No candidate can assist a voter.
2. No employer or employer's agent can assist an employee.
3. No union agent can assist a union member.

Except as provided above, voters entitled to assistance in voting may receive the assistance of any person of his choice.

The person assisting the voter shall explain to the voter that a signature or mark made by the voter 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. *(L.R.S. 18:1310 and 18:1461)*

V-AB-M (Rev. 1/03)

Prepared and Furnished by Secretary of State
Approved by Attorney General and Comm. of Elections

APPENDIX 2

STATE OF LOUISIANA
DEPARTMENT OF ELECTIONS AND REGISTRATION
VOTING SYSTEM CERTIFICATION STANDARDS

Pursuant to La. R.S. 18:1351, any voting system proposed or bid for use in the State of Louisiana must meet or exceed the following standards. These standards include statutory standards found in La. R.S. 18:1355. These standards further include requirements established by the Commissioner of Elections pursuant to her authority under La. R.S. 18:1353.

The voting system must:

GENERAL REQUIREMENTS:

- Allow person to vote for or against, yes or no to, each question that is submitted;
- Permit the voter to vote for as many persons for an office as he is lawfully entitled to vote, 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 that the total number of votes he is entitled to cast for a particular election;
- Permit the voter to vote for or against any question or race for which he has a right to vote, but no other;
- 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 the election officials can lock out all candidate counters except those of the party with which the voter is affiliated;
- Correctly register and record and accurately count all votes cast for each candidate and for or against each question;
- Meet or exceed standards established by NASED and tested through Independent Testing Authorities;
- Have at least 250 voting positions with ability to expand to at least 500 positions;
- Have an internal real time clock that works in conjunction with all printouts and voting machine diagnostics performed for maintenance or operation purposes;
- Maintain all vote totals, public counter totals, audit trail records, protective counter totals and the internal clock time in both the main memory and the removable programmable memory devices in the event the main power and battery backup power fail;
- Be able to withstand a maximum temperature of 130 degrees Fahrenheit, while in storage, and 105 degrees Fahrenheit while in operation, and a minimum temperature of –15 degrees Fahrenheit, while in storage, and 40 degrees Fahrenheit, while in operation, without any permanent damage, degraded reliability or performance deterioration;

- Be able to survive exposure to uncontrolled temperature and non-condensing humidity environments, while in storage, and shall operate without damage to the component parts when operated at non-condensing relative humidity of up to 98%;

- Be designed so that no failure, short of destruction of the voting machine and programmable memory device, can result in the loss of vote counts or inaccurate vote counts;

- Provide printed records regarding the opening and closing of the polls, including:

    - Identification of election;
    - Identification of each unit;
    - Identification of ballot format;
    - Identification of candidate and/or issue, verifying zero start;
    - Identification of all ballot fields and all special voting options;
    - Summary report of votes cast for each device, or ability to extract same;

- Prevent printing of summary reports before the sequence of events required for closing of the polls are completed;

- Opening the polls reports should have all system audit information required;

- No data should be lost during generation of reports;

- Integrity and security of data maintained according to time frame for federal, state and local elections;

- Prevent unauthorized functions in an improper sequence;

- Include security provisions compatible with administrative set up and operational use;

- Allow for extraction of data from memory devices via land lines;

- Prevent loss of results, images and inaccurate vote count;

- Provide security procedures system-wide, from turn on to turn off;

- Prevent tampering or destruction of information through the introduction of a magnetic device;

- Provide for safeguards against tampering, theft or damage;

- Ensure that test data has been purged from the system;

SECURITY:

- Provide secrecy in the act of voting such that the selection of a voter cannot be determined after that vote has been cast;

- Prevent the voter from voting more than once on the same candidate race or on the same question;

- Permit all unused vote indicators or devices to be locked out against use;

- Provide a protective counter or tabulator;

- Provide a public counter or tabulator that at all times during the election shall show the number of persons who have voted;

- Contain one or more automatic locks that 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;

- Provide a screen, hood, or curtain that is so made and can be so adjusted as to conceal the voter while voting;

- Be incapable of being reset, altered, or used except by operating the machine;

- Provide for protective counter that advances each time the system reset is performed;

PROGRAMMING:

Contain for election for president and vice president, those devices needed in order to comply with R.S. 18:1259 (A copy of R.S. 18:1259 is attached as Appendix ”1”);

- Provide screen size, display and programming that shall be capable of producing a ballot of font sizes no less than 14 to 18 points in the following denominations:

    - **Heading for races and propositions (18 points)**
    - **Names of candidates (16 points)**
    - **All other text, including text of propositions (14 points);**

- Accommodate up to twelve (12) different parties or districts or combination of both within a precinct**;**

- Print an alphanumeric printout of the contest, candidates, position numbers, and vote totals when the polls are open to assure that all vote totals are at zero (0). At the close of polls, the voting machine must be able to print out in the same format the results of the election. These printouts should contain the voting machine serial number, the public

counter total and the protective counter number. The poll worker must be able to request as many copies as necessary according to state law;

- Have the option of consolidating the vote totals for each candidate and question for an entire precinct onto one programmable memory device and the results of the precinct printed out at the precinct. This consolidating programmable memory device must be able to be brought into a central computer system and the results for that precinct read off of the programmable memory device so that a jurisdictional vote total report can be obtained;

- Have a mandatory pre-election testing of the ballot control logic and accuracy. The voting system also must have a post-election ballot control logic and accuracy test available after the election. These logic and accuracy test results must be stored into memory of the main processor and into the same programmable memory device that is used on election day for future reference. This should be stored by vote total summaries and by each individual ballot image randomly. The voting system must printout prior to these tests and a results printout after the test;

- Provide redundant storage of both the vote totals and the randomized individual ballot images. There must be polling of these multiple locations of totals and ballot images between voters to detect any errors or discrepancies. In the event of a data discrepancy, an appropriate error message must be displayed in order to either correct the data error or prohibit voting from continuing;

- Have a programmable memory device that plugs into the voting machine. This programmable memory device must contain the ballot control information, store the summary vote totals, maintenance log, operator log and the randomized ballot images which is each individual voter's choices. This programmable memory device must have the ability to be sealed in the voting machine prior to the election so that it is assured of not being tampered with without detection. This programmable memory device must be able to be removed after the polls are closed so that it may be brought to a central site where the vote totals can be read into a computer to obtain the jurisdiction totals;

- Be programmed with the ballot control information from the voting machine itself so that the results printout contains the candidate name next to the vote totals for the candidate;

- Be able to be programmed with the ballot control information by a separate computer which loads the information for that particular election into the programmable memory device. This same computer must be able to read the programmable memory device after the election to obtain the voting results and be able to accumulate the vote totals for the entire voting jurisdiction by precinct;

- Have a mandatory testing system to verify that the voting machine is in an operable condition within a reasonable period of time prior to an election. This testing must appear in the operator log of the system to verify that the tests were performed;

- Be able to test all major subsystems and assemblies in the software of the system;

- Have a mandatory verification of the ballot by the technician when setting up the voting machine for an election. This verification must check the ballot control information to see that the information on the ballot face is correct;

- Have an automatic means of voting the voting machine (voter simulation) in the warehouse to test the voting machine while the voting machine is only in the pre-election or post-election state;

- Maintain an operator log that begins with the resetting of the voting machine and continue throughout the complete election process. Next to each event should be printed the time and date;

- Allow voters from any voting precinct to vote at any location within the Parish;

- Allow units used during early voting to be de-programmed and re-programmed for use on election day, if necessary;

- Provide a means of electronically integrating absentee voting by mail results with voting system;

POWER SUPPLY:

- Have a self-contained, internal battery backup that is rechargeable by the main power supply when the voting machine is plugged into AC power. This battery must be commercially available. The battery supply must be capable of operating the voting machine without AC power for four (4) to twelve (12) hours;

- Have a main power system and battery charger that operate from a standard 115-volt, 60hz, single phase, alternating electrical current;

- Have a backup battery that powers all necessary components of the voting machine;

- Have backup battery power that in the event of a power outage in the precinct will be engaged with no disruption of operation or loss of data;

- Have a visible indicator that shows if the voting machine is receiving AC power. The voting machine must be able to test the battery and show the battery charge level. The voting machine must automatically shut itself down in the event the backup battery has only enough power to print out the results and go to an inactive state so to conserve enough power to close the polls at the end of the day;

- Remain operable in the event of abnormal line voltage conditions of power surges up to 132.25 volts rms over periods of up to two (2) seconds with a maximum of two (2) such surges per 60 second period;

SPECIAL FEATURES:

- ✓ Contain a gong or other sound creating device which will audibly indicate that a voter has left the machine after casting his vote;

- ✓ Provide visual and audible signals to the poll workers that the voting machine is in a voter active position and that the voter has cast their vote. The audible sound should be able to be heard from 20 feet. The visual display shall be well illuminated and easily readable;

- ✓ Have an adjustable volume control such that the bell, gong or noise making device signaling the casting of a vote is audible to the voter;

- ✓ Have all circuit boards conformal coated or provided with some other treatment which purpose is to significant improve the reliability of circuit boards over a large period of time when used in an ambient air environment that is normal in the State of Louisiana (i.e. salt, dust, high humidity, rapid temperature changes);

- ✓ Must have components made of non-corrosive material or painted metal where required for strength;

EASE OF USE:

- ❖ Display clearly to the voter the mechanism by which his vote is cast;

- ❖ Have maximum weight to be handled by the poll worker while moving the voting machine or setting up the voting machine of not more than twenty-five (25) pounds;

- ❖ Have a display in full view of the voter that confirms the voter's choice;

- ❖ Be able to change his selections of candidates and questions on the ballot prior to casting his ballot. When deselecting the voting machines must verify to the voter on a display in full view of the voter that the de-selection was made;

- ❖ Allow poll workers to display the public and protective counters during an election;

- ❖ Be able to display such that poll workers can see any error messages associated with machine malfunction;

- ❖ Accommodate physically handicapped voters, particularly voters confined to wheel chairs, with little or no intervention by the poll worker;

- ❖ Permit voters to cast ballots as quickly as possible without any loss of degree of accuracy;

- Provide on-screen instructions to provide for voter awareness of the voting machine operation;

- Provide for an accurate and immediate transfer of data, if requested, to permit the dissemination of election results to the media and candidates in an expeditious manner;

- Present a ballot that is easy to read, follow legal requirements, be appealing to the voter's eye and include easy to follow instructions for use;

- Prompt voter when he is not using the device correctly;

- Make voter aware by clear means of ballot choice (i.e. a clear visual indicator that the voter has selected a particular candidate or proposition choice);

- Allow voter to review all ballot choices before casting the ballot;

- Provide sealed cases for transport to minimize damage to internal workings of the voting unit;

- Able to withstand frequent loading and unloading, stacking, assembling, disassembling, reassembling, and heavy use;

- Be stackable;

- Allow poll workers and Registrars' employees easy access to all activity taking place in the voting units, being able to monitor the movement of voters into and out of the voting booth;

- Have programmable memory device that is easy for poll workers and Registrars' employees to operate after the closing of the polls;

- Be "tamper-proof" while in a storage configuration either in the storage facility or the polling precinct;

REPORTING REQUIREMENTS

- Provide a cumulative, canvass and precinct report of absentee voting by mail, absentee voting by personal appearance and election day as one total;

- Provide a cumulative, canvass and precinct report of absentee voting by mail and early voting by personal appearance as one total;

- Provide a cumulative, canvass and precinct report of election day as one total;

- Provide for unofficial and official reports in any variety including absentee voting, election day and total vote;

- Provide the ability to custom design an election report to include the following information in total or in part;

    - Name of election;
    - Political subdivisions involved – separate reports should be available for each subdivision in the format enumerated above;
    - Date of election;
    - Type of report;
    - Total number of registered voters in each political subdivision and total number of registered voters in each variable race;
    - Total number of registered voters in each voting precinct, including a sub-listing when the precinct is split;
    - Formatting of election results by capturing election data embedded in the database and producing specialized reports, i.e. a report of Presidential vote by legislative district or commissioner precinct;

- Provide, for election night reporting, a listing of precincts reporting and a listing of precincts not reporting;

- Provide for the operator of the reporting system to change the appearance of the report by reformatting the data;

- Provide for the removal of an already counted precinct and a re-counting of that same precinct in the event of errors in transmission;

- Provide individualized sample ballot information for storage on the Parish Clerk of Court's website and for reproduction and distribution;

- Provide for the automatic transmission of election results through electronic data, while adhering to the transmission rules set out in the Louisiana Election Code;

- Provide for the storage of election results in any version of software required, including, but not limited to, Access, Excel, Adobe, and ASCII;

- Provide for election results to be produced in such a manner as to allow for easy copying for paper distribution upon request; and

- Provide for the combining of election day, absentee in person, and mail-in absentee vote totals into the new counting system to achieve total votes.

I hereby adopt the above requirements as the voting machine certification standards for the State of Louisiana and Department of Elections and Registration, pursuant to La. R.S. 18:1351 and 1353. This 18th day of August, 2001.

S/ Suzanne Haik Terrell
SUZANNE HAIK TERRELL
COMMISSIONER OF ELECTIONS

APPENDIX 3

Regular Session, 2003

HOUSE BILL NO. 1211

BY REPRESENTATIVES BRUNEAU, DOWNER, AND MURRAY

AN ACT

To amend and reenact R.S. 18:31(B)(as enacted by Acts 2001, No. 451) and (C), 103(A), 104(A)(15) and (16), 110(B)(1), 111(B), 154(C), 401.1(C) and (D)(1), 423(H), 425(A)(1)(b) and (2), 435(A)(1), 463(A)(2), 552(B), 553(B)(4), 563, 564(C), 574(A)(2), 576(B) and (C), 1259(B)(1) and (4), 1284(F)(1), 1286(A), 1299.1(A), 1300.2(C)(2), 1300.3(B), 1306(A)(3), 1307(C), 1354(C), and 1400.3(D)(1), to enact R.S. 18:18.1, 110(B)(3), 401.1(G), 401.2, 425(B)(4), 552(C), and 1309(E)(4) and (5), and to repeal R.S. 18:425(A)(3) and R.S. 36:742.1, relative to the Election Code; to make technical changes to the Election Code; to prohibit the commissioner of elections and certain unclassified civil service employees from engaging in political activities; to provide relative to the name a woman may use to register to vote; to provide relative to charges for preparation of lists of voter registration information; to provide relative to form and signature requirements on applications to register to vote; to provide for procedures in circumstances of election emergency; to provide for transmission of certain voter registration data where necessary for verification purposes; to provide relative to a designee

attending a board of election supervisors meeting; to provide for filing a list of watchers to be present at the precinct; to provide relative to the certification of a candidate in the notice of candidacy; to provide for the secretary of state to issue information as necessary under the Help America Vote Act; to provide for the definition of casting a vote; to provide for procedures for assisted voting; to provide relative to the transmission of election results to the secretary of state by the clerks of court; to provide relative to the format of ballots and statements of propositions and the manner of marking on a ballot; to provide relative to recall petitions and written requests to delete or add from such petitions; to provide relative to mail applications to vote absentee by mail; to provide for procedures for when a voter fails to activate the cast ballot mechanism; to prohibit a parish custodian from appointing a candidate or his family member from serving at certain polling places; to provide relative to compensation of certain employees of registrars of voters; to allow students age seventeen who are seniors in high school to serve as commissioners on election day; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 18:103(A), 110(B)(1), 111(B), 401.1(C) and (D)(1), 423(H), 425(A)(1)(b) and (2), 435(A)(1), 463(A)(2), 574(A)(2), 576(B) and (C), 1259(B)(1) and (4), 1284(F)(1), 1286(A), 1299.1(A), 1300.2(C)(2), 1300.3(B), 1354(C), and 1400.3(D)(1) are hereby amended and reenacted and R.S. 18:18.1, 110(B)(3), 401.1(G), and 401.2 are hereby enacted to read as follows:

<u>§18.1. Political activities prohibited</u>

A. Neither the commissioner of elections nor any employee of the elections division or of the Department of Elections and Registration within the Department of State 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 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.

* * *

§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, the state mail voter registration form, or a computer-generated form thereof containing the same requests for

information as prescribed by R.S. 18:104 or as contained on the Federal Election Commission voter registration form.

* * *

§110. Removal from precinct; removal from parish

* * *

B.(1) A change of registration based upon a change of residence 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 except as follows:

(a) A person whose registration has been canceled pursuant to R.S. 18:193(G),

(b) A person whose registration has been canceled or whose address has been corrected pursuant to R.S. 18:196(C).

* * *

(3) However, in a primary election where the only candidate's election appearing on any ballot in the parish is a special primary election, then in such instance, the change shall become effective prior to the special primary election. In a special general election, where the ballot is the same throughout the parish, the change shall become effective prior to the special general election.

* * *

§111. Change of name

* * *

B. A ~~female~~ married woman, at her option, may be registered in her maiden name, ~~or~~ her present husband's name, or in a hyphenated combination thereof. ~~or if~~ If divorced, ~~or~~ widowed, or remarried, she may be registered in her maiden name, ~~or~~ in the surname of her ~~last~~ deceased or former or present 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.

* * *

§401.1. Election emergency; purpose; elections emergency contingency plan

* * *

C. If any delays or suspensions are authorized by the governor, the delayed qualifying, absentee voting in person or election day voting shall resume or be rescheduled as soon thereafter as is practicable. In the event the voting on election day is delayed or suspended and absentee voting in person has been completed prior to the issuance of the executive order delaying or suspending election day

voting, absentee voting in person for the rescheduled election day may be reopened upon authorization of the governor for a reasonable time prior to the new election date. Notice of the delay or suspension and rescheduling of the election day or absentee voting shall be published at least once in a newspaper of general circulation in the affected area if time permits and, where practicable, broadcast as a public service announcement on radio and television stations, or by any other means of communication available at that time.

D.(1) As soon as possible following an emergency, the clerk of court shall identify the number of polling places that are functional and the number of polling places that have been destroyed. If a polling place is destroyed, inaccessible, or unsafe, efforts should be made to work with federal, state, and local emergency management agencies to permit the orderly establishment of a new polling place. An alternate emergency location shall be designated by the parish clerk of court in conjunction with the local parish governing authority, represented by its presiding officer, and advertised by any means available.

* * *

G. Nothing in this Section shall be interpreted as extending or as an extension of the time period for an election.

§401.2. Relocation of polling places; state of emergency

A. Notwithstanding the provisions of R.S. 18:534, 535, 536, and 537, if any polling place is determined by the clerk of court in conjunction with the secretary of state and commissioner of elections to be destroyed, inaccessible, or

unsafe due to an emergency or common disaster occurring before or during a regularly scheduled or special election, the secretary of state in conjunction with the commissioner of elections may issue a certification of a state of emergency allowing the relocation of any such polling place when such action would allow voting to continue without the necessity of the issuance of an executive order by the governor for a suspension or delay pursuant to R.S. 18:401.1(B). Upon issuance of such a certification, the clerk of court and the presiding officer of the parish governing authority shall relocate any such polling place. The polling place shall be relocated to the nearest feasible and accessible location as determined by the secretary of state in conjunction with the commissioner of elections, upon the recommendation of the clerk of court in conjunction with the presiding officer of the parish governing authority.

B. When a polling place is relocated pursuant to Subsection A, the clerk of court in conjunction with the secretary of state and commissioner of elections 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 practicable, in the following manner:

(1) Each candidate shall be given immediate notice by telephone or by electronic means, and by certified mail where reasonable time exists, of the new location of any polling places that have been relocated.

(2) A sign shall be posted at any former polling place directing voters to the new location of the polling place, if practicable.

(3) An employee of the parish governing authority shall be stationed at any former polling place, if practicable, 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 clerk of court 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.

C. The clerk of court may take any 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.

* * *

§423. Parish boards of election supervisors

* * *

H. Designees. The clerk of court and the registrar of voters may each appoint a designee to serve in his place on the parish board of election supervisors when he is absent from any meetings of the board. Any designee of the registrar of voters shall be a sworn deputy registrar. For each day of such service the designee of the clerk of court or the registrar of voters shall be paid the same compensation as a member, and the designating member shall not be compensated

for that day. Any compensation paid to the designee shall be counted against the designating member's compensation, which shall not exceed six days as provided in R.S. 18:423(E).

* * *

§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:

* * *

(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, with the approval of the parish board of election supervisors, 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. In no event shall there be less than one commissioner-in-charge and two additional commissioners per precinct.

* * *

§435. Watchers; appointment and commission

A. Right to have watchers. (1) 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. The candidate or his authorized representative shall file one list of watchers on a form provided by the secretary of state or on a form which contains the same information as required by the form provided by the secretary of state. When a candidate's list of watchers is filed by the candidate's authorized representative, a letter of authorization from the candidate shall accompany the list of watchers. However, in the case of a presidential election, each slate of candidates for presidential elector is entitled to have one watcher at every precinct. The state central committee of each recognized political party shall be responsible for filing the list of watchers for its slate of candidates for presidential elector. The list of watchers for an independent or other party slate of candidates for presidential elector shall be filed by any person so authorized by the presidential candidate supported by the slate of electors. A letter of authorization from the presidential candidate, or an authorized agent of his campaign, shall accompany the list of watchers.

* * *

§463. Notice of candidacy; financial statements; political advertising; penalties

A.

* * *

(2) The notice of candidacy also shall include a certificate, signed by the candidate, certifying that he has read the notice of his candidacy, <u>that he meets the qualifications of the office for which he is qualifying,</u> that he is not currently under an order of imprisonment for conviction of a felony, <u>that he is not prohibited from qualifying as a candidate for conviction of a felony pursuant to Article I, Section 10 of the Constitution of Louisiana,</u> 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.

* * *

§574. Compilation and promulgation of returns

A.

* * *

(2) Immediately after the completion of the verification 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 for each candidate and for and against each proposition in each precinct, the total absentee votes for each candidate and for and against each proposition in the parish, and the total of all votes for each candidate and for and against each proposition in the parish.

* * *

§576. Election night returns

* * *

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~~ expeditiously ~~upon the 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.

* * *

§1259. Arrangement of ballot; designation of party candidates

* * *

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,~~ prominently 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.

* * *

(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~~.

* * *

§1284. Resolution calling election; proposition

* * *

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. The statement of the proposition, including the summary, 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.

* * *

§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 and 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~~ the number of commissioners for each precinct as provided in R.S. 18:425(A)(1)(b) and not less than ~~two~~ the same number of 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.

* * *

§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~~. The statement of the proposition, including the summary, 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.

* * *

§1300.2. Petition for recall election; campaign finance disclosure

* * *

C.

* * *

(2) The signed and dated petition shall be submitted to the registrar of voters for each parish within the voting area not later than one hundred eighty days after the day on which the copy of the petition was filed with the secretary of state; however, where fewer than one thousand qualified electors reside within the voting area, the petition shall be submitted to the registrar of voters not later than ninety days after the day on which the copy of the petition is filed with 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.

* * *

§1300.3. Certification of registrar of voters; addition or withdrawal of signatures; form of names

* * *

B.(1) The registrar of voters shall honor the written request of any voter who either desires to have his handwritten signature stricken from the petition or desires to have his handwritten signature added to the petition at any time after receipt of the signed petition as provided in R.S. 18:1300.2(C) but prior to certification of the petition or within five days after receipt of such signed petition, whichever is earlier. The written request of the voter shall include the name and address of the voter, the signature of the voter, and the date.

(2) Upon the signature of the voter, the written request of the voter to have his signature stricken or added to the recall petition shall be a public record. Any person in possession of such a written request shall be the custodian thereof. The voter or any other person who is the custodian of the written request shall transmit the written request to the registrar of voters for each parish within the voting area by mail or directly by hand, immediately upon signature of the voter or upon receipt of the signed, written request.

* * *

§1354. Parish custodian of voting machines; powers and duties; appointment of deputy custodians

* * *

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. <u>The parish custodian shall not appoint a person who is a candidate or a member of a candidate's immediate family to serve in any polling location where the candidate's name appears on the ballot.</u> The compensation of a deputy parish custodian shall be seventy-five dollars for each election at which he serves. The deputy parish custodian shall deliver the key envelope and the supplemental list to the commissioner-in-charge at least one-half hour before the fixed time for the opening of the polls.

* * *

§1400.3. Election expenses incurred by clerks of court and registrars of voters; payment by commissioner of elections; payment by governing authorities

* * *

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~~ Clerk Chief II in the General Schedule at the entry level as specified in the classification and pay plan of the Louisiana Department of Civil Service.

* * *

Section 2. R.S. 18:31(C), 104(A)(15) and (16), 154(C), 552(B), 553(B)(4), 563, 564(C), 1306(A)(3), and 1307(C) are hereby amended and reenacted and R.S.18:425(B)(4), 552(C), and 1309(E)(4) and (5) are hereby enacted to read as follows:

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

* * *

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. However, no charges for preparation or transmission of voter registration data shall apply to the office of motor vehicles of the Department of Public Safety and Corrections, when the transmitted data is used to verify voter registration information against driver's license and social security information. All rules and regulations shall be adopted pursuant to the Administrative Procedure Act.

* * *

§104. Application for registration; form

A.

* * *

(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, through a handwritten signature, 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. When the registration application is completed at the office of motor vehicles of the Department of Public Safety and Corrections, an electronically captured signature of the applicant may suffice as a handwritten signature of the applicant.

(16) ~~Social security number.~~ Louisiana driver's license number, if issued, or if no driver's license has been issued, the last four digits of the social security number, if issued. The full social security number of the applicant may be provided on a voluntary basis by the applicant. If the applicant has neither a Louisiana driver's license number nor a social security number, the applicant shall attach one of the following items to his application:

(a) A copy of a current and valid photo identification.

(b) A copy of a current utility bill, bank statement, government check, paycheck, or other government document that shows the name and address of the applicant.

* * *

§154. Records open to inspection; copying; exception

* * *

C. Notwithstanding the provisions of this Section, neither the registrar nor the Department of Elections and Registration shall disclose the social security number of a registered voter or circulate the social security numbers of registered voters on commercial lists, except when voter registration data is transmitted to the office of motor vehicles of the Department of Public Safety and Corrections, for the purposes of verifying the accuracy and authenticity of the social security number provided by the voter.

* * *

§425. Commissioners

* * *

B. Qualifications and classifications.

* * *

(4) A person who is at least seventeen years of age, under the age of eighteen, and is not a qualified voter but is otherwise qualified to serve as a commissioner pursuant to this Subsection may be selected to serve as a commissioner in any precinct of the ward where he may register to vote pursuant

to R.S. 18:101(A), provided that the person is enrolled in the twelfth grade of any Louisiana public high school or state-approved nonpublic high school or is participating at the twelfth grade level in a home study program approved by the State Board of Elementary and Secondary Education.

* * *

§552. Election materials

* * *

B. In the case of a federal election, in addition to the materials provided in Subsection A of this Section, the secretary of state shall supply informational posters as required by the Help America Vote Act of 2002.

C. 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.

* * *

§553. Inspection and preparation of voting machines at polling places; precinct registers and supplemental list

* * *

B. Inspection of the voting machines. After the commissioners take their oath and before the time for opening the polls, the commissioners, in the presence of the watchers, shall prepare the polling place for voting as follows:

* * *

(4) Post the ~~card of~~ instructions, informational posters, if required, the statement of proposed constitutional amendments on the ballot, and a sample ballot in a conspicuous place at the principal entrance to the polling place.

* * *

§563. Procedure for voting

A. 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.

B. A pre-teen child may accompany his parent or legal guardian into the voting machine.

C. 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.

D.(1) In order to cast a vote on a voting machine, a voter shall make at least one selection in a candidate or proposition election. Voting is completed by activating the cast vote mechanism. If the voter has made any selection in a candidate or proposition election but has failed to activate the cast vote mechanism, a commissioner observed by at least one other commissioner shall activate the cast vote mechanism for the fled voter without altering any selections made by the voter.

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

E. A voter shall promptly leave the polling place after voting and shall not reenter a voting machine.

§564. Assistance in voting

* * *

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. When a precinct is equipped with a voting machine which provides an audio ballot, the commissioner shall offer the option of voting using the audio ballot to a visually impaired voter or a voter who is unable to read. If the voter elects to vote using such method, the commissioner shall assist the visually impaired voter or the voter

who is unable to read with the headset and instruct the voter and the person selected to assist the voter on the use of the audio ballot.

* * *

§1306. Preparation and distribution of absentee ballots

A.

* * *

(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.

* * *

§1307. Application by mail

* * *

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 shall extend from twelve month to seven days before election day.~~ Such application shall be valid for a period extending from the date the application is received in the office of the registrar of voters through two subsequent federal general elections. If the registrar rejects the application of an applicant who is a member of the United States Service or

resides outside the United States, the registrar shall provide the applicant with written reasons for the rejection.

* * *

§1309. Absentee application and voting in person

* * *

E.

APPENDIX 4

Regular Session, 2003

HOUSE BILL NO. 1358

BY REPRESENTATIVES BRUNEAU AND LANCASTER (BY FEDERAL MANDATE)

AN ACT

To amend and reenact R.S. 18:24 and 574(A)(2) and to enact Subparts F and G of Part V of Chapter 5 of Title 18 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 18:566 through 567.6, relative to provisional voting and Title III complaint procedures as mandated by the Help America Vote Act of 2002; to provide for the powers and duties of the state board of election supervisors to extend to Title III complaint procedures; to provide for the compilation and promulgation of election results to include any counted provisional votes; to provide for provisional voting on election day and in person absentee; to provide for provisional voting in the event that the poll hours of an election for federal office are extended; to provide for the registrar of voters to record who uses a provisional ballot; to provide for agencies to provide and compile information as necessary to determine whether a provisional ballot shall be counted; to provide for the tabulation of provisional votes; to provide for the voter to determine whether his provisional vote was counted; to provide for a complaint procedure for alleged violations of Title III of the Help America Vote Act; to provide for a procedure for filing a complaint; to provide for procedures for processing the complaint; to provide for the board to conduct a hearing and provide a final decision and the reasons therefor; to provide for remedies; to provide for the Division of Administrative Law to assign the complaint to an administrative law judge if the complaint is not heard or decided timely by the board of election supervisors; to provide for the computation of time intervals; to provide for the complaint procedure to be exempt from the administrative hearing process of Chapter 13-B of Title 49; to provide for judicial review of a final decision of the board or resolution of the administrative law judge; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 18:24 and 574(A)(2) are hereby amended and reenacted and Subpart F and Subpart G of Part V of Chapter 5 of Title 18 of the Louisiana Revised

Statutes of 1950, comprised of R.S. 18:566 through 567.6, are hereby enacted to read as follows:

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

A. To accomplish the purposes of this Part and Subpart G of Part V of Chapter 5 of this Title, 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 and Subpart G of Part V of Chapter 5 of this Title.

(2) To conduct hearings as provided in this Part and Subpart G of Part V of Chapter 5 of this Title.

(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.

B. To accomplish the purposes of Subpart G of Part V of Chapter 5 of this Title, the board shall also have the power and authority to hold hearings, subpoena witnesses, administer oaths, require the production of books and records, and do all other things necessary to discharge its duties and responsibilities.

* * *

SUBPART F. PROVISIONAL VOTING

§566. Provisional voting for federal office; polling place and in person absentee

A. In an election for federal office, when an applicant's name does not appear on the precinct register and the registrar of voters has not authorized the applicant to vote by affidavit, or the commissioners assert that the applicant is not eligible to vote, and the applicant declares himself to be a registered voter and eligible to vote in the election for federal office, the applicant may cast a provisional ballot for candidates for federal office.

B. Procedure for provisional voting for federal office at a polling place:

(1) The applicant shall first fill in the blanks on the provisional ballot envelope flap and sign the certificate on the envelope flap in the presence of a commissioner attesting that he is a registered voter in the parish and is eligible to vote in the election for federal office. The applicant shall then sign the precinct register on the page marked "Provisional Voters". The commissioner shall record the provisional ballot number on the provisional ballot envelope and then shall provide the applicant the provisional ballot envelope and the provisional ballot listing the federal offices. The applicant shall then mark the provisional ballot according to the printed instructions on its face, place the ballot in the provisional ballot envelope, seal the envelope, and return the provisional ballot envelope to the commissioner. The applicant shall be allowed to mark the provisional ballot in an area and in a manner that protects the secrecy of his vote. The commissioner shall place the provisional ballot envelope inside the envelope marked "Provisional Ballot". The "Provisional Ballot" envelope shall be returned to the registrar of voters on election night.

(2) The commissioner shall provide an applicant who casts a provisional ballot with written instructions for how the applicant may ascertain whether the provisional vote was counted, and, if the provisional vote was not counted, the reason the vote was not counted.

C. In an election for federal office during the period of absentee voting in person, when an applicant's name does not appear on the precinct register and the registrar of voters has not authorized the applicant to vote by affidavit, or the

registrar or deputy registrar asserts that the applicant is not eligible to vote, and the applicant declares himself to be a registered voter and eligible to vote in the election for federal office, the applicant shall be permitted to cast an in-person absentee provisional ballot for candidates for federal office.

D. Procedure for provisional voting for federal office during the period of absentee voting in person:

(1) The applicant shall first fill in the blanks on the provisional ballot envelope flap and sign the certificate on the envelope flap in the presence of the registrar or deputy registrar attesting that he is a registered voter in the parish and is eligible to vote in the election for federal office. The applicant shall then sign the precinct register on the page marked "Provisional Voters". If the applicant is voting at a branch office of the registrar, the applicant shall be required to sign and date a register for absentee provisional voters kept by the registrar prior to voting by provisional ballot. The registrar or deputy registrar shall record the provisional ballot number on the provisional ballot envelope flap and then shall provide the applicant the provisional ballot envelope and the provisional ballot listing the federal offices. The applicant shall then mark the provisional ballot according to the printed instructions on its face, place the ballot in the provisional ballot envelope, seal the envelope, and return the provisional ballot envelope to the registrar or deputy registrar. The applicant shall be allowed to mark the provisional ballot in an area and in a manner that protects the secrecy of his vote.

The registrar or deputy registrar shall place the provisional ballot envelope inside the envelope marked "Absentee Provisional Ballot".

(2) The registrar or deputy registrar shall provide an applicant who casts an in-person absentee provisional ballot with written instructions for how the applicant may ascertain whether the provisional vote was counted, and, if the provisional vote was not counted, the reason the vote was not counted.

§566.1. Provisional voting for federal office; order for extension of poll hours during an election for federal office

A. If the poll hours in an election for federal office are extended as a result of a federal or state court order or any other order extending the time established for closing the polls, an individual who votes during the extension shall vote by provisional ballot for federal offices as set forth in R.S. 18:566(B).

B. Any provisional ballot cast pursuant to Subsection A of this Section shall be kept separate and placed by the appropriate election official in the envelope marked "Provisional Ballot – Extended Poll Hours", and shall be counted and tabulated as provided in R.S. 18:566.2.

§566.2. Tabulation and counting of provisional ballots for federal office

A. Upon receipt of the "Provisional Ballot" envelope, the registrar of voters shall compile a list of the names of individuals who voted a provisional ballot, including the names of individuals who voted a provisional absentee ballot. On or before the date prescribed for the date of tabulation and counting of provisional ballots set forth in Subsection C of this Section, the registrar of voters,

secretary of state, and other state and local agencies shall compile and provide available registration documentation to the parish board of election supervisors for the purposes of determining whether the individual casting a provisional ballot is a registered voter and eligible to vote in the election.

B. The parish board of election supervisors in each parish shall be responsible for the counting and tabulation of all provisional ballots for federal office.

C. Provisional ballots shall be counted on the third day following the election and prior to the compilation of returns pursuant to R.S. 18:574 at the office of the registrar of voters or at a public facility within the parish designated by the parish board of election supervisors.

D. Candidates, their representatives, and qualified electors may be present during the counting and tabulation of provisional ballots.

E. The board shall count and announce the results of the provisional ballots as the total number of provisional votes cast in the election for each candidate for federal office.

F. The procedure for counting provisional ballots shall be as follows:

(1) A member of the board shall remove the envelopes containing the provisional ballots from the envelopes marked "Provisional Ballot" and "Absentee Provisional Ballot".

(2) The board shall announce the name of each provisional voter and shall compare the name on the flap of the provisional ballot envelope with the name on the list of provisional voters.

(3) If the board has determined that a provisional ballot shall be counted, a member of the board shall write the provisional ballot number and the word "counted" adjacent to the provisional voter's name on the list of provisional voters. A member of the board shall tear the flap from the envelope containing the provisional ballot, attach the provisional voter's registration documentation to the envelope flap, and leave the envelope sealed.

(4) If the board has determined that a provisional ballot shall not be counted, the members of the board shall leave the flap on the envelope containing the provisional ballot, leave the envelope sealed, and shall write the word "rejected", together with the reason for rejecting the provisional ballot across the envelope containing the ballot. A member of the board shall write the provisional ballot number and the word "rejected" adjacent to the provisional voter's name, together with the reason for rejecting the provisional ballot, on the list of provisional voters. The rejected provisional ballots shall be placed in the special provisional ballot envelope. No rejected provisional ballot shall be counted.

(5) After the validity of all provisional ballots has been determined, the members of the board shall place the original signed list of provisional voters, the flaps removed from the valid provisional ballots and the attached registration documentation in the envelope provided for that purpose, and seal the envelope.

Two of the members of the board shall execute the certificate on the envelope and transmit the envelope to the registrar of voters.

(6) The members of the board shall open the envelopes containing the valid provisional ballots and remove the ballots.

(7) The provisional votes cast for a candidate for federal office shall be counted by hand, and the total number of provisional votes cast for a candidate shall be announced in the order the offices and candidates are listed on the provisional ballot. The members of the board shall enter the total number of votes on the final provisional ballot vote report and certify the results.

(8) The original of the final provisional ballot vote report prepared by the parish board of election supervisors shall be transmitted to the clerk of court upon completion of the tabulation of the provisional ballots.

(9) A copy of the signed list of provisional voters and a copy of the final provisional ballot vote report shall be transmitted immediately to the secretary of state.

G. When the flaps of the provisional ballots that were counted and the attached registration documentation have been returned to the registrar of voters, the registrar shall add the name of each provisional voter whose ballot was counted to the list of registered voters.

H. Upon completion of the tabulation and counting of the provisional ballots, the parish board of election supervisors shall return the provisional ballots and a copy of the final provisional ballot vote report to the special provisional

ballot envelope, shall seal the envelope, and shall deliver the envelope to the registrar of voters. The registrar shall preserve the envelope and its contents inviolate and, except upon order of a court of competent jurisdiction, shall not allow the provisional ballot documents 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 the envelope and its contents inviolate, subject to the orders of the court, until the final judgment in the action has become definitive.

SUBPART G. ADMINISTRATIVE COMPLAINT PROCEDURE

§567. Administrative complaint procedure; scope

This Subpart provides a uniform, nondiscriminatory procedure for the resolution of any complaint alleging a violation of any provision of Title III of the Help America Vote Act of 2002 for an election for federal office, including a violation that has occurred, is occurring, or is about to occur.

§567.1. Definitions

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

(1) "Complainant" means the person who files a complaint with the board under this Subpart.

(2) "Respondent" means any state or local election official whose actions relating to a federal election are asserted, in a complaint under this Subpart, to be in violation of Title III of the Help America Vote Act of 2002.

(3) "Title III" means Title III of the Help America Vote Act of 2002, Public Law 107-252, 116 Stat. 1666 (2002), 42 U.S.C. §15481- 15485.

(4) "Federal election" means a general, special, primary, or runoff election for federal office; and a primary election held for the expression of a preference for the nomination of individuals for election to the office of president.

(5) "Board" means the State Board of Election Supervisors.

§567.2. Filing a complaint

A. Any person who believes that there is a violation by any state or local election official of any provision of Title III may file a complaint, including a violation which has occurred, is occurring, or is about to occur. The complaint procedures set forth in this Subpart are limited to allegations of violations of Title III in a federal election.

B. The complaint shall be in writing, signed by the complainant, executed before a notary public, and sworn under oath. The complaint shall provide the name and mailing address of the complainant and shall include a description of the alleged violation that is sufficiently detailed to put the board and the respondent on notice of the nature of the alleged violation.

C. The complainant may use any of the following forms to file a complaint:

(1) The form provided by the secretary of state, subject to approval of the attorney general as to content.

(2) Any other form which contains the same information as required by the approved form prepared by the secretary of state.

D. A complaint shall be filed with the secretary of state and shall be filed within ninety days after the final certification of the federal election.

E. The complainant shall mail or deliver a copy of the complaint to each respondent.

§567.3. Processing of complaint

A. The secretary of state or his designee shall examine each complaint and may reject the complaint for filing if any of the following apply:

(1) The complaint does not clearly identify the name of the complainant and include an adequate means of contacting the complainant.

(2) The complaint is not signed by the complainant and notarized.

(3) The complaint does not, on its face, allege a violation of Title III with regard to a federal election.

(4) The complaint is not in proper form.

B. The chairman of the board shall establish a schedule under which the complainant and respondent, as well as any other interested person, may file written submissions concerning the complaint and under which the complaint shall be finally determined.

C. The board may consolidate complaints if they relate to common issues or to the same actions or events.

D.(1) The board shall compile and maintain an official record in connection with each complaint under this Subpart.

(2) The official record shall contain all of the following:

(a) A copy of the complaint, including any amendments requested by the board.

(b) A copy of any written submissions by the complainant, respondent(s), or other interested persons, including any responses authorized by the board.

(c) A written report of any investigation conducted or commissioned by the board.

(d) Copies of all notices and correspondence to or from the board in connection with the complaint.

(e) Originals or copies of any tangible evidence produced at any hearing conducted pursuant to Subsection F of this Section.

(f) The original tape recording produced at any hearing conducted pursuant to Subsection F of this Section and a copy of any hearing transcript.

(g) A copy of any final decision issued pursuant to Subsection G of this Section.

E. If the board has determined that the complaint does not include a clear and concise description of the alleged violation that is sufficiently detailed to put the board and the respondent on notice of the nature of the alleged violation, the

board may require the complainant to file an amended complaint. If the complainant fails to file the amended complaint, the chairman of the board shall dismiss the complaint.

F.(1) At the request of the complainant, the board shall conduct a hearing on the record. The request shall be made in writing to the secretary of state no later than ten days after the filing of the complaint or the amended complaint. A request for a hearing made after the deadline set forth in this Subsection shall be denied by the chairman of the board.

(2) The chairman of the board shall establish the date, time, and place for the hearing. He shall give at least five business days' notice of the date, time, and place of the hearing by all of the following means:

(a) By mail to the complainant, each named respondent, and any other person who has made a written request to be advised of the hearing.

(b) On the secretary of state's website.

(c) By posting in a prominent place, available to the general public, at the offices of the secretary of state.

(3) Four members of the board shall constitute a quorum and a quorum is required to conduct any hearing under this Subpart.

(4) The complainant, any respondent, or any other interested person may appear at the hearing and testify or present tangible evidence in connection with the complaint. Each witness shall be sworn. The Louisiana and federal rules of evidence shall not apply to this hearing. The chairman of the board may limit the

testimony, if necessary, to ensure that all interested participants are able to present their views. The chairman of the board may recess the hearing and reconvene at a later date, time, and place announced publicly at the hearing.

(5) A complainant, respondent, or other person who testifies or presents evidence at the hearing may, but need not, be represented by an attorney.

(6) The proceedings shall be tape recorded by and at the expense of the board. The recording shall not be transcribed as a matter of course, but the board, a parish board of election supervisors, or any party may obtain a transcript at its own expense. A copy of the transcript shall be filed as part of the record, and any other interested person may examine the record copy.

(7) Any party to the proceedings may file a written brief or memorandum within five business days after the conclusion of the hearing upon authorization of the board. No responsive or reply memoranda will be accepted, except with the specific authorization of the chairman of the board.

G.(1) If there has been no hearing conducted pursuant to Subsection F of this Section, the members of the board shall review the record and determine whether a preponderance of the evidence establishes a violation of Title III. The decision of the board shall require the concurrence of a majority of the members of the board.

(2) At the conclusion of a hearing conducted pursuant to Subsection F of this Section, the board shall determine whether a preponderance of the evidence

establishes a violation of Title III. The decision of the board shall require the concurrence of a majority of the members of the board present at the hearing.

(3)(a) If the board determines that a violation of Title III has occurred, the board shall provide an appropriate remedy. The remedy so provided may include an order to any respondent, commanding the respondent to take specified action, or prohibiting the respondent from taking specified action, with respect to past or future elections; however, the remedy shall not include an award of monetary damages, costs, or attorney fees, and shall not invalidate the results of any election or invalidate any ballot or vote cast.

(b) The board shall dismiss the complaint if any of the following apply:

(i) The complaint is not filed within the time set forth in R.S. 18:567.2.

(ii) The board determines that a violation of Title III has not occurred.

(iii) The board determines that there is insufficient evidence to establish a violation of Title III.

(4) The board shall provide reasons for the decision and for any remedy ordered. A written decision shall be issued by the board.

H. Except as specified in Subsection J of this Section, the final decision of the board shall be issued within ninety days from the date the complaint was filed, unless the complainant consents in writing to an extension. The final decision shall be mailed to the complainant, each respondent, and any other person who has made a written request to be advised of the final decision. It shall also be posted on the secretary of state's website.

I. If the board fails to make a final decision within ninety days from the date the complaint was filed, or within any extension to which the complainant consents, the complaint shall be referred for final resolution as provided in Subsection J of this Section. The record compiled pursuant to Subsection D of this Section shall be made available for use pursuant to Subsection J of this Section.

J.(1) If the board fails to render a final decision within the time set forth in Subsection H of this Section, the board shall transmit the record to the Division of Administrative Law on or before the fifth business day after the board's decision was due. The Division of Administrative Law shall assign the complaint to an administrative law judge.

(2) The administrative law judge shall review the record compiled in connection with the complaint, including the tape recording or any transcript of a hearing and any submissions, briefs, or memoranda. The administrative law judge shall not receive additional testimony or evidence, unless the complainant requested a hearing within the deadline set forth in Subsection F of this Section and the hearing was not conducted within the time set forth in Subsection H of this Section. In exceptional cases, the administrative law judge may request that the parties present additional briefs or memoranda.

3) The administrative law judge shall determine the appropriate resolution of the complaint.

(4) The administrative law judge shall issue a written resolution of the complaint within sixty days after the final board decision was due pursuant to Subsection H of this Section. The sixty-day period shall not be extended. The final resolution of the administrative law judge shall be transmitted to the board. The final resolution shall be mailed by the board to the complainant, each respondent, and any other person who has made a written request to be advised of the final resolution. It shall also be posted on the secretary of state's website. The resolution so provided may include an order to any respondent, commanding the respondent to take specified action, or prohibiting the respondent from taking specified action, with respect to past or future elections; however, the resolution shall not include an award of monetary damages, costs, or attorney fees, and shall not invalidate the results of any election or invalidate any ballot or vote cast.

K. A complaint filed pursuant to this Subpart shall not constitute an election contest pursuant to R.S. 18:1401 et seq.

§567.4. Computation of time

Except as otherwise provided in this Subpart, computation of all time intervals in this Subpart shall include Sundays and other legal holidays. However, if the time interval ends on a Sunday or other legal holiday, then noon of the next legal day shall be deemed to be the end of the time interval.

§567.5. Exemption

The provisions of Chapter 13-B of Title 49 relating to the Division of Administrative Law shall not apply to the administrative hearing process

established under this Subpart. The board is exempt from the hearing requirements set forth in Chapter 13-B of Title 49 and shall conduct hearings pursuant to this Subpart. However, the board is authorized to contract with the Division of Administrative Law for the alternative dispute resolution services required by R.S. 18:567.3.

§567.6. Judicial review

The final decision of the board or the final resolution of the administrative law judge may be judicially reviewed by filing a petition in the Nineteenth Judicial District Court, Parish of East Baton Rouge. The petition shall be filed within thirty days after the mailing of the notice of the final decision of the board or the final resolution of the administrative law judge.

* * *

§574. Compilation and promulgation of returns

A.

* * *

(2) Immediately after the completion of the verification 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 for each candidate and for and against each proposition in each precinct, the total absentee votes for each candidate and for and against each proposition in the parish, the total

provisional votes for each candidate for federal office, and the total of all votes for each candidate and for and against each proposition in the parish.

* * *

Section 2. This Act shall become effective on January 1, 2004.

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED:

APPENDIX 5

U.S. Department of Justice

Civil Rights Division

JDR:RPL:RAD:nj
DJ 166-012-3
2003-1527

Voting Section - NWB
950 Pennsylvania Avenue, N.W.
Washington, DC 20530

June 19, 2003

Ms. Suzanne Haik Terrell
Commissioner of Elections
P.O. Box 4729
Baton Rouge, Louisiana 70821-4729

Dear Ms. Terrell:

This refers to the revisions to the Louisiana Mail Voter Registration Application Form (LR-1M) (REV.03/03) R.S. 18:104 Form # 01253)) adopted in part to comply with the Help America Vote Act of 2002, 42 U.S.C. 15301-15545, submitted to the Attorney General pursuant to Section 5 of the Voting Rights Act, 42 U.S.C. 1973c. We received your submission on May 1, 2003; supplemental information was received on June 3, 2003.

The Attorney General does not interpose any objection to the specified changes. However, we note that Section 5 expressly provides that the failure of the Attorney General to object does not bar subsequent litigation to enjoin the enforcement of the changes. In addition, as authorized by Section 5, we reserve the right to reexamine this submission if additional information that would otherwise require an objection comes to our attention during the remainder of the sixty-day review period. See the Procedures for the Administration of Section 5 (28 C.F.R. §1.41 and 51.43).

Sincerely,

Joseph D. Rich
Chief, Voting Section

LOUISIANA MAIL VOTER REGISTRATION APPLICATION FORM

YOU CAN USE THIS FORM TO:

1) Register to vote 2) Change your address 3) Request a name change 4) Change party affiliation

TO REGISTER YOU MUST:

- be a United States citizen
- be at least 17 years old but must be 18 years old prior to next election to vote
- not be under an order of imprisonment for conviction of a felony
- not be under a judgment of interdiction for mental incompetence
- reside in the state and parish in which you seek to register.

INSTRUCTIONS FOR COMPLETING THIS FORM:

All information except your signature should be printed clearly in ink, preferably black, or typed. Fill in all boxes that apply to you.

Box 1: Indicate whether you are a citizen of the United States of America.

Box 2: Provide full name. Do not use initials for middle or maiden name.

Box 3: 'Residence Address' means the address where you live and are registering to vote. If you claim a homestead exemption, you must list the address of that residence. Do not use a post office box for your 'Residence Address'. If you use a rural route and box number, draw a map in the space labeled 'Give Location.' Write in the names of the crossroads (streets) nearest to where you live. Draw an X to show where you live. Use a dot to show any schools, churches, stores or landmarks near where you live and write the name of the landmark. Complete 'Mailing Address' only if it is different from the 'Residence Address'.

Boxes 6 & 15: You must provide your Louisiana driver's license number, if issued. If not issued, you must provide at least the last four digits of your social security number, if issued. The full social security number may be provided on a voluntary basis. If neither a social security number nor a driver's license has been issued, you must attach either a) a copy of a current and valid photo identification or b) a copy of a current utility bill, bank statement, government check, paycheck, or other government document that shows your name and address.

Boxes 8,11 & 12: The items 'race/ethnic origin', 'daytime phone' and 'home phone' are not required but are helpful.

Box 9: If you do not complete this item, your party affiliation will be listed as 'none'.

Box 16: If you are using this form to request a change of name, you must print the name to be changed here.

Box 18: The signatures of two witnesses to your mark if you are unable to sign your name must be included here.

Box 19: Date and sign the card with your signature or mark.

If returned by mail, either complete the 'Mail to:' box found on the reverse side or place in an envelope, using the address of the appropriate registrar of voters found on the reverse side. If you have not been issued a social security number or Louisiana driver's license number, you must mail it in an envelope so that you can include the required documentation with your application. Your application or envelope must be postmarked 30 days prior to the first election in which you seek to vote based on the residence listed on this application.

NOTE: 1. If you received this application from a designated agency, should you decline to register to vote, this fact will remain confidential. If you register to vote, the office where your application was submitted will remain confidential and may be used only for voter registration purposes. 2. Your social security number is intended to be used for voter registration purposes only. (L.A. R.S.18:104A(16) and 154)

QUESTIONS? Call your Parish Registrar of Voters. Check your local directory for the number. You may also call the Department of Elections and Registration at 1-800-825-3805.

COMPLETE AND CHECK ALL APPLICABLE BOXES AND TEAR ALONG PERFORATED LINE BEFORE MAILING.

LOUISIANA MAIL VOTER REGISTRATION APPLICATION

1 CITIZEN OF THE UNITED STATES? (Circle One) Yes No

Official use only — Reg. Type ____ Wd/Dist ____ Pct ____ In ____ Out ____

2 NAME OF APPLICANT (PLEASE PRINT) — LAST / FIRST / MIDDLE OR MAIDEN (FULL)

GIVE LOCATION

3 RESIDENCE ADDRESS (MUST BE ADDRESS WHERE YOU CLAIM HOMESTEAD EXEMPTION, IF ANY) — House or Apt. No. & Street (If Rural, Route & Box No.) / CITY OR TOWN / STATE / ZIP

Mailing Address (If Different)

4 AGE | 5 DATE OF BIRTH (MONTH / DAY / YEAR) | 6 * SOCIAL SECURITY # | 7 SEX (Circle One) MALE FEMALE | 8 ** RACE/ETHNIC ORIGIN (Circle One) WHITE -- BLACK -- ASIAN -- HISPANIC -- AMERIINDIAN Other ____

9 PARTY AFFILIATION (Circle One) DEM REP NONE OTHER (Specify) | 10 APPLICANT'S PLACE OF BIRTH — CITY OR TOWN / PARISH OR COUNTY / STATE / COUNTRY | 11 ** DAYTIME PHONE ( )

12 ** HOME PHONE ( ) | 13 FORMER RESIDENCE AND REGISTRATION ADDRESS — ADDRESS / PARISH OR COUNTY / STATE | 14 MOTHER'S MAIDEN NAME

15 LA DRIVER'S LIC # | 16 FORMER REGISTERED NAME, IF APPLICABLE | 17 Assistance needed at polls? (Circle one) Yes No Give reason:

18 If you are unable to sign your name, two witnesses to your mark must sign here.
Signature | Signature

AFFIRMATION: I do hereby solemnly swear or affirm that I am a bona fide resident of this state and parish, that I am not currently under an order of imprisonment for conviction of a felony, that I am not currently under a judgment of interdiction for mental incompetence, and that the facts given by me on this application are true to the best of my knowledge and belief. If I have provided false information, I may be subject to a fine of not more than $1,000 ($2,500 for subsequent offense) or imprisonment for not more than 1 year (5 years for subsequent offense), or both. Any false statement may constitute perjury.

19 SIGN YOUR NAME IN BOX AT RIGHT.

Date: ____/____/____

* Last 4 #s required if no license issued; full # OPTIONAL
** OPTIONAL LR-1M (REV. 03/03) R.S.18:104 FORM 80-0253

ACADIA Courthouse, #115
Crowley LA 70526-4363
ALLEN P. O. Box 150
Oberlin LA 70655-0150
ASCENSION 828 S. Irma Blvd #103
Gonzales LA 70737-3631
ASSUMPTION P. O. Box 578
Napoleonville LA 70390-0578
AVOYELLES 312 N. Main St #E
Marksville LA 71351-2409
BEAUREGARD P. O. Box 952
DeRidder LA 70634-0952
BIENVILLE P. O. Box 697
Arcadia LA 71001-0697
BOSSIER P. O. Box 635
Benton LA 71006-0635
CADDO P. O. Box 1253
Shreveport LA 71163-1253
CALCASIEU 1000 Ryan St #7
Lake Charles LA 70601-5250
CALDWELL P. O. Box 1107
Columbia LA 71418-1107
CAMERON P. O. Box 1
Cameron LA 70631-0001
CATAHOULA P. O. Box 215
Harrisonburg LA 71340-0215
CLAIBORNE 507 W.Main, Suite 101
Homer LA 71040-3914
CONCORDIA 4001 Carter St, #4
Vidalia LA 71373-3021
DESOTO 105 Franklin St.
Mansfield LA 71052-2046
E. BATON ROUGE
222 St. Louis #201
Baton Rouge LA 70802-5860
E. CARROLL 400 First St.
Lake Providence LA 71254-2695
E. FELICIANA P. O. Box 488
Clinton LA 70722-0488
EVANGELINE 200 Court St.Suite 102
Ville Platte LA 70586-4463
FRANKLIN Cthse, 6560 Main St.
Winnsboro LA 71295-2750

GRANT Cthse, 200 Main St.
Colfax LA 71417-1828
IBERIA 300 Iberia St. #110
New Iberia LA 70560-4543
IBERVILLE P. O. Box 554
Plaquemine LA 70765-0554
JACKSON 500 E. Court #102
Jonesboro LA 71251-3400
JEFFERSON P. O. Box 10494
Jefferson, LA 70181-0494
JEFF DAVIS Cthse, 300 State St.
Jennings LA 70546-5361
LAFAYETTE 1010 Lafayette #313
Lafayette LA 70501-6885
LAFOURCHE 307 W. 4th St, #101
Thibodaux LA 70301-3105
LASALLE P. O. BOX 2439
Jena LA 71342-2439
LINCOLN 100 W.Texas Ave #10
Ruston LA 71270-4463
LIVINGSTON P. O. Box 968
Livingston LA 70754-0968
MADISON 100 N. Cedar St.
Tallulah LA 71282-3892
MOREHOUSE 129 N. Franklin
Bastrop LA 71220-3815
NATCHITOCHES P. O. Box 677
Natchitoches LA 71459-0677
ORLEANS 1300 Perdido, #1W23
New Orleans LA 70112-2127
OUACHITA 400 St. John, #106
Monroe LA 71201-7342
PLAQUEMINES P. O. Box 989
Port Sulphur LA 70083-0989
POINTE COUPEE 211 E. Main
New Roads LA 70760-3661
RAPIDES 701 Murray St.
Alexandria LA 71301-8099
RED RIVER P. O. Box 432
Coushatta LA 71019-0432
RICHLAND P. O. Box 368
Rayville LA 71269-0368
SABINE 400 Capitol St
Many LA 71449-3099

ST BERNARD 8201 W.Judge Perez
Chalmette LA 70043-1696
ST CHARLES P. O. Box 315
Hahnville LA 70057-0315
ST HELENA P. O. Box 543
Greensburg LA 70441-0543
ST JAMES P. O. Box 179
Convent LA 70723-0179
ST JOHN 1801 W. Airline Hwy
LaPlace LA 70068-3344
ST LANDRY P. O. Box 818
Opelousas LA 70571-0818
ST MARTIN Cthse, 415 S. Main
St.Martinville LA 70582-4549
ST MARY 500 Main St. #301
Franklin LA 70538-6144
ST TAMMANY P.O.BOX 1815
Covington LA 70434-1815
TANGIPAHOA P. O. Box 895
Amite LA 70422-0895
TENSAS P. O. Box 183
St. Joseph LA 71366-0183
TERREBONNE P. O. Box 9189
Houma LA 70361-9189
UNION P. O. Box 235
Farmerville LA 71241-0235
VERMILION 100 N State St, #120
Abbeville LA 70510
VERNON P. O. Box 626
Leesville LA 71496-0626
WASHINGTON 900 Washington St.
Franklinton LA 70438-1719
WEBSTER P. O. Box 674
Minden LA 71058-0674
W.BATON ROUGE P. O. Box 31
Port Allen LA 70767-0031
W.CARROLL P. O. Box 71
Oak Grove LA 71263-0071
W FELICIANA P. O. Box 2490
St. Francisville LA 70775-2490
WINN Courthouse, Room 105
Winnfield LA 71483-0951

APPLICANT'S ADDRESS:

_____

_____

_____

PLACE STAMP HERE

OFFICIAL USE ONLY

Address change

_____

_____

_____

_____

_____

Name change

_____

_____

_____

_____

Party change

_____

_____

Remarks

_____

Circle One: PA MV RO SDA SS

Received By: _____

MAIL TO:
REGISTRAR OF VOTERS

_____

_____

_____

APPENDIX 6

Regular Session, 2003

HOUSE BILL NO. 1594

BY REPRESENTATIVES K. CARTER, BAYLOR, BROOME, CURTIS, GALLOT, GLOVER, GREEN, GUILLORY, HONEY, HUDSON, HUNTER, L. JACKSON, M. JACKSON, LUCAS, MORRELL, MURRAY, PEYCHAUD, PIERRE, QUEZAIRE, RICHMOND, SWILLING, AND WELCH

AN ACT

To enact R.S. 18:18(A)(8), relative to the duties and powers of the secretary of state; to provide for the secretary of state to be responsible for the implementation of voter registration week; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 18:18(A)(8) is hereby enacted to read as follows:

§18. Secretary of state; commissioner of elections; powers and duties

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

* * *

<u>(8)(a) Prescribe uniform rules, regulations, forms, and instructions as to standards for effective nonpartisan voter education, which shall be approved by the attorney general and thereafter shall be implemented uniformly by each registrar of voters in the state. In developing the standards, the secretary of state shall review current voter education programs within the state. The standards shall address but shall not be limited to voter education concerning voter</u>

registration, balloting procedures, both absentee and at the polling places, distribution of sample ballots, and effective voter education methods, including the use of public service announcements and other public awareness methods. By December fifteenth of each general election year, each registrar of voters shall report to the secretary of state a detailed description of the voter education programs implemented in his parish. The secretary of state, upon receipt of such information, shall prepare a report on the effectiveness of voter education programs and shall submit the report to the governor, the president of the Senate, and the speaker of the House of Representatives by January thirty-first of each year following a general election.

(b) Develop activities, events, informational posters and pamphlets, and public service announcements for the implementation of an annual voter registration week and generally be responsible for implementation of such week. It is the policy of the state of Louisiana to encourage full participation in voting by all citizens of this state. To this end, the official state voter registration week shall be the last full week which occurs two weeks prior to the close of registration records for the regular fall primary election.

* * *

Section 2. The provisions of this Act shall become effective at noon on January 12, 2004.

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA
APPROVED:

APPENDIX 7

Regular Session, 2003

HOUSE BILL NO. 1623

BY REPRESENTATIVES LEBLANC, LANCASTER, MURRAY, FAUCHEUX, THOMPSON, AND RICHMOND

AN ACT

To enact Chapter 8-B of Title 18 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 18:1400.21, relative to special treasury funds; to establish the Help Louisiana Vote Fund as a special fund in the state treasury; to establish accounts within the fund for certain purposes; to provide for deposit and use of monies in the fund; to provide for an effective date; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. Chapter 8-B of Title 18 of the Louisiana Revised Statutes of 1950, comprised of R.S. 18:1400.21, is hereby enacted to read as follows:

CHAPTER 8-B. HELP LOUISIANA VOTE FUND

§1400.21. Help Louisiana Vote Fund

A. The Help Louisiana Vote Fund is established as a special fund in the state treasury, hereinafter referred to as the "fund", for purposes of improving Louisiana's elections in accordance with the Help America Vote Act of 2002, hereinafter referred to as "HAVA".

B. The sources of money deposited into the fund shall be any federal monies received by the state pursuant to HAVA and any monies appropriated to the fund. State monies appropriated to the fund may be deposited in any account designated in the appropriation. After compliance with the requirements of the Bond Security and Redemption Fund, federal monies shall be deposited into the fund and allocated by the state treasurer to one of the following five accounts. Within ten days of receipt of any federal monies by the state treasurer, the secretary of state shall provide written instructions to the state treasurer with respect to the specific account into which such monies shall be deposited.

(1) The Election Administration Account is established within the fund, into which the state treasurer shall deposit monies received pursuant to Section 101 of Title I of HAVA with respect to improving administration of elections. Monies in this account shall be appropriated only for improving the administration of elections, acquisition of equipment and voting system technologies, and other requirements of Title III of HAVA with respect to uniform and nondiscriminatory election technology and administration.

(2) The Voting Systems Account is established within the fund, into which the state treasurer shall deposit monies received pursuant to Section 102 of Title I of HAVA with respect to replacement of punch card and lever voting systems or to reimburse the state for expenditures made after January 1, 2001, for replacement of such systems. Reimbursement monies received under Section 102 of Title I of HAVA which are deposited into this account shall be appropriated

only for the replacement of lever voting systems or to satisfy the state's responsibilities under Title II of HAVA. All other monies in this account shall be appropriated only for the replacement of lever voting systems.

(3) The HAVA Requirements Account is established within the fund, into which the state treasurer shall deposit monies received pursuant to Title II of HAVA designated as requirements payments. Monies in this account shall be appropriated only to meet the requirements of Title III of HAVA with respect to uniform and nondiscriminatory election technology and administration requirements, after which any residual amounts available may be used for improving administration of federal elections.

(4) The Voting Access Account is established within the fund, into which the state treasurer shall deposit monies received pursuant to Title II of HAVA with respect to assuring voting access for individuals with disabilities. Monies in this account shall be appropriated only for (a) improvement of polling places to ensure accessibility to individuals with disabilities in a manner that provides the same opportunity for participation, privacy, and independence as for other voters; and (b) providing disabled individuals with information about accessible polling places, including outreach programs and training for election officials.

(5) The College Program Account is established within the fund, into which the state treasurer shall deposit monies received pursuant to Title V of HAVA with respect to the Help America Vote College Program. Monies in this account shall be appropriated only for activities and programs to encourage

students enrolled at institutions of higher education to assist state and local governments in the administration of elections by serving as nonpartisan poll workers or assistants and to encourage state and local governments to use the services of such students.

C. All unexpended and unencumbered monies in the fund at the end of the fiscal year shall remain in the fund. Such monies shall be invested by the state treasurer in the same manner as monies in the state general fund, and interest earned on the investment of these monies shall be credited to the fund after compliance with the requirements of the Bond Security and Redemption Fund. The state treasurer shall annually allocate investment earnings among the five accounts proportionally based on the fund balance of each account at the time of the allocation.

Section 2. This Act shall become effective upon signature by the governor or, if not signed by the governor, upon expiration of the time for bills to become law without signature by the governor, as provided in Article III, Section 18 of the Constitution of Louisiana. If vetoed by the governor and subsequently approved by the legislature, this Act shall become effective on the day following such approval.

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED:

APPENDIX 8

HELP AMERICA VOTE ADVISORY COMMITTEE
AGENDA
MARCH 27, 2003

I. Introduction of Committee Members and Staff

Election or Appointment of Chairman, Vice Chairman and Secretary

II. Summary of Help America Vote Act - Juliet E. Thompson

III. Explanation of Materials Provided

IV. Goals of Committee

Provisional Voting
Handicap Accessible Voting Systems
Publication
Voter Registration System
Complaint Procedure

V. Set Future Meeting Dates and Agendas

Meeting Number 2 - Provisional Voting and Statewide Voter Registration Database
Meeting Number 3 - Publication, Education Requirements, Vendor Demonstration
Meeting Number 4 - Voting Machine Accessibility
Meeting Number 5 - Funding

HELP AMERICA VOTE ADVISORY COMMITTEE
MEETING 2 – VOTER REGISTRATION SYSTEM & PROVISIONAL VOTING

I. MINUTES FROM MARCH 27, 2003 MEETING

II. VOTER REGISTRATION SYSTEM
   A. Requirements of HAVA
   B. Louisiana's current Voter Registration System
   C. Needed changes to Louisiana's Voter Registration System
      - Proposed legislation
      - Amendments to ERIN System
      - Amendments to OMV computer system
      - Amendments to Louisiana voter registration procedures
   D. Estimated cost of amending Louisiana's Voter Registration System

III. PROVISIONAL VOTING
   A. Requirements of HAVA
   B. Issues of application – State versus Federal Offices
   C. Needed changes to make Louisiana compliant with HAVA requirements
      - Proposed legislation
      - Provisional Ballots
   D. Estimated costs of instituting provisional voting

IV. OLD BUSINESS

V. NEW BUSINESS

HELP AMERICA VOTE ADVISORY COMMITTEE
MEETING 3 – PUBLICATION AND EDUCATION
APRIL 28, 2003 – 10:00 A.M.

I. MINUTES FROM MEETING 2 – APRIL 14, 2003

II. PUBLICATION
- A. Requirements of HAVA
- B. Louisiana's current election day publications
- C. Needed amendments and additions to Louisiana's election day publications
  - 1. Proposed legislation
  - 2. Amendments to current posters
  - 3. Amendments to handbook
  - 4. Additional posters and information
- D. Estimated cost of publication changes

III. EDUCATION
- A. Requirements of HAVA
- B. Louisiana's current poll worker, election official and voter education programs
- C. Needed changes to Louisiana's education programs
- D. Additional voter education
- E. Grant applications under Help America Vote College Program
- F. Estimated costs of instituting additional voter education programs

IV. OLD BUSINESS

V. NEW BUSINESS

VENDOR DEMONSTRATION – HANDICAP ACCESSIBLE VOTING SYSTEMS

Meeting Number 4 – May 12, 2003 at 10:00 a.m.

HELP AMERICA VOTE ADVISORY COMMITTEE
AGENDA
MEETING 4 – VOTING SYSTEMS
MAY 12, 2003- 10: 00 A. M.

I. MINUTES FROM MEETING NUMBER 3 – APRIL 28, 2003

II. VOTING SYSTEMS
- A. Requirements of HAVA
- B. Incentives provided by HAVA – Title I
- C. Louisiana's current voting systems and their compliance or non-compliance with HAVA
- D. Needed amendments and additions to Louisiana's voting systems
  1. Proposed legislation
  2. Retro-fits to voting systems currently in place
  3. Purchases of voting systems
- E. Handicap Accessible voting systems
  1. Requirements of HAVA
  2. Discussion of the systems demonstrated at Meeting 3
- F. Estimated cost of replacing voting systems

III. EDUCATION
- A. Discussion of proposals for voter and poll worker education
- B. Anticipated costs of such educational programs

IV. OLD BUSINESS

V. NEW BUSINESS

Meeting Number 5 – May 22, 2003 at 10:00 a.m.

HELP AMERICA VOTE ADVISORY COMMITTEE
AGENDA
MEETING 5 – COMPLAINT PROCEDURE AND FUNDING
PRESS ROOM, 4TH FLOOR
LOUISIANA CAPITOL
JUNE 5, 2003 – 10:00 A. M.

I. MINUTES FROM MEETING 4 - MAY 12, 2003

II. COMPLAINT PROCEDURE
- A. Requirements of HAVA
- B. Louisiana's current fraud investigation unit
- C. Needed changes to make Louisiana compliant with HAVA complaint requirements
  1. Proposed legislation
  2. Website changes
  3. 1-800 number
- D. Estimated cost of implementing the complaint procedure

III. FUNDING
- A. Requirements of HAVA
- B. Proposed legislation to create 254(b) fund
- C. Maintenance of Effort
- D. 5% state match
- E. State budget for meeting Title III requirements – Section 254(a)(6)
- F. Performance goals and measures for Title III compliance – Section 254(a)(8)

IV. ADOPTING STATE PLAN
- A. Discussion of draft plan
- B. Adoption of plan

V. OLD BUSINESS

VI. NEW BUSINESS

APPENDIX 9

HELP AMERICA VOTE ADVISORY COMMITTEE
AGENDA FOR PUBLIC MEETINGS

I. Introduction of Presenters and Staff

II. Summary of Help America Vote Act and State Plan - Juliet E. Thompson

III. Public Comment
Time Limit: 5 minutes per person

IV. Closing Comments