

## Section B

### U.S. ELECTION ASSISTANCE COMMISSION



#### 2008 Election Administration & Voting Survey

## 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 us to better understand the quantitative data relating to the 2008 general election that we are collecting from all U.S. states and territories.

We understand 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	
Title	
Office/Agency Name	
Address 1	
Address 2	
City	
State	
Zip Code	
Email Address	
Telephone (area Code and number)	
Fax Number (area code and number)	

## DIRECTIONS AND EXAMPLE

Please provide your state's legal citation for the responses to these questions (where applicable).

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 legal standing 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, please specify.

Please put 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? 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

[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 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

[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 a voter exercises his right and votes for only one thing on the ballot.

[End definition (b) above this line.]

c. Blank ballot

[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

[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

[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

[Begin definition (f) below this line.]

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

[End definition (f) above this line.]

g. Early voting

[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.

[End definition (g) above this line.]

h. Active Voter

[Begin definition (h) below this line.]

[End definition (h) above this line.]

i. Inactive Voter

[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) \_\_\_\_\_

[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. By “significant,” we do not mean routine or technical changes (such as changes to election district boundaries or polling place changes). However, we 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.

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

Act 124 of the 2007 Regular Legislative Session and Act 599 of the 2008 Regular Legislative Session -- Allows the elderly and 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 undeliverable.

Act 519 of the 2008 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 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.”

Act 602 of the 2008 Regular Legislative Session – Adds additional forms of documentation for a voter’s disability which would allow the voter to have assistance in voting.

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



## 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.)

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

Bottom-up.

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

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

[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?

[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. (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?

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

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

“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.”

[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.

[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; 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 using NCOA?

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

See B2 above. 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?)

[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 the registrant's name

from the statewide computer registration 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 on the registration record and 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 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.).

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

No.

[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?

[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?

[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 for the annual canvass process.

[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?

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

Absentee ballots by mail 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?

[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.

[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.)

[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.

[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?

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

R.S. 18 Chapter 7 -- Louisiana allows in-person early voting for its voter. 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.

[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?

[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.

[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.

[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 registered in another parish, the provisional vote will not be counted. The process for Parish Board of Election Supervisors is 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.

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

R.S. Title 18 Chapter 9 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.

[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.

[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;

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

R.S. 18:101.1B – 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.]

b. casting an in-person ballot;

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

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;

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



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

d. casting a ballot under UOCAVA;

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

[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).

[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 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) A copy of current proof of disability showing eligibility for social security benefits, veteran's benefits, paratransit services, benefits from the office of citizens with developmental disabilities, or benefits from Louisiana Rehabilitation Services.
- 3) Current proof of disability from a physician.

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

- i) A certification of a medical doctor or optometrist certifying to the irremedial nature of the physical handicap 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 showing eligibility for social security benefits, veteran's 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:

- i) A physician's certificate indicating the voter's inability vote without assistance because of a physical handicap.
- 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 showing eligibility for social security benefits, veteran's benefits, paratransit services, benefits from the office of citizens with developmental disabilities, or benefits from Louisiana Rehabilitation Services.

[End response to above question (e) 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.

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

R.S. 18:427 – 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 have in place administrative complaint procedures to remedy grievances. Has your state revised its administrative complaint procedures since they were first implemented? If so, how?

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

There have been no changes to the administrative complaint procedure which was adopted in

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

E2. 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.

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

[End response to above question (E2) 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](http://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 3/31/09). 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 – 2008 Election Administration and Voting Survey, 1225 New York Avenue, Suite 1100, Washington, DC 20005.