

Memorandum

To: LSA

From: Eric Gookin, Chief Operating Officer, Office of the Secretary of State

Date: November 27, 2023

Re: Elections Technical pre-filed SOS department bill.

This bill relates to the conduct of elections. The bill changes the filing deadline for voter registration forms that would be due on the day after Thanksgiving from the following Monday to the next day the office of the county commissioner of elections or the state commissioner of elections is open.

The bill allows a county commissioner of elections to use an electronic election register in lieu of a paper register if the electronic election register is a product that has been certified for use in the state by the state commissioner of elections. The bill directs the state commissioner of elections to adopt rules regarding electronic election registers.

The bill requires a county commissioner of elections to hold training for all election personnel before each election, rather than before each primary and general election. The bill also requires the state commissioner of elections to adopt rules for the implementation of required instruction.

The bill requires a county commissioner of elections to place on file a certification that the office of the commissioner met certain requirements within 20 days after each election. Current law requires that such certifications be filed after a general election. The bill allows the state commissioner of elections to adopt rules requiring county commissioners of elections to provide and certify additional information. The bill strikes a provision requiring a county commissioner of elections to include a copy of a certification along with an election canvass summary report when a county is not required to conduct an audit.

The bill strikes a provision allowing election officials to electronically transmit results from voting equipment in the county commissioner of elections' office after producing a written report of the election results.

The bill requires the state commissioner of elections, in cooperation with county commissioners of elections, to conduct an unofficial canvass of election results following the closing of polls for regular city, regular school, primary, and general elections. Current law requires an unofficial canvass only for general elections. If a county commissioner of elections determines that all precincts will not report results before the office is closed, the bill requires the county commissioner to provide a written explanation as to why.

The bill requires a recount board to include in its written report following the conclusion of a recount a full tally and accounting of ballots reviewed by the board. The report must allow the county commissioner of elections to correct the canvass of votes in the manner required by law, if applicable.

The bill removes a requirement that a receipt filled out by a person designated to return a voter's completed absentee ballot include a statement regarding the time by which the person will return the ballot and the name of the political party, candidate, or committee for which the designee is acting

as an actual or implied agent. Code section 53.33 prohibits such a person from delivering a completed absentee ballot. The bill also removes a provision allowing a voter to request that a person collecting an absentee ballot fill out a receipt. Code section 53.33 makes such receipts mandatory.

The bill requires the county commissioner of elections to prepare a separate absentee ballot style for each precinct in the county and program the voting system to produce reports by the resident precincts of the voters for each primary election.

The bill updates an internal reference regarding withdrawals of candidates for school district elections.

The bill repeals a requirement that the state commissioner of elections adopt by rule standards for the examination and testing of devices for the electronic transmission of election results with the advice of the board of commissioners and that all voting systems containing such devices comply with those standards.