

2021 Regular Session

SENATE BILL NO. 224

BY SENATOR CLOUD

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

VOTERS/VOTING. Provides for voter identification information and verification requirements. (1/1/23)

1 AN ACT

2 To amend and reenact R.S. 18:1306(E)(1)(f), 1307(A)(9), 1309(D)(1)(b), 1313(G)(2),

3 1313.1(G)(2), and 1315(B) and to enact R.S. 18:1306(E)(1)(g) and 1307(A)(10),

4 relative to absentee by mail and early voting ballots; to provide for absentee by mail

5 ballot certificate requirements; to provide for absentee by mail ballot application

6 requirements; to prohibit the use of drop boxes; to provide for definitions; to provide

7 for early voting identity verification; to provide for tabulation and counting of

8 ballots; to provide for challenge of a ballot; and to provide for related matters.

9 Be it enacted by the Legislature of Louisiana:

10 Section 1. R.S. 18:1306(E)(1)(f), 1307(A)(9), 1309(D)(1)(b), 1313(G)(2),

11 1313.1(G)(2), and 1315(B) are hereby amended and reenacted and R.S. 18:1306(E)(1)(g)

12 and 1307(A)(10) are hereby enacted to read as follows:

13 §1306. Preparation and distribution of absentee by mail and early voting ballots

14 * * *

15 E.(1) An absentee by mail ballot envelope also shall have a perforated

16 extension or flap below the sealing line, which shall bear a certificate prescribed by

17 the secretary of state and approved by the attorney general. The certificate shall

1 include but not necessarily be limited to:

2 * * *

3 (f) **The number of the voter's Louisiana driver's license or special**
4 **identification card issued pursuant to R.S. 40:1321 or the last four digits of the**
5 **voter's social security number if the voter does not have a Louisiana driver's**
6 **license or special identification card issued pursuant to R.S. 40:1321.**

7 (g) An affidavit followed by a line for the handwritten signature or mark of
8 the voter, certifying that the statements made by him are true and correct and that the
9 voter is aware of the penalties for knowingly making a false statement therein, which
10 penalties shall be stated on the certificate.

11 * * *

12 §1307. Application by mail

13 A. A person qualified to vote absentee by mail under this Chapter may make
14 application therefor to the registrar by letter; over his signature or mark if the voter
15 is unable to sign his name, signed by two witnesses who witnessed the applicant's
16 mark; setting forth:

17 * * *

18 (9) **The number of the voter's Louisiana driver's license or special**
19 **identification card issued pursuant to R.S. 40:1321 or the last four digits of the**
20 **voter's social security number if the voter does not have a Louisiana driver's**
21 **license or special identification card issued pursuant to R.S. 40:1321.**

22 (10) If the person requests that a ballot for a general election be sent in
23 addition to a ballot for the primary, he shall declare in writing to the registrar that he
24 will be eligible to vote absentee by mail in the general election.

25 * * *

26 §1309. Early voting; verification

27 * * *

28 D.(1) * * *

29 (b) If the voter does not have one of the forms of identification provided in

1 Subparagraph (a) of this Paragraph, the voter shall complete and sign, in the presence
 2 of the registrar or his deputy, a voter identification affidavit to that effect provided
 3 by the secretary of state, which affidavit shall include the voter's date of birth and
 4 mother's maiden name **and the last four digits of the voter's social security**
 5 **number**. If the voter is unable to read or write or is otherwise unable to complete the
 6 affidavit due to disability, the voter may receive assistance in completing the
 7 affidavit, and the registrar or his deputy shall make a notation on the affidavit. The
 8 voter may receive the assistance of any person of his choice, including the registrar
 9 or his deputy, except a candidate, the voter's employer or employer's agent, or the
 10 voter's union agent. The registrar or his deputy shall retain the affidavit in the office
 11 of the registrar of voters.

* * *

13 §1313. Tabulation and counting of absentee by mail and early voting ballots

14 * * *

15 G. The procedure for the preparation, verification, counting, and tabulation
 16 of absentee by mail ballots shall be as follows:

17 * * *

18 (2) The board shall announce the name of each absentee by mail voter and
 19 the ward and precinct where he is registered to vote, and shall compare the name,
 20 **mother's maiden name, and Louisiana driver's license or special identification**
 21 **card number issued pursuant to R.S. 40:1321 or the last four digits of the**
 22 **voter's social security number** on the certificate or on the flap of the envelope
 23 containing the absentee by mail ballot with the ~~names~~ **voter's information** on the
 24 absentee by mail voter report.

25 * * *

26 §1313.1. Preparation, verification, tabulation, and counting of absentee by mail and
 27 early voting ballots; parishes with one thousand or more absentee by
 28 mail ballots

29 * * *

1 G. The procedure for the preparation and verification process for the
 2 tabulation and counting of absentee by mail ballots and early voting paper ballots on
 3 the day before the election shall be as follows:

4 * * *

5 (2) The board shall announce the name of each absentee by mail voter; **and**
 6 each voter who voted a paper ballot during early voting and the ward and precinct
 7 where he is registered to vote, and shall compare the name, **mother's maiden name,**
 8 **and Louisiana driver's license or special identification card number issued**
 9 **pursuant to R.S. 40:1321 or the last four digits of the voter's social security**
 10 **number** on the certificate or on the flap of the envelope containing the absentee by
 11 mail ballot or early voting paper ballot with the ~~names~~ **voter's information** on the
 12 absentee by mail voter report or early voter report, as applicable.

13 * * *

14 §1315. Challenge of absentee by mail or early voting ballot

15 * * *

16 B.(†) During the preparation and verification process for the counting of
 17 absentee by mail and early voting ballots on the day before the election, as
 18 applicable, or the counting of absentee by mail and early voting ballots on election
 19 day, any candidate or his representative, member of the board, or qualified elector
 20 may challenge an absentee by mail or early voting ballot for cause, other than those
 21 grounds specified in R.S. 18:565(A). **Reasons for challenging an absentee by mail**
 22 **ballot for cause shall include, but not be limited to, the information provided on**
 23 **the certificate or flap of the envelope containing the absentee by mail ballot not**
 24 **matching the voter's information as it appears on his voter registration.**

25 ~~(2) Notwithstanding Paragraph (1) of this Subsection, for elections impaired~~
 26 ~~as a result of a declared disaster or emergency, during the preparation and~~
 27 ~~verification process for the counting of absentee by mail and early voting ballots~~
 28 ~~before an election in accordance with R.S. 18:1313.2, or the counting of absentee by~~
 29 ~~mail and early voting ballots on election day in accordance with R.S. 18:1313.2, any~~

Present law provides for the grounds for challenging an absentee by mail or early voting ballots cast in an election impaired as a result of a declared disaster or emergency during the counting preparation and verification process.

Proposed law deletes present law.

Effective January 1, 2023.

(Amends R.S. 18:1306(E)(1)(f), 1307(A)(9), 1309(D)(1)(b), 1313(G)(2), 1313.1(G)(2), and 1315(B); adds R.S. 18:1306(E)(1)(g) and 1307(A)(10))

Summary of Amendments Adopted by Senate

Committee Amendments Proposed by Senate Committee on Senate and Governmental Affairs to the original bill

1. Requires additional voter identification information to be provided on an absentee by mail ballot and ballot application.
2. Requires parish board of election supervisors to verify additional required voter information against the voter's registration record during the preparation and verification process for the counting of absentee by mail ballots.
3. Provides for grounds for challenging an absentee by mail ballot for cause.
4. Removes expiring language relative to the challenge of absentee by mail ballots cast during an election impaired by a declared disaster or emergency.