

2020 Regular Session

HOUSE BILL NO. 486

BY REPRESENTATIVE GREGORY MILLER

VOTERS/VOTING: Provides standards for the counting and tabulation of irregularly marked paper ballots

1 AN ACT

2 To amend and reenact R.S. 18:1316, relative to paper ballots in elections; to provide relative
3 to identifying a voter's intent in marking a ballot; and to provide for related matters.

4 Be it enacted by the Legislature of Louisiana:

5 Section 1. R.S. 18:1316 is hereby amended and reenacted to read as follows:

6 §1316. Rejection of ballot having distinguishing or irregular marks

7 A. Any ballot with a distinguishing mark or feature making the ballot
8 susceptible of identification shall be rejected if at least a majority of the members of
9 the board determine that the distinguishing mark was made by action of the voter.

10 The marking of the ballot by the voter in such manner that a portion of an authorized
11 mark to indicate a vote inadvertently extends outside the box in which it is to be
12 placed shall not be sufficient cause to reject the ballot. Any ballot containing a
13 combination of authorized marks and any ballot marked by a mark or an instrument
14 other than as instructed on the ballot shall be considered as susceptible of
15 identification and shall be rejected by the board.

16 B.(1) Notwithstanding any other provision of this Chapter, failure to mark
17 a ballot in strict conformity with the provisions of this Chapter does not invalidate
18 the ballot.

1 (2) A vote for a candidate or proposition shall be counted if the voter's intent
2 is clearly ascertainable. The intent of the voter in marking a ballot may be
3 determined by:

4 (a) A distinguishing mark adjacent to the name or number of a candidate or
5 political party or a voting choice associated with a proposition.

6 (b) An oval, box, or similar marking clearly drawn around the name of a
7 candidate or political party or a voting choice associated with a proposition.

8 (c) A line drawn through:

9 (i) The names of each candidate in a manner that indicates a preference for
10 the candidates not marked if the names of the number of candidates not marked do
11 not exceed the number of persons that may be elected to that office.

12 (ii) The name of each political party except one in a manner that clearly
13 indicates a preference for the political party not marked.

14 (iii) A voting choice associated with a proposition in a manner that clearly
15 indicates a preference for the other voting choice associated with the proposition.

16 (d) Any other evidence that clearly indicates the intent of the voter in
17 choosing a candidate, political party, or voting choice associated with a proposition.

18 ~~B.C.~~ A ballot transmitted by facsimile shall not be considered as having
19 distinguishing or irregular marks.

20 ~~E.D.~~ A ballot transmitted electronically to a member of the United States
21 Service, as defined in R.S. 18:1302, or a person residing outside the United States
22 shall not be considered as having distinguishing or irregular marks.

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

HB 486 Original

2020 Regular Session

Gregory Miller

Abstract: Provides for the method of determining voter intent in marking a paper ballot.

Present law requires a paper ballot to be marked in conformity with the instructions provided on such ballot. Requires rejection of a ballot that has marks or features that make it susceptible to identification.

Proposed law provides that a paper ballot not marked in conformity with the law shall not be rejected if the intent of the voter can be determined.

Proposed law provides that the voter's intent may be determined by a distinguishing mark adjacent to a choice, an oval or similar marking clearly drawn around a choice, a line drawn through the choices not favored, or any other evidence that clearly indicates the intent of the voter.

(Amends R.S. 18:1316)