

U.S. ELECTION ASSISTANCE COMMISSION



2010 Election Administration & Voting Survey

Louisiana

Statutory Overview

In order to better understand state laws governing federal elections, the U.S. Election Assistance Commission, as part of its biennial Election Administration and Voting Survey, is collecting information on state election laws and procedures. These answers will help EAC to better understand the quantitative data relating to the 2010 general election that we are collecting from all U.S. states and territories.

EAC understands that responding to this Statutory Overview may require significant staff time on the part of your office. -Please be assured that we have attempted to minimize the burden, and we appreciate your cooperation in this very important project.

Information Supplied By	
Name	- Carol H. Guidry
Title	- Director of HAVA
Office/Agency Name	- Louisiana Department of State
Address 1	- P. O. Box 94125
Address 2	
City	- Baton Rouge
State	- Louisiana
Zip Code	- 70804-9125
Email Address	- cguidry@sos.louisiana.gov
Telephone (area Code and number)	- (225) 922-0900
Fax Number (area code and number)	- (225) 922-1167

DIRECTIONS AND EXAMPLE

Please provide your state's legal citation for the responses to these questions (where applicable). Prior to beginning the Statutory Overview, please ensure that "track changes" is turned on; this will provide a record of all changes that are made including insertions, deletions, and formatting changes. To turn on track changes hold down "Control" and "Shift" and "E" at the same time. For additional assistance in working with "track changes" please contact your Technical Assistance point of contact at ICF International.

We have provided you with your answers to the 2008 Statutory Overview. If there has not been a change in your State's laws or legal citation in the response to a question, please mark No Change Since 2008 with an "X" as shown below:

X No Change Since 2008

If the response has changed since 2008, please mark Changed Since 2008 with an "X" and modify the answer as needed using track changes. If you need to replace the entire answer, please delete the 2008 response and record your 2010 response between the red bracketed text lines, as described below.

X Changed Since 2008

Please answer each question to the best of your ability. If terms are ambiguous or not relevant, please explain why. If a question is not applicable to your state, please explain why. If a definition or term lacks statutory reference but is widely understood in practice, please explain. If election procedures vary at the local level within your state, please explain to the best of your ability.

If state laws are currently enjoined or otherwise blocked from enforcement by a state or federal court, or executive decision, please specify.

Please keep your responses between the red, bracketed text lines. This will help us extract your answers into our central database.

Example:

A1. How does your state define the following terms related to votes and ~~ballots?~~ballot?
Please provide your state's legal citation defining these terms, where applicable.

a. Over-vote

[Begin definition (a) below this line.]

Your answer goes here. You may enter the text directly, or cut and paste from another word processing program.

There is no limit to the length of your response.

[End definition (a) above this line.]

SECTION A: GENERAL

A1. How does your state define the following terms related to votes and ballots? Please provide your state's legal citation defining these terms, where applicable.

a. Over-vote

☐ No Change Since 2008 ☒ Changed Since 2008

2008 Response:

[Begin definition (a) below this line.]

In Louisiana, neither of our voting systems will allow a voter to over-vote. A voter must deselect their vote before they can cast a vote for another candidate, proposition, or constitutional amendment. Under the ~~provision~~provisions of R.S. 18:563(D)(2) for paper ballots, "...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."

[End definition (a) above this line.]

b. Under-vote

☐ No Change Since 2008 ☒ Changed Since 2008

2008 Response:

[Begin definition (b) below this line.]

Under the provisions of R.S. 18:563(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-..." Since only one vote is required to cast a ~~ballot, there will be under-votes on the voting systems if vote and~~ a voter ~~exercises his right and votes~~elects only to cast a vote for ~~only one thing or more elections, the voter may elect not to vote for any of the ballot~~other remaining elections on the ballot. An under-vote will then occur for some elections. This situation may also occur for early voting in-person or absentee voting by mail.

[End definition (b) above this line.]

c. Blank ballot

☒ No Change Since 2008 ☐ Changed Since 2008

2008 Response:

[Begin definition (c) below this line.]

R.S. 18:1302(1) – “Ballot” means a paper ballot or electronic ballot.

[End definition (c) above this line.]

d. Void/Spoiled ballot

☐ **No Change Since 2008** ☒ **Changed Since 2008**

2008 Response:

[Begin definition (d) below this line.]

R.S. 18:563(D)(2) for paper ballots -- “...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.”

[End definition (d) above this line.]

e. Provisional/Challenged ballot

☐ **No Change Since 2008** ☒ **Changed Since 2008**

2008 Response:

[Begin definition (e) below this line.]

R.S. 566(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.”

[End definition (e) above this line.]

f. Absentee

☐ **No Change Since 2008** ☒ **Changed Since 2008**

2008 Response:

[Begin definition (f) below this line.]

R.S. 18:1303 specifies which voters can vote absentee by mail.

Formatted: Font color: Black

Formatted: Font: 12 pt, Font color: Black

“B. By mail. The following persons, otherwise qualified to vote, who expect to be out of the parish on election day, may vote absentee by mail upon meeting the requirements of this Chapter:

- (1) A member of the United States Service, as defined in R.S. 18:1302, and his spouse and dependents.
- (2) A student, instructor, or professor in an institution of higher learning located outside the parish in which he is qualified to vote and who lives outside of said parish by reason thereof, and his spouse and any dependent accompanying and residing with him.
- (3) A minister, priest, rabbi, or other member of the clergy assigned to a religious post outside the parish in which he is registered and his spouse and any dependents accompanying and residing with him.
- (4) A person who is or who expects to be temporarily outside the territorial limits of the state or absent from the parish in which he is qualified to vote during the early voting period and on election day.
- (5) A person who, after the registration books have closed as required by R.S. 18:135, has moved his residence to another parish and the new residence is more than one hundred miles from the parish seat of the parish of his former residence, in which case he may vote absentee by mail in the parish of his former residence.
- (6) A person involuntarily confined in an institution for mental treatment outside the parish in which he is qualified to vote, who is not interdicted and not judicially declared incompetent.
- (7) Repealed.
- (8) A person residing outside the United States.

C. Sequestered jury member. A person who is otherwise qualified to vote, who is a member of a sequestered jury on election day, may vote absentee as provided in R.S. 18:1307.1, R.S. 18:1307.2, and R.S. 18:1308.1, upon meeting the requirements of this Chapter.

D. Hospitalized.

(1) A person who is otherwise qualified to vote, who expects to be hospitalized on election day and who did not have knowledge of his proposed hospitalization until after the time for early voting had expired, may vote absentee by mail upon meeting the requirements of this Chapter.

(2) A person who is otherwise qualified to vote, who expects to be hospitalized on election day and who was hospitalized during the time for early voting, may vote absentee by mail upon meeting the requirements of this Chapter.

(3) A person who was hospitalized and released prior to an election but who is either hospitalized or restricted to his bed by his physician during early voting and is restricted to his bed by his physician on election day may vote absentee by mail upon meeting the requirements of this Chapter.

E. Employed upon state waters. A person who by virtue of his employment or occupation expects to be out of his precinct of registration and upon the waters of the state both during the early voting period and on election day may vote absentee by mail upon meeting the requirements of this Chapter.

F. Participants in former program for disabled voters. A person who lives at home and who prior to January 1, 2010, was approved by a parish board of election supervisors as being eligible to participate in the Special Program for Handicapped Voters as such program existed prior to January 1, 2010, may vote absentee by mail upon meeting the requirements of this Chapter.

G. Persons incarcerated. A person incarcerated in an institution inside or outside the parish in which he is qualified to vote, who is not under an order of imprisonment for conviction of a felony, may only vote absentee by mail and only upon meeting the requirements of this Chapter and certification to the appropriate registrar by the sheriff of the parish where the person is incarcerated that he is not a convicted felon.

H. A person who is a program participant in the Department of State Address Confidentiality Program pursuant to R.S. 44:52 may vote absentee by mail upon meeting the requirements of this Chapter. The program participant's substitute address shall be used for all purposes relative to voter registration and voting. A program participant's name and physical address shall not be included on any list of registered voters available to the public. A program participant shall not vote during early voting or in person at the polls on election day.

I. Disabled voters.

(1) Any qualified voter who submits any of the following to the registrar of voters may vote absentee by mail upon meeting the requirements of this Chapter:

(a) A copy of a current mobility-impaired identification card bearing a photograph of the voter and the international symbol of accessibility issued by the secretary of the Department of Public Safety and Corrections as authorized by the provisions of R.S. 47:463.4.

(b) A copy of current documentation showing eligibility for social security disability benefits, veteran's disability benefits, paratransit services, benefits from the office of citizens with developmental disabilities, or benefits from Louisiana Rehabilitation Services.

(c) Current proof of disability from a physician.

(2) Any voter who submits the information required by Paragraph (1) of this Subsection by mail to the registrar shall include a copy of his Louisiana driver's license, his Louisiana special identification card issued pursuant to R.S. 40:1321, or other generally recognized picture identification card that contains the name and signature of the voter or a form on which the voter has listed the names and addresses of at least two persons residing in his precinct who could make oath, if required, to the effect that the voter is physically disabled.

J. Senior Citizen. A person who has attained the age of sixty-five years or more may vote absentee by mail upon meeting the requirements of this Chapter."

End definition (f) above this line.]

g. Early voting

☐ No Change Since 2008 ☒ Changed Since 2008

2008 Response:

[Begin definition (g) below this line.]

R.S. 18:1302(4) -- "Early voting" means the period of time from fourteen days to seven days prior to any scheduled election when any person who is qualified to vote may vote in person at a place designated by the registrar as provided in R.S. 18:1309-~~7~~."

[End definition (g) above this line.]

h. Active Voter

☐ No Change Since 2008 ☒ Changed Since 2008

2008 Response:

[Begin definition (h) below this line.]

The provisions of R.S. 18:101 provide the requirements to qualify to vote. Once the voter registration form is completed and the information contained on the form is verified under the provisions of Chapter 4 of Title 18 of the Revised Statutes, a voter shall become an active voter in Louisiana.

[End definition (h) above this line.]

i. Inactive Voter

☒ No Change Since 2008 ☐ Changed Since 2008

2008 Response:

[Begin definition (i) below this line.]

"When the registrar has reason to believe that a registrant no longer is qualified to be registered, or that a registrant has changed his residence, he shall immediately notify the person by sending the address confirmation card to the registrant and place the voter on the inactive list of voters. However, a person shall not be placed on the inactive list of voters if there is address information available to the registrar from the United States Postal Service or its licensee which indicates the voter has moved to another address within the parish." (R.S. 18:193(A))

[End definition (i) above this line.]

j. Other terms (please specify) _____

X No Change Since 2008 Changed Since 2008

2008 Response:

[Identify each TERM and definition separately and begin below this line.]

“Address confirmation card” shall mean a postage prepaid and pre-addressed return card, sent by forwardable mail. (R.S. 18:193(B))

[End TERM(s) and definition(s) above this line.]

A2. Please provide the legal citation for any *significant* changes to election laws or procedures that have been enacted or adopted since the previous Federal election. “Significant” does not include routine or technical changes (such as changes to election district boundaries or polling place changes). However, EAC would like to learn about any new identification requirements for voters or registrants; changes in eligibility for voting or registering; adoption of alternative voting methods; and other changes that you believe represent a significant change in the way your state runs its elections.

 No Change Since 2008 X Changed Since 2008

2008 Response:

[Begin response to above question (A2) below this line.]

Act ~~124 of the 2007 Regular Legislative Session and Act No.~~ 599 of the 2008 Regular Legislative Session ~~—Allows the elderly—~~ Revised the absentee by mail laws to provide for indefinite applicability of applications to vote absentee by mail for disabled voters and senior citizen voters, including exceptions and procedures.

~~Act No. 436 of the 2009 Regular Legislative Session – Revised the laws in the “Election Code” relative to individuals with disabilities to vote absentee by mail by completing a form which would allow them to vote absentee by mail until time that the absentee ballot is returned to the Registrar of Voters Office as undeliverablespecial needs.~~

Act ~~519~~No. 624 of the ~~2008~~2010 Regular Legislative Session ~~changes annual canvass procedures (R.S. 18:193 (Effective January 1, 2009)) as follows:~~

~~“A. When the registrar has reason to believe that a registrant no longer is qualified to be registered, or that a registrant has changed his residence, he shall immediately notify the person by sending the address confirmation card to the registrant and place the – Revised voter on the inactive listregistration and election procedures in Louisiana for military and overseas voters in accordance with provisions of voters. However, a person shall not be placed on the inactive list of voters if there is address information available to the registrar from the United States Postal Service or its licensee which indicates the voter has moved to another address within the parish.”the MOVE Act.~~

Formatted: Indent: Left: 0"

Formatted: Indent: Left: 0"

~~“B. For the purpose of this Section, “address confirmation card” shall mean a postage prepaid and pre-addressed return card, sent by forwardable mail. The Department of State shall be responsible for developing the address confirmation card and for informing the registrant about his voting rights under the address confirmation process and the address confirmation card shall be submitted by the Department of State to the House and Governmental Affairs Committee of the House of Representatives and the Senate and Governmental Affairs Committee of the Senate for review.”~~

Act ~~602~~No. 570 of the ~~2008~~2010 Regular Legislative Session – ~~Adds additional forms of documentation for a voter’s disability which would allow the voter to have assistance~~Eliminated closed party primary elections in votingLouisiana effective January, 2011.

_[End response to above question (A2) above this line.]

Formatted: Font color: Black

SECTION B: VOTER REGISTRATION

B1. Is your state's voter registration database system best described as a bottom-up, a top-down, or a hybrid? (Note: A bottom-up system generally uploads information retained at the local level and compiled at regular intervals to form the statewide voter registration list. A top-down system is hosted on a single, central platform/mainframe and is generally maintained by the state with information supplied by local jurisdictions. A hybrid is some combination of both systems described above.)

☐ No Change Since 2008 ☒ Changed Since 2008

2008 Response:

[Begin response to above question (B1) below this line.]

~~Bottom-up:~~

Top-down

[End response to above question (B1) above this line.]

If your state uses a bottom-up or hybrid system, how often do local jurisdictions transmit registration information to the state list?

☒ No Change Since 2008 ☐ Changed Since 2008

2008 Response:

[Begin response to above clarification question to B1 below this line.]

Data entered in real-time online.

[End response to above clarification question to B1 above this line.]

B2. Please describe the process used in your state to move voters from the active list to the inactive list, and from the inactive list to the active list. Is a different process used for UOCAVA voters?

☐ No Change Since 2008 ☒ Changed Since 2008

2008 Response:

[Begin response to above question (B2) below this line.]

R.S. 18:193:

“A. When the registrar has reason to believe that the name of a person has been illegally or fraudulently placed upon the registration records, that a

registrant no longer is qualified to be registered, or that a registrant has changed his residence, he shall immediately notify the person by sending the address confirmation card to the registrant and place the voter on the inactive list of voters if there is address information available to the registrar from the United States Postal Service or its licensee which indicates the voter has moved to another address within the parish.”

Act 519 of the 2008 Regular Legislative Session changes R.S. 18:193 (Effective January 1, 2009) as follows:

“A. When the registrar has reason to believe that a registrant no longer is qualified to be registered, or that a registrant has changed his residence, he shall immediately notify the person by sending the address confirmation card to the registrant and place the voter on the inactive list of voters. However, a person shall not be placed on the inactive list of voters if there is address information available to the registrar from the United States Postal Service or its licensee which indicates the voter has moved to another address within the parish.”

“B. For the purpose of this Section, “address confirmation card” shall mean a postage prepaid and pre-addressed return card, sent by forwardable mail. The Department of State shall be responsible for developing the address confirmation card and for informing the registrant about his voting rights under the address confirmation process and the address confirmation card shall be submitted by the Department of State to the House and Governmental Affairs Committee of the House of Representatives and the Senate and Governmental Affairs Committee of the Senate for review.”

There is a different procedure for UOCAVA voters. (R.S. 18:195)

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

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

[End response to above question (B2) above this line.]

B3. Please describe your state’s process for removing voters from the voter registration rolls (not merely moving them from active to inactive). Please include information regarding notices and confirmations. Are these procedures the same for UOCAVA voters?

| No Change Since 2008 **X** Changed Since 2008

2008 Response:

[Begin response to above question (B3) below this line.]

R.S. 18:193(D), (E), and (EG):

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

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

~~There is a different procedure for UOCAVA. (R.S. 18:195)~~

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

~~***~~

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

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

~~“G.(1) If the registrar has reason to believe that the name of a person has been illegally or fraudulently placed upon the registration records or that a registrant no longer is qualified to be registered for a reason other than a change of residence or address, or that the registrant has deliberately given an incorrect address, he shall immediately notify the person. The notice shall be mailed first class, postage prepaid, to the address on file at the registrar’s office. (2) The notice shall state the alleged irregularity in the registration and shall inform the person that he must appear in person at the office of the registrar of voters within twenty-one days after the date on which the notice was mailed to show cause why his name should not be removed. (3) If the registrant fails to appear within the required twenty-one days, the registrar shall cancel his name from the list of eligible voters. If the registrant appears and shows cause within the twenty-one days, the registrar shall not cancel the registration. (4) Records of such activity shall be maintained in accordance with the provisions provided in Subsection F of this Section.”~~

[End response to above question (B3) above this line.]

B4. Can your state's voter registration database (or equivalent) share information electronically with your state's drivers license agency (for example, to match records or trace changes in address)? Can your voter registration database be similarly linked with databases in any other state or federal agencies? Please describe these links, including any use of database matching to verify voter registration applications.

☐ No Change Since 2008 ☒ X Changed Since 2008

2008 Response:

[Begin response to above question (B4) below this line.]

Yes. Yes. Social Security Administration; Office of Motor Vehicles; Death Master File; Emergency 911 (E-911) System; and Department of Public Safety and Corrections felon database.

[End response to above question (B4) above this line.]

B5. Please describe how your state uses National Change of Address (NCOA). What has been your state's experience with NCOA?

☐ No Change Since 2008 ☒ X Changed Since 2008

2008 Response:

[Begin response to above question (B5) below this line.]

~~See B2 above.~~ The provisions of R.S. 18:192(A)(1) provide for the use of the United States Postal Service or its licensee to conduct the annual canvass of voters.

A.(1)(a) No later than June thirtieth in each parish, the registrar of voters shall annually canvass the names of the registrants in all precincts in the parish. Failure of the registrar to conduct an annual canvass as provided in the paragraph shall constitute willful misconduct relating to his official duty for the purposes of R.S. 18:53. The Department of State shall use the United States Postal Service or its licensee to verify the names and addresses of the registrants in all precincts in the state. A verification by the United States Postal Service or its licensee shall constitute a valid canvass of the registered voter.

A.(1)(b) In conducting the verification, if the United States Postal Service or its licensee provides a corrected address, the Department of State shall furnish the corrected address to the appropriate registrar of voters. Upon receiving a corrected address inside the parish, the Department of State may make the change on the statewide registration system and the registrar of voters may make the change on his records. If a change is made, the registrar shall mail a new voter identification card to the voter using the corrected address provided and an address confirmation card as proved in R.S. 18:193. In the event the new voter

identification card using the corrected address is returned to the registrar and the voter has failed to return the address confirmation card, the registrar shall consider the address not corrected. His records should be changed to reflect the prior address on file for that voter. If the corrected address is outside the parish, the registrar of voters shall not make the change on his records and shall send an address confirmation card as provided in R.S. 18:193.

We have been using NCOA for years and have ~~not~~ had good experience using NCOA.

[End response to above question (B5) above this line.]

B6. Please describe your state's voting eligibility requirements as they relate to individuals with a felony conviction. (For example, are convicted felons allowed to vote while in prison or while on parole or probation? Are voting rights automatically restored or does the individual have to apply for a pardon, certificate of eligibility or other similar certificate? Does an individual whose voting rights have been restored have to produce documentation of his/her status when registering to vote?)

 No Change Since 2008 **X** Changed Since 2008

2008 Response:

[Begin response to above question (B6) below this line.]

R.S. 18:176(A)

“A.(1) The registrar shall send a notice to each person listed on a report received pursuant to R.S. 18:171 or 171.1 and to any person the registrar has reason to believe has been convicted of a felony and is under an order of imprisonment. The notice shall be mailed first class, postage prepaid, to the address on file at the registrar's office.

(2) The notice shall state that the registrar has information that the registrant has been convicted of a felony and is under an order of imprisonment and shall inform the person that he must appear in person at the office of the registrar of voters within twenty-one days after the date on which the notice was mailed to show cause why his registration should not be suspended.

(3)(a) If the registrant appears and shows cause within the twenty-one days, the registrar shall not suspend the registration.

(b) If the registrant fails to appear within the required twenty-one days, the registrar shall suspend the registration ~~by deleting in the registrant's name from the statewide computer~~ state voter registration computer system and, if necessary, by drawing in red ink a line through the registrant's name on the precinct register and the duplicate precinct register. Such line shall be initialed by the registrar or employee of the registrar. The registrar shall note in the registrant's information on the state voter registration ~~record~~ computer system and, if the original application is available in hard copy in the

registrar's office, on the original application for registration that the registrar has been notified of conviction of a felony for which there is an order of imprisonment, and he shall note also the date of the suspension and the date of the report, when applicable. ~~The~~ If the original application is available in hard copy in the registrar's office, the registrar shall remove the original application from his file of eligible voters and shall place it in his suspension file. In addition, each person whose registration is suspended under this Subsection shall immediately be notified of the suspension and the reason therefor.

(4) A list of names and addresses of the notices sent under this Subsection and whether or not each registrant responded to such notice shall be maintained for a period of two years and shall be open to inspection and copying as provided in R.S. 18:154."

R.S. 18:177(A) provides for the reinstatement of registration after suspension

"A. The registration of a person whose registration has been suspended by the registrar of voters pursuant to R.S. 18:176 for conviction of a felony shall be reinstated when the person appears in the office of the registrar and provides documentation from the appropriate correction official showing that such person is no longer under an order of imprisonment, provided that any person who qualifies to vote under the special program for physically handicapped voters pursuant to Chapter 7-A of this Title may provide such documentation in the manner provided for such voters to vote absentee pursuant to R.S. 18:1332 and 1333."

[End response to above question (B6) above this line.]

B7. Does your state currently use the Internet in any way to facilitate voter registration? If yes, please describe how your state allows voters to use the Internet in the registration process (e.g., entire registration completed online; completed online but then must be printed, signed, and mailed by voter, etc.).

 No Change Since 2008 **X** Changed Since 2008

2008 Response:

[Begin response to above question (B7) below this line.]

~~No.~~

Louisiana now allows for voter registration by the applicant utilizing our website (<http://onlinevoterregistration.sos.louisiana.gov>. The applicant is then asked to enter information required by law. Once the applicant enters his Louisiana driver's license number

or his Louisiana special identification number, the application is matched up to the Office of Motor Vehicles. If there is a match, the application is accepted and forwarded to the applicant's parish registrar of voters' office. If there is not a match, the applicant can print his application, sign it, and mail it to his parish registrar's office for review.

[End response to above question (B7) above this line.]

SECTION C: ELECTION ADMINISTRATION

C1. Please describe how all votes cast at a place other than the voter's precinct of registration are tabulated (for example, please include descriptions of such votes as absentee ballots, mail-in ballots, votes cast at vote centers, provisional ballots, early voting locations, etc.).

a. Are the votes counted centrally or at the precincts?

☒ **X** No Change Since 2008 ☐ Changed Since 2008

2008 Response:

[Begin response to above question (a) below this line.]

Votes are counted centrally at the parish level.

[End response to above question (a) above this line.]

b. If centrally tabulated, are the votes redirected to the appropriate precinct for reporting in the canvass?

☐ No Change Since 2008 ☒ **X** Changed Since 2008

2008 Response:

[Begin response to above question (b) below this line.]

The annual canvass process is not related to vote totals. All voters are marked as having voted for each election. This information is used only to determine if a voter has voted for ~~the annual canvass process~~ two federal general elections.

[End response to above question (b) above this line.]

c. Are the absentee, mail, etc., votes reported separately for each precinct, or are they added to the in-precinct results and reported as just a single number?

☐ No Change Since 2008 ☒ **X** Changed Since 2008

2008 Response:

[Begin response to above question (c) below this line.]

Absentee ballots by mail, early voting, and UOCAVA ballots are counted and reported a single number.

[End response to above question (c) above this line.]

d. How are UOCAVA ballots counted and reported?

☐ No Change Since 2008 ☒ Changed Since 2008

2008 Response:

[Begin response to above question (d) below this line.]

UOCAVA ballots are counted on Election Day by the Parish Board of Election Supervisors ~~and absentee commissioners~~, along with absentee by mail ballots and early voting ballots. UOCAVA ballots are reported in the total with the absentee by mail and early voting ballots for each parish.

[End response to above question (d) above this line.]

C2. Does your state require a reason for voting absentee, or does your state allow no-excuse absentee voting? (If a reason is required, please provide the legal citation.)

☐ No Change Since 2008 ☒ Changed Since 2008

2008 Response:

[Begin response to above question (C2) below this line.]

A voter must have a reason for voting absentee by mail. The reasons for voting absentee by mail are provided in R.S. 18:1303. However, a voter 65 and over or a disabled voter may vote absentee by mail for a specific election or election cycle or sign up for absentee voting for an indefinite amount of time or until such time that the ballot is returned to the registrar as undeliverable or the voter requests to be removed from the program.

[End response to above question (C2) above this line.]

C3. Does your state provide for in-person early voting? If so, how is early voting defined? When early voting is used, are the ballots counted at the precinct or at a central location? How are these votes reported?

☐ No Change Since 2008 ☒ Changed Since 2008

2008 Response:

[Begin response to above question (C3) below this line.]

~~R.S. 18~~ Chapter 7 of Title 18 -- Louisiana allows in-person early voting for its ~~voter~~ voters. Early voting means the period of time from fourteen days to seven days prior to any scheduled election when any person who is qualified to vote may vote in-person at a place designated by the registrar as provided in R.S. 18:1309. Ballots are counted centrally by the

Parish Board of Elections Supervisors and are incorporated into election results as a separate total for each parish.

[End response to above question (C3) above this line.]

C4. Do any jurisdictions in your state use a vote-by-mail system to replace (and not merely supplement) at-the-precinct voting in any elections?

 No Change Since 2008 X Changed Since 2008

2008 Response:

[Begin response to above question (C4) below this line.]

No.

[End response to above question (C4) above this line.]

C5. Please list each of the situations that require a provisional ballot in your state. Please provide the relevant legal citation for each situation.

 No Change Since 2008 X Changed Since 2008

2008 Response:

[Begin response to above question (C5) below this line.]

Provisional ballots are allowed for federal elections (U.S. President, U.S. Senate, and U.S. Representative) only. R.S. 18:566(A)

[End response to above question (C5) above this line.]

C6. Does your state count provisional ballots of voters who are registered in different precincts, or are those ballots automatically rejected? Please describe the process used by local election officials in determining whether to count a provisional ballot.

 No Change Since 2008 X Changed Since 2008

2008 Response:

[Begin response to above question (C6) below this line.]

If the voter is registered in the parish, the provisional vote for federal office will be counted if the voter is eligible to vote for that office and the voter has not voted at the correct precinct or during early voting or absentee by mail. If the voter is registered in another parish, the

provisional vote will not be counted. The process for ~~the~~ Parish Board of Election Supervisors is to tabulate and count provisional ballots as provided in R.S. 18:566.2.

[End response to above question (C6) above this line.]

C7. Please describe your state's laws regarding post-election audits, if any.

☐ No Change Since 2008 ☒ ~~X~~ Changed Since 2008

2008 Response:

[Begin response to above question (C7) below this line.]

~~R.S. Title 18~~ Chapter 9 of Title 18, Part III, provides for the recount of absentee by mail and early voting ballots and R.S. 18:1313(I)(2)~~)).~~

[End response to above question (C7) above this line.]

C8. Please describe any state requirements for poll worker training.

☐ No Change Since 2008 ☒ ~~X~~ Changed Since 2008

2008 Response:

[Begin response to above question (C8) below this line.]

Election poll workers are required to attend courses of instruction and receive certificates of instruction. R.S. 18:424(B)(4) and 18:425(B)(3)~~)).~~

[End response to above question (C8) above this line.]

SECTION D: ELECTION DAY ACTIVITIES

D1. Please describe your state's process for capturing "over-vote" and "under-vote" counts.

| ☐ X No Change Since 2008 ☐ Changed Since 2008

2008 Response:

[Begin response to above question (D1) below this line.]

Louisiana does not allow over-votes; therefore, we do not capture them. Under-votes have to be determined manually by checking total votes counted against votes counted in a specific election.

[End response to above question (D1) above this line.]

D2. What identification does your state require from voters in the following situations:

a. registering to vote;

| ☐ No Change Since 2008 ☒ Changed Since 2008

2008 Response:

[Begin response to above question (a) below this line.]

| R.S. 18:101. ~~B~~1(B) – Louisiana driver's license, Louisiana special identification card, or social security number. If they don't have one of these, a copy of a 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 applicant.

| [End response to above question (a) above this line.]

Formatted: Font color: Red

b. casting an in-person ballot;

| ☐ No Change Since 2008 ☒ Changed Since 2008

2008 Response:

[Begin response to above question (b) below this line.]

| Election Day Voting R.S. 18:562(A)(2) – Each applicant shall identify himself, in the presence and view of the bystanders, and present to the commissioners a Louisiana driver's license, a Louisiana special identification card issued pursuant to R.S. 40:1321, or other generally recognized picture identification card that contains the

name and signature of the applicant. If the applicant does not have a Louisiana driver's license, a Louisiana special identification card, or other generally recognized picture identification card that contains the name and signature of the applicant, the applicant shall sign an affidavit, which is supplied by the secretary of state, to that effect before the commissioners who shall place the affidavit in the envelope marked "Registrar of Voters" and attach the envelope to the precinct register, and the applicant shall provide further identification by presenting his current registration certificate, giving his date of birth, or providing other information stated in the precinct register that is requested by the commissioners. However, an applicant who is allowed to vote without the picture identification required by this Paragraph is subject to challenge as provided in R.S. 18:565.

R.S. 18:1309(D)(1) – Before any voter is allowed to vote during early voting, the registrar or his deputy shall establish the voter's identity by requiring him to submit a Louisiana driver's license, a Louisiana special identification card issued pursuant to R.S. 40:1321, or other generally recognized picture identification card that contains the name, ~~address~~, and signature of the voter. If the voter does not have a Louisiana driver's license, a Louisiana special identification card, or other generally recognized picture identification card that contains the name, ~~address~~, and signature of the voter, the voter shall sign, in the presence of the registrar or his deputy, an affidavit to that effect provided by the secretary of state. The registrar or his deputy shall retain the affidavit in the office of the registrar of voters, and the voter shall provide further identification by presenting his current registration certificate, giving his date of birth, or providing to the registrar or his deputy, upon request, other information regarding the voter contained in the precinct register. A voter who votes without the picture identification required by this Paragraph is subject to challenge as provided in R.S. 18:1315.

[End response to above question (b) above this line.]

c. casting a mail-in or absentee vote;

 No Change Since 2008 X Changed Since 2008

2008 Response:

[Begin response to above question (c) below this line.]

R.S. 18:1310(A)(1) – When a voter receives the absentee voting materials by mail, he first shall fill in all blanks on the certificate on the ballot envelope flap. The voter then shall mark the ballot according to the printed instructions on its face. Then the voter shall place the voted ballot in the envelope, seal the envelope, and sign the certificate on the ballot envelope flap.

Before the ballot is counted, the registrar will verify the signature on the certificate.

[End response to above question (c) above this line.]

d. casting a ballot under UOCAVA;

 No Change Since 2008

 X Changed Since 2008

2008 Response:

[Begin response to above question (d) below this line.]

R.S. 18:1310(A)(2) -- When a member of the United States Service, as defined in R.S. 18:1302, or a person residing outside the United States who is registered to vote receives the absentee voting materials by electronic transmission, he first shall print all documents and fill all blanks on the certificate and the waiver of the right to a secret ballot. The voter then shall mark the ballot or ballots according to the printed instructions on its face. The voter shall then place the voted ballot or ballots, completed certificate, and waiver of the right to a secret ballot in an envelope, seal the envelope, mark "Absentee Ballot Enclosed" on the envelope, and mail the envelope and its contents to the registrar of voters.

Before the ballot is counted, the registrar will verify the signature on the certificate.

[End response to above question (d) above this line.]

e. any other stage in registration or voting process in which identification is required (please specify).

 No Change Since 2008

 X Changed Since 2008

2008 Response:

[Begin response to above question (e) below this line.]

R.S. 18:1303(I) – Any qualified voter who submits any of the following to the registrar of voters may vote absentee by mail upon meeting the requirements of this Chapter.

- ~~1~~(a) A copy of a current mobility-impaired identification card bearing a photograph of the voter and the international symbol of accessibility issued by the secretary of the Department of Public Safety and Corrections as authorized by the provisions of R.S. 47:463.4.
- ~~2~~(b) A copy of current ~~proof of disability documentation~~ showing eligibility for social security ~~disability~~ benefits, veteran's ~~disability~~ benefits, paratransit services, benefits from the office of citizens with developmental disabilities, or benefits from Louisiana Rehabilitation Services.
- ~~3~~(c) Current proof of disability from a physician.

R.S. 18:564(D)(1)(a) – Election Day Voting – Prior to receiving assistance under this Section due to a disability, including visual impairment, the voter shall file with the registrar in person or by mail a statement setting forth the necessity and reasons for this assistance and shall furnish the registrar one of the following:

- (i) A ~~certification~~certificate of a medical doctor or optometrist certifying to the irremedial nature of the physical ~~handicap~~disability as proof of disability.
- (ii) A copy of a current mobility-impaired identification card bearing a photograph of the voter and the international symbol of accessibility issued by the secretary of the Department of Public Safety and Corrections as authorized by the provisions of R.S. 47:463.4.
- (iii) A copy of current ~~proof of disability~~documentation showing eligibility for social security disability benefits, veteran's disability benefits, paratransit services, benefits from the office of citizens with developmental disabilities, or benefits from Louisiana Rehabilitation Services.

R.S. 18:564(D)(2)(a) – Election Day Voting – A voter shall also be entitled to assistance without having filed with the registrar a statement setting forth the necessity and reasons for this assistance if, on election day, the voter presents to the commissioner-in-charge on of the following as proof of disability:

- (i) A physician's certificate indicating the voter's inability to vote without assistance because of a physical ~~handicap~~disability.
- (ii) A ~~copy of a~~ current mobility-impaired identification card bearing a photograph of the voter and the international symbol of accessibility issued by the secretary of the Department of Public Safety and Corrections as authorized by the provisions of R.S. 47:463.4.
- (iii) A copy of current ~~proof of disability~~documentation showing eligibility for social security disability benefits, veteran's disability benefits, paratransit services, benefits from the office of citizens with developmental disabilities, or benefits from Louisiana Rehabilitation Services.

Formatted: Indent: Left: 1.5", Hanging: 0.5"

R.S. 18:1309.3(D)(1) –

(a) Prior to receiving assistance under this Section because of a disability, including visual impairment, the voter shall file with the registrar in person or by mail a statement setting forth the necessity and reasons for this assistance and shall furnish the registrar one of the following:

- (i) A certificate of a medical doctor or optometrist certifying to the irremediable nature of the physical disability as proof of disability.

(ii) A copy of a current mobility-impaired identification card bearing a photograph of the voter and the international symbol of accessibility issued by the secretary of the Department of Public Safety and Corrections as authorized by the provisions of R.S. 47:463.4.

(iii) A copy of current documentation showing eligibility for social security disability benefits, veteran's disability benefits, paratransit services, benefits from the office for citizens with developmental disability, or benefits from Louisiana Rehabilitation Services.

(b) If the statement is filed by mail, the voter shall include a copy of this Louisiana driver's license, his Louisiana special identification card issued pursuant to R.S. 40:1321, or other generally recognized picture identification card that contains the name and signature of the voter.

[End response to above question (c) above this line.]

D3. Please describe- your state's laws regarding access to the polling place for election observers. Election observers are people allowed inside the polling place who are not poll workers, election officials or voters. If decisions on access to observers are left to local jurisdictions, please explain.

 No Change Since 2008 **X** Changed Since 2008

2008 Response:

[Begin response to above question (D3) below this line.]

R.S. 18:427(B) – A watcher shall be admitted within all parts of the polling place during the election and the counting and tabulation of votes, and shall call any infraction of the law to the attention of the commissioners. A watcher may keep notes on the conduct of the election, but he shall not take part in the counting and tabulation of votes. A watcher shall not electioneer, engage in political discussions, or unnecessarily delay a voter at the polling place. A watcher shall be subject to the authority of the commissioners and shall not interfere with the commissioners in the performance of their duties.

[End response to above question (D3) above this line.]

SECTION E: OTHER

E1. Under HAVA, Section 402, states are required to establish and maintain administrative complaint procedures to remedy grievances. Has your state revised its administrative complaint procedures since they were first implemented? If so, how?

☐ No Change Since 2008 ☒ Changed Since 2008

2008 Response:

[Begin response to above question (E1) below this line.]

There have been no changes to the administrative complaint procedure ~~which~~that was adopted in 2004.

[End response to above question (E1) above this line.]

E2. The Military and Overseas Voter Empowerment Act (MOVE) was signed into law on October 22, 2009. The MOVE Act contains, among other things, provisions regarding States' methods of communication with UOCAVA voters and UOCAVA ballot transmission.

Please describe your State's processes and procedures for implementing MOVE (including any changes in your State's laws or regulations) as they relate to:

- Protecting the security and integrity of the voter registration and ballot application process, the privacy and personal information of the voter, and absentee ballots. (Sect. 577, 578)
- Designating a means of electronic communication for all voting-related materials to UOCAVA voters. (Sect. 577)
- Establishing a ballot tracking mechanism to allow voters to determine whether their ballots were received by the appropriate election official. (Sect. 580(d))

Also, please describe your State's plans to capture data related to the number of registration applications, ballot applications, and blank ballots transmitted to UOCAVA voters via mail and electronic means (Internet, email, fax) *and* the number of registration applications, ballot applications, and completed ballots returned by UOCAVA voters via mail and electronic means (Internet, email, fax).

This question was not asked in 2008. Please provide your answer below.

[Begin response to above question (E2) below this line.]

Act 624 of the 2010 Regular Legislative Session was passed to implement the provisions of the MOVE Act. The following is a summary of the act:

Registration Application – Allows a M&O applicant to email a request in writing to register to vote and requires the registrar to email the application form for registration to the M&O applicant. The registration application is required to be returned by mail (not email). Voters are also informed that we have online voter registration.

Email Address – The electronic mail addresses were added to the list of protected information that is not subject to inspection under a public records request.

Instructions for voting special M&O ballot – We will use a ranking ballot to send to the M&O voter that requests an electronic ballot for the federal General Election only. We will also send instructions as required and have a Frequently Asked Questions page to provide additional information. We will send more detailed instructions after qualifying ends and we know what party primaries will be on the ballot.

Absentee by mail ballots – Registrars will continue to send the M&O ballots by mail for the primary, first party primary election or second party primary election. ONLY the federal General Election ballot may be sent by either mail or email, depending on the request of the M&O voter.

The electronic federal General Election ballot will be the special ranking ballot with the names of all candidates that qualified for Congress or Senate.

The electronic federal General Election ballot shall also include a certificate and waiver or right to a secret ballot. The waiver includes the voter's signature, date, and social security number. It is NOT required to be witnessed or notarized.

The certificate must be either notarized or witnessed.

The M&O voter who receives an electronic federal General Election ballot is required to return the voted ballot, certificate, and waiver by mail. They cannot email it. The M&O voter may use the security envelope and ballot transmittal envelope from the Federal Write-In Absentee ballot to mail the voted ballot and certificate (waiver not required if use of these envelopes).

The registrar and their staff are required to take the steps necessary to keep each voted ballot that was transmitted electronically as confidential as practicable.

If the M&O voter feels that he will not have time to vote by mail, he may request a faxed ballot, including the certificate, or second ballot. The voter then may mail or fax his voted ballot and certificate. If he sends the ballot back by fax, he must also include the statement waiving his right to a secret ballot, signed, dated, and include his social security number. Upon receipt, the registrar places the faxed voted ballot, signed statement, and certificate in an appropriately marked envelope, seals it, and shall keep it as confidential as practicable.

The M&O voter, who receives the absentee voting materials electronically, shall print all documents, fill in all blanks on the certificate and the waiver, mark the ballot(s) according to the instructions, and place the voted ballot, completed certificate, and waiver in an envelope, seal and mark "Absentee Ballot Enclosed" on the envelope and mail to the registrar.

Tabulation Procedure – The certificates and special absentee by mail ballots received from the M&O voter by mail and included in the special absentee by mail and early voting envelope are counted the same as the absentee by mail or early voting ballots. The name on the certificate included with the special absentee by mail ballot shall be compared to the name on the list of absentee by mail or early voting voters and on the supplemental list.

If a majority of the members of the parish board of election supervisors determines that a ballot is invalid, they shall write the word "rejected" and the reasons across the certificate attached to the special absentee by mail ballot. The rejected ballots, early voting applications, and certificates shall be kept in the special absentee by mail and early voting envelope. The valid ballots, early voting applications, certificates and flaps shall be placed in the envelope provided for that purpose.

If the ballot was transmitted electronically to a M&O voter, it shall not be rejected as containing a distinguishing mark for the reason that it was submitted electronically.

A M&O voter who made a timely application to vote absentee by mail and who did not receive absentee by mail ballot may use the Federal Write-In Absentee ballot to vote in presidential and congressional elections. It shall be submitted, processed, and counted the same as other absentee ballots. HOWEVER, THIS PROVISION OF THE LAW IS NOT EFFECTIVE UNTIL 12/31/2010. (Present law allows M&O to use the federal postcard application to apply to vote absentee by mail. This new provision adds the use of federal write-in absentee ballot for presidential and congressional elections starting in 2011).

[End response to above question (E2) above this line.]

E3. Please add any additional comments or information about your state's election administration processes that would help to inform the EAC's interpretation of your data.

==== X No Change Since 2008 _____ Changed Since 2008

2008 Response:

[Begin response to above question (E3) below this line.]

[End response to above question (E3) above this line.]

* The information collection associated with the Election Administration and Voting Survey is required for the EAC to meet its statutory requirements under the Help America Vote Act (HAVA) of 2002 (42 U.S.C. 15301), the National Voter Registration Act (NVRA) (42 U.S.C. 1973gg-1 et seq.), and the Uniformed and Overseas Citizens Absentee Voters Act (UOCAVA) (42 U.S.C. 1973ff-1). Respondent's obligation to reply to this information collection is mandatory as required under NVRA (42 U.S.C. 1973gg-1 et seq.) and UOCAVA (42 U.S.C. 1973ff-1). This part of the information collection is being requested to help the EAC to better understand state laws governing federal elections. Respondents include the fifty states, the District of Columbia, and the U.S. Territories. This information will be made publicly available on the EAC website (www.eac.gov). According to the Paperwork Reduction Act of 1995, an agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a valid OMB control number. The valid OMB control number for this information collection is OMB Control No. 3265-0006 (expires 5/31/2013). The time required to complete this information collection is estimated to average 59 hours per state response. This estimate includes the time for reviewing the instructions, gathering information, and completing the form. Comments regarding this burden estimate should be sent the U.S. Election Assistance Commission – 2010 Election Administration and Voting Survey, 1201 New York Avenue, Suite 300, Washington, DC 20005.