Title 31

ELECTIONS

Part III. Procurement

Chapter 3. Procurement and Certification of Voting Systems Subchapter

A. Competitive Sealed Bidding

§301. Procurement and Use of Voting Systems in Louisiana

A. All voting systems or system components for use in connection with voting or elections in Louisiana must be procured by the Secretary of State in accordance with R.S. 18:1362(A).

B. Voting systems or system components offered for bid in Louisiana must be certified in accordance with the provisions of R.S. 18:1361(A) and Section 303 of this Chapter. Such certification must be completed prior to any award pursuant to any procurement for voting systems or system components for use in connection with voting or elections in Louisiana.

C. All versions of voting systems and system components certified under previous rules and statutes and currently in use in Louisiana prior to the adoption of these rules shall be considered certified.

D. Election supporting technologies, including voter registration portals and databases, election night reporting systems, electronic poll books, and ballot delivery systems, may be used in the state at the discretion of the secretary of state.

AUTHORITY NOTE: Promulgated in accordance 18:1353, R.S. 18:1361, and R.S. 36:742.

HISTORICAL NOTE: Promulgated by the Department of Elections and Registration, Commissioner of Elections, LR 19:176 (February 1993), amended by the Department of State, Elections Division, LR 51:405 (March 2025).

§303. Voting System Certification Standards and Procedures

A. In accordance with R.S. 18:1361(A) of the Louisiana Election Code, the secretary of state will examine voting systems or system components for certification and use in the state as to usability, accessibility, durability, accuracy, efficiency, and capacity, and for the control and auditability of voter-verified paper records.

1. If the voting system or system component complies with the certification standards herein, that voting system or system component will be approved for use in this state and the secretary of state will issue a certificate of approval thereof.

2. Upon request of the maker or supplier, or at the direction of the secretary of state, the Department of State will set a date and time for the examination, which will include a system demonstration, review of documentation, and functionality testing.

3. Technical advisors and qualified independent experts selected by the Secretary of State pursuant to R.S. 18:1361(C) will assist in making the examination and will provide the Secretary of State with a report and recommendation for or against certification.

4. Each maker or supplier shall pay a one-time uniform fee for each application for certification. This fee will include all fees and expenses of independent experts and shall be paid prior to the examination by the person applying for certification.

5. Each maker or supplier shall provide documentation and demonstrations sufficient to show that the voting system or system component meets or exceeds the standards in Subsection B of this Section for certification and use in this state.

6. Upon written request of the maker or supplier, or at the direction of the secretary of state, the Department of State may examine for administrative certification any minor modification to a previously certified voting system that is in use in the state. The request shall contain sufficient information to identify the modifications to the previously certified voting system. The secretary of state retains sole discretion in determining whether the proposed minor modification may be examined by the Department of State for administrative certification without payment of a certification fee.

B. The Secretary of State sets the following standards for any new voting system to be tested and certified for use in Louisiana.

1. The voting system shall:

a. comply with all applicable federal and state laws and administrative rules, including but not limited to R.S. 18:1366;

b. be capable of producing a manually auditable voter verified paper record. For purposes of this Section, “manually auditable” means capable of being audited by humans by hand, without use of electronic devices;

c. provide a combined report of early voting results and absentee results, with the capability to report results by voting method and by precinct;

d. provide a combined report of all election day precinct results as one total;

e. provide for customization of unofficial and official reports, including absentee voting, early voting, election day voting, and total vote counts;

f. provide the ability to produce custom designed reports or tests as required by the Secretary of State. Provide that each portion of data is imported and assigned to the corresponding data field on the applicable components of the voting system, then propagated to the removable memory devices used at a voting location;

g. create redundant backups of election definitions, ballot images, cast vote record, and necessary logs to eliminate loss of data due to the failure of a data storage device. These redundant backups must be recorded to more than one persistent storage system;

h. prevent and detect tampering of hardware, software, election configuration, and election results during any period of the election cycle. It must also supply evidence of attempted and actual unauthorized access; and

i. provide for the customizable import from the statewide voter registration system into the Election Management System (EMS) before programming begins as required by the Secretary of State.

2. The Election Management System (EMS) shall:

a. provide that the import process can be done during election programming and does not require repetitive manual entry;

b. be able to export a results file compatible with the statewide voter registration system. This results file shall have the ability to be encrypted and sent electronically by each parish to the statewide voter registration system through an existing private network;

c. run on an operating system that falls under mainstream support and allow for critical security patches at request of the Secretary of State; and

d. be capable of uploading bulk audio files.

3. Any ballot marking device or voter-facing vote capture device shall:

a. secure secrecy of the ballot throughout the inperson voting process;

b. be capable of printing multiple zero reports at the opening of polls and multiple results reports after polls are closed;

c. provide functionality for voting for or against a question or proposition included on a ballot;

d. provide functionality to allow a voter to vote for as many persons for an office as he is lawfully entitled to vote for, but no more. However, when a voter is allowed to cast a vote for multiple candidates in one race, the system must also count each vote cast for an individual candidate in the event the voter chooses to vote for fewer candidates than permitted by law;

e. provide each voter an opportunity to modify their selections before the voter's ballot is cast only by first deselecting the incorrect vote and then making the corrected selection;

f. notify the voter of undervotes before his ballot is cast;

g. prevent the voter from overvoting or casting a blank ballot;

h. have the ability to exclude any contest from a given ballot style in which the voter is prohibited from voting because of residence address or political party registration;

i. accurately register, record, and count all votes cast for each candidate and for or against each question;

j. be capable of complying with La. R.S. 18:1259 for presidential general elections;

k. contain a sound creating device which will audibly indicate that a voter has cast their ballot or a clear visual cue that the ballot has been cast;

l. must prevent unauthorized applications from being installed and executed;

m. be capable of printing for each voter the voter's selections to a voter verified paper record for the voter to view the printed selections before casting a ballot;

n. be capable of physically securing, retaining, and preserving the voter-verified paper record;

o. be configurable such that write-in voting is disabled and not visible to voters;

p. be accessible for individuals with disabilities, including nonvisual accessibility for voters who are blind or visually impaired in a manner that provides the same opportunity for access and participation (including privacy and independence) as for other voters;

q. provide alternative language accessibility, if required at a future date;

r. prevent printing of election results prior to the closing of polls; and

s. include securely closed cases for transportation, storage, and prevention of damage and tampering.

4. The tabulation software must:

a. be capable of processing at least 200 contests, at least 250 candidates per contest, 1000 different ballot types, and 1000 precincts in each parish;

b. support manual data entry of the election definition to define the ballot tabulation criteria for a specific election;

c. be capable of producing pre-marked or handmarked logic and accuracy test ballots and be able to complete a logic and accuracy test to ensure full system accuracy;

d. be capable of manual entry of results;

e. remove, during the early voting tally process, challenged or voided ballots cast on early voting machines as required by law and in a way that protects the secrecy of that ballot;

f. be capable of scanning each ballot, creating a signed digital image file containing an image of both sides of the ballot, and a record indicating how the ballot was read by the software;

g. be capable of producing the following on one report: summary totals for printing, accumulation of blank and over-votes for each contest (which must be available for optional printing on reports), and the percentage of votes cast for each selection in a contest;

h. be capable of producing a full ballot processing audit trail, indicating for each precinct processed, the total number of each type of ballot and other relevant statistics;

i. be capable of operating multiple tabulating devices without experiencing system degradation; and

j. be capable of re-scanning ballots and separately storing the ballot images for auditing, recounts, or other necessary election integrity measures.

5. An absentee ballot tabulation system shall utilize a document scanner and software capable of:

a. scanning all ballots;

b. reading marks on the ballot made with a pencil or with a blue or black ink pen;

c. scanning both sides of the ballot in a single pass through the scanner;

d. automatically feeding ballots through the scanner from an input tray that holds at least 100 ballot pages;

e. reading at least 60 ballot pages per minute;

f. automatically detecting the feeding of two or more ballot pages simultaneously;

g. recognizing, flagging, and segregating for adjudication of blank ballots, ballots containing ambiguous marks by the voter, and ballots containing overvotes. The state must be able to dictate and adjust parameters for ambiguous marks; and

h. being easily transported and stored

AUTHORITY NOTE: Promulgated in accordance with R.S. 18:1353, R.S. 18:1361, R.S. 18:1366, and R.S. 36:742.

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