

Regular Session, 2013

# ACT No. 395

HOUSE BILL NO. 665

BY REPRESENTATIVE BARRAS

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

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AN ACT

To amend and reenact R.S. 18:154(B), 1306(A)(2)(a) and (B)(1) and (3), (C)(1), (D), (E)(1)(introductory paragraph) and (f) and (2)(a), 1309(A)(1), (2), and (4), (D), (E)(1), (2), (3), (5)(b), and (6), and (F) through (L), 1309.3(B)(4)(b), 1310(C), 1311(D)(4)(a), 1312(A), (B), (C), and (E), 1313(B), (E), (F)(introductory paragraph), (1), (2), (4) through (7), and (9), and (G) through (I), and 1315(C)(2) and (3), to enact R.S. 18:1309(M), 1309.1(D), 1311(C)(3), and 1313(J), and to repeal R.S. 18:1306(F) and 1313(F)(10) and (11), relative to elections; to provide relative to procedures and requirements for absentee by mail and early voting; to provide relative to the confidentiality of certain records of a registrar of voters; to provide relative to absentee by mail and early voting materials; to provide for the time during which early voting occurs; to provide relative to the tabulation and counting of absentee by mail and early voting ballots; to provide relative to the duties of registrars and deputy registrars; to provide relative to the duties of the parish board of election supervisors; to provide relative to challenges of absentee by mail and early voting ballots; to provide for effectiveness; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 18:154(B), 1306(A)(2)(a) and (B)(1) and (3), (C)(1), (D), (E)(1)(introductory paragraph) and (f) and (2)(a), 1309(A)(1), (2), and (4), (D), (E)(1), (2), (3), (5)(b), and (6), and (F) through (L), 1309.3(B)(4)(b), 1310(C), 1311(D)(4)(a), 1312(A), (B), (C), and (E), 1313(B), (E), (F)(introductory paragraph), (1), (2), (4) through (7), and (9), and (G) through (I), and 1315(C)(2) and (3) are hereby amended and reenacted and R.S. 18:1309(M), 1309.1(D), 1311(C)(3), and 1313(J) are hereby enacted to read as follows:

1 §154. Records open to inspection; copying; exceptions

2 \* \* \*

3 B. When twenty-five or more qualified voters of a parish request in writing  
4 that the registrar permit the copying of any part of his records, except the early  
5 voting ~~applications of voters~~ confirmation sheets, he shall allow this to be done by  
6 hand or otherwise, if so requested, unless such reproduction seriously interferes with  
7 the registration of voters or otherwise seriously interferes with the performance of  
8 the duties imposed on his office by law. In such instances, the registrar shall cause  
9 his employees to make copies of the requested records or print the information  
10 electronically, if the electronic copy contains the same information, and deliver them  
11 to the voters or request the secretary of state to reproduce such records which may  
12 then be forwarded to the registrar for delivery to the voters. Copying by the registrar  
13 or his employees or the secretary of state or printing an electronic copy shall be done  
14 in the presence of a representative of the requesting voters, if they so request.

15 \* \* \*

16 §1306. Preparation and distribution of absentee by mail and early voting ballots

17 A.

18 \* \* \*

19 (2)(a) Each ballot shall have printed on its face instructions informing the  
20 voter of the types of marks which may be used on that ballot to indicate his vote.  
21 ~~Depending on the type of ballot used in an election, one of the following marks may~~  
22 ~~be used by a voter to indicate his vote:~~

23 (i) ~~A cross [X] mark.~~

24 (ii) ~~A check [\*] mark.~~

25 (iii) ~~A mark that is made by filling in the appropriate space or box.~~

26 \* \* \*

27 B.(1) The secretary of state shall prepare absentee by mail ~~and early voting~~  
28 ballot envelopes, ~~early voting applications~~, absentee by mail ~~and early voting~~  
29 instructions, certificates, and other absentee by mail ~~and early voting~~ balloting  
30 paraphernalia consistent with the provisions of this Chapter, subject to approval of

1 the attorney general as to content. Notwithstanding the provisions of R.S. 18:1316  
 2 relating to distinguishing marks on absentee by mail ~~and early voting~~ ballots,  
 3 absentee by mail voting instructions on absentee by mail ballots to be transmitted by  
 4 facsimile in accordance with R.S. 18:1308(A)(1)(b) shall ~~stipulate that the voter may~~  
 5 ~~mark his ballot with a cross [X] mark or a check [T] mark as provided in Items~~  
 6 ~~(A)(2)(a)(i) and (ii) of this Section~~ inform the voter of the types of marks which may  
 7 be used on the ballot to indicate his vote. When a court of competent jurisdiction,  
 8 a registrar of voters, the secretary of state, or other competent authority determines  
 9 that there exists a literate linguistic minority equal to more than five percent of the  
 10 total population of any parish, the secretary of state, with approval of the attorney  
 11 general as to content, shall prepare and furnish absentee by mail and early voting  
 12 ballots, absentee by mail and early voting instructions, and certificates in the  
 13 minority language in sufficient quantity to provide to each absentee by mail and  
 14 early voter requesting voting material in that language.

15 \* \* \*

16 (3) The secretary of state shall prepare early voting ballots and include with  
 17 the election paraphernalia accompanying early voting ballots instructions approved  
 18 by the secretary of state and the attorney general, which generally describe the  
 19 particular early voting counting equipment used in the election to count early voting  
 20 ballots or voting machines used to cast early voting ballots. The instructions shall  
 21 inform the voter how to cast his vote, which shall include if applicable instructions  
 22 for marking the early voting ballot and examples of the correct and incorrect  
 23 methods of marking the ballot.

24 C.(1) At least twenty days before each primary election and at least thirteen  
 25 days before each general election, the secretary of state shall deliver to the registrar  
 26 in each parish in which the election is to be held the paper absentee by mail ~~and early~~  
 27 ~~voting~~ ballots, envelopes, ~~early voting applications~~, certificates, instructions to be  
 28 used in voting by an absentee by mail ~~and early voting~~ ballot in that election, and a  
 29 statement, approved by the attorney general, explaining the scope and nature of any  
 30 proposed constitutional amendment. The number of paper absentee by mail ~~and~~

1 ~~early voting~~ ballots and other necessary paraphernalia to be ~~so~~ delivered shall be up  
2 to ten percent of the registered voters within each parish.

3 \* \* \*

4 D. An absentee by mail ~~and early voting~~ ballot envelope shall have printed  
5 on its face in red bold face type:

6 FOR BALLOT ONLY  
7 VIOLATION OF ABSENTEE BY MAIL OR EARLY  
8 VOTING LAWS VOIDS BALLOT  
9 AND MAY RESULT IN CRIMINAL PENALTIES  
10 VOTING AT POLLS AFTER VOTING ABSENTEE BY MAIL  
11 OR DURING EARLY VOTING IS PROHIBITED  
12 AND MAY RESULT IN CRIMINAL PENALTIES

13 E.(1) An absentee by mail ~~or early voting~~ ballot envelope also shall have a  
14 perforated extension or flap below the sealing line, which shall bear a certificate  
15 prescribed by the secretary of state and approved by the attorney general. The  
16 certificate shall include but not necessarily be limited to:

17 \* \* \*

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

22 \* \* \*

23 (2)(a) An absentee by mail ~~or early voting~~ ballot envelope flap shall also  
24 contain a line for the handwritten signature of one witness. The voter may sign the  
25 certificate in the presence of one witness and in such a case, the voter shall not be  
26 required to obtain the signature of a notary public, but his certificate shall be made  
27 under penalty of perjury for providing false or fraudulent information. Above the  
28 perforation and along the seal line, the words "DO NOT DETACH FLAP" shall be  
29 printed.

30 \* \* \*

1 §1309. Early voting ~~application and early voting~~; verification

2 A.(1) The ~~periods~~ period for conducting early voting ~~application and early~~  
 3 ~~voting~~ shall be from fourteen days to seven days prior to any scheduled election.

4 (2) During the early voting period, the registrar shall maintain regular office  
 5 hours, remaining open from 8:30 a.m. to 6:00 p.m. Monday through Saturday. Early  
 6 voting on ~~the last~~ each day of the early voting ~~will~~ period shall terminate when all  
 7 persons who were in line to vote at the close of the regular office hours of the  
 8 registrar's office, as provided in this Paragraph, have been allowed to vote. If the  
 9 office space of the registrar is insufficient or inconvenient to accommodate early  
 10 voting, the registrar may provide for an alternate location to conduct early voting,  
 11 which location shall be in the courthouse or in a public building in the immediate  
 12 vicinity thereof, and in such case, adequate notice shall be posted at the registrar's  
 13 office informing the public of the location where early voting is being conducted.

14 \* \* \*

15 (4) A registrar shall observe the holidays which are provided by law or  
 16 proclaimed by the governor for state departments during any period for conducting  
 17 ~~early voting application and~~ early voting.

18 \* \* \*

19 D.(1) Before any voter is allowed to vote during early voting, the registrar  
 20 or his deputy shall establish the voter's identity by requiring him to submit a  
 21 Louisiana driver's license, a Louisiana special identification card issued pursuant to  
 22 R.S. 40:1321, or other generally recognized picture identification card that contains  
 23 the name and signature of the voter. If the voter does not have a Louisiana driver's  
 24 license, a Louisiana special identification card, or other generally recognized picture  
 25 identification card that contains the name and signature of the voter, the voter shall  
 26 complete and sign, in the presence of the registrar or his deputy, ~~an~~ a voter  
 27 identification affidavit to that effect provided by the secretary of state, which  
 28 affidavit shall include the voter's date of birth and mother's maiden name. If the  
 29 voter is unable to read or write or is otherwise unable to complete the affidavit due  
 30 to disability, the voter may receive assistance in completing the affidavit, and the

1 registrar or his deputy shall make a notation on the affidavit. The voter may receive  
 2 the assistance of any person of his choice, including the registrar or his deputy,  
 3 except a candidate, the voter's employer or employer's agent, or the voter's union  
 4 agent. The registrar or his deputy shall retain the affidavit in the office of the  
 5 registrar of voters. If satisfied that the voter has identified himself as the voter  
 6 registered in the state voter registration computer system or named on the precinct  
 7 register or list kept by the registrar and that he is qualified to vote, the registrar or his  
 8 deputy shall initial the precinct register or early voting list kept by the registrar  
 9 opposite the voter's signature or mark. The voter then shall be allowed to vote. A  
 10 voter who votes without the picture identification required by this Paragraph is  
 11 subject to challenge as provided in R.S. 18:1315.

12 (2) If the voter's name is found in the state voter registration computer  
 13 system or precinct register on the inactive list of voters, the voter shall be required  
 14 to complete an address confirmation card to determine his eligibility to vote.

15 E.(1) ~~Upon a voter's application to vote during early voting, the registrar or~~  
 16 ~~his deputy shall obtain the information required to be included on the list provided~~  
 17 ~~in R.S. 18:1311(A).~~

18 ~~(2)~~ The voter's identity having been established as provided in Subsection  
 19 D of this Section, the voter shall sign or make his mark in the precinct register or  
 20 early voting list kept by the registrar prior to voting.

21 ~~(3)~~(2) The registrar or deputy registrar shall electronically generate ~~the an~~  
 22 early voting application confirmation sheet for each voter using the state voter  
 23 registration computer system or a form prepared by the secretary of state and retain  
 24 the application confirmation sheet in the office of the registrar to be used by the  
 25 registrar to verify each early voter at the end of the early voting period. If a paper  
 26 ballot is used for early voting in lieu of a voting machine, the registrar or deputy  
 27 registrar shall write "early voting paper ballot voter" across the early voting  
 28 confirmation sheet for the voter and attach it to the paper ballot envelope.

1           (3) The voter then shall be allowed to cast his vote in an area and in a  
2           manner that protects the secrecy of his vote.

3                                               \*           \*           \*

4                               (5)

5                                               \*           \*           \*

6                       (b)(i) In order to cast a vote on a paper ballot, a voter must make a selection  
7                       for a candidate or for or against a proposition by completely filling in the oval to the  
8                       right of a selection and returning the ballot to the appropriate election official within  
9                       the applicable deadline set forth by law. If a voter makes selections for more than  
10                      the number of candidates to be elected for an office or makes selections for and  
11                      against the same proposition, the selections for that office or proposition will be  
12                      void.

13                      (ii) If the paper ballot envelope contains a certificate on the envelope flap,  
14                      the voter shall not be required to sign the certificate. The registrar of voters or  
15                      deputy registrar shall write "early voting ballot" across the envelope flap and include  
16                      the voter's name, ward, precinct, and registration number and attach it to the early  
17                      voting confirmation sheet so that the ballot may be identified for purposes of a  
18                      challenge filed pursuant to R.S. 18:1315.

19                      (6) If a person who votes during early voting at the registrar's office casts his  
20                      vote on an incorrect ballot as provided to him by the registrar or his deputy and the  
21                      time for early voting has not expired, the registrar or his deputy shall ~~void the~~  
22                      ~~incorrect ballot~~ write "void, challenge removal" and the reason for the challenge on  
23                      the confirmation sheet, retain the confirmation sheet, and permit the voter to vote the  
24                      correct ballot using a paper ballot. The confirmation sheet shall be attached to the  
25                      paper ballot envelope for review by the parish board of election supervisors on  
26                      election day and for use by the secretary of state's office in removing the voided  
27                      ballot from the voting machine as a challenged ballot on election day.

28                      F.(1) At the end of each day during early voting, the registrar shall document  
29                      on the early voting verification form provided by the secretary of state for each early  
30                      voting location each of the following:

CODING: Words in ~~struck through~~ type are deletions from existing law; words underscored are additions.

1                   (a) The total number for the public counters of all early voting machines for  
 2                   the day.

3                   (b) The total number of early voting confirmation sheets for the day.

4                   (c) The total number of early voters from the state voter registration  
 5                   computer system for the day.

6                   (d) Any discrepancies or irregularities observed that prevent the total public  
 7                   counter number from matching the total early voting confirmation sheet number for  
 8                   the day and the total number of early voters from the state voter registration  
 9                   computer system for the day.

10                  (2) Each day, the registrar shall compare the information in the early voting  
 11                  confirmation sheets to the information contained in the state voter registration  
 12                  computer system. If the registrar finds any discrepancies, he shall make a note  
 13                  thereof on the early voting verification form or on a notice of irregularity form  
 14                  provided by the secretary of state that he shall attach to the early voting verification  
 15                  form.

16                  (3) At the end of the early voting period, the registrar shall complete the  
 17                  early voting verification form for each location and sign and certify to its correctness  
 18                  and print an early voter report from the state voter registration computer system  
 19                  listing all early voters from the parish. All early voting verification forms, early  
 20                  voting machine public counter logs, early voting confirmation sheets, early voter  
 21                  reports, and paper ballots voted during early voting shall be placed in the special  
 22                  absentee by mail and early voting envelope or container for delivery to the parish  
 23                  board of election supervisors on election day for the tabulation and counting of early  
 24                  voting ballots.

25                  G. By no later than the fifth day before an election, the registrar shall have  
 26                  received from the branch office and all early voting locations all ballots, early voting  
 27                  applications, machine results cartridges, early voting confirmation sheets, early  
 28                  voting verification forms, early voting machine public counter logs, paper ballot  
 29                  envelopes, certificates, early voting lists or duplicate precinct registers, and other  
 30                  election paraphernalia. Immediately upon receipt of these materials, the registrar



1 shall compare the information contained on each early voting application, the flap  
 2 certificate of each ballot, and the signed lists with the information contained in the  
 3 precinct register. If the registrar finds any discrepancies between the information  
 4 contained on an early voting application or the flap certificate of a ballot envelope  
 5 and that contained in the precinct register, he shall make a note thereof on the front  
 6 of the ballot envelope or early voting application.

7 G.H. Prior to delivery of the precinct register to the parish custodian, the  
 8 registrar shall ~~enter the word "absentee" and the date of the election in the proper~~  
 9 ~~space on~~ ensure that the precinct register reflects for each voter ~~who~~ whether the  
 10 voter voted during early voting ~~and for each voter who voted or voted timely~~  
 11 absentee by mail ~~whose ballot the registrar had received on or before the last day for~~  
 12 ~~early voting~~ using the words "voted by mail" and, if the register was not used during  
 13 early voting, "voted early" in the signature line for the voter in the precinct register.

14 H.I. In the event of the inability to utilize voting machines for early voting  
 15 within a parish, the registrar may utilize paper ballots for early voting.

16 H.J. Upon approval of the secretary of state, a registrar of voters may utilize  
 17 commissioners selected and trained by the registrar of voters to assist the registrar  
 18 during the early voting period in the conduct of early voting by his office. A  
 19 registrar of voters shall, in seeking the approval of the secretary of state, indicate to  
 20 the secretary the number of commissioners that is required for such assistance. A  
 21 commissioner who assists the registrar in the conduct of early voting shall be paid  
 22 in accordance with R.S. 18:426.1(3) for each day of such assistance.

23 ~~J.(1)~~K.(1) Only a certified commissioner may be selected to serve as an early  
 24 voting commissioner.

25 (2) A person to whom one or more of the following applies shall not serve  
 26 as an early voting commissioner:

27 (a) The person is a candidate in the election.

28 (b) An immediate family member of the person is a candidate for election  
 29 to public office in the election.

1 (c) The person is marked for assistance in voting in the precinct register or  
2 requires the use of the audio ballot in voting.

3 (d) The person has been convicted of an election offense enumerated in  
4 Chapter 10 of this Title.

5 ~~K.L.~~ During early voting the registrar of voters shall make available to the  
6 public at each location where early voting is conducted copies of the state mail voter  
7 registration application forms.

8 ~~L.(1)(a)~~M.(1)(a) In a parish where early voting is conducted at an additional  
9 location pursuant to R.S. 18:1309.2, the registrar may fix the hours and days during  
10 which early voting shall be conducted at the additional location during the early  
11 voting period if such hours and days of voting are approved by the secretary of state  
12 no later than seven days after the close of qualifying for the election.

13 (b) The registrar shall ensure that adequate notice is posted at the office of  
14 the registrar informing the public of the hours and days during which early voting  
15 will be conducted at the additional location, and the secretary of state shall post such  
16 notice on the secretary of state's website.

17 (2) The provisions of Paragraph (1) of this Subsection shall not apply to  
18 early voting for gubernatorial or congressional elections.

19 §1309.1. Preparation of machines for early voting; examination by candidate or his  
20 representative; sealing machines

21 \* \* \*

22 D. The registrar of voters shall record the public and protective counter  
23 numbers for each early voting machine on a form prepared by the secretary of state  
24 for use in verifying the early voting results on election day.

25 \* \* \*

26 §1309.3. Assistance in voting during early voting

27 \* \* \*

28 B.

29 \* \* \*

1 (4)

2 \* \* \*

3 (b) The registrar or deputy registrar shall write the voter's name in the  
4 precinct register or early voting list kept by the registrar and the name of the person  
5 assisting the voter behind the tab for Assistance to Voters. The person assisting the  
6 voter, including a registrar or deputy registrar, shall sign his name behind the tab for  
7 Assistance to Voters.

8 \* \* \*

9 §1310. Execution of certificate; marking of ballot; casting vote; assistance

10 \* \* \*

11 C.(1) Any person who assists a voter in voting absentee by mail ~~or during~~  
12 ~~early voting if paper ballots are utilized in early voting,~~ shall execute the  
13 acknowledgment on the ballot envelope flap prepared by the secretary of state,  
14 verifying that the person providing the assistance has marked the ballot in the  
15 manner dictated by the voter.

16 (2) The registrar or deputy registrar shall follow the procedures contained in  
17 R.S. 18:1309.3 when paper ballots are used for early voting.

18 §1311. List of absentee by mail and early voters; posting; delivery of alphabetized  
19 list to precincts; supplements; absentee by mail voter report

20 \* \* \*

21 C.

22 \* \* \*

23 (3) The registrar shall print an absentee by mail voter report from the state  
24 voter registration computer system listing all voters from whom he has received  
25 absentee by mail ballots before election day; he shall certify to the correctness of the  
26 report and deliver the report to the parish board of election supervisors on election  
27 day for use in the tabulation and counting of absentee by mail ballots.

28 D.

29 \* \* \*



1 special absentee by mail and early voting ballot envelope or container inviolate until  
 2 the delay for filing an election contest has lapsed, or, if an action contesting the  
 3 election has been filed, until the judgment in the action becomes definitive.

4 \* \* \*

5 E. Absentee by mail ~~and ballots~~, early voting ballots, machine results reports,  
 6 early voting verification forms, early voting machine public counter logs, early  
 7 voting confirmation sheets, absentee by mail and early voter reports, applications for  
 8 absentee by mail ~~and early voting ballots~~, ballots, certificates, and other absentee by  
 9 mail and early voting ballot paraphernalia associated with an election shall be  
 10 retained ~~for six months after an election~~ as provided in R.S. 18:403, unless litigation  
 11 is pending relative to such election. If litigation is pending relative to such election,  
 12 such paraphernalia shall be retained in accordance with any applicable court order  
 13 and until ~~said~~ the litigation is concluded.

14 §1313. Tabulation and counting of absentee by mail and early voting ballots

15 \* \* \*

16 B.(1) Absentee by mail and early voting ballots shall be counted ~~at the office~~  
 17 ~~of the registrar of voters or~~ at a public facility within the parish designated by the  
 18 ~~parish board of election supervisors~~ registrar of voters at a time fixed by the parish  
 19 board of election supervisors, which time shall be set no earlier than 1:00 p.m. and  
 20 no later than 8:00 p.m. on election day.

21 (2) Prior to the counting of absentee by mail and early voting ballots on  
 22 election day, any person authorized by the secretary of state may assist the registrar  
 23 of voters in the challenge removal process on the early voting machines, in the  
 24 reading of the early voting machine results cartridges on the secretary of state's  
 25 equipment, and in producing the early voting machine results report. All early  
 26 voting machine results reports shall be placed in the special absentee by mail and  
 27 early voting envelope or container.

28 \* \* \*

29 E. The board shall count the absentee by mail and early voting ballots and  
 30 announce the results ~~of the absentee by mail and early voting ballots~~ after the closing

1 of the polls as the total number of absentee by mail and early voting votes cast in the  
 2 election for each candidate and the total number cast for and against each  
 3 proposition.

4 F. The procedure for counting absentee by mail ~~or early voting~~ ballots shall  
 5 be as follows:

6 (1) A member of the board shall remove the certificates and special absentee  
 7 by mail ballots; and envelopes containing the absentee by mail ~~and early voting~~  
 8 ballots ~~and early voting applications~~ from the special absentee by mail and early  
 9 voting ballot envelope or container.

10 (2) The board shall announce the name of each absentee by mail ~~or early~~  
 11 ~~voting~~ voter and the ward and precinct where he is registered to vote, and shall  
 12 compare the name on the certificate, ~~early voting application~~, or on the flap of the  
 13 envelope containing the absentee by mail ~~or early voting~~ ballot with the names on  
 14 the ~~list of absentee by mail or early voting voters and on the supplemental list~~ voter  
 15 report.

16 \* \* \*

17 (4) If the board determines that an absentee by mail ~~or early voting~~ ballot is  
 18 valid, a member of the board shall write the ~~word "absentee"~~ words "voted by mail"  
 19 and his initials on the ~~list~~ absentee by mail voter report beside the name of the voter  
 20 as it appears on the ~~list or supplemental list of persons who voted absentee by mail~~  
 21 ~~and shall sign his name in the space therefor which shall be provided on the list for~~  
 22 ~~the purpose~~ report. If applicable, a member of the board shall tear the flap from the  
 23 envelope containing the absentee by mail ~~or early voting~~ ballot and leave the  
 24 envelope sealed.

25 (5) If a majority of the members of the board determine that an absentee by  
 26 mail ~~or early voting~~ ballot is invalid, the members shall leave the flap on the  
 27 envelope containing the absentee by mail ~~or early voting~~ ballot, leave the envelope  
 28 sealed, and a member of the board ~~and~~ shall write the word "rejected", together with  
 29 the reasons for rejecting the ballot, across the envelope containing the ballot, ~~across~~  
 30 ~~the early voting application~~, or across the certificate attached to the special absentee

1 by mail ballot. He shall also write the word "rejected" and his initials on the  
 2 absentee by mail voter report beside the name of the voter as it appears in the report.

3 The rejected absentee by mail ~~and early voting~~ ballots, ~~early voting applications~~, and  
 4 certificates shall be replaced in the special absentee by mail and early voting ballot  
 5 envelope or container. No rejected absentee by mail ~~or early voting~~ ballot shall be  
 6 counted.

7 (6) After the validity of all absentee by mail ~~and early voting~~ ballots has  
 8 been determined, the members of the board shall place the valid ~~early voting~~  
 9 ~~applications~~, certificates; and the flaps removed from the valid absentee by mail ~~and~~  
 10 ~~early voting~~ ballots in the envelope or container provided for that purpose and seal  
 11 the envelope or container. Two of the members shall execute the certificate on the  
 12 envelope.

13 (7) The members shall open the envelopes containing the valid absentee by  
 14 mail ~~and early voting~~ ballots and remove the ballots.

15 \* \* \*

16 (9) If a ballot is physically damaged or cannot properly be counted by the  
 17 counting equipment and the vote cast by the voter is clearly ~~discernable~~ discernible  
 18 from a physical inspection of the defective ballot, a true duplicate may be made of  
 19 the defective ballot in the presence of witnesses and substituted for the ballot. The  
 20 duplicate ballot shall be clearly labeled "duplicate", bear a ballot number which shall  
 21 be recorded on the defective ballot, and be counted in lieu of the defective ballot.  
 22 After a ballot has been duplicated, the defective ballot shall be placed in the special  
 23 absentee by mail and early voting ballot envelope or container, and the duplicate  
 24 ballot shall be counted with the other valid ballots.

25 G. The procedure for counting early voting machine ballots and paper ballots  
 26 voted during early voting shall be as follows:

27 (1) A member of the board shall remove the early voting verification forms,  
 28 early voting machine public counter logs, early voting confirmation sheets, paper  
 29 ballots voted during early voting, early voter report, and all early voting machine

1 results reports from the special absentee by mail and early voting ballot envelope or  
2 container.

3 (2) The board shall review the early voting verification forms and early  
4 voting machine public counter logs and, if found to be acceptable to the board, sign  
5 each early voting verification form. If the board does not find an early voting  
6 verification form to be acceptable, it may review any early voting confirmation sheet  
7 and shall document its correction to the early voting verification form and then sign  
8 it.

9 (3) The board shall announce the results from each early voting machine  
10 results report for the early voting ballots.

11 (4) For each paper ballot voted during early voting, the board shall announce  
12 the name of the person who voted by paper ballot during early voting and the ward  
13 and precinct where he is registered to vote and shall compare the name on the flap  
14 of the envelope containing the early voting ballot with the names on the early voter  
15 report.

16 (5) The board shall determine the validity of challenges made in accordance  
17 with R.S. 18:1315.

18 (6) If the board determines that a paper ballot voted during early voting is  
19 valid, a member of the board shall write the words "voted early" and his initials on  
20 the early voter report beside the name of the voter as it appears on the report. A  
21 member of the board shall tear the flap from the envelope containing the paper ballot  
22 voted during early voting and leave the envelope sealed.

23 (7) If a majority of the members of the board determine that a paper ballot  
24 voted during early voting is invalid, the members shall leave the flap on the envelope  
25 containing the ballot, leave the envelope sealed, and a member of the board shall  
26 write the word "rejected" together with the reasons for rejecting the ballot across the  
27 envelope containing the ballot. He shall also write the word "rejected" and his  
28 initials on the early voter report beside the name of the voter as it appears on the  
29 report. The rejected ballot shall be placed in the special absentee by mail and early



1 voting ballot envelope or container. No rejected paper ballot voted during early  
2 voting shall be counted.

3 (8) After the validity of all paper ballots voted during early voting has been  
4 determined, the members of the board shall place the valid early voting confirmation  
5 sheets and flaps removed from the valid paper ballots voted during early voting in  
6 the envelope or container provided for that purpose and seal the envelope or  
7 container. Two of the members shall execute the certificate on the envelope or  
8 container.

9 (9) The members shall open the envelopes containing the valid paper ballots  
10 voted during early voting and remove the ballots.

11 (10) The board shall, in accordance with the requirements of R.S. 18:1316,  
12 reject any ballot which contains a distinguishing mark or feature making the ballot  
13 susceptible of identification.

14 (11) If a ballot is physically damaged or cannot properly be counted by the  
15 counting equipment and the vote cast by the voter is clearly discernible from a  
16 physical inspection of the defective ballot, a true duplicate may be made of the  
17 defective ballot in the presence of witnesses and substituted for the ballot. The  
18 duplicate ballot shall be clearly labeled "duplicate", bear a ballot number which shall  
19 be recorded on the defective ballot, and be counted in lieu of the defective ballot.  
20 After a ballot has been duplicated, the defective ballot shall be placed in the special  
21 absentee by mail and early voting ballot envelope or container, and the duplicate  
22 ballot shall be counted with the other valid ballots.

23 (12)(a) Prior to utilizing any absentee by mail and early voting counting  
24 equipment, the parish board of election supervisors shall generate a zero tally to  
25 ensure that the equipment's candidate and question counters are set at zero and that  
26 no votes have been cast for any candidate or for or against any proposition.

27 (b) The board shall sign and certify to the correctness of each zero proof  
28 sheet and place all zero proof sheets in the special absentee by mail and early voting  
29 envelope or container.

1           (13) The absentee by mail and early voting votes cast for a candidate and  
 2           those cast for and against a proposition shall be counted and the total number of  
 3           absentee by mail and early voting votes cast for a candidate and those cast for and  
 4           against a proposition shall be announced in the order the offices and candidates and  
 5           propositions are listed on the ballot. The members of the board shall enter the total  
 6           number of votes on the final absentee by mail and early voting vote report and shall  
 7           certify the results.

8           H. The final absentee by mail and early voting vote report prepared by the  
 9           parish board of election supervisors shall be transmitted to the clerk of court  
 10           immediately upon completion of the tabulation of the absentee by mail and early  
 11           voting ballots on election night, ~~and a.~~ A copy of the record shall be transmitted  
 12           immediately to the secretary of state, and a copy of the record shall be placed in the  
 13           special absentee by mail and early voting envelope or container.

14           H.I. When the ~~supplemental lists have~~ absentee by mail and early voter  
 15           reports have been returned to the registrar of voters, the registrar, based on the  
 16           information contained in the ~~lists~~ reports, shall confirm that the word "absentee" is  
 17           words "voted by mail" or "voted early" are written in the proper space on the precinct  
 18           register for each voter who voted early or absentee by mail.

19           ~~I.(1)~~J.(1) Upon completion of the tabulation and counting of the absentee by  
 20           mail and early voting ballots, the parish board of election supervisors shall return the  
 21           absentee by mail and early voting ballots and electronic results report to the special  
 22           absentee by mail and early voting ballot envelope or container, shall seal the  
 23           envelope or container, and shall deliver the envelope or container to the registrar of  
 24           voters. The registrar shall preserve the envelope or container and its contents  
 25           inviolable and, except upon order of a court of competent jurisdiction, shall not allow  
 26           the absentee by mail and early voting documents to be inspected by anyone until the  
 27           delay for filing an action contesting the election has lapsed. If an action contesting  
 28           the election is commenced timely, the registrar shall continue to preserve the  
 29           envelope or container and its contents inviolable, subject to the orders of the court,  
 30           until the final judgment in the action has become definitive.

1                   (2)(a) Notwithstanding the provisions of Paragraph (1) of this Subsection,  
2                   if the number of absentee by mail and early voting ballots cast for all candidates for  
3                   an office could make a difference in the outcome of the election for such office, upon  
4                   the written request of a candidate for such office, the board shall recount the absentee  
5                   by mail ballots by hand or scanning equipment and early voting ballots  
6                   electronically, unless paper ballots were used for early voting and in such case, the  
7                   ballots shall be recounted by hand for such office.

8                   (b) All recounts of absentee by mail and early voting ballots shall be held at  
9                   10:00 a.m. or following the reinspection of voting machines on the fifth day after the  
10                  election and at any time ordered by a court of competent jurisdiction. If the fifth day  
11                  after the election falls on a holiday or weekend, such recount shall be held on the  
12                  next working day at 10:00 a.m. or following the reinspection of voting machines.  
13                  Any written request for recount of absentee by mail and early voting ballots shall be  
14                  filed with the clerk of court. The deadline for filing a request for recount of absentee  
15                  by mail and early voting ballots shall be the last working day prior to the date of the  
16                  recount. Immediately upon receiving any request, the clerk of court shall  
17                  prominently post in his office a notice of the time and place where the absentee by  
18                  mail and early voting ballots will be recounted and the name of the candidate  
19                  requesting the recount.

20                  (c) Upon completion of recount of the absentee by mail and early voting  
21                  ballots, the board shall return the absentee by mail and early voting documents to the  
22                  special absentee by mail and early voting ballot envelope or container, shall reseal  
23                  the envelope or container, and shall deliver the envelope ~~containing the absentee by~~  
24                  ~~mail and early voting documents~~ or container and its contents to the registrar of  
25                  voters who shall preserve the envelope ~~and the absentee by mail and early voting~~  
26                  ~~documents contained therein~~ or container and its contents in the manner provided for  
27                  in Paragraph (1) of this Subsection.

28                  (d) The candidate requesting the recount shall be responsible for all  
29                  reasonable costs associated with such recount.

1           (3) A candidate or his representative, in the presence of a majority of the  
2           parish board of election supervisors, shall be allowed to inspect the flaps removed  
3           from the valid absentee by mail ballots and the flaps removed from the valid early  
4           voting ballots when paper ballots are used for early voting. All such inspections  
5           shall be held at 10:00 a.m. or following the recount of absentee by mail and early  
6           voting ballots on the fifth day after the election and at any time ordered by a court  
7           of competent jurisdiction. If the fifth day after the election falls on a holiday or  
8           weekend, such inspection shall be held on the next working day at 10:00 a.m. or  
9           following the recount of absentee by mail and early voting ballots. Any written  
10          request for inspection shall be filed with the clerk of court. The deadline for filing  
11          a request for inspection shall be the last working day prior to the date of the  
12          inspection. Immediately upon receiving any request, the clerk of court shall  
13          prominently post in his office a notice of the time and place where the inspection will  
14          occur and the name of the candidate requesting the inspection. The candidate  
15          requesting the inspection shall be responsible for all reasonable costs associated with  
16          such inspection.

17           (4) The parish board of election supervisors shall be entitled to  
18          reimbursement at the rate established in R.S. 18:423(E) for attending the recount of  
19          absentee by mail and early voting ballots and inspection, but not both if they are  
20          conducted on the same day. However, such reimbursement shall not be counted  
21          toward the six-day limitation provided in R.S. 18:423(E). No member of the parish  
22          board of election supervisors shall be reimbursed for attending a recount of absentee  
23          by mail and early voting ballots or inspection if such member received  
24          reimbursement for attending the reinspection of voting machines which was  
25          conducted on the same day as the recount of the absentee by mail and early voting  
26          ballots or inspection.

\* \* \*

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

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(2) If a challenge in accordance with the provisions of Subsection A of this Section is sustained, the vote shall not be counted, the ballot or early voting ~~application~~ confirmation sheet shall be placed in the special absentee by mail and early voting ballot envelope or container, and the board shall notify the voter in writing of the challenge and the cause therefor. This notification shall be on a form provided by the secretary of state and shall be signed by at least a majority of the members of the board. The notice of the challenge and the cause therefor shall be given within three days by mail, addressed to the voter at his place of residence. The board shall retain a copy of the notification. However, if the challenge is based upon a change of residence within the parish or is based upon a change of residence outside the parish that has occurred within the last three months, the ballot shall be counted provided that the voter confirmed his current address as shown by the affidavit of the absentee by mail ~~or early voting~~ ballot envelope flap or early voting ~~application~~ confirmation sheet or, if the voter is on the inactive list of voters, as shown by the information provided on an address confirmation card.

(3)(a) If a challenge in accordance with the provisions of Subsection B of this Section is sustained, the vote shall not be counted, the board shall write "rejected" and the cause therefor across the ballot envelope or early voting ~~application~~ confirmation sheet, and shall place the ballots and early voting ~~applications~~ confirmation sheets so rejected in the special absentee by mail and early voting ballot envelope or container. The board shall notify the voter in writing of the challenge and the cause therefor. The notification shall be on a form provided by the secretary of state and shall be signed by at least a majority of the members of the board. The notice of the challenge and the cause therefor shall be given within three days by mail addressed to the voter at his place of residence. The board shall retain a copy of the notification.

(b) If a ballot is rejected pursuant to the provisions of R.S. 18:1316, the vote shall not be counted, the board shall write "rejected" and the cause therefor on a

CODING: Words in ~~struck through~~ type are deletions from existing law; words underscored are additions.

1 separate slip of paper and attach it to the ballot, and shall place the ballots so rejected  
2 in the special absentee by mail and early voting ballot envelope or container.

3 \* \* \*

4 Section 2. R.S. 18:1306(F) and 1313(F)(10) and (11) are hereby repealed in their  
5 entirety.

6 Section 3. This Act shall become effective upon signature by the governor or, if not  
7 signed by the governor, upon expiration of the time for bills to become law without signature  
8 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If  
9 vetoed by the governor and subsequently approved by the legislature, this Act shall become  
10 effective on the day following such approval.

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

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

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

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