

# ACT No. 754

HOUSE BILL NO. 962 (Substitute for House Bill No. 499 by Representative Billings)

BY REPRESENTATIVE BILLINGS

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23

AN ACT

To amend and reenact R.S. 18:423(I), 1302(2), 1313(B) and (E), and 1313.1(B) and (E) and to enact R.S. 18:1309.1(E) and 1373(D), relative to the meetings of the parish board of election supervisors; to provide for notice of meetings; to provide for the preparation, verification, tabulation, and counting of absentee by mail and early voting ballots; to provide for the preparation, verification, tabulation, and counting process without a majority of parish board of election supervisors present; to provide for the selection of parish board commissioners to provide assistance; to provide for the authorization of the commissioner of elections; to prohibit the recording or broadcasting of the preparation, verification, tabulation, and counting process; to prohibit the recording or broadcasting of the preparation, testing, inspection, sealing, and locking of voting machines; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 18:423(I), 1302(2), 1313(B) and (E), and 1313.1(B) and (E) are hereby amended and reenacted and R.S. 18:1309.1(E) and 1373(D) are hereby enacted to read as follows:

§423. Parish boards of election supervisors

\* \* \*

I. Meetings. Each parish board of election supervisors shall conduct its business in the presence of a quorum. All members of the board must be given actual notice of all board meetings no later than twenty-four hours, exclusive of Saturdays, Sundays, and legal holidays, before each meeting.

\* \* \*

1 §1302. Definitions

2 As used in this Chapter, unless the context clearly indicates otherwise, the  
3 following terms shall have the meanings hereafter ascribed to each:

4 \* \* \*

5 (2) "Board" means the parish board of election supervisors of each parish.  
6 If parish board commissioners are utilized by the parish board of election supervisors  
7 to count and tabulate absentee by mail and early voting ballots, the term "board" for  
8 the purposes of R.S. 18:1306, 1311, 1312, 1313, 1313.1, 1315, and 1316 shall also  
9 mean the parish board commissioners providing assistance.

10 \* \* \*

11 §1309.1. Preparation of machines for early voting; examination by candidate or his  
12 representative; sealing machines

13 \* \* \*

14 E. The preparation, testing, inspecting, sealing, and locking of the machines  
15 shall not be video, audio, or tape recorded, filmed, or broadcast live.

16 \* \* \*

17 §1313. Tabulation and counting of absentee by mail and early voting ballots

18 \* \* \*

19 B.(1) The parish board of election supervisors shall be responsible for the  
20 preparation, verification, counting, and tabulation of all absentee by mail and early  
21 voting ballots in the parish. The board may utilize parish board commissioners to  
22 count the absentee by mail and early voting ballots in the parish. If the board  
23 determines that parish board commissioners are necessary to prepare, verify, count  
24 and tabulate the absentee by mail and early voting ballots, it shall select parish board  
25 commissioners in accordance with the provisions of R.S. 18:1314. ~~If a majority of~~  
26 ~~the members of the board are not present to count the absentee by mail and early~~  
27 ~~voting ballots and no parish board commissioners were previously selected, the~~  
28 ~~members present may select a sufficient number of parish board commissioners on~~  
29 ~~election day to assist in the counting of absentee by mail and early voting ballots.~~

1                   (2) If an insufficient number of parish board commissioners was selected  
 2                   pursuant to R.S. 18:1314 to count the absentee by mail and early voting ballots, the  
 3                   board, through the registrar of voters, shall request approval from the commissioner  
 4                   of elections to select a sufficient number of parish board commissioners on election  
 5                   day to assist in the counting of the ballots.

6   \*       \*       \*

7                   E.(1) Candidates, their representatives, and qualified electors may be present  
 8                   during the preparation, verification, counting, and tabulation of absentee by mail and  
 9                   early voting ballots. If the counting and tabulation of absentee by mail and early  
 10                  voting ballots begin prior to the closing of the polls, the board shall give notice  
 11                  reasonably calculated to inform any person who wants to be present during the  
 12                  preparation, verification, counting, and tabulation that no person will be allowed to  
 13                  leave or to communicate with any other person outside, until such time as the polls  
 14                  are closed, nor shall any person who is present during the preparation, verification,  
 15                  counting, and tabulation of absentee by mail and early voting ballots possess a  
 16                  cellular telephone or electronic communication or recording device.

17                  (2) The preparation, verification, counting, and tabulation of absentee by  
 18                  mail and early voting ballots shall not be video, audio, or tape recorded, filmed, or  
 19                  broadcast live.

20   \*       \*       \*

21                  §1313.1. Preparation, verification, tabulation, and counting of absentee by mail and  
 22                  early voting ballots

23   \*       \*       \*

24                  B.(1) The parish board of election supervisors shall be responsible for the  
 25                  preparation, verification, counting, and tabulation of all absentee by mail and early  
 26                  voting ballots in the parish. The board may utilize parish board commissioners to  
 27                  count the absentee by mail and early voting ballots in the parish. If the board  
 28                  determines that parish board commissioners are necessary for the preparation and  
 29                  verification process to count and tabulate the absentee by mail and early voting  
 30                  ballots before the election and to count and tabulate the absentee by mail and early

1 voting ballots on election day, it shall select parish board commissioners in  
 2 accordance with the provisions of R.S. 18:1314.

3 (2) If less than a majority but at least two of the members of the board are  
 4 ~~not present for the preparation and verification process to count the absentee by mail~~  
 5 ~~and early voting ballots or to count the absentee by mail and early voting ballots and~~  
 6 ~~no parish board commissioners were previously selected, the members present may~~  
 7 and the board cannot locate an alternate designee or appointee, the board shall,  
 8 through the registrar of voters, so inform the commissioner of elections and request  
 9 approval from the commissioner of elections for the appointment of a parish board  
 10 commissioner to serve as a board member. The board shall receive approval of the  
 11 commissioner of elections before proceeding with the preparation and verification  
 12 process without a majority present.

13 (3) If an insufficient number of parish board commissioners was previously  
 14 selected for the preparation and verification process or to count the absentee by mail  
 15 and early voting ballots, the board, through the registrar of voters, may request  
 16 approval from the commissioner of election to select a sufficient number of parish  
 17 board commissioners three days before the election or on election day, as applicable,  
 18 to assist in the preparation and verification process for the tabulation and counting  
 19 of absentee by mail and early voting ballots and the tabulation and counting of the  
 20 ballots.

21 \* \* \*

22 E.(1) Candidates, their representatives, and qualified electors may be present  
 23 during the preparation and verification process for the counting and tabulation of  
 24 absentee by mail and early voting ballots before the election and the counting and  
 25 tabulation of absentee by mail and early voting ballots on election day. If the  
 26 counting and tabulation of absentee by mail and early voting ballots begins prior to  
 27 the closing of the polls on election day, the board shall give notice reasonably  
 28 calculated to inform any person who wants to be present during the counting and  
 29 tabulation that no person will be allowed to leave or to communicate with any other  
 30 person outside, until such time as the polls are closed, nor shall any person who is

1 present during the counting and tabulation of absentee by mail and early voting  
2 ballots on election day possess a cellular telephone or electronic communication or  
3 recording device.

4 (2) The preparation, verification, counting, and tabulation of absentee by mail  
5 and early voting ballots shall not be video, audio, or tape recorded, filmed, or  
6 broadcast live.

7 \* \* \*

8 §1373. Notice of preparation of machines for election; preparation of machines for  
9 election; testing and adjusting; examination by candidate or his  
10 representative; securing and sealing machines

11 \* \* \*

12 D. The preparation, testing, inspecting, sealing, and locking of the machines  
13 shall not be video, audio, or tape recorded, filmed, or broadcast live.

\_\_\_\_\_  
SPEAKER OF THE HOUSE OF REPRESENTATIVES

\_\_\_\_\_  
PRESIDENT OF THE SENATE

\_\_\_\_\_  
GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: \_\_\_\_\_