

SENATE BILL NO. 397

BY SENATOR BERNARD

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AN ACT

To amend and reenact R.S. 18:1313, 1314(B)(1) and (C)(1)(a), and 1315(B), and to enact R.S. 18:423(J), and 1313.1, relative to absentee and early voting ballots; to provide for preparation, verification, tabulation and counting of such ballots; to provide for the duties and responsibilities of parish board of election supervisors; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 18:1313, 1314(B)(1) and (C)(1)(a), and 1315(B) are hereby amended and reenacted and R.S. 18:423(J) and 1313.1 are hereby enacted to read as follows:

§423. Parish boards of election supervisors

* * *

J. Notwithstanding Subsection E of this Section, in a parish where the parish board of election supervisors tabulates and counts absentee by mail and early voting ballots in accordance with R.S. 18:1313.1, a member of the board may be compensated not more than eight days for a presidential or regularly scheduled congressional general election or seven days for any other primary or general election.

* * *

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

A.(1) The parish board of election supervisors in a parish that has fewer than one thousand absentee by mail ballots returned to the registrar of voters for a primary or general election shall conduct the tabulation and counting of absentee by mail and early voting ballots in accordance with this Section.

(2) The parish board of election supervisors in a parish that has one thousand or more absentee by mail ballots returned to the registrar of voters for a primary or general election may conduct the tabulation and counting of

1 absentee by mail and early voting ballots in accordance with this Section. The
 2 parish board shall notify the secretary of state in writing no later than five days
 3 prior to a primary or general election that the tabulation and counting of
 4 absentee by mail and early voting ballots will be conducted pursuant to this
 5 Section or pursuant to R.S. 18:1313.1.

6 AB. The parish board of election supervisors shall be responsible for the
 7 preparation, verification, counting and tabulation of all absentee by mail and early
 8 voting ballots in the parish. The board may utilize parish board commissioners to
 9 count the absentee by mail and early voting ballots in the parish. If the board
 10 determines that parish board commissioners are necessary to prepare, verify, count
 11 and tabulate the absentee by mail and early voting ballots, it shall select parish board
 12 commissioners in accordance with the provisions of R.S. 18:1314. If a majority of
 13 the members of the board are not present to count the absentee by mail and early
 14 voting ballots and no parish board commissioners were previously selected, the
 15 members present may select a sufficient number of parish board commissioners on
 16 election day to assist in the counting of absentee by mail and early voting ballots.

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

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 voting
 26 machine results reports shall be placed in the special absentee by mail and early
 27 voting envelope or container.

28 ED.(1) If the preparation, verification, counting, and tabulation of absentee
 29 by mail and early voting ballots begins prior to the closing of the polls, such
 30 preparation, verification, counting, and tabulation shall be conducted in a location

1 and manner to prevent disclosure of the results prior to the closing of the polls. Each
2 person except a person providing security to the parish board of election supervisors;
3 a representative of the attorney general, with written approval of the secretary of
4 state; the clerk of court; the registrar of voters; or a person providing technical
5 assistance pursuant to Paragraph (2) of this Subsection who enters the location in
6 which the absentee by mail and early voting ballots are being **prepared, verified,**
7 **counted,** and tabulated shall remain in that location and shall not be allowed to leave
8 except temporarily, and then only when accompanied by a law enforcement officer,
9 and shall not communicate with any person outside until the polls are closed. The
10 parish board of election supervisors may take any action necessary to ensure that no
11 information with respect to the **preparation, verification,** counting, and tabulation
12 of absentee by mail and early voting ballots is transmitted from the location where
13 the absentee by mail and early voting ballots are being counted and tabulated prior
14 to the close of the polls on election day.

15 (2) Any person authorized by the secretary of state may provide security or
16 technical assistance including advice, analysis, diagnosis, or repair for voting
17 machines at the location where absentee by mail and early voting votes are being
18 **prepared, verified,** counted, and tabulated. Such security or technical assistance
19 shall be provided only upon the request of the parish board of election supervisors
20 or a team of parish board commissioners, and may be made in person at the location
21 where absentee by mail and early voting votes are being **prepared, verified,**
22 **counted,** and tabulated, or by telephone, or both. Any authorized person providing
23 such security or technical assistance may enter and leave the location where absentee
24 by mail and early voting votes are being **prepared, verified,** counted, and tabulated
25 before the closing of the polls and during the process of counting and tabulation. No
26 such person shall disclose any information with respect to the **preparation,**
27 **verification,** counting, and tabulation of absentee by mail and early voting ballots
28 prior to the close of the polls on election day.

29 DE. Candidates, their representatives, and qualified electors may be present
30 during the **preparation, verification,** counting, and tabulation of absentee by mail

1 and early voting ballots. If the counting and tabulation of absentee by mail and early
2 voting ballots begin prior to the closing of the polls, the board shall give notice
3 reasonably calculated to inform any person who wants to be present during the
4 **preparation, verification,** counting, and tabulation that no person will be allowed
5 to leave or to communicate with any other person outside, until such time as the polls
6 are closed, nor shall any person who is present during the **preparation, verification,**
7 counting, and tabulation of absentee by mail and early voting ballots possess a
8 cellular telephone or electronic communication device.

9 ~~EF~~. The board shall count the absentee by mail and early voting ballots and
10 announce the results after the closing of the polls as the total number of absentee by
11 mail and early voting votes cast in the election for each candidate and the total
12 number cast for and against each proposition.

13 ~~FG~~. The procedure for **the preparation, verification, counting, and**
14 **tabulation of** absentee by mail ballots shall be as follows:

15 (1) A member of the board shall remove the certificates and special absentee
16 by mail ballots and envelopes containing the absentee by mail ballots from the
17 special absentee by mail and early voting ballot envelope or container.

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 on
20 the certificate or on the flap of the envelope containing the absentee by mail ballot
21 with the names on the absentee by mail voter report.

22 (3) The board shall determine the validity of challenges filed in accordance
23 with R.S. 18:1315.

24 (4) If the board determines that an absentee by mail ballot is valid, a member
25 of the board shall make a check mark on the absentee by mail voter report beside the
26 name of the voter as it appears on the report and write his initials on each page of the
27 report. If applicable, a member of the board shall tear the flap from the envelope
28 containing the absentee by mail ballot and leave the envelope sealed.

29 (5) If a majority of the members of the board determine that an absentee by
30 mail ballot is invalid, the members shall leave the flap on the envelope containing

1 the absentee by mail ballot, leave the envelope sealed, and a member of the board
2 shall write the word "rejected", together with the reasons for rejecting the ballot,
3 across the envelope containing the ballot or across the certificate attached to the
4 special absentee by mail ballot. He shall also write the word "rejected" and his
5 initials on the absentee by mail voter report beside the name of the voter as it appears
6 in the report. The rejected absentee by mail ballots and certificates shall be replaced
7 in the special absentee by mail and early voting ballot envelope or container. No
8 rejected absentee by mail ballot shall be counted.

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

14 (7) The members shall open the envelopes containing the valid absentee by
15 mail ballots and remove the ballots.

16 (8) The board shall, in accordance with the requirements of R.S. 18:1316,
17 reject any ballot which contains a distinguishing mark or feature making the ballot
18 susceptible of identification. However, a ballot shall not be rejected as containing a
19 distinguishing mark if the ballot was transmitted electronically to a member of the
20 United States Service, as defined in R.S. 18:1302, or a person residing outside the
21 United States.

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

1 (10) The special absentee ballots cast by members of the United States
2 Service or persons who reside outside of the United States shall be counted **either**
3 by hand **or as a true duplicate**.

4 ~~(11) Repealed by Acts 2017, No. 176, §5, eff. June 14, 2017.~~

5 **GH**. The procedure for counting early voting machine ballots and paper
6 ballots voted during early voting shall be as follows:

7 (1) A member of the board shall remove the early voting verification forms,
8 early voting machine public counter logs, early voting confirmation sheets, paper
9 ballots voted during early voting, early voter report, and all early voting machine
10 results reports from the special absentee by mail and early voting ballot envelope or
11 container.

12 (2) The board shall review the early voting verification forms and early
13 voting machine public counter logs and, if found to be acceptable to the board, sign
14 each early voting verification form. If the board does not find an early voting
15 verification form to be acceptable, it may review any early voting confirmation sheet
16 and shall document its correction to the early voting verification form and then
17 sign it.

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

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

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

27 (6) If the board determines that a paper ballot voted during early voting is
28 valid, a member of the board shall write the words "voted early" and his initials on
29 the early voter report beside the name of the voter as it appears on the report. A
30 member of the board shall tear the flap from the envelope containing the paper ballot

1 voted during early voting and leave the envelope sealed.

2 (7) If a majority of the members of the board determine that a paper ballot
3 voted during early voting is invalid, the members shall leave the flap on the envelope
4 containing the ballot, leave the envelope sealed, and a member of the board shall
5 write the word "rejected" together with the reasons for rejecting the ballot across the
6 envelope containing the ballot. He shall also write the word "rejected" and his initials
7 on the early voter report beside the name of the voter as it appears on the report. The
8 rejected ballot shall be placed in the special absentee by mail and early voting ballot
9 envelope or container. No rejected paper ballot voted during early voting shall be
10 counted.

11 (8) After the validity of all paper ballots voted during early voting has been
12 determined, the members of the board shall place the valid early voting confirmation
13 sheets and flaps removed from the valid paper ballots voted during early voting in
14 the envelope or container provided for that purpose and seal the envelope or
15 container. Two of the members shall execute the certificate on the envelope or
16 container.

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

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

22 (11) If a ballot is physically damaged or cannot properly be counted by the
23 counting equipment and the vote cast by the voter is clearly discernible from a
24 physical inspection of the defective ballot, the ballot may be counted by hand or a
25 true duplicate may be made of the defective ballot in the presence of witnesses and
26 substituted for the ballot. Any duplicate ballot shall be clearly labeled "duplicate",
27 bear a ballot number which shall be recorded on the defective ballot, and be counted
28 in lieu of the defective ballot. After a ballot has been duplicated, the defective ballot
29 shall be placed in the special absentee by mail and early voting ballot envelope or
30 container, and the duplicate ballot shall be counted with the other valid ballots.

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

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

8 (13) The absentee by mail and early voting votes cast for a candidate and
9 those cast for and against a proposition shall be counted and the total number of
10 absentee by mail and early voting votes cast for a candidate and those cast for and
11 against a proposition shall be announced in the order the offices and candidates and
12 propositions are listed on the ballot. The members of the board shall enter the total
13 number of votes on the final absentee by mail and early voting vote report and shall
14 certify the results.

15 HI. The final absentee by mail and early voting vote report prepared by the
16 parish board of election supervisors shall be transmitted to the clerk of court
17 immediately upon completion of the tabulation of the absentee by mail and early
18 voting ballots on election night. A copy of the record shall be transmitted
19 immediately to the secretary of state, and a copy of the record shall be placed in the
20 special absentee by mail and early voting envelope or container.

21 IJ. When the absentee by mail and early voter reports have been returned to
22 the registrar of voters, the registrar, based on the information contained in the
23 reports, shall confirm that the words "voted by mail" or "voted early" are written in
24 the proper space on the precinct register for each voter who voted early or absentee
25 by mail.

26 JK.(1) Upon completion of the tabulation and counting of the absentee by
27 mail and early voting ballots, the parish board of election supervisors shall return the
28 absentee by mail and early voting ballots and electronic results report to the special
29 absentee by mail and early voting ballot envelope or container, shall seal the
30 envelope or container, and shall deliver the envelope or container to the registrar of

1 voters. The registrar shall preserve the envelope or container and its contents
2 inviolate and, except upon order of a court of competent jurisdiction, shall not allow
3 the absentee by mail and early voting documents to be inspected by anyone until the
4 delay for filing an action contesting the election has lapsed. If an action contesting
5 the election is commenced timely, the registrar shall continue to preserve the
6 envelope or container and its contents inviolate, subject to the orders of the court,
7 until the final judgment in the action has become definitive.

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

15 (ii) Notwithstanding the provisions of Paragraph (1) of this Subsection, if the
16 number of absentee by mail and early voting ballots cast for and against a
17 proposition could make a difference in the outcome of the election, upon the written
18 request of a person who voted in the proposition election, the board shall recount the
19 absentee by mail ballots by hand or scanning equipment and early voting ballots
20 electronically, unless paper ballots were used for early voting and in such case, the
21 ballots shall be recounted by hand for such election.

22 (b) All recounts of absentee by mail and early voting ballots shall be held at
23 10:00 a.m. or following the reinspection of voting machines on the fifth day after the
24 election and at any time ordered by a court of competent jurisdiction. If the fifth day
25 after the election falls on a holiday or weekend, such recount shall be held on the
26 next working day at 10:00 a.m. or following the reinspection of voting machines.
27 Any written request for recount of absentee by mail and early voting ballots shall be
28 filed with the clerk of court. The deadline for filing a request for recount of absentee
29 by mail and early voting ballots shall be 4:30 p.m. on the last working day prior to
30 the date of the recount. Immediately upon receiving any request, the clerk of court

1 shall prominently post in his office a notice of the time and place where the absentee
2 by mail and early voting ballots will be recounted and the name of the candidate or
3 the voter in the proposition election requesting the recount.

4 (c) Upon completion of the recount of the absentee by mail and early voting
5 ballots, the board shall return the absentee by mail and early voting documents to the
6 special absentee by mail and early voting ballot envelope or container, shall reseal
7 the envelope or container, and shall deliver the envelope or container and its contents
8 to the registrar of voters who shall preserve the envelope or container and its contents
9 in the manner provided for in Paragraph (1) of this Subsection.

10 (d)(i) The candidate or the voter in the proposition election requesting the
11 recount shall be responsible for all reasonable costs associated with such recount
12 which shall be payable to the clerk of court. The costs shall be paid at the time the
13 written request for the recount is filed with the clerk of court and shall be paid in
14 cash or by certified or cashier's check on a state or national bank or credit union,
15 United States postal money order, or money order issued by a state or national bank
16 or credit union.

17 (ii) If the recount changes the outcome of the election, the costs paid by the
18 candidate or voter in the proposition election shall be refunded by the clerk of court,
19 and the costs of the recount shall be a reimbursable election expense as provided in
20 Chapter 8-A of this Title.

21 (3) A candidate or his representative, in the presence of a majority of the
22 parish board of election supervisors, shall be allowed to inspect the flaps removed
23 from the valid absentee by mail ballots and the flaps removed from the valid early
24 voting ballots when paper ballots are used for early voting. All such inspections shall
25 be held at 10:00 a.m. or following the recount of absentee by mail and early voting
26 ballots on the fifth day after the election and at any time ordered by a court of
27 competent jurisdiction. If the fifth day after the election falls on a holiday or
28 weekend, such inspection shall be held on the next working day at 10:00 a.m. or
29 following the recount of absentee by mail and early voting ballots. Any written
30 request for inspection shall be filed with the clerk of court. The deadline for filing

1 a request for inspection shall be the last working day prior to the date of the
 2 inspection. Immediately upon receiving any request, the clerk of court shall
 3 prominently post in his office a notice of the time and place where the inspection will
 4 occur and the name of the candidate requesting the inspection. The candidate
 5 requesting the inspection shall be responsible for all reasonable costs associated with
 6 such inspection which shall be payable to the clerk of court. The costs shall be paid
 7 at the time the written request for the inspection is filed with the clerk of court and
 8 shall be paid in cash or by certified or cashier's check on a state or national bank or
 9 credit union, United States postal money order, or money order issued by a state or
 10 national bank or credit union.

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

21 **§1313.1. Preparation, verification, tabulation, and counting of absentee by mail**
 22 **and early voting ballots; parishes with one thousand or more**
 23 **absentee by mail ballots**

24 **A. Parishes with one thousand or more absentee by mail ballots returned**
 25 **to the registrar of voters for a primary or general election may conduct the**
 26 **preparation and verification process for the tabulation and counting of absentee**
 27 **by mail and early voting ballots the day before the election and conduct the**
 28 **tabulation and counting of absentee by mail and early voting ballots on election**
 29 **day.**

30 **B. The parish board of election supervisors shall be responsible for the**

1 preparation, verification, counting and tabulation of all absentee by mail and
2 early voting ballots in the parish. The board may utilize parish board
3 commissioners to count the absentee by mail and early voting ballots in the
4 parish. If the board determines that parish board commissioners are necessary
5 for the preparation and verification process to count and tabulate the absentee
6 by mail and early voting ballots the day before the election and to count and
7 tabulate the absentee by mail and early voting ballots on election day, it shall
8 select parish board commissioners in accordance with the provisions of R.S.
9 18:1314. If a majority of the members of the board are not present for the
10 preparation and verification process to count the absentee by mail and early
11 voting ballots or to count the absentee by mail and early voting ballots and no
12 parish board commissioners were previously selected, the members present may
13 select a sufficient number of parish board commissioners on the day before the
14 election or on election day, as applicable, to assist in the preparation and
15 verification process for the tabulation and counting of absentee by mail and
16 early voting ballots and the tabulation and counting of the ballots.

17 C.(1) The preparation and verification process for the counting of the
18 absentee by mail and early voting ballots may be conducted the day before the
19 election at a public facility within the parish designated by the registrar of
20 voters at a time fixed by the parish board of election supervisors.

21 (2) Absentee by mail and early voting ballots shall be counted at a public
22 facility within the parish designated by the registrar of voters at a time fixed by
23 the parish board of election supervisors, which time shall be on election day no
24 later than 8:00 p.m.

25 (3) Prior to the counting of absentee by mail and early voting ballots on
26 election day, any person authorized by the secretary of state may assist the
27 registrar of voters in the challenge removal process on the early voting
28 machines, in the reading of the early voting machine results cartridges on the
29 secretary of state's equipment, and in producing the early voting machine
30 results report. All early voting machine results reports shall be placed in the

1 special absentee by mail and early voting envelope or container.

2 D.(1) If the counting and tabulation of absentee by mail and early voting
3 ballots begins on election day prior to the closing of the polls, such counting and
4 tabulation shall be conducted in a location and manner to prevent disclosure of
5 the results prior to the closing of the polls. Each person except a person
6 providing security to the parish board of election supervisors; a representative
7 of the attorney general, with written approval of the secretary of state; the clerk
8 of court; the registrar of voters; or a person providing technical assistance
9 pursuant to Paragraph (2) of this Subsection who enters the location in which
10 the absentee by mail and early voting ballots are being counted and tabulated
11 on election day shall remain in that location and shall not be allowed to leave
12 except temporarily, and then only when accompanied by a law enforcement
13 officer, and shall not communicate with any person outside until the polls are
14 closed. The parish board of election supervisors may take any action necessary
15 to ensure that no information with respect to the counting and tabulation of
16 absentee by mail and early voting ballots is transmitted from the location where
17 the absentee by mail and early voting ballots are being counted and tabulated
18 on election day prior to the close of the polls on election day.

19 (2) Any person authorized by the secretary of state may provide security
20 or technical assistance including advice, analysis, diagnosis, or repair for voting
21 machines at the location where absentee by mail and early voting votes are
22 being counted and tabulated. Such security or technical assistance shall be
23 provided only upon the request of the parish board of election supervisors or a
24 team of parish board commissioners, and may be made in person at the location
25 where absentee by mail and early voting votes are being counted and tabulated,
26 or by telephone, or both. Any authorized person providing such security or
27 technical assistance may enter and leave the location where absentee by mail
28 and early voting votes are being counted and tabulated on election day before
29 the closing of the polls and during the process of counting and tabulation. No
30 such person shall disclose any information with respect to the counting and

1 tabulation of absentee by mail and early voting ballots prior to the close of the
2 polls on election day.

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

15 F. The board shall count the absentee by mail and early voting ballots
16 and announce the results after the closing of the polls on election day as the total
17 number of absentee by mail and early voting votes cast in the election for each
18 candidate and the total number cast for and against each proposition.

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

22 (1)(a) A member of the board shall remove the certificates, early voting
23 verification forms, early voting machine public counter logs, early voting
24 confirmation sheets, absentee by mail ballots, early voting paper ballots, and
25 envelopes containing the absentee by mail ballots and early voting paper ballots
26 from the special absentee by mail and early voting ballot envelope or container.

27 (b) The board shall review the early voting verification forms and early
28 voting machine public counter logs and, if found to be acceptable to the board,
29 sign each early voting verification form. If the board does not find an early
30 voting verification form to be acceptable, it may review any early voting

1 confirmation sheet and shall document its correction to the early voting
2 verification form and then sign it.

3 (2) The board shall announce the name of each absentee by mail voter,
4 each voter who voted a paper ballot during early voting and the ward and
5 precinct where he is registered to vote, and shall compare the name on the
6 certificate or on the flap of the envelope containing the absentee by mail ballot
7 or early voting paper ballot with the names on the absentee by mail voter report
8 or early voter report, as applicable.

9 (3) The board shall separate any ballots that are challenged in
10 accordance with R.S. 18:1315(A) or (B) from the ballots that are not challenged.

11 (4)(a) If an absentee by mail ballot has not been challenged and is
12 determined by the board to be valid, a member of the board shall make a check
13 mark on the absentee by mail voter report beside the name of the voter as it
14 appears on the report and write his initials on each page of the report. If
15 applicable, a member of the board shall tear the flap from the envelope
16 containing the absentee by mail ballot and leave the envelope sealed.

17 (b) If an early voting paper ballot has not been challenged and is
18 determined by the board to be valid, a member of the board shall write the
19 words "voted early" and his initials on the early voter report beside the name
20 of the voter as it appears on the report. A member of the board shall tear the
21 flap from the envelope containing the paper ballot voted during early voting
22 and leave the envelope sealed.

23 (5) If an absentee by mail ballot or early voting paper ballot has been
24 challenged, the members shall leave the flap on the envelope, if applicable,
25 containing the absentee by mail ballot or early voting paper ballot and leave the
26 envelope sealed.

27 (6) A member of the board shall place the absentee by mail ballots and
28 early voting paper ballots that have been challenged and the ballots that have
29 not been challenged in the special absentee by mail envelope or container
30 provided for that purpose and seal the envelope or container. Two members of

1 the board shall execute the first certificate on the envelope or container and
2 date the certificate the day before the election.

3 (7) The members of the board shall place the certificates of the absentee
4 by mail ballots and early voting paper ballots that have not been challenged and
5 the flaps removed from those ballots in the envelope or container provided for
6 that purpose and seal the envelope or container. Two of the members shall
7 execute the first certificate on the envelope and date the certificate the day
8 before the election.

9 (8) Absentee by mail ballots that are received by the registrar of voters
10 after the preparation and verification process is completed but before the
11 deadline to return absentee by mail ballots shall be prepared, verified, counted,
12 and tabulated on election day.

13 H. The procedure for counting absentee by mail ballots and early voting
14 paper ballots on election day shall be as follows:

15 (1) A member of the board shall break the seal on the special absentee
16 by mail and early voting ballot envelope or container, remove the certificates,
17 absentee by mail ballots and early voting paper ballots that have been
18 challenged, and the absentee by mail ballots and early voting paper ballots that
19 have not been challenged from the envelope or container.

20 (2) The board shall determine the validity of challenges filed in
21 accordance with R.S. 18:1315(A) and (B).

22 (3)(a) If the board determines that an absentee by mail ballot is valid, a
23 member of the board shall make a check mark on the absentee by mail voter
24 report beside the name of the voter as it appears on the report and write his
25 initials on each page of the report. If applicable, a member of the board shall
26 tear the flap from the envelope containing the absentee by mail ballot and leave
27 the envelope sealed.

28 (b) If the board determines that a paper ballot voted during early voting
29 is valid, a member of the board shall write the words "voted early" and his
30 initials on the early voter report beside the name of the voter as it appears on

1 the report. A member of the board shall tear the flap from the envelope
2 containing the paper ballot voted during early voting and leave the envelope
3 sealed.

4 (4) If a majority of the members of the board determine that an absentee
5 by mail ballot or early voting paper ballot is invalid, the members shall leave
6 the flap on the envelope containing the ballot, leave the envelope sealed, and a
7 member of the board shall write the word "rejected", together with the reasons
8 for rejecting the ballot, across the envelope containing the ballot or across the
9 certificate attached to the special absentee by mail ballot or early voting paper
10 ballot. He shall also write the word "rejected" and his initials on the absentee
11 by mail voter report or early voter report, as applicable, beside the name of the
12 voter as it appears in the report. The rejected absentee by mail ballots and early
13 voting paper ballots and certificates shall be replaced in the special absentee by
14 mail and early voting ballot envelope or container. No rejected absentee by mail
15 ballot or early voting paper ballot shall be counted.

16 (5) After the validity of all absentee by mail ballots and early voting
17 paper ballots have been determined, the members of the board shall break the
18 seal on the envelope or container and place the valid certificates and the flaps
19 removed from the valid absentee by mail ballots and early voting paper ballots
20 in the envelope or container provided for that purpose and seal the envelope or
21 container. Two of the members shall execute the second certificate on the
22 envelope and date the certificate the day of the election.

23 (6) The members shall open the envelopes containing the valid absentee
24 by mail ballots and early voting paper ballots and remove the ballots.

25 (7) The board shall, in accordance with the requirements of R.S. 18:1316,
26 reject any ballot which contains a distinguishing mark or feature making the
27 ballot susceptible of identification. However, a ballot shall not be rejected as
28 containing a distinguishing mark if the ballot was transmitted electronically to
29 a member of the United States Service, as defined in R.S. 18:1302, or a person
30 residing outside the United States.

1 (8) If a ballot is physically damaged or cannot properly be counted by the
2 counting equipment and the vote cast by the voter is clearly discernible from a
3 physical inspection of the defective ballot, the ballot may be counted by hand or
4 a true duplicate may be made of the defective ballot in the presence of witnesses
5 and substituted for the ballot. Any duplicate ballot shall be clearly labeled
6 "duplicate", bear a ballot number which shall be recorded on the defective
7 ballot, and be counted in lieu of the defective ballot. After a ballot has been
8 duplicated, the defective ballot shall be placed in the special absentee by mail
9 and early voting ballot envelope or container, and the duplicate ballot shall be
10 counted with the other valid ballots.

11 (9) The special absentee ballots cast by members of the United States
12 Service or persons who reside outside of the United States may be counted by
13 hand or counted as a true duplicate.

14 I. The procedure for counting early voting machine ballots on election
15 day shall be as follows:

16 (1) A member of the board shall remove the early voting machine results
17 reports from the special absentee by mail and early voting ballot envelope or
18 container.

19 (2) The board shall announce the results from each early voting machine
20 results report for the early voting ballots.

21 (3) The board shall determine the validity of challenges made in
22 accordance with R.S. 18:1315(A) and (B).

23 (4)(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
25 to ensure that the equipment's candidate and question counters are set at zero
26 and that no votes have been cast for any candidate or for or against any
27 proposition.

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

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

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

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

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

1 final judgment in the action has become definitive.

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

10 (ii) Notwithstanding the provisions of Paragraph (1) of this Subsection,
11 if the number of absentee by mail and early voting ballots cast for and against
12 a proposition could make a difference in the outcome of the election, upon the
13 written request of a person who voted in the proposition election, the board
14 shall recount the absentee by mail ballots by hand or scanning equipment and
15 early voting ballots electronically, unless paper ballots were used for early
16 voting and in such case, the ballots shall be recounted by hand for such election.

17 (b) All recounts of absentee by mail and early voting ballots shall be held
18 at 10:00 a.m. or following the reinspection of voting machines on the fifth day
19 after the election and at any time ordered by a court of competent jurisdiction.
20 If the fifth day after the election falls on a holiday or weekend, such recount
21 shall be held on the next working day at 10:00 a.m. or following the reinspection
22 of voting machines. Any written request for recount of absentee by mail and
23 early voting ballots shall be filed with the clerk of court. The deadline for filing
24 a request for recount of absentee by mail and early voting ballots shall be 4:30
25 p.m. on the last working day prior to the date of the recount. Immediately upon
26 receiving any request, the clerk of court shall prominently post in his office a
27 notice of the time and place where the absentee by mail and early voting ballots
28 will be recounted and the name of the candidate or the voter in the proposition
29 election requesting the recount.

30 (c) Upon completion of the recount of the absentee by mail and early

1 voting ballots, the board shall return the absentee by mail and early voting
2 documents to the special absentee by mail and early voting ballot envelope or
3 container, shall reseal the envelope or container, and shall deliver the envelope
4 or container and its contents to the registrar of voters who shall preserve the
5 envelope or container and its contents in the manner provided for in Paragraph
6 (1) of this Subsection.

7 (d)(i) The candidate or the voter in the proposition election requesting
8 the recount shall be responsible for all reasonable costs associated with such
9 recount, which shall be payable to the clerk of court. The costs shall be paid at
10 the time the written request for the recount is filed with the clerk of court and
11 shall be paid in cash or by certified or cashier's check on a state or national
12 bank or credit union, United States postal money order, or money order issued
13 by a state or national bank or credit union.

14 (ii) If the recount changes the outcome of the election, the costs paid by
15 the candidate or voter in the proposition election shall be refunded by the clerk
16 of court, and the costs of the recount shall be a reimbursable election expense
17 as provided in Chapter 8-A of this Title.

18 (3) A candidate or his representative, in the presence of a majority of the
19 parish board of election supervisors, shall be allowed to inspect the flaps
20 removed from the valid absentee by mail ballots and the flaps removed from the
21 valid early voting ballots when paper ballots are used for early voting. All such
22 inspections shall be held at 10:00 a.m. or following the recount of absentee by
23 mail and early voting ballots on the fifth day after the election and at any time
24 ordered by a court of competent jurisdiction. If the fifth day after the election
25 falls on a holiday or weekend, such inspection shall be held on the next working
26 day at 10:00 a.m. or following the recount of absentee by mail and early voting
27 ballots. Any written request for inspection shall be filed with the clerk of court.
28 The deadline for filing a request for inspection shall be the last working day
29 prior to the date of the inspection. Immediately upon receiving any request, the
30 clerk of court shall prominently post in his office a notice of the time and place

1 where the inspection will occur and the name of the candidate requesting the
 2 inspection. The candidate requesting the inspection shall be responsible for all
 3 reasonable costs associated with such inspection, which shall be payable to the
 4 clerk of court. The costs shall be paid at the time the written request for the
 5 inspection is filed with the clerk of court and shall be paid in cash or by certified
 6 or cashier's check on a state or national bank or credit union, United States
 7 postal money order, or money order issued by a state or national bank or credit
 8 union.

9 (4) The parish board of election supervisors shall be entitled to
 10 reimbursement at the rate established in R.S. 18:423(E) for attending the
 11 recount of absentee by mail and early voting ballots and inspection, but not both
 12 if they are conducted on the same day. However, such reimbursement shall not
 13 be counted toward the limitation provided in R.S. 18:423(J). No member of the
 14 parish board of election supervisors shall be reimbursed for attending a recount
 15 of absentee by mail an early voting ballots or inspection if such member
 16 received reimbursement for attending the reinspection of voting machines
 17 which was conducted on the same day as the recount of the absentee by mail
 18 and early voting ballots or inspection.

19 §1314. Parish board commissioners

20 * * *

21 B. Selection for primary election. (1) The parish board of election supervisors
 22 shall determine the number of parish board commissioners necessary to count the
 23 absentee by mail and early voting ballots in the parish pursuant to R.S. 18:1313 or
 24 1313.1, as applicable. The parish board of election supervisors shall select a
 25 maximum of six such commissioners. If the parish board of election supervisors
 26 determines that the number of parish board commissioners should be increased to
 27 more than six, the parish board shall make a request to the secretary of state for the
 28 additional parish board commissioners. If the secretary of state or his designee
 29 determines that there is a need for the additional parish board commissioners, the
 30 parish board shall select the parish board commissioners.

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C. Selection for general election. (1)(a) The parish board of election supervisors shall determine if the number of parish board commissioners necessary to count the absentee by mail and early voting ballots in the general election **pursuant to R.S. 18:1313 or 1313.1, as applicable**, can be reduced or should be increased from the number which counted absentee by mail and early voting ballots in the primary election.

* * *

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

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B. During the **preparation and verification process for the counting of absentee by mail and early voting ballots on the day before the election, as applicable, or the** counting of absentee by mail and early voting ballots **on election day**, any candidate or his representative, member of the board, or qualified elector may challenge an absentee by mail or early voting ballot for cause, other than those grounds specified in R.S. 18:565(A).

* * *

Section 2. This Act shall become effective upon signature by the governor or, if not signed by the governor, upon expiration of the time for bills to become law without signature by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If vetoed by the governor and subsequently approved by the legislature, this Act shall become effective on the day following such approval.

PRESIDENT OF THE SENATE

SPEAKER OF THE HOUSE OF REPRESENTATIVES

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____