

Parish Board of Election Supervisors Handbook



Prepared and Distributed by:
Secretary of State

SECRETARY OF STATE
STATE OF LOUISIANA

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August 13, 2018

Dear Parish Board of Election Supervisors Member:

It's the time of year when we all begin gearing up for the fast approaching Congressional Primary and General Elections. Let me begin by once again thanking you for the role you play in our cherished democracy and your enthusiasm for public service. Your efforts during elections ensure every voter has the chance to participate, to have their voice heard, and to cast their ballot.

To assist you in this work, we've updated your handbook to reflect current law and election procedures. Take a minute and refresh your working knowledge of the duties and responsibilities you'll undertake as a member of the parish board of election supervisors.

Some items of note include:

- The deadline to provide compiled statements of election returns to the clerk of court has been changed from no later than 4 p.m. on the fourth day to no later than 4 p.m. on the fifth day after the election.
- The deadline to provide compiled statements of election returns to the secretary of state has been changed from no later than noon on the fifth day to no later than noon on the sixth day after the election.
- The provisional vote certification deadline has changed from no later than 4 p.m. on the fourth day to no later than 4 p.m. on the fifth day after the election.

I appreciate more than you know the work you do making elections in Louisiana fair and secure. Keep up the good work and know that your dedication to voting honors the freedom of our state and nation each and every Election Day.

If you have any questions or concerns, do not hesitate to call me directly. The Attorney General's Office is also a great resource for legal guidance on any of the important duties you perform.

Sincerely,

A handwritten signature in blue ink, appearing to read "R. Kyle Ardoin".

R. Kyle Ardoin
Secretary of State

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Part 1: General Provisions

1.01: Parish Boards of Election Supervisors (“the board”)

A parish board of election supervisors is a statutorily created body under [La R.S. 18:423](#) of the Louisiana Election Code. The purpose of the board in each parish is to oversee and supervise all elections within a parish. The work of the board is an important and vital service to the parish and the state of Louisiana, in furthering and ensuring the safety and accuracy of our elections and democratic process.

1.02: Composition

A. The board in each parish is composed of:

1. The registrar of voters, or their designee (designee **MUST** be a sworn deputy registrar);
2. The clerk of court, or their designee;
3. The chairman of the parish executive committee of the Democratic Party or their designee;
4. The chairman of the parish executive committee of the Republican Party or their designee; and
5. A governor appointee (no designee allowed by law).

Note: If a parish executive committee has not been formed in a particular parish, a voter registered with the party may be appointed by the chairman of the state central committee of that political party to serve on the board.

B. The Election Code, pursuant to [La R.S. 18:423](#), allows the clerk of court or registrar of voters to appoint a designee to serve in their place when they are absent from meetings of the board. In accordance with Louisiana Attorney General Opinion [AG-OP 05-0123](#), the chairman of the Democratic or Republican Parish Executive Committee may also appoint a designee.

C. Pursuant to [La R.S. 42:2](#), all elected/appointed members of the board continue to serve until their successor is sworn into office.

D. As defined by [La R.S. 42:1](#), each member of the board is a “public officer,” meaning each member is a person holding a public office.

1.03: Powers and Duties

- A. The board supervises the preparation for and the conduct of all elections held in the parish.
- B. All papers filed with the board are filed with the president or secretary of the board.
- C. The board maintains a permanent street address, which **MUST** be filed annually with the secretary of state and the local clerk of court.

1.04: Legal Representation

- A. The attorney general is the attorney and legal advisor to the board and may designate the appropriate district attorney to represent the board.
- B. The attorney general may, with respect to a particular matter, authorize the board to employ special counsel.
- C. Any compensation for special counsel is fixed by the board, subject to approval by the attorney general and is paid by the parish governing authority.

Part 2: Parish Boards of Election Supervisors (Officers)

2.01: President

- A. Every four years, following the election of the governor, the parish board of election supervisors meets no later than July of the new gubernatorial term and elects one of its members to serve as president of the board. This will occur in years 2020, 2024, 2028, 2032, etc.
- B. The president is responsible for ensuring that all meetings are held in accordance with law, including the requirement of a quorum at all meetings, and held in accordance with the Open Meetings Law, as described under [La R.S. 42:11](#) through [La R.S. 42:28](#).

2.02: Secretary

- A. The board may also elect one of its members to serve as secretary of the board.
- B. A non-member of the board may **not** serve as secretary and receive compensation from the secretary of state without the advanced written approval of the secretary of state or their designee based on a justifiable need.
- C. The board in a parish containing a municipality with a population of 300,000 or more (Orleans Parish) may employ an executive administrator who will be the principal assistant to the board. No compensation is paid by the Secretary of State's Office.

2.03: Filing Requirements

The board files a list of its officers with the secretary of state after the gubernatorial election every four years and anytime there is a change of officers. This will occur in years 2020, 2024, 2028, 2032, etc.

Part 3: Compensation, Materials, and Expenses

3.01: Refer to the Election Expense Manual Online

<https://www.sos.la.gov/ElectionsAndVoting/PublishedDocuments/ElectionExpenseManualForTheCOCAAndPBES.pdf>

Part 4: Public Meetings and Public Records

4.01: Meetings – General Information

- A. The board **MUST** conduct its business in the presence of a quorum of at least three members.
- B. The board is a public body, subject to the Open Meetings Law ([La R.S. 42:11 thru La R.S. 42:28](#)).
- C. Every meeting of the board **MUST** be open to the public unless closed for an executive session pursuant to [La R.S. 42:16](#) and [La R.S. 42:17](#).
- D. The board **MUST** vote by voice and is prohibited from voting by proxy, secret balloting, or any other means to circumvent the intent of the Open Meetings Law.
- E. All votes **MUST** be recorded in the minutes of the meeting, which **MUST** be a public document ([Part 14: Open Meeting Laws](#)).
- F. All meetings are open to the public; however, anyone attending the election day meeting for counting and tabulating absentee and early voting ballots will be sequestered until 8 p.m.
- G. Minutes are public records and **MUST** be taken at every meeting. The minutes shall include, but are not limited to:
 - 1. The date, time, and place of the meeting;
 - 2. The members of the public body recorded as either present or absent;
 - 3. The substance of all matters decided, and, at the request of any member, a record, by individual member, of any votes taken; and
 - 4. Any other information that the public body requests be included or reflected in the minutes.
- H. Written public notice **MUST** be given for all meetings **at least 24 hours before** the meeting, exclusive of Saturdays, Sundays, and legal holidays, except in the case of an extraordinary emergency. Such notice **MUST** be either posted at the principal office of the board, where the meeting is held, or by publication in the official journal. In addition, if the board has a website, it **MUST** also post notice of its meetings on the website.
- I. Extraordinary emergencies, for the purpose of the Open Meetings Law, are limited to natural disasters, threats of epidemic, civil disturbances, suppression of insurrections, the repelling of invasions, or other matters of similar magnitude. According to the Attorney General Opinion No. 85-789, the classic definition of extraordinary emergency includes work stoppages and strikes.
- J. The notice **MUST** include date(s), time(s), place(s) of meeting(s), and an agenda. Additionally, the board **MUST** annually give written public notice of regular scheduled meetings at the beginning of each calendar year ([La R.S. 42:19](#)).
- K. The agenda attached to the notice **MUST** be reasonably clear to provide the public sufficient notice of what subjects will be discussed, according to the Attorney General as stated in [AG Op. No. 07-0181](#).

- L. In accordance with [La R.S. 42:12](#), a copy of the Open Meetings Law must also be posted at the location of the meeting.
- M. Documentation of attendance at meetings may be required, such as signed voting machine tapes or other documents.
- N. Time and Expense Report forms **MUST** be filed for every meeting with the secretary of state's Accounting Division in order for the board member or designee to be paid.

4.02: Statutory Public Meetings Open to the General Public

A. Commissioner-in-Charge Selection Process

On the **second Friday in January at 10 a.m.** each year, the board selects a commissioner-in-charge to serve at each precinct in the parish. The board issues a commission to each **commissioner-in-charge for a term of one (1) year**, beginning the **third Monday in January** ([La R.S. 18:433](#)).

B. Commissioner Selection Process for Election Day

1. In selecting the number of commissioners to serve at a precinct, the board shall use the "**Commissioner Selection-Active Eligible Voter Counts - 30 Day**" report in ERIN under "Commissioner Payroll."
2. At **10:00 a.m. on the 29th day before a primary election for public officials, or the 21st day for bond, debt, tax, or proposition** elections not held at the same time as an election for public officials, the board selects the commissioners (and alternates) for each precinct.
3. If the deadline for the close of registration is moved due to a legal holiday this meeting to select commissioners is also moved to the day after the close of registration.
4. If a proposition election is held on a general election date for which no commissioners were selected for the precincts in the proposition election, commissioners need to be **selected 21 days prior** to the general election date in which the proposition is to be held ([La R.S. 18:434](#)) ([La R.S. 18:1286](#)).

C. Testing and Sealing for Early Voting

The board **MUST** meet before conducting early voting to generate a zero tally for each early voting machine before they are sealed by the registrar of voters. The parish custodian (clerk of court) is required to notify each candidate to contact the registrar of voters for the time and place of this meeting ([La R.S. 18:1309.1](#)). The clerk of court may provide each candidate with such notice in the Chronological Table printed from ERIN and given to the candidate at qualifying.

D. Election Day Count

1. On election day, the board counts and tabulates absentee-by-mail and early voting ballots; everyone who attends this meeting is sequestered until **at least 8 p.m.** when the polls close ([La R.S. 18:1313](#)).

2. The board may select parish board commissioners (and alternates) to count absentee-by-mail and early voting ballots at **10 a.m. on the fifth day before a primary election**. The maximum number that may serve is six. For additional parish board commissioners, the board **MUST** request and receive approval from the secretary of state or designee prior to election day. A request should include a justification and may be sent by mail or email ([La R.S. 18:1314](#)).
3. For a general election, the board may reduce or increase the number of parish board commissioners (and alternates) as selected for the primary election. An increase from six requires approval as noted above ([La R.S. 18:1314](#)).

E. Election Results Verification

1. On the **third day after the election**, one (1) board member assists the clerk of court in opening the voting machines. The board observes the verification of the votes and begins to compile the election returns. In a federal election, the board also counts provisional ballots for a presidential or regularly scheduled congressional election before the certification to the secretary of state ([La R.S. 18:573](#)).
2. This duty may be moved if the certification falls on a holiday.

F. Election Results Certification

1. In accordance with [La R.S. 18:574](#), the board completes the compilation of election returns and one (1) copy is to be filed with the clerk of court **no later than 4 p.m. on the fifth day after the election** and one (1) copy is to be mailed to the secretary of state **no later than noon on the sixth day after the election**.
2. This duty may be moved if the dates fall on a holiday.

G. Reinspection or Recount, if requested

1. A candidate or a person who voted in a proposition election may request in writing to re-inspect machines and/or recount ballots, if the number of absentee-by-mail and early voting ballots cast for all candidates for an office or the proposition could make a difference in the outcome of the election; or if ordered by court. If requested, the board **MUST** meet on **the fifth day after an election at 10 a.m.** to:
 - a. Recount the absentee-by-mail and early voting ballots for a particular office or proposition;
 - b. Inspect absentee-by-mail voting flaps; and/or
 - c. Re-inspect the voting machines.
2. The following regulations apply for the re-inspection of voting machines:
 - a. A written request **MUST** be filed with clerk of court by **the last working day prior to the date of recount (4th day after an election)**;
 - b. The clerk **MUST** post notice of time and place for the recount in their office and the name of requesting candidate;

- c. The candidate or the voter in the proposition election requesting the recount is responsible for all reasonable costs associated with the recount (payable to the clerk of court), including reimbursement at the rate of \$50 to each board member attending the recount ([La R.S. 18:573](#)) ([La R.S. 18:1313](#)). If assistance is needed by the Secretary of State's Office, the clerk of court must include those expenses. The cost of the recount **MUST** be paid at the time the written request for the recount is filed with the clerk of court and shall be paid in cash or by a certified or cashier's check from a state or national bank or credit union, a United States postal money order, or a money order issued by a state or national bank or credit union;
- d. If the recount changes the outcome of the election, the costs paid by the candidate or voter in the proposition election will be reimbursed by the clerk of court and the costs of the recount will be a reimbursable election expense; and
- e. This duty may be moved if it falls on a holiday.

4.03: Public Records

- A. Each parish board of election supervisors is a "public body" for the purposes of public records law in [La R.S. 44:1](#) et seq.
- B. "Public Records" are books, records, writings, accounts, letters, memoranda, papers, board minutes, etc., and all copies or other reproductions having been used, being in use, or prepared, possessed, or retained for use in the conduct of the board's business.
- C. The public official or head of the public body having custody or control of the public records is the "custodian" of the records.
- D. Certain information in a public employee's personnel record is confidential, such as the home telephone number if private or unlisted, or whether the employee has requested that the number be confidential, and the home address of the employee, if requested to remain confidential.
- E. Providing access to public records is a responsibility and duty of the office of the custodian and their employees. Any person of the age of majority may inspect, copy or reproduce, or obtain a reproduction of any public record. **Some public officials, such as registrars of voters, may have more specific laws on copying of public records that supersede the general law.**
- F. The custodian **MUST** present any public record to any person of the age of majority who so requests and can only inquire as to the age and identification of the person. The custodian may require the person to sign a register and may maintain such vigilance as is required to prevent alteration of any record while it is being examined. Any non-public record may be separated before examination.
- G. For copies, the custodian may collect reasonable fees or furnish without charge or at a reduced charge to indigents. Upon a request to review a public record, if a question is raised by the custodian as to whether it is a public record, the custodian **MUST** notify the requestor in writing of their determination and reasons within three days (not including Saturdays, Sundays, and legal holidays) of receipt of a written request for a record.
- H. If the public record requested is not in the custody or control of the person to whom the application is made, such person **MUST** certify this in writing to the applicant and state to the best of their knowledge the reason for the absence of the record and its location.

- I. **There are specific provisions of the Louisiana Election Code which require the preservation of certain election documents, which are a specific exemption to the public records laws. Please contact your legal advisor before responding to a public records request.**

Part 5: Commissioners and Watchers

5.01: Election Day Workers (Commissioners)

- A. The board selects commissioners-in-charge, commissioners, and alternate commissioners for every election and issues them commissions.
- B. Law enforcement officers are not eligible to serve as commissioners-in-charge, commissioners, alternate commissioners, or watchers.
- C. In the event of a replacement of a commissioner-in-charge or commissioner, the board issues a commission to the replacement commissioner-in-charge or commissioner. A commissioner-in-charge who fails to attend a course of instruction held immediately prior to a presidential or congressional election **MUST** be replaced, but can be commissioned as a commissioner.
- D. The board may submit a written request to the secretary of state **on or before the 23rd day before the election** for additional commissioners for overcrowded precincts.
- E. The clerk of court **MUST** conduct **at least one (1) pre-election course of instruction prior to a presidential or congressional general election** ([La R.S. 18:424, 425, 426, 428, 433 and 434](#)).

5.02: Disqualification of Election Day Worker

- A. Prior to the disqualification of a commissioner-in-charge or commissioner, the board **MUST** conduct a hearing and offer the commissioner-in-charge or commissioner an opportunity to be heard.
- B. All hearings are public meetings and should be conducted under the Open Meetings Law.
- C. The board should notify the commissioner-in-charge or commissioner of the reasons for conducting a disqualification hearing and allow them to appear, be heard, and show, if they can, why they should not be disqualified.
- D. The Attorney General's Office, as legal advisor to the board, should be contacted to assist in any disqualification hearing.
- E. If the board cannot schedule this hearing at a regularly scheduled meeting date, it **MUST** seek prior approval for a special meeting from the Secretary of State's Office in order to receive payment for the special meeting. For additional information, please refer to [La R.S. 18:433](#) and [La R.S. 18:434](#).

5.03: Watchers and Super Watchers

- A. The board issues commissions to all watchers and super watchers before the polls open on election day. The board provides each precinct with a list of the watchers and super watchers, if any, and alternate watchers entitled to serve during the election. A commissioner-in-charge or commissioner may not be commissioned as a watcher or super watcher. An alternate commissioner may be commissioned as a watcher or super watcher unless selected to serve as commissioner for the same election.

- B. Each candidate in any primary or general election is entitled to have one (1) watcher at every precinct where the office they seek is voted on, and the same watcher may be commissioned for more than one (1) precinct.
- C. Each candidate in any primary or general election is entitled to have one (1) watcher designated as a super watcher for admittance to all precincts where the office they seek is voted on.
- D. The candidate **is required to sign and file a list of watchers with the clerk of court before 4:30 p.m. on the 10th day** before any primary or general election. The candidate may use an authorized representative to file the signed list with a letter of authorization from the candidate.
- E. A list of watchers may be filed with the clerk of court by hand delivery, facsimile, mail, or by commercial courier.
- F. A list of watchers filed for the primary election may be used for the general election, if the candidate notifies the clerk of court in writing **by 4:30 p.m. on the 10th day** before the general election.
- G. Any person supporting or opposing a proposition or question, who has filed the necessary campaign finance report (required by [La R.S. 18:1486](#)), is entitled to have one (1) watcher at every precinct where the issue they seek to influence is voted on in a primary or general election. (Law does not provide for super watchers for any person supporting or opposing a proposition or question.)
- H. A watcher and alternate watcher may serve at the same precinct on election day, but not at the same time, they may only replace each other. However, a watcher and a super watcher may serve at the same precinct at the same time.
- I. Watchers and super watchers **MUST BE** qualified voters of the State of Louisiana who are not entitled to assistance in voting and not candidates in the election. See the [Poll Watchers Pamphlet](#) on the secretary of state's website at www.GeauxVote.com, under Become a Candidate > Monitoring an Election. For additional information about watchers please refer to [La R.S. 18:427](#) and [La R.S. 18:435](#).

Part 6: Early Voting

6.01: Parish Board of Election Supervisors

Before early voting is conducted, the board is responsible for generating a zero tally from each early voting machine after the voting machines have been examined and tested ([La R.S. 18:1309.1](#)).

6.02: Registrar of Voters

The registrar of voters records the public and protective counter numbers for each machine on a form prepared by the secretary of state for use in verifying the early voting results on election day, and then seals the early voting machines in the presence of the parish board of election supervisors and any candidate or member of the general public who wants to view the preparation, testing, and sealing of the machines ([La R.S. 18:1309.1](#)).

6.03: Clerk of Court

The clerk of court is responsible for notifying candidates at the time of qualifying that they may contact the registrar of voters for the date and time of preparation, testing and sealing of early voting machines ([La R.S. 18:1309.1](#)).

Part 7: Election Day

7.01: Election Day Voting Machines

- A. Pursuant to [La R.S. 18:1363](#), the number of voting machines is allocated by law based on the number of active voters in a precinct. However, the board may reduce or increase the number of voting machines to be used in a candidate or proposition election. In such cases, the board **MUST** notify the clerk of court and the secretary of state at least four weeks prior to such elections seeking approval and providing written justification for the reduction. The request for approval may be made by mail or email to the secretary of state or designee.
- B. Pursuant to [La R.S. 18:425.1](#), the board may reduce the number of voting machines for candidate elections where more than one (1) polling place is within the same location and the board has consolidated polling places in that location for that election. The board **MUST** notify the clerk of court and the secretary of state by submitting a written request **on or before the 29th day prior to an election** in accordance with [La R.S. 18:1363\(H\)](#).
- C. Pursuant to [La R.S. 18:1363\(D\)](#), the board may reduce the number of voting machines where only the political party committee members are on the ballot. The board **MUST** notify the clerk of court and the secretary of state by submitting a written request **not less than 29 days prior to such election**.
- D. The board may submit a written request in accordance with [La R.S. 18:1363](#) to the secretary of state for additional voting machines for overcrowded precincts **on or before the 29th day prior to an election**.
- E. The clerk of court **MUST** notify candidates at the time of qualifying to contact the voting machine warehouse for the time period when voting machines will be prepared and tested. The clerk of court **MUST** notify candidates of the time period when voting machines will be sealed, which is required **no later than 36 hours prior to the opening of the polls** ([La R.S. 18:1373](#)).
- F. At least one (1) member of the board assists the clerk of court in opening the voting machines on the third day following the election. Public and protective counter numbers **MUST** be recorded and the printed election results on each machine **MUST** be verified. The clerk of court may utilize deputy clerks and other employees in this process ([La R.S. 18:573](#)).
- G. After all machines are opened, the clerk of court **MUST** verify, in the presence of the board, the total votes cast for each candidate and for and against each proposition as shown on the printed election results and the total number of absentee-by-mail and early voting votes cast for each candidate and each proposition as shown by the **Final Absentee Vote Report** (*Figure 1*) filed with the clerk of court by the board ([La R.S. 18:573](#)).

Figure 1: Final Absentee Vote Report (FAVR)

9/6/2017	FINAL ABSENTEE BY MAIL AND EARLY VOTING VOTE REPORT	PAGE: 1
(TO BE USED FOR RECORDING ABSENTEE BY MAIL AND EARLY VOTING VOTE TOTALS)		
R.S. 18:1313		
Instructions: If you have (1) absentee by mail or early voting votes cast on paper ballots which were counted manually; (2) absentee by mail or early voting votes cast on paper ballots which were counted by machine; and/or (3) early voting votes cast on voting machines and counted by those machines, then all votes must be added together for each candidate, and for and against each proposition, and transferred to this "Final Absentee by Mail and Early Voting Report". Note: If it is necessary to use more than one page, fill in each page number and the total number of all pages utilized in the upper right hand corner.		
<hr/>		
PARISH OF: ALLEN - 02	DATE OF ELECTION: 03/28/2015	
<hr/>		
	Total Votes	
Road District No. 1	22.03 Mills - PJ - 10 Yrs.	
YES		_____
NO		_____
Road District No. 3	35.79 Mills - PJ - 10 Yrs.	
YES		_____
NO		_____
Road District No. 4 Prop. #1	30.19 Mills - PJ - 10 Yrs.	
YES		_____
NO		_____
Road District No. 4 Prop. #2	21.14 Mills - PJ - 10 Yrs.	
YES		_____
NO		_____
Sub-Road Dist. No. 1 of Rd. Dist. No. 1	8.03 Mills - PJ - 10 Yrs.	
YES		_____
NO		_____
Sub-Road Dist. No. 5A	2.79 Mills - PJ - 10 Yrs.	
YES		_____
NO		_____
<hr/>		
Absentee by mail and early voting ballots _____ Parish Board of Election Supervisors counted and totals announced by: (check appropriate box) _____ Parish Board Commissioners		
<hr/>		
WE HEREBY CERTIFY this tabulation shows the correct total number of absentee by mail and early voting votes cast for each candidate, and for and against each proposition.		
In witness whereof, we have signed our names at _____ p.m. on the _____ day of _____, _____.		
Signed: _____	Signed: _____	
Signed: _____	Signed: _____	
Signed: _____		
Disposition: Original to Clerk of Court; 1 copy to Secretary of State in Y-1 Envelope; 1 copy to be retained by Parish Board of Election Supervisors; 1 copy to be placed in the special absentee by mail and early voting envelope or container		

Part 8: Absentee and Early Voting Tally

8.01: Absentee-by-Mail and Early Voting Tabulation

- A. Absentee-by-mail ballots and early voting ballots are tabulated and counted by the board. The results are announced after the closing of the polls as the total number of absentee-by-mail and early voting votes cast in the election for each candidate, and the total number cast for and against each proposition.
- B. The board may utilize parish board commissioners to count these ballots, pursuant to [La R.S. 18:1314](#). If a majority or a quorum of the board is not present to count, the members present may select a sufficient number of parish board commissioners on election day to assist in the counting. The maximum number that may serve is six. For additional parish board commissioners, the board **MUST** request and receive approval from the secretary of state or designee prior to election day. Please contact the Secretary of State's Office, Elections Services Division for a request form.
- C. The counting of ballots **MUST** be at a public facility within the parish designated by the registrar of voters at a time fixed by the board, which **MUST** be **no later than 8 p.m. on election day**. The board or commissioners may request security and technical assistance from the secretary of state in-person or by telephone.
- D. If the counting of ballots begins **prior to the closing of the polls at 8 p.m.**, the count **MUST** be conducted in a location and manner to prevent disclosure of the results prior to the closing of the polls. Each person, except the security or technical assistance personnel authorized by the secretary of state, who enter the counting location **MUST** remain in that location and **MUST** not be allowed to leave except temporarily, and then only accompanied by security (for bathroom break), and **MUST** not communicate with any person outside until the polls close. (Security should require all electronic communication to remain with them until person is authorized to leave.)
- E. During the counting of absentee-by-mail and early voting ballots, the board determines by majority vote:
 - 1. The validity of any ballot challenged and
 - 2. Whether or not to reject a ballot with a distinguishing mark.
- F. If the board upholds a challenged ballot for cause and does not count the ballot, it **MUST** notify the voter by sending the signed blue copy of the Challenge of Voter for Cause (CV-ME) form (*Figure 2*) used to make the determination within three days by regular mail. In addition, the board **MUST** retain the pink copy of the form and give the challenger the white copy of the form. The Challenge of Voter for Cause (CV-ME) form is provided by the secretary of state to the registrar of voters and **MUST** be signed by at least a majority of the board ([La R.S. 18:1315](#)).

Figure 2: Challenge of Voter for Cause (CV-ME)

CHALLENGE OF VOTER FOR CAUSE - During the Counting of Absentee by Mail and Early Voting Ballots	INSTRUCTIONS TO PARISH BOARD OF ELECTION SUPERVISORS
The undersigned hereby challenges the right of _____ (name of person challenged)	The parish board of election supervisors present shall determine the validity of the challenge. If they determine by majority vote that the challenge is valid, the vote shall not be counted. If the majority determines the challenge is invalid, the vote shall be counted.
to vote at the _____ ward/precinct Parish of _____ for the following cause: _____	
_____	DETERMINATION OF CHALLENGE (check applicable box below) <input type="checkbox"/> The challenge is valid. <input type="checkbox"/> The challenge is invalid.
This challenge is made and entered in accordance with R.S. 18:1315(B). Dated and signed the ___ day of _____, _____	
_____ printed name of challenger	_____ (PBES member)
_____ signature of challenger	_____ (PBES member)
Dispose of as follows: 1. Mail WITHIN 3 DAYS AFTER DETERMINATION OF CHALLENGE the BLUE ORIGINAL challenge form to the voter's place of residence. 2. Retain PINK copy for Parish Board of Election Supervisor's records. 3. Give WHITE COPY to challenger.	_____ (PBES member)
	_____ (PBES member)
	_____ (PBES member)
CV-ME (Rev. 6/15)	Prepared and Furnished by Secretary of State

G. The board may duplicate a defective ballot that is physically damaged or cannot be counted by the counting equipment if the board determines that the vote cast by the voter is clearly discernible from a physical inspection of the defective ballot. A true duplicate may then be made of the defective ballot in the presence of witnesses and substituted for the defective ballot according to the procedures issued by the secretary of state and posted on [LASOSNET/COElections Documents>Absentee Ballots>Duplication of Absentee Ballots](#) or on [LASOSNET/ROV>ROV Forms>Duplication of Ballot Procedures](#). ([La R.S. 18:1313](#))

8.02: Recount of Absentee-by-Mail/Early Voting Ballots

- A. **On the fifth day after an election**, if timely requested in writing by a candidate or person who voted in a proposition election, (or at any time ordered by a court) the board **MUST** meet to recount the absentee-by-mail and early voting ballots for a particular office and/or re-inspect the voting machines. ([Section 4.02: Statutory Public Meetings Open to the General Public](#))
- B. This duty may be moved if the fifth day falls on a holiday.

Part 9: Election Day and Provisional Voting Tally

9.01: Election Results (La R.S. 18:573)

- A. Election returns are compiled and certified by the board after each election.
- B. The third day after the election, the voting machines are opened; if the third day falls on a Saturday, Sunday, or other legal holiday, then the machines are opened on the second day following the election.
 - 1. For a Saturday election, the third day is Tuesday.
 - 2. For a Tuesday election, the third day is Friday.

9.02: Absentee-by-Mail and Early Voting Results (La R.S. 18:1313)

- A. [Act 395 \(HB 665\)](#) of 2013 regular session was enacted to update the registrars of voters' procedures for verifying early voting and absentee ballots, and to update the parish board of election supervisors procedures for counting early voting and absentee ballots.
- B. The secretary of state is authorized to assist the registrar of voters in the challenge removal process on the early voting machines, in reading the early voting machine results cartridges, and in producing the early voting machine results report.
- C. The board **MUST** be responsible for counting and tabulation of all absentee-by-mail and early voting ballots in the parish. The absentee-by-mail and early voting votes cast for a candidate and those cast for or against a proposition **MUST** be counted and announced as the total number of absentee-by-mail and early voting votes cast for a candidate and those cast for or against a proposition. The board **MUST** enter the total number of votes on the Final Absentee Vote Report (FAVR) (*Figure 1*) for mail and early voting ballots, and **MUST** certify the results.
- D. Procedures for counting early voting machine ballots and paper ballots voted during early voting are as follows:
 1. A member of the board presents for counting the early voting verification forms, early voting machine public counter logs, early voting confirmation sheets, paper ballots voted during early voting, early voter report and all early voting machine results reports;
 2. The board reviews the verification forms and public counter logs, and if found to be acceptable, signs the verification form (each board member signs). If the board does not find the verification form(s) to be acceptable, it may review any early voting confirmation sheet and **MUST** document its correction to the early voting verification form(s) and then sign it;
 3. The board announces the results from the early voting machine results report for the in-person early voting ballots;
 4. For each paper ballot voted during early voting, the board **MUST** follow the same procedures for handling the absentee-by-mail ballots by announcing the name of the person, the ward and precinct, and **MUST** compare the name on the flap of the ballot envelope with the names on the early voter report;
 5. For all challenges for cause a Challenge of Voter for Cause (CV-ME) form (*Figure 2*) **MUST** be completed. The board **MUST** determine the validity of challenges and complete and sign the Challenge of Voter for Cause (CV-ME) form;
 6. If the board determines that a paper ballot voted during early voting is valid, a member of the board **MUST** write "**voted early**" and their initials on the ERIN printed Final Absentee Daily Voters Report (In-Person) (*Figure 3*) beside the name of the voter as it appears on the report. A member of the board then tears the flap from the ballot envelope and leaves the ballot envelope sealed;

Figure 3: Final Absentee Daily Voters Report (In-Person)

Louisiana Secretary of State									
Absentee Daily Voters									
Report type Final for EAST BATON ROUGE - 17 Parish AND Ward 01 AND Precinct Multiple AND Election Date 05/02/2015 AND Office <ALL> AND District Value <ALL> AND ROV Office <All> AND Vote Date 04/28/2015 AND Send Method Multiple AND Return Method Multiple AND Sort By WardPrec									
Prsh	Wd/Pct	PJ	CD	SCHBD	Req. No.	Name	Address	Partv	
17	01/105 B	11	//	05		CELESTE	BATON ROUGE, LA 70809-7629	DEM	
Ballot: In Person Ballot		Request Type		In person	Send Method	In Person	Returned	In Person - 04/22/2015	
Person Type: In Person		Request Date		04/22/2015	Send Date	04/22/2015	Response	Accepted	
COMMISSIONER INITIALS:									
17	01/105 B	11	//	05		ROBERTA	BATON ROUGE, LA 70809-7629	DEM	
Ballot: Proposition		Request Type		Mail	Send Method	Mail	Returned	Mail - 04/17/2015	
Person Type: Over 65		Request Date		04/09/2015	Send Date	04/09/2015	Response	Accepted	
COMMISSIONER INITIALS:									
							Total Voters:	16	
							In-Person Voters:	8	
							Mail Voters:	8	

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7. If a majority of the board determines that a paper ballot voted during early voting is invalid, the members **MUST** leave the flap on the ballot envelope, leave the ballot envelope sealed, and write “rejected” and the reasons for rejection across the ballot envelope. A member **MUST** also write “rejected” and their initials on the ERIN printed Final Absentee Daily Voters Report (In-Person) beside the name of the voter as it appears on the report and place the rejected ballot in the special envelope or container and not count it;
8. After the validity of all paper ballots voted during early voting has been determined, the board **MUST** place the valid early voting confirmation sheets and the flaps removed from the valid paper ballots in the special envelope or container and two members **MUST** execute the certificate on the envelope or container;
9. The board **MUST** open the envelopes containing the valid paper ballots and remove the ballots. (The board should make a visual inspection of the ballots and separate into stacks those ballots to be read by counting equipment and those ballots to be hand counted or duplicated due to possible ambiguous scan errors);
10. The board **MUST** reject any ballot containing a distinguishing mark or feature making the ballot susceptible of identification as provided by [La R.S. 18:1316](#). A ballot **MUST** not be rejected as containing a distinguishing mark if the ballot was transmitted electronically to a member of the U.S. Service or a person residing outside the United States;

11. If a ballot is physically damaged or cannot properly be counted by the counting equipment and the vote cast by the voter is clearly discernible from a physical inspection of the defective ballot, a true duplicate may be made of the defective ballot in the presence of witnesses and substituted for the ballot (or hand counted). The duplicate **MUST** be clearly labeled “duplicate,” bear a ballot number which **MUST** be recorded on the defective ballot and be counted in lieu of the defective ballot. After a ballot has been duplicated, the defective ballot **MUST** be placed in the special envelope or container and the duplicate ballot **MUST** be counted with the other valid ballots; and
12. The board **MUST** generate a zero tally, prior to utilizing counting equipment, to ensure the equipment’s candidate and question counters are set at zero and that no votes have been cast. The board **MUST** sign and certify to the correctness of each zero proof sheet and place all zero proof sheets in the special envelope or container.

E. Procedures for counting absentee-by-mail ballots are as follows:

1. A member of the board removes the certificates and special absentee-by-mail ballots and envelopes containing the absentee-by-mail and early voting ballots from the special absentee-by-mail and early voting ballot envelope or container;
2. The board announces the name of each absentee-by-mail voter and the ward and precinct where they are registered to vote, and then **MUST** compare the name on the certificate or on the flap of the affidavit envelope containing the absentee-by-mail ballot with the names on the absentee-by-mail voter report;
3. For all challenges for cause, a Challenge of Voter for Cause (CV-ME) form **MUST** be completed. The board **MUST** determine the validity of challenges in accordance with [La R.S. 18:1315](#) (pre-filed challenges or challenges for cause during the counting) and complete and sign the Challenge of Voter for Cause (CV-ME) form, if applicable;
4. If the board determines that an absentee-by-mail ballot is valid, a member of the board writes the words “voted by mail” and their initials on the absentee-by-mail voter report beside the name of the voter as it appears on the report;
5. If applicable, a member of the board tears the flap from the affidavit envelope containing the absentee-by-mail ballot and leaves the affidavit envelope sealed;
6. If a majority of the board determines that an absentee-by-mail ballot is invalid, the flap remains on the affidavit envelope and a member writes the word “rejected” with the reason across the affidavit envelope or the certificate attached to the special absentee-by-mail ballot. The member **MUST** also write the word “rejected” and their initials on the absentee-by-mail voter report beside the name of the voter as it appears in the report. The rejected ballots in the affidavit envelopes and certificates **MUST** be returned to the special absentee-by-mail and early voting ballot envelope or container; no rejected absentee-by-mail ballot can be counted. (The board is required to notify the voter in writing on a form provided by the secretary of state within three days by mail);
7. After the validity of all absentee-by-mail ballots has been determined, the members of the board place the valid certificates and flaps removed from the affidavit envelopes that contain the ballots in the envelope or container provided for that purpose and seal. Two of the board members **MUST** execute the certificate on the envelope or container;

8. The board members **MUST** then open the affidavit envelopes containing the valid absentee-by-mail ballots and remove the ballots. (The board should make a visual inspection of the ballots and separate them into stacks: those to be read by counting equipment, and those ballots to be hand counted or duplicated due to possible ambiguous scan errors);
 9. The board **MUST** reject any ballot containing a distinguishing mark or feature making the ballot susceptible to identification as provided by [La R.S. 18:1316](#). A ballot **MUST** not be rejected as containing a distinguishing mark if the ballot was transmitted electronically to a member of the U.S. Service or a person residing outside the United States; and
 10. If a ballot is physically damaged or cannot properly be counted by the counting equipment and the vote cast by the voter is clearly discernible from a physical inspection of the defective ballot, a true duplicate may be made of the defective ballot in the presence of witnesses and substituted for the ballot (or hand counted). The duplicate **MUST** be clearly labeled “duplicate,” bear a ballot number which **MUST** be recorded on the defective ballot and be counted in lieu of the defective ballot. After a ballot has been duplicated, the defective ballot **MUST** be placed in the special envelope or container and the duplicate ballot **MUST** be counted with the other valid ballots.
- F. In accordance with [La R.S. 18:566.2](#), all provisional ballots **MUST** be counted by the board. ([Section 9:03 Provisional Ballots](#))
- G. The board is required to count paper ballots cast at the polling place under the administrative rules on [Emergency Election Day Paper Ballot Procedures](#). The board is also required to count ballots received electronically for military and overseas voters; or for voters who are unable to vote during early voting or at the polls on election day because of their out-of-state work responsibilities relating to a declared emergency, when the secretary of state authorizes special procedures for emergency voting pursuant to [La R.S. 18:1308](#).
- H. In accordance with [La R.S. 18:574](#), the board is required to publicly prepare two compiled statements of the election returns, as shown by the record of votes made by the clerk of court after the verification and counting of provisional ballots. One (1) copy is to be filed with the clerk of court **no later than 4 p.m. on the fifth day after the election** and one (1) copy is to be mailed to the secretary of state **no later than noon on the sixth day after the election**.
- I. The board, by majority vote, may attach a notation of any irregularities observed by the board to the compiled statements. Each Poll List at every precinct has a Notation of Irregularities page for the commissioners to make any notations on election day. Examples of irregularities may include:
1. The security of the polling place, or warehouse;
 2. The security of the voting machines;
 3. The physical condition of the voting machines;
 4. The physical condition or substantive contents of the election materials in the voting machine; or
 5. Any other matter affecting the verification of the vote totals by the clerk of court.

9.03: Provisional Ballots (La R.S. 18:566.2)

- A. After opening of the voting machines following a presidential or regularly scheduled congressional general election (primary and run-off) and prior to the compilation of returns, available registration documentation is provided to the parish board of election supervisors by the registrar of voters for the purposes of determining if the individual that voted provisionally is a registered voter and eligible to vote in the election.
- B. The parish board of election supervisors is responsible for the counting and tabulation of all provisional ballots in federal elections. Provisional ballots are counted by hand.
- C. If the parish board of election supervisors determines that parish board commissioners are necessary to assist in counting provisional ballots, the board **MUST** obtain the approval of the secretary of state before selecting the parish board commissioners. The maximum number of parish board commissioners that may serve is six (6). For additional parish board commissioners, the parish board of election supervisors **MUST** request and receive approval from the secretary of state or their designee prior to election day. A request form is provided by the Secretary of State's Office, Elections Services Division.
- D. In a parish where no parish board commissioners are utilized during the counting and tabulation, the board may utilize commissioners to count the provisional ballots; if so, the selection and compensation of such commissioners **MUST** be in the same manner as parish board commissioners.
- E. Provisional ballots **MUST** be counted for a presidential or regularly scheduled congressional general election (primary and run-off) prior to the compilation of returns, at the office of the registrar of voters or at a public facility within the parish designated by the parish board of election supervisors.

NOTE: If the board chooses a public facility other than the Registrar of Voters' Office, the board shall be responsible for the secure transport of the provisional ballots from the Registrar of Voters' Office to the public facility and for the return of such ballots.

- F. Candidates, their representatives, and qualified electors may be present during counting and tabulation of provisional ballots, but they may only observe and not interfere.
- G. Procedures for counting provisional ballots:
 - 1. A member of the parish board of election supervisors removes the sealed Provisional Ballot Affidavit Envelopes (AFF-PB) (*Figure 4*) containing the voted provisional ballots from the Provisional Ballot Parish Board of Election Supervisors Envelope (PB-PBES) (*Figure 5*) or container and all other contents in the envelope or container;
 - 2. A member of the parish board of election supervisors announces the name of each provisional voter and the members of the parish board of election supervisors compare the name on the flap of the Provisional Ballot Affidavit Envelope (AFF-PB) with the name on the List of Provisional Voters (*Figure 6*);
 - 3. The parish board of election supervisors **MUST** determine whether the provisional ballot will be counted. The board members may review all available registration documentation provided by the registrar of voters, the secretary of state, and/or other state and local agencies for the purposes of determining whether the individual casting a provisional ballot is a registered voter and eligible to vote in the federal election and did not vote early or at their precinct on election day, if requested;

4. If the parish board of election supervisors determines that a provisional ballot will be counted, a member of the board writes the provisional ballot number and the word “**counted**” next to the provisional voter’s name on the List of Provisional Voters;
5. If applicable, a member of the parish board of election supervisors tears the flap from the Provisional Ballot Affidavit Envelopes (AFF-PB) containing the provisional ballot, attaches the provisional voter’s registration documentation to the envelope flap, and leaves the envelope sealed;
6. If a majority of the parish board of election supervisors determines that a provisional ballot will not be counted, the flap remains on the envelope and a member of the board **MUST** write the word “**rejected**” with the reason across the envelope. A member of the board **MUST** also write the provisional ballot number, the word “**rejected,**” and the reason for the rejection next to the name of the provisional voter on the List of Provisional Voters. The rejected ballots are placed in the Rejected Provisional Ballot Envelope (PB-RB) (*Figure 7*) and will not be counted;
7. After the validity of all provisional ballots has been determined, the members of the parish board of election supervisors place the original signed List of Provisional Voters, the flaps removed from the valid provisional ballots and the attached registration documentation in the Provisional Ballot Registrar of Voters Envelope (PB-ROV) (*Figure 8*) or box;
8. The members of the parish board of election supervisors then open the Provisional Ballot Affidavit Envelopes (AFF-PB) containing the valid provisional ballots and remove the voted ballots;
9. The provisional votes cast for a candidate for federal office shall be counted by hand, and announced in the order of the offices and candidates listed on the provisional ballot. The board enters the votes on the Final Provisional Ballot Vote Report (PB-FVR) (*Figure 9*) and certifies the results;
10. The original Final Provisional Ballot Vote Report (PB-FVR) is transmitted to the clerk of court. A copy of the Final Provisional Ballot Vote Report (PB-FVR) and a completed Board of Elections Supervisors Approval of Provisional Voters (PB-S) form from the [ROV LASOSNET Portal](#) is mailed to the secretary of state in the Provisional Ballot Secretary of State Envelope (PB-SOS) (*Figure 10*) by the parish board or the registrar of voters; and
11. Upon completion of the count, the parish board places the valid provisional ballots, a copy of the Final Provisional Ballot Vote Report (PB-FVR), and the Rejected Provisional Ballot Envelope (PB-RB) in the Provisional Ballot Registrar of Voters Envelope (PB-ROV) (tamper-proof) or box with envelope attached and sealed.

9.04: Certification Requirements

- A. The clerk of court **MUST** enter the provisional votes from the Final Provisional Ballot Vote Report (PB-FVR) into the secretary of state's statewide Elections Registration Information Network (ERIN) before certifying the election results. If there are no provisional votes, then the clerk of court **MUST** enter zero in the required fields and certify.
- B. The provisional vote certification **MUST** occur before the certification of the election returns that is required to be completed **no later than 4 p.m. on the fifth day** after the election in accordance with [La. R.S. 18:574](#).

Figure 4: Provisional Ballot Affidavit Envelopes (AFF-PB)

FOR PROVISIONAL BALLOT ONLY

VOTING A PROVISIONAL BALLOT AFTER VOTING AT POLLS OR VOTING ABSENTEE BY MAIL OR DURING EARLY VOTING IS PROHIBITED AND MAY RESULT IN CRIMINAL PENALTIES

VIOLATION OF PROVISIONAL VOTING LAWS VOIDS BALLOT AND MAY RESULT IN CRIMINAL PENALTIES

DO NOT DETACH FLAP

BALLOT ENVELOPE MUST BE SEALED

↓ Commissioner complete and detach this red portion and give to Voter ↓

PROVISIONAL BALLOT NUMBER:
876530911

TO THE PROVISIONAL VOTER:
You may visit the Secretary of State's website @ www.GeauxVote.com, or call 1-800-883-2805 one week after the election and refer to this provisional ballot number to know if your vote was counted or not, and the reason.

↓ Do not detach this purple portion of flap ↓

COMMISSIONER COMPLETES:

Provisional Ballot Number: 876530911
Voted at Ward/Precinct No.: 01/01

VOTER COMPLETES:

State of Louisiana,
Parish of East Baton Rouge

I, Doe John Hebert
Name: (Last) (First) (Middle)
do solemnly swear that I am a resident of
East Baton Rouge Parish, Louisiana

1234 West Side Street
(street address)
Baton Rouge
(city or town)

and that I am a registered voter in the above listed parish and that I am eligible to vote in the election for federal office.

My date of birth is: 01/01/1964
Last 4 digits of SSN: XXXX
Mother's Maiden Name: Jane
Political Party Affiliation: No Party

VOTER SIGNATURE:

X John Doe

Sworn to and subscribed before me on: 05/01/15
(date)

COMMISSIONER SIGNATURE:

X Jus Cats
(Precinct Commissioner, Registrar of Voters, or Deputy Registrar of Voters)

(Office use only-completed by Registrar's Office):
Voter Registration # #####

➔

AFF-PB
Provisional Ballot
Affidavit Env.
(Rev. 3/13)

Figure 5: Provisional Ballot Parish Board of Election Supervisors Envelope (PB-PBES)

Issued by Secretary of State

ROV: Upon receipt of the Return Provisional Ballot Envelopes (RPB) from Clerk of Court, compile the List of Provisional Voters and return it in this envelope or box with this envelope attached for tabulation by PBES along with:

1. Blank form of the FINAL PROVISIONAL BALLOT VOTE REPORT (PB-FVR) from ERIN (for completing by PBES); and
2. Voted Provisional Ballots with Envelopes and the attached Registration document(s), if any.

DISPOSITION - DELIVER TO → PBES
(for tabulation on the 3rd or 4th day following the election)

PB-PBES (Provisional Ballot PBES Envelope)
(Revised 10/15)

Figure 6: List of Provisional Voters

Louisiana Secretary of State
Recalls, Petitions & Provisional Voters
 This Information Must Be Secured At All Times and Shredded After Use
 For Parish ACADIA - 01 AND Type Provisional AND Name General 2014 Provisional List AND Date 12/06/2014 AND Sort Order Alphabetical

First Name	Last Name	Parish/Reg #	DOB	Residence Address	PRV Wd/Pct	VTR Wd/Pct	Status	Rejected Reason
<p>Total # of Approved List Names:</p> <p>Total # of Rejected List Names:</p> <p>Total # of Registered Voters:</p>								

CONTAINS CONFIDENTIAL INFORMATION

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Figure 7: Rejected Provisional Ballot Envelope (PB-RB)

Issued by Secretary of State

Parish

REJECTED PROVISIONAL BALLOTS

INSTRUCTIONS TO PARISH BOARD OF ELECTION SUPERVISORS:
USE THIS ENVELOPE TO SECURE ALL REJECTED PROVISIONAL BALLOTS

**DISPOSITION - PUT IN REGISTRAR OF VOTERS ENVELOPE
(PB-ROV)**

PB-RB (Rejected Provisional Ballot Envelope)
(Rev. 1/14)

Figure 8: Provisional Ballot Registrar of Voters Envelope (PB-ROV)

TAMPER - PROOF ENVELOPE --- DO NOT OPEN AFTER SEALING

Issued by Secretary of State

Parish

INSTRUCTIONS TO PARISH BOARD OF ELECTION SUPERVISORS:
**AFTER COMPLETION OF THE TABULATION AND COUNTING OF THE PROVISIONAL
BALLOTS, USE THIS TAMPER-PROOF ENVELOPE TO SECURE THE FOLLOWING:**

- **VALID PROVISIONAL BALLOTS**
- **ONE (1) COPY OF FINAL PROVISIONAL BALLOT VOTE REPORT (PB-FVR)**
- **REJECTED PROVISIONAL BALLOT ENVELOPE (PB-RB)**

DISPOSITION - DELIVER TO ⇒ Registrar of Voters

PB-ROV (Registrar of Voters Envelope)
(Revised 1/14)

TAMPER - PROOF ENVELOPE --- DO NOT OPEN AFTER SEALING

Part 10: Publications and Notices

10.01: Official Parish Journal Publications

- A. In accordance with [La R.S. 18:434](#), the board publishes notice of the meeting to select commissioners and alternate commissioners in the official parish journal and posts a notice on the front courthouse door.
- B. In accordance with [La R.S. 18:535](#), the board publishes the location of the polling places in the parish at least once before each primary election in the official parish journal, during the third week before the election.
- C. When a precinct or polling place is established or changed, the parish governing authority (not the board) is required to publish notice in the official parish journal in accordance with [La R.S. 18:535](#).

10.02: Secretary of State Notifications

- A. After the commissioners-in-charge are selected, the board compiles a list of their names, social security numbers, party affiliations, and mailing addresses and enters it into the secretary of state's Elections Registration and Information Network (ERIN) database. This is routinely done by the clerk of court's office for payroll purposes.
- B. The board notifies the secretary of state of a polling place consolidation as discussed in [Part 7: Election Day](#) and [Part 11: Consolidation of Polling Places](#) of this manual.

Part 11: Consolidation of Polling Places

11.01: Consolidation Rules and Procedures

- A. For the precincts with more than 300 active registered voters, if more than one (1) polling place is within the same location, the board may consolidate the polling places and reduce the number of voting machines.
- B. If polling places are consolidated, the board notifies the clerk of court and the secretary of state of the consolidation and indicates the number of voting machines needed.
- C. In a consolidated polling place, the board appoints one (1) commissioner-in-charge to serve at the consolidated polling place, and not less than two commissioners for each of the individual polling places that were consolidated.
- D. The secretary of state does not agree with a reduction to only one (1) voting machine when not necessary or when there are more than 100 registered voters, as two machines are a sufficient back up if one (1) machine malfunctions on election day. Additionally, in accordance with the administrative rule on the use of emergency paper ballots on election day, paper ballots may be used when voting machines fail. View online at www.GeauxVote.com under the heading "Our Office" > "Find Administrative Rules" > "Read Administrative Rules."
- E. Precincts with less than 300 active registered voters are reviewed annually after each canvass by the parish governing authority for either a merger, consolidation, an exception, or full payment by the parish.

Part 12: Ethics and Dual Office Holding

12.01: General Information

- A. For general information on ethics laws and who to contact for more information, visit <http://ethics.la.gov> or contact the Ethics Administration Program.

Physical Address	Mailing Address
617 N. Third St.	P.O. Box 4368
LaSalle Building, Ste. 10-36	Baton Rouge, LA 70821
Baton Rouge, LA 70802	

Phone: 225-219-5600
Toll Free: 800-842-6630

12.02: Dual Office Holding

- A. [Louisiana Revised Statute, Title 42, Section 63](#) provides for certain prohibitions in part:
 1. No person **SHALL** hold an elective office, appointive office, or employment in any of the branches of state government or of a political subdivision at the same time while holding another elective office, appointive office, or employment in the government of a foreign country, in the government of the United States, or in the government of another state.
 2. No person **SHALL** hold office or employment in one (1) branch of the state government while holding another office or employment in any other branch of state government.
 3. No person **SHALL** hold an elective office in the government of this state and at the same time hold another elective office, a full-time appointive office, or employment in the government of this state or in the government of a political subdivision thereof.

Part 13: Important Numbers

Attorney General.....	225-326-6000
Secretary of State	Phone.....225-922-0900
	Toll Free.....1-800-883-2805

Comments:

Please send any comments for improvement to this handbook to:

Secretary of State's Office
Attention: Commissioner of Elections
P.O. Box 94125
Baton Rouge, LA 70804-9125

Part 14: Open Meeting Laws La. R.S. 42:11 through La. R.S. 42:28

CHAPTER 1-A. OPEN MEETINGS LAW

§11. Short title

This Chapter shall be known and may be cited as the "Open Meetings Law".
Acts 2010, No. 861, §18.

NOTE: Former R.S. 42:11 was redesignated as R.S. 42:26 by Acts 2010, No. 861, §23.

§12. Public policy for open meetings; liberal construction

A. It is essential to the maintenance of a democratic society that public business be performed in an open and public manner and that the citizens be advised of and aware of the performance of public officials and the deliberations and decisions that go into the making of public policy. Toward this end, the provisions of this Chapter shall be construed liberally.

B. Further, to advance this policy, all public bodies shall post a copy of this Chapter.
Added by Acts 1976, No. 665, §1; Acts 1999, No. 467, §1; Acts 2010, No. 861, §23.

NOTE: Former R.S. 42:12 was redesignated as R.S. 42:27 by Acts 2010, No. 861, §23.

§13. Definitions

A. For the purposes of this Chapter:

(1) "Consent agenda" means a grouping of procedural or routine agenda items that can be approved with general discussion.

(2) "Meeting" means the convening of a quorum of a public body to deliberate or act on a matter over which the public body has supervision, control, jurisdiction, or advisory power. It shall also mean the convening of a quorum of a public body by the public body or by another public official to receive information regarding a matter over which the public body has supervision, control, jurisdiction, or advisory power.

(3) "Public body" means village, town, and city governing authorities; parish governing authorities; school boards and boards of levee and port commissioners; boards of publicly operated utilities; planning, zoning, and airport commissions; and any other state, parish, municipal, or special district boards, commissions, or authorities, and those of any political subdivision thereof, where such body possesses policy making, advisory, or administrative functions, including any committee or subcommittee of any of these bodies enumerated in this paragraph.

(4) "Quorum" means a simple majority of the total membership of a public body.

B. The provisions of this Chapter shall not apply to chance meetings or social gatherings of members of a public body at which there is no vote or other action taken, including formal or informal polling of the members.

Added by Acts 1979, No. 681, §1. Amended by Acts 1981, Ex.Sess., No. 21, §1, eff. Nov. 19, 1981; Acts 1988, No. 821, §1; Acts 2010, No. 861, §23; Acts 2013, No. 416, §1.

NOTE: Former R.S. 42:13 was redesignated as R.S. 42:28 by Acts 2010, No. 861, §23.

§14. Meetings of public bodies to be open to the public

A. Every meeting of any public body shall be open to the public unless closed pursuant to R.S. 42:16, 17, or 18.

B. Each public body shall be prohibited from utilizing any manner of proxy voting procedure, secret balloting, or any other means to circumvent the intent of this Chapter.

C. All votes made by members of a public body shall be viva voce and shall be recorded in the minutes, journal, or other official, written proceedings of the body, which shall be a public document.

D. Except school boards, which shall be subject to R.S. 42:15, each public body conducting a meeting which is subject to the notice requirements of R.S. 42:19(A) shall allow a public comment period at any point in the meeting prior to action on an agenda item upon which a vote is to be taken. The governing body may adopt reasonable rules and restrictions regarding such comment period.

Added by Acts 1952, No. 484, §1. Amended by Acts 1976, No. 665, §1; Acts 1977, No. 707, §1; Acts 1978, No. 456, §1; Acts 1979, No. 681, §1; Acts 1981, Ex.Sess., No. 21, §1, eff. Nov. 19, 1981; Acts 1989, No. 55, §1; Acts 2001, No. 285, §1; Acts 2010, No. 850, §1; Acts 2010, No. 861, §23.

§15. School board meetings; public comment

A. Notwithstanding any other law to the contrary, each school board subject to the provisions of this Chapter, except as provided in Subsection B of this Section, shall allow public comment at any meeting of the school board prior to taking any vote. The comment period shall be for each agenda item and shall precede each agenda item.

B. The Orleans Parish School Board, at any meeting of the school board, shall provide an opportunity for public comment subject to reasonable rules, regulations, and restrictions as adopted by the school board.

C. For purposes of this Section, a comment period for all comments at the beginning of a meeting shall not suffice to meet the requirements of Subsection A or Subsection B of this Section.

Acts 1997, No. 895, §1, eff. July 10, 1997; Acts 2005, No. 474, §1; Acts 2010, No. 861, §23; Acts 2011, 1st Ex. Sess., No. 35, §1.

§16. Executive Sessions

A public body may hold executive sessions upon an affirmative vote, taken at an open meeting for which notice has been given pursuant to R.S. 42:19, of two-thirds of its constituent members present. An executive session shall be limited to matters allowed to be exempted from discussion at open meetings by R.S. 42:17; however, no final or binding action shall be taken during an executive session. The vote of each member on the question of holding such an executive session and the reason for holding such an executive session shall be recorded and entered into the minutes of the meeting. Nothing in this Section or R.S. 42:17 shall be construed to require that any meeting be closed to the public, nor shall any executive session be used as a subterfuge to defeat the purposes of this Chapter.

Acts 1952, No. 484, §1. Amended by Acts 1976, No. 665, §1; Acts 1977, No. 707, §1; Acts 1979, No. 681, §1; Acts 2010, No. 861, §23.

§17. Exceptions to open meetings

A. A public body may hold an executive session pursuant to R.S. 42:16 for one or more of the following reasons:

(1) Discussion of the character, professional competence, or physical or mental health of a person, provided that such person is notified in writing at least twenty-four hours, exclusive of Saturdays, Sundays, and legal holidays, before the scheduled time contained in the notice of the meeting at which such executive session is to take place and that such person may require that such discussion be held at an open meeting. However, nothing in this Paragraph shall permit an executive session for discussion of the appointment of a person to a public body or, except as provided in R.S. 39:1593(C)(2)(c), for discussing the award of a public contract. In cases of extraordinary emergency, written notice to such person shall not be required; however, the public body shall give such notice as it deems appropriate and circumstances permit.

(2) Strategy sessions or negotiations with respect to collective bargaining, prospective litigation after formal written demand, or litigation when an open meeting would have a detrimental effect on the bargaining or litigating position of the public body.

(3) Discussion regarding the report, development, or course of action regarding security personnel, plans, or devices.

(4) Investigative proceedings regarding allegations of misconduct.

(5) Cases of extraordinary emergency, which shall be limited to natural disaster, threat of epidemic, civil disturbances, suppression of insurrections, the repelling of invasions, or other matters of similar magnitude.

(6) Any meeting of the State Mineral and Energy Board at which records or matters entitled to confidential status by existing law are required to be considered or discussed by the board with its staff or with any employee or other individual, firm, or corporation to whom such records or matters are confidential in their nature, and are disclosed to and accepted by the board subject to such privilege, for the exclusive use in evaluating lease bids or

development covering state-owned lands and water bottoms, which exception is proved pursuant to and consistently with the Public Records Act, being Chapter 1 of Title 44 of the Louisiana Revised Statutes of 1950, as amended, and other statutes to which the board is subject.

(7) Discussions between a city or parish school board and individual students or the parents or tutors of such students, or both, who are within the jurisdiction of the respective school system, regarding problems of such students or their parents or tutors; provided however that any such parent, tutor, or student may require that such discussions be held in an open meeting.

(8) Presentations and discussions at meetings of civil service boards of test questions, answers, and papers produced and exhibited by the office of the state examiner, municipal fire and police civil service, pursuant to R.S. 33:2492 or 2552.

(9) The portion of any meeting of the Second Injury Board during which records or matters regarding the settlement of a workers' compensation claim are required to be considered or discussed by the board with its staff in order to grant prior written approval as required by R.S. 23:1378(A)(6).

(10) Or any other matters now provided for or as may be provided for by the legislature.

B. The provisions of this Chapter shall not apply to judicial proceedings.

C. The provisions of this Chapter shall not prohibit the removal of any person or persons who willfully disrupt a meeting to the extent that orderly conduct of the meeting is seriously compromised.

D. The provisions of R.S. 42:19 and R.S. 42:20 shall not apply to any meeting of a private citizens' advisory group or a private citizens' advisory committee established by a public body, when the members of such group or committee do not receive any compensation and serve only in an advisory capacity, except textbook advisory committees of the State Department of Education or the Board of Elementary and Secondary Education. However, all other provisions contained in this Chapter shall be applicable to such group or committee and the public body which established such group or committee shall comply with the provisions of R.S. 42:19 in providing the required notice of meetings of such group or committee.

Added by Acts 1976, No. 665, §1. Amended by Acts 1979, No. 681, §1; Acts 1982, No. 215, §1; Acts 1989, No. 389, §1; Acts 2003, No. 336, §1, eff. June 13, 2003; Acts 2006, No. 90, §1, eff. May 25, 2006; Acts 2009, No. 196, §7, eff. July 1, 2009; Acts 2010, No. 861, §23; Acts 2011, No. 188, §1; Acts 2012, No. 811, §15, eff. July 1, 2012; Acts 2014, No. 628, §1.

§18. Executive or closed meetings of legislative houses and committees

A. Notwithstanding any contrary provision of R.S. 42:16 and 17, executive or closed meetings may be held by the legislature, either house thereof, or any committee or subcommittee of either house, upon the affirmative vote of at least a majority of the members of the house or the committee or subcommittee thereof making the determination to hold such meeting, for one or more of the following purposes:

(1) Discussion of confidential communications.

(2) Discussion of the character, professional competence, or physical or mental health of any person subject to contract with or to employment, election, or appointment or confirmation of appointment by either house of the legislature or any committee or subcommittee of either or by any other public body.

(3) Strategy sessions or negotiations with respect to collective bargaining, prospective litigation after formal written demand, or litigation when an open meeting would have a detrimental effect on the bargaining or litigating position of the legislature, either house thereof, or any committee or subcommittee of either house.

(4) Discussion regarding a report, development, or course of action regarding security personnel, plans, or devices.

(5) Investigations by the legislature, either house thereof, or by any committee or subcommittee thereof, including the Legislative Audit Advisory Council or any other joint or statutory committee, whenever reasonable grounds exist to believe that the testimony to be elicited will reflect a failure of compliance with law.

(6) Cases of extraordinary emergency, which shall be limited to natural disaster, threat of epidemic, civil disturbances, suppression of insurrections, the repelling of invasions, or other matters of similar magnitude.

(7) Discussion by either house of the legislature, or any committee or subcommittee thereof, of any matter affecting the internal operations or management of the body.

(8) Any other matters provided by law or pursuant to the joint rules of the legislature.

B. All procedural matters pertaining to the necessity, purposes, or reasons for the holding of executive or closed meetings under the provisions of this Section shall be in accordance with such rules as are adopted by each of the houses of the legislature for the purpose.

C. The provisions of this Chapter shall not apply to chance meetings, social gatherings, or other gatherings at which only presentations are made to members of the legislature or members of either house thereof or of any committee or subcommittee if no vote or other action, including formal or informal polling of members, is taken.

Added by Acts 1981, Ex.Sess., No. 21, §1, eff. Nov. 19, 1981; Acts 2010, No. 861, §23.

§19. Notice of meetings

A.(1)(a) All public bodies, except the legislature and its committees and subcommittees, shall give written public notice of their regular meetings, if established by law, resolution, or ordinance, at the beginning of each calendar year. Such notice shall include the dates, times, and places of such meetings.

(b)(i) All public bodies, except the legislature and its committees and subcommittees, shall give written public notice of any regular, special, or rescheduled meeting no later than twenty-four hours, exclusive of Saturdays, Sundays, and legal holidays, before the meeting.

(ii)(aa) Such notice shall include the agenda, date, time, and place of the meeting. The agenda shall not be changed less than twenty-four hours, exclusive of Saturdays, Sundays, and legal holidays, prior to the scheduled time of the meeting.

(bb) Each item on the agenda shall be listed separately and described with reasonable specificity. Before the public body may take any action on an item, the presiding officer or his designee shall read aloud the description of the item except as otherwise provided in Subitem (dd) of this Item.

(cc) Upon unanimous approval of the members present at a meeting of a public body, the public body may take up a matter not on the agenda. Any such matter shall be identified in the motion to take up the matter not on the agenda with reasonable specificity, including the purpose for the addition to the agenda, and entered into the minutes of the meeting. Prior to any vote on the motion to take up a matter not on the agenda by the public body, there shall be an opportunity for public comment on any such motion in accordance with R.S. 42:14 or 15. The public body shall not use its authority to take up a matter not on the agenda as a subterfuge to defeat the purposes of this Chapter.

(dd) If an agenda of a meeting of a governing authority of a parish with a population of two hundred thousand or more according to the latest federal decennial census or municipality with a population of one hundred thousand or more according to the latest federal decennial census contains more than fifty items, the governing authority may take action on items listed on a consent agenda without reading the description of each item aloud. However, before any action is taken on items listed on a consent agenda, the governing authority shall allow a public comment period. Any item listed on a consent agenda may be removed from the consent agenda by an individual member of the governing authority if a person objects to the presence of the item on the consent agenda and provides reasons for individual discussion at the meeting. The name of the person who objects to a consent agenda item and the reasons for the objection shall be included in the minutes of the meeting.

(iii) Following the above information there shall also be attached to the written public notice of the meeting, whether or not such matters will be discussed in an executive session held pursuant to R.S. 42:17(A)(2):

(aa) A statement identifying the court, case number, and the parties relative to any pending litigation to be considered at the meeting.

(bb) A statement identifying the parties involved and reasonably identifying the subject matter of any prospective litigation for which formal written demand has been made that is to be considered at the meeting.

(iv) In cases of extraordinary emergency, such notice shall not be required; however, the public body shall give such notice of the meeting as it deems appropriate and circumstances permit.

(2) Written public notice given by all public bodies, except the legislature and its committees and subcommittees, shall include, but need not be limited to:

(a) Posting a copy of the notice at the principal office of the public body holding the meeting, or if no such office exists, at the building in which the meeting is to be held; or by publication of the notice in an official journal of the public body no less than twenty-four hours, exclusive of Saturdays, Sundays, and legal holidays, before the

scheduled time of the meeting. If the public body has a website, additionally by providing notice via the Internet on the website of the public body for no less than twenty-four hours, exclusive of Saturdays, Sundays, and legal holidays, immediately preceding the meeting. The failure to timely post notice via the Internet pursuant to this Subparagraph or the inability of the public to access the public body's website due to any type of technological failure shall not be a violation of the provisions of this Chapter.

(b) Mailing a copy of the notice to any member of the news media who requests notice of such meetings; any such member of the news media shall be given notice of all meetings in the same manner as is given to members of the public body.

B. Reasonable public notice of day to day sessions of either house of the legislature, and of all matters pertaining to such meetings, including but not necessarily restricted to the content of notices, quorums for the transaction of business, proxy voting, viva-voce votes, and recordation of votes, shall be governed by the provisions of the Louisiana Constitution, the rules of procedure of the Senate and the House of Representatives, and the Joint Rules applicable to both houses. Reasonable public notice of meetings of legislative committees and subcommittees shall be given in accordance with such rules as are adopted by the respective houses for the purpose.

Added by Acts 1952, No. 484, §1. Amended by Acts 1972, No. 669, §1; Acts 1976, No. 665, §1; Acts 1977, No. 707, §1; Acts 1979, No. 681, §1; Acts 1981, Ex.Sess., No. 21, §1, eff. Nov. 19, 1981; Acts 1989, No. 390, §1; Acts 2008, No. 131, §1; Acts 2010, No. 861, §23; Acts 2012, No. 461, §1; Acts 2012, No. 747, §1, eff. June 12, 2012; Acts 2013, No. 416, §1; Acts 2014, No. 628, §1.

NOTE: See Acts 2012, No. 747, §2 regarding public bodies that do not have a website.

§19.1. Procedure for the levy, increase, renewal, or continuation of a tax or for calling an election for such purposes by political subdivisions

A.(1)(a) Except as provided for in Subparagraph (b) of this Paragraph, in addition to any other requirements provided for in R.S. 42:19 or other provisions of law, public notice of the date, time, and place of any meeting at which a political subdivision as defined in Article VI, Section 44(2) of the Constitution of Louisiana intends to levy a new ad valorem property tax or sales and use tax, or increase or renew any existing ad valorem property tax or sales and use tax, or authorize the calling of an election for submittal of such question to the voters of the political subdivision shall be published in the official journal of the political subdivision no more than sixty days nor less than thirty days before such public meeting; shall be announced to the public during the course of a public meeting of such political subdivision no more than sixty days nor less than thirty days before such public meeting; and notice of such meeting shall be written and hand delivered or transmitted by email to each voting member of any governing authority of a political subdivision that is required to approve such a measure previously adopted by another governing authority and to each state senator and representative in whose district all or a portion of the political subdivision is located, no more than sixty days nor less than thirty days before such public meeting. Email delivery shall be made to the official email address of such voting members or legislators and to any other address provided in writing to the political subdivision by such a voting member or legislator. The inadvertent failure to notify a state senator or representative as required by this Subsection shall not constitute a violation of this Section; however, the knowing failure to notify a state senator or representative as required by this Subsection or the willful disregard of the requirement to notify a state senator or representative as required by this Subsection shall constitute a violation of this Chapter.

(b) If at a meeting held in accordance with Subparagraph (a) of this Paragraph a political subdivision adopts such a measure, the provisions of this Section shall not apply to a subsequent meeting of such political subdivision if the only action taken at the subsequent meeting is one which results in a change to the previously adopted measure that reduces the rate or term of the tax in the measure and thereby reduces the total amount of tax that would be collected under the measure, or substantially reduces the cost to the political subdivision of any bond or debt obligation to be incurred by the political subdivision.

(2)(a) In the event of cancellation or postponement of a meeting at which consideration of or action upon a proposal to levy, increase, renew, or continue any ad valorem or sales and use tax or authorize the calling of an election for submittal of such questions to the voters of the political subdivision was scheduled, notice of the date,

time, and place of any subsequent meeting to consider such proposal shall be published in the official journal of the political subdivision no less than ten days before such subsequent meeting.

(b) However, in the event that consideration of or action upon any such proposal was postponed at the scheduled meeting, or any such proposal was considered at the scheduled meeting without action or vote, then any subsequent meeting to consider such proposal shall be subject to the requirements of Subparagraph (a) of this Paragraph unless the date, time, and place of a subsequent meeting for consideration of such proposal is announced to the public during the course of such meeting.

B. The provisions of this Section shall not apply to any consideration of or action upon a proposal to levy additional or increased ad valorem property tax millages on property without voter approval to which the provisions of R.S. 47:1705(B)(2)(c) and (d) apply.

Acts 2013, No. 267, §1; Acts 2014, No. 694, §1, eff. Aug. 1, 2014; Acts 2014, No. 791, §15.

§20. Written minutes

A. All public bodies shall keep written minutes of all of their open meetings. The minutes to be kept by the legislature and legislative committees and subcommittees shall be governed by the provisions of R.S. 42:21. The minutes of all other public bodies shall include but need not be limited to:

(1) The date, time, and place of the meeting.

(2) The members of the public body recorded as either present or absent.

(3) The substance of all matters decided, and, at the request of any member, a record, by individual member, of any votes taken.

(4) Any other information that the public body requests be included or reflected in the minutes.

B.(1) The minutes shall be public records and shall be available within a reasonable time after the meeting, except where such disclosures would be inconsistent with R.S. 42:16, 17, and 18, or rules adopted under the provisions of R.S. 42:21.

(2) If the public body has a website, the public body shall post on its website a copy of the minutes made available pursuant to Paragraph (1) of this Subsection and shall maintain the copy of those minutes on the website for at least three months after the posting. If the public body is required to publish its minutes in an official journal, the public body shall post its minutes on its website as required by this Paragraph within ten days after publication in the official journal. If the public body is not required to publish its minutes in an official journal, the public body shall post its minutes on its website as required by this Paragraph within a reasonable time after the meeting. The inability of the public to access the public body's website due to any type of technological failure shall not be a violation of the provisions of this Chapter.

Added by Acts 1976, No. 665, §1. Amended by Acts 1981, Ex.Sess., No. 21, §1, eff. Nov. 19, 1981; Acts 2010, No. 861, §23; Acts 2014, No. 628, §1.

§21. Minutes of legislative sessions, legislative committees and subcommittees

A. The journals of the proceedings of each of the houses of the legislature, as required to be kept by the provisions of Article III, Section 10(B) of the Louisiana Constitution, shall constitute the written minutes of open sessions of the Senate and of the House of Representatives.

B. The written minutes of standing, interim, joint, and other committees and subcommittees of the Senate and House of Representatives shall include such information as may be required by the rules of the respective houses.

Added by Acts 1981, Ex. Sess., No. 21, §1, eff. Nov. 19, 1981; Acts 2010, No. 861, §23.

§22. Presentation and consideration of offer to sell natural gas to a public body, or to operate or acquire ownership of, a gas utility owned or operated by a public body

A. For the purposes of this Section, "gas utility" means any revenue producing business or organization which is owned or operated by a public body, and which regularly supplies the public with natural gas at retail.

B. Prior to consideration or action by a public body to accept a proposal by a nonpublic entity to sell natural gas to a public body for use in its gas distribution system sales to retail customers for a term exceeding twelve months including rollovers or extensions, or to assume operation or acquire ownership of, a gas utility being operated or owned by the public body, the proposal shall:

(1) Be introduced, in writing, at an open meeting of the public body.

(2) Not be considered by the public body until notice of the proposal has been published in the official journal of the public body and at least thirty days has lapsed after the introduction of the proposal.

(3) Include a written report of the most recent five-year history of the sale of natural gas to similar public bodies for use in gas distribution system sales to retail customers for a term exceeding twelve months including rollovers or extensions by the nonpublic entity if the entity is seeking to sell natural gas to a public body for use in its gas distribution system sales to retail customers for a term exceeding twelve months including rollovers or extensions to the public body or a five-year history of the purchase price of other gas utilities operated or owned by a public body paid by the nonpublic entity if the entity is seeking to assume operation or acquire ownership of the utility. A copy of the report shall be provided to all members of the public body and be available to the public.

(4) Include any written contract or agreement proposed between the nonpublic entity seeking to sell natural gas to a public body for use in its gas distribution system sales to retail customers for a term exceeding twelve months including rollovers or extensions to, or assume operation or acquire ownership of, the gas utility and the public body. A copy of the contract or agreement shall be provided to all members of the public body and be available to the public.

C. Notice of the proposal and the availability of the written report and contract or agreement shall be published once in the official journal of the public body. The notice shall indicate the time and place where the public body will hold a public hearing and consider the proposal.

D. No proposal shall be considered until a public hearing on it has been held. No proposal can be adopted at the meeting at which it is introduced.

E. Any proposed revision or amendment of the published contract or agreement shall be noticed, published, and made available in its entirety in the same manner as required for the original contract or agreement. No such contract or agreement shall be entered into by the public body until at least thirty days have lapsed since the notice of the availability of the revised contract or agreement has been published.

Acts 2003, No. 1274, §1, eff. July 11, 2003; Acts 2010, No. 861, §23.

§23. Sonic and video recordings; live broadcast

A. All of the proceedings in a public meeting may be video or tape recorded, filmed, or broadcast live. However, any nonelected board or commission that has the authority to levy a tax shall video or audio record, film, or broadcast live all proceedings in a public meeting.

B. A public body shall establish standards for the use of lighting, recording or broadcasting equipment to insure proper decorum in a public meeting.

Added by Acts 1952, No. 484, §1. Amended by Acts 1972, No. 669, §1; Acts 1989, No. 172, §1; Acts 2010, No. 861, §23; Acts 2013, No. 363, §1, eff. June 17, 2013.

§24. Voidability

Any action taken in violation of this Chapter shall be voidable by a court of competent jurisdiction. A suit to void any action must be commenced within sixty days of the action.

Added by Acts 1972, No. 669, §2. Amended by Acts 1976, No. 665, §1; Acts 1979, No. 681, §1; Acts 2010, No. 861, §23.

§25. Enforcement

A. The attorney general shall enforce the provisions of this Chapter throughout the state. He may institute enforcement proceedings on his own initiative and shall institute such proceedings upon a complaint filed with him by any person, unless written reasons are given as to why the suit should not be filed.

B. Each district attorney shall enforce the provisions of this Chapter throughout the judicial district within which he serves. He may institute enforcement proceedings on his own initiative and shall institute such proceedings upon a complaint filed with him by any person, unless written reasons are given as to why the suit should not be filed.

C. Any person who has been denied any right conferred by the provisions of this Chapter or who has reason to believe that the provisions of this Chapter have been violated may institute enforcement proceedings.

Added by Acts 1976, No. 665, §1. Amended by Acts 1977, No. 707, §1; Acts 1979, No. 681, §1; Acts 2010, No. 861, §23.

§26. Remedies; jurisdiction; authority; attorney fees

A. In any enforcement proceeding the plaintiff may seek and the court may grant any or all of the following forms of relief:

- (1) A writ of mandamus.
- (2) Injunctive relief.
- (3) Declaratory judgment.
- (4) Judgment rendering the action void as provided in R.S. 42:24.
- (5) Judgment awarding civil penalties as provided in R.S. 42:28.

B. In any enforcement proceeding the court has jurisdiction and authority to issue all necessary orders to require compliance with, or to prevent noncompliance with, or to declare the rights of parties under the provisions of this Chapter. Any noncompliance with the orders of the court may be punished as contempt of court.

C. If a person who brings an enforcement proceeding prevails, he shall be awarded reasonable attorney fees and other costs of litigation. If such person prevails in part, the court may award him reasonable attorney fees or an appropriate portion thereof. If the court finds that the proceeding was of a frivolous nature and was brought with no substantial justification, it may award reasonable attorney fees to the prevailing party.

Added by Acts 1979, No. 681, §1. Acts 1989, No. 54, §1; Acts 2010, No. 861, §23.

§27. Venue; summary proceedings

A. Enforcement proceedings shall be instituted in the district court for the parish in which the meeting took place or will take place.

B. Enforcement proceedings shall be tried by preference and in a summary manner. Any appellate court to which the proceeding is brought shall place it on its preferential docket, shall hear it without delay, and shall render a decision as soon as practicable.

Added by Acts 1979, No. 681, §1; Acts 2010, No. 861, §23.

§28. Civil penalties

Any member of a public body who knowingly and wilfully participates in a meeting conducted in violation of this Chapter, shall be subject to a civil penalty not to exceed one hundred dollars per violation. The member shall be personally liable for the payment of such penalty. A suit to collect such penalty must be instituted within sixty days of the violation.

Acts 1989, No. 54, §1; Acts 2010, No. 861, §23.

