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## DIGEST

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Barras

HB No. 665

**Abstract:** Provides procedures and requirements for absentee by mail and early voting.

Present law (R.S. 18:1306) requires the secretary of state to prepare early voting ballot envelopes, early voting applications, and other early voting balloting paraphernalia consistent with present law. Provides for the content of the early voting ballot envelope. Provides for the content of the early voting application. Proposed law repeals present law.

Present law provides relative to the preparation and distribution of absentee by mail ballots and voting paraphernalia. Requires each ballot to have printed on its face instructions informing the voter of the types of marks which may be used on the ballot to indicate his vote. Proposed law retains present law.

Present law provides that depending on the type of ballot used in an election, that a cross mark, a check mark, or a mark that is made by filling in the appropriate space or box may be used by the voter to indicate his vote. Proposed law repeals present law.

Present law requires the secretary of state at least 20 days before each primary election and at least 13 days before each general election to deliver to the registrar in each parish early voting paper ballots, envelopes, certificates, and instructions and early voting applications to be used during early voting. Provides for the number of paper early voting ballots that must be delivered. Proposed law repeals present law.

Present law provides for the content of the absentee by mail ballot envelope. Requires the envelope to include a perforated extension or flap that bears a certificate. Requires the certificate to include, among other things, an affidavit followed by the line for the handwritten signature of the voter. Proposed law retains present law and specifies that the line shall be for the handwritten signature or mark of the voter.

Present law (R.S. 18:1309) provides relative to early voting application and early voting. Provides procedures and requirements. Requires the registrar during the early voting period to maintain regular office hours, remaining open from 8:30 a.m. to 6:00 p.m. Monday through Saturday. Provides that early voting on the last day of voting terminates when all persons who were in line to vote at the close of the regular office hours of the registrar's office have been allowed to vote. Proposed law provides instead that early voting each day of the early voting period shall terminate when all persons who were in line to vote at the close of the registrar's office have been allowed to vote. Otherwise retains present law.

Present law requires the registrar or deputy registrar to establish each voter's identity prior to allowing the voter to vote. Requires a voter to submit a La. driver's license, La. special identification card, or other generally recognized picture identification card containing the name and signature of the voter or to complete and sign an affidavit. Proposed law retains present law and refers to the affidavit as a voter identification affidavit.

Present law requires the registrar or deputy registrar to use the precinct register or list kept by the registrar to establish the identity of the voter. Proposed law repeals the list kept by the registrar as a means to identify a voter and provides instead that the registrar may use the state voter registration computer system or the precinct register. Provides that the registrar may initial the precinct register or the list kept by the registrar after establishing the identity of the voter.

Present law provides for application to vote during early voting. Provides for the content of an early voting application. Proposed law repeals present law. Provides that the registrar or deputy registrar shall generate an early voting confirmation sheet for each voter using the state voter registration computer system or a form prepared by the secretary of state, which sheet shall be used to verify each early voter at the end of the early voting period.

Present law provides for using paper ballots during early voting under certain circumstances. Proposed law retains present law and provides that if the paper ballot envelope contains a certificate on the envelope flap, the voter shall not be required to sign the certificate. Provides that the registrar or deputy registrar shall write "early voting ballot" across the envelope flap and include the voter's name, ward, precinct, and registration number and attach it to the early voting confirmation sheet so that the ballot may be identified for purposes of a challenge filed pursuant to present law (R.S. 18:1315).

Proposed law provides that at the end of each day during early voting, the registrar shall document on the early voting verification form provided by the secretary of state for each early voting location each of the following:

- (1) The total number for the public counters of all early voting machines for the day.
- (2) The total number of early voting confirmation sheets for the day.
- (3) The total number of early voters from the state voter registration computer system.
- (4) Any discrepancies or irregularities observed that prevent the total public counter number from matching the total early voting confirmation sheet number for the day and the total number of early voters from the state voter registration computer system for the day.

Proposed law provides that each day the registrar shall compare the early voting confirmation sheets to the information contained in the state voter registration computer system. Provides that if the registrar finds any discrepancies, he shall make a note thereof on the early voting verification form or on a notice of irregularity form provided by the secretary of state that he shall attach to the early voting verification form.

Proposed law provides that at the end of the early voting period, the registrar shall complete the early voting verification form for each location and sign and certify to its correctness and print an early voter report from the state voter registration computer system listing all early voters from the parish. Provides that all early voting verification forms, early voting machine public counter logs, early voting confirmation sheets, early voter reports, and paper ballots voted during early voting shall be placed in the special absentee by mail and early voting envelope or container for delivery to the parish board of election supervisors on election day for the tabulation and counting of early voting ballots.

Present law requires that the registrar receive election paraphernalia from branch offices no later than five days before the election. Proposed law changes the deadline to the day before the election. Specifies the election paraphernalia that must be received.

Present law requires the registrar to compare information contained on the early voting application with the information on ballot envelopes and contained in the precinct register. Requires him to make note of discrepancies. Proposed law repeals present law.

Present law provides that prior to delivery of the precinct register to the parish custodian, the registrar shall enter the word "absentee" and the date of the election in the proper space on the precinct register for each voter who voted during early voting and for each voter who voted absentee by mail whose ballot the registrar had received on or before the last day for early voting. Proposed law provides instead that the registrar shall ensure that the precinct register reflects for each voter whether the voter voted during early voting or voted timely absentee by mail using the words "voted by mail" and, if the register was not used during early voting, "voted early" in the signature line for the voter in the precinct register.

Present law (R.S. 18:1309.1) provides procedures for the preparation, testing, and sealing of machines for early voting. Provides for observation by a candidate or his representative. Requires the parish board of election supervisors to generate a zero tally to ensure that the voting machine's public counter is set at zero and that no votes have been cast for any candidate or for or against any proposition. Proposed law retains present law and additionally requires the registrar to record the public and protective counter numbers for each early voting machine on a form prepared by the secretary of state for use in verifying the early voting results on election day.

Present law (R.S. 18:1309.3) provides for assistance during early voting. Provides procedures and requirements. Proposed law retains present law and expressly provides that the procedures in present law shall be followed when paper ballots are used during early voting.

Present law (R.S. 18:1311) provides relative to absentee by mail ballots received from military and overseas voters on election day. Requires the registrar and commissioner-in-charge to mark the precinct register "Absentee" in the place where the voter would ordinarily sign the register. Proposed law requires the precinct register to be marked "voted by mail" instead of "Absentee". Otherwise retains present law.

Proposed law requires the registrar to print an absentee by mail voter report from the state voter

registration computer system listing all voters from whom he has received absentee by mail ballots before election day. Requires the registrar to certify to the correctness of the report and deliver the report to the parish board of election supervisors on election day for use in the tabulation and counting of absentee by mail ballots.

Present law (R.S. 18:1312) requires the parish board of election supervisors to return to the registrar and for the registrar to retain in his office all absentee by mail and early voting ballots. Provides requirements for retaining the materials. Proposed law repeals present law requirements relative to early voting ballots. Additionally, requires the board to return and the registrar to keep early voting machine results reports, early voting verification forms, early voting machine public counter logs, and early voting confirmation sheets.

Present law (R.S. 18:1313) provides for the tabulation and counting of absentee by mail and early voting ballots. Provides that the parish board of election supervisors shall be responsible for the counting and tabulation of all absentee by mail and early voting ballots in the parish and provides procedures therefor.

Present law provides that absentee by mail and early voting ballots shall be counted at the office of the registrar of voters or at a public facility within the parish designated by the parish board of election supervisors. Proposed law provides instead that absentee by mail and early voting ballots shall be counted at a public facility within the parish designated by the registrar of voters.

Proposed law additionally provides that prior to the counting of absentee by mail and early voting ballots on election day, any person authorized by the secretary of state may assist the registrar of voters in the challenge removal process on the early voting machines, in the reading of the early voting machine results cartridges on the secretary of state's equipment, and in producing the early voting machine results report. Provides that all early voting machine results reports shall be placed in the special absentee by mail and early voting envelope or container.

Present law provides procedures that apply to the counting of absentee by mail and early voting ballots. Proposed law amends present law so that present law applies to the counting of absentee by mail ballots. Provides separate procedures for counting early voting ballots as follows:

- (1) A member of the board shall remove 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 from the special absentee by mail and early voting ballot envelope or container.
- (2) The board shall review the early voting verification forms and early voting machine public counter logs and, if found to be acceptable to the board, sign each early voting verification form. If the board does not find a voting verification form to be acceptable, it may review any early voting confirmation sheet and shall document its correction to the early voting verification form and then sign it.
- (3) The board shall announce the results from each early voting machine results report for the

early voting ballots.

- (4) For each paper ballot voted during early voting, the board shall announce the name of the person who voted by paper ballot during early voting and the ward and precinct where he is registered to vote and shall compare the name on the flap of the envelope containing the early voting ballot with the names on the absentee by mail and early voter reports.
- (5) The board shall determine the validity of challenges made in accordance with present law (R.S. 18:1315).
- (6) If the board determines that a paper ballot voted during early voting is valid, a member of the board shall write the words "voted early" and his initials on the early voter report beside the name of the voter as it appears on the report. A member of the board shall tear the flap from the envelope containing the paper ballot voted during early voting and leave the envelope sealed.
- (7) If a majority of the members of the board determine that a paper ballot voted during early voting is invalid, the members shall leave the flap on the envelope containing the ballot, leave the envelope sealed, and write the word "rejected" together with the reasons for rejecting the ballot across the envelope containing the ballot. He shall also write the word "rejected" and his initials on the early voter report beside the name of the voter as it appears on the report. The rejected ballot shall be placed in the special absentee by mail and early voting ballot envelope or container. No rejected paper ballot voted during early voting shall be counted.
- (8) After the validity of all paper ballots voted during early voting has been determined, the members of the board shall place the valid early voting confirmation sheets and flaps removed from the valid paper ballots voted during early voting in the envelope or container provided for that purpose and seal the envelope or container. Two of the members shall execute the certificate on the envelope or container.
- (9) The members shall open the envelopes containing the valid paper ballots voted during early voting and remove the ballots.
- (10) The board shall, in accordance with the requirements of present law (R.S. 18:1316), reject any ballot which contains a distinguishing mark or feature making the ballot susceptible of identification.
- (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. The duplicate ballot shall be clearly labeled "duplicate", bear a ballot number which shall be recorded on the defective ballot, and be counted in lieu of the defective ballot. After a ballot has been duplicated, the defective ballot shall be placed in the special absentee by mail and early voting ballot

envelope or container, and the duplicate ballot shall be counted with the other valid ballots.

- (12) Prior to utilizing any absentee by mail and early voting counting equipment, the parish board of election supervisors shall generate a zero tally to ensure that the equipment's candidate and question counters are set at zero and that no votes have been cast for any candidate or for or against any proposition.
- (13) The board shall sign and certify to the correctness of each zero proof sheet and place all zero proof sheets in the special absentee by mail and early voting envelope or container.
- (14) The absentee by mail and early voting votes cast for a candidate and those cast for and against a proposition shall be counted and the total number of absentee by mail and early voting votes cast for a candidate and those cast for and against a proposition shall be announced in the order the offices and candidates and propositions are listed on the ballot. The members of the board shall enter the total number of votes on the final absentee by mail and early voting vote report and shall certify the results.

Present law (R.S. 18:1315) provides relative to challenges of absentee by mail and early voting ballots. Provides procedures and deadlines. Specifies who may bring a challenge and the grounds for challenges. Proposed law retains present law.

Present law provides that the parish board of election supervisors shall determine the validity of challenges made pursuant to present law. Provides that if a majority of the board determines that an absentee by mail ballot is invalid, the members shall leave the flap on the envelope containing the absentee by mail ballot, leave the envelope sealed, and write the word "rejected" together with the reasons for rejecting the ballot across the certificate attached to the special absentee by mail ballot. Provides that a rejected ballot shall not be counted.

Proposed law retains present law and additionally provides that a member of the board shall write the word "rejected" and his initials on the absentee by mail voter report beside the name of the voter as it appears on the report.

Present law provides that if a challenge is sustained, the early voting ballot application is used and retained in connection therewith. Proposed law provides that the early voting confirmation sheet is used and retained instead of the early voting application.

Present law (R.S. 18:154) prohibits the registrar and the Dept. of State from disclosing early voting applications of voters. Proposed law repeals present law and instead prohibits the disclosure of early voting confirmation sheets.

Proposed law makes various technical changes.

Effective upon signature of governor or lapse of time for gubernatorial action.

(Amends R.S. 18:154(B), 1306(A)(2)(a) and (B)(1) and (3), (C)(1), (D), (E)(1)(intro. para.) and (f) and (2)(a), 1309(A)(1), (2), and (4), (D), (E)(1), (2), (3), (5)(b), and (6), and (F)–(L), 1309.3(B)(4)(b), 1310(C), 1311(D)(4)(a), 1312(A), (B), (C), and (E), 1313(B), (E), (F)(intro. para.), (1), (2), (4)–(7), and (9), and (G)–(I), and 1315(C)(2) and (3); Adds R.S. 18:1306(E)(2)(c), 1309(M), 1309.1(D), 1311(C)(3), and 1313(J); Repeals R.S. 18:1306(F), 1313(F)(10) and (11))

### Summary of Amendments Adopted by House

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

1. Adds provisions deleting present law references to cross marks, check marks, and filling in spaces in connection with executing absentee by mail ballots.
2. Adds provisions requiring the registrar of voters to print an absentee by mail voter report from the state voter registration computer system listing all voters from whom he has received absentee by mail ballots before election day; to certify to the correctness of the report; and to deliver the report to the parish board of election supervisors on election day for use in the tabulation and counting of absentee by mail ballots.
3. Changes references in proposed law to the absentee by mail and early voter report to refer to either the absentee by mail voter report, the early voter report, or to both reports, as appropriate.
4. Adds provisions amending present law relative to the parish board of election supervisor's determination that an absentee by mail ballot is invalid. Requires a member of the board to write the word "rejected" and his initials on the absentee by mail voter report beside the name of the voter as it appears on the report.
5. Adds provisions to provide that the registrar of voters instead of the parish board of election supervisors designates the place where absentee by mail and early voting ballots are to be counted.
6. Makes technical changes.