

2021 Regular Session

SENATE BILL NO. 224

BY SENATOR CLOUD

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

VOTERS/VOTING. Provides for voter identification information and verification requirements. (1/1/23)

1 AN ACT

2 To amend and reenact R.S. 18:1306(E)(1)(f), 1307(A)(9), 1309(D)(1)(b), 1313(E) and

3 (G)(2), 1313.1(E) and (G)(2), and 1315(B) and to enact R.S. 18:1306(E)(1)(g) and

4 1307(A)(10), relative to absentee by mail and early voting ballots; to provide for

5 absentee by mail ballot certificate requirements; to provide for absentee by mail

6 ballot application requirements; to prohibit the use of drop boxes; to provide for

7 definitions; to provide for early voting identity verification; to provide for tabulation

8 and counting of ballots; to provide for challenge of a ballot; and to provide for

9 related matters.

10 Be it enacted by the Legislature of Louisiana:

11 Section 1. R.S. 18:1306(E)(1)(f), 1307(A)(9), 1309(D)(1)(b), 1313(E) and (G)(2),

12 1313.1(E) and (G)(2), and 1315(B) are hereby amended and reenacted and R.S.

13 18:1306(E)(1)(g) and 1307(A)(10) are hereby enacted to read as follows:

14 §1306. Preparation and distribution of absentee by mail and early voting ballots

15 * * *

16 E.(1) An absentee by mail ballot envelope also shall have a perforated

17 extension or flap below the sealing line, which shall bear a certificate prescribed by

1 the secretary of state and approved by the attorney general. The certificate shall
2 include but not necessarily be limited to:

3 * * *

4 (f) The number of the voter's Louisiana driver's license or special
5 identification card issued pursuant to R.S. 40:1321 or the last four digits of the
6 voter's social security number if the voter does not have a Louisiana driver's
7 license or special identification card issued pursuant to R.S. 40:1321.

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

12 * * *

13 §1307. Application by mail

14 A. A person qualified to vote absentee by mail under this Chapter may make
15 application therefor to the registrar by letter; over his signature or mark if the voter
16 is unable to sign his name, signed by two witnesses who witnessed the applicant's
17 mark; setting forth:

18 * * *

19 (9) The number of the voter's Louisiana driver's license or special
20 identification card issued pursuant to R.S. 40:1321 or the last four digits of the
21 voter's social security number if the voter does not have a Louisiana driver's
22 license or special identification card issued pursuant to R.S. 40:1321.

23 (10) If the person requests that a ballot for a general election be sent in
24 addition to a ballot for the primary, he shall declare in writing to the registrar that he
25 will be eligible to vote absentee by mail in the general election.

26 * * *

27 §1309. Early voting; verification

28 * * *

29 D.(1) * * *

1 (b) If the voter does not have one of the forms of identification provided in
 2 Subparagraph (a) of this Paragraph, the voter shall complete and sign, in the presence
 3 of the registrar or his deputy, a voter identification affidavit to that effect provided
 4 by the secretary of state, which affidavit shall include the voter's date of birth, ~~and~~
 5 mother's maiden name, and the last four digits of the voter's social security
 6 number. If the voter is unable to read or write or is otherwise unable to complete the
 7 affidavit due to disability, the voter may receive assistance in completing the
 8 affidavit, and the registrar or his deputy shall make a notation on the affidavit. The
 9 voter may receive the assistance of any person of his choice, including the registrar
 10 or his deputy, except a candidate, the voter's employer or employer's agent, or the
 11 voter's union agent. The registrar or his deputy shall retain the affidavit in the office
 12 of the registrar of voters.

13 * * *

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

15 * * *

16 E. Candidates, their representatives, and qualified electors may be present
 17 during the preparation, verification, counting, and tabulation of absentee by mail and
 18 early voting ballots. If the counting and tabulation of absentee by mail and early
 19 voting ballots begin prior to the closing of the polls, the board shall give notice
 20 reasonably calculated to inform any person who wants to be present during the
 21 preparation, verification, counting, and tabulation that no person will be allowed to
 22 leave or to communicate with any other person outside, until such time as the polls
 23 are closed, nor shall any person who is present during the preparation, verification,
 24 counting, and tabulation of absentee by mail and early voting ballots possess a
 25 cellular telephone or electronic communication device. The recordation or
 26 dissemination of any voter information read aloud during the process of
 27 preparation, verification, counting, and tabulation of absentee by mail and early
 28 voting ballots is expressly prohibited.

29 * * *

1 G. The procedure for the preparation, verification, counting, and tabulation
2 of absentee by mail ballots shall be as follows:

3 * * *

4 (2) The board shall announce the name of each absentee by mail voter and
5 the ward and precinct where he is registered to vote, and shall compare the name,
6 mother's maiden name, and Louisiana driver's license or special identification
7 card number issued pursuant to R.S. 40:1321 or the last four digits of the
8 voter's social security number on the certificate or on the flap of the envelope
9 containing the absentee by mail ballot with the ~~names~~ voter's information on the
10 absentee by mail voter report.

11 * * *

12 §1313.1. Preparation, verification, tabulation, and counting of absentee by mail and
13 early voting ballots; parishes with one thousand or more absentee by
14 mail ballots

15 * * *

16 E. Candidates, their representatives, and qualified electors may be present
17 during the preparation, verification, counting, and tabulation of absentee by mail and
18 early voting ballots. If the counting and tabulation of absentee by mail and early
19 voting ballots begin prior to the closing of the polls, the board shall give notice
20 reasonably calculated to inform any person who wants to be present during the
21 preparation, verification, counting, and tabulation that no person will be allowed to
22 leave or to communicate with any other person outside, until such time as the polls
23 are closed, nor shall any person who is present during the preparation, verification,
24 counting, and tabulation of absentee by mail and early voting ballots possess a
25 cellular telephone or electronic communication device. The recordation or
26 dissemination of any voter information read aloud during the process of
27 preparation, verification, counting, and tabulation of absentee by mail and early
28 voting ballots is expressly prohibited.

29 * * *

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

4 * * *

5 (2) The board shall announce the name of each absentee by mail voter; **and**
 6 each voter who voted a paper ballot during early voting and the ward and precinct
 7 where he is registered to vote, and shall compare the name, **mother's maiden name,**
 8 **and Louisiana driver's license or special identification card number issued**
 9 **pursuant to R.S. 40:1321 or the last four digits of the voter's social security**
 10 **number** on the certificate or on the flap of the envelope containing the absentee by
 11 mail ballot or early voting paper ballot with the ~~names~~ **voter's information** on the
 12 absentee by mail voter report or early voter report, as applicable.

13 * * *

14 §1315. Challenge of absentee by mail or early voting ballot

15 * * *

16 B.(†) During the preparation and verification process for the counting of
 17 absentee by mail and early voting ballots on the day before the election, as
 18 applicable, or the counting of absentee by mail and early voting ballots on election
 19 day, any candidate or his representative, member of the board, or qualified elector
 20 may challenge an absentee by mail or early voting ballot for cause, other than those
 21 grounds specified in R.S. 18:565(A). **Reasons for challenging an absentee by mail**
 22 **ballot for cause shall include but not be limited to the information provided on**
 23 **the certificate or flap of the envelope containing the absentee by mail ballot not**
 24 **matching the voter's information as it appears on his voter registration.**

25 ~~(2) Notwithstanding Paragraph (1) of this Subsection, for elections impaired~~
 26 ~~as a result of a declared disaster or emergency, during the preparation and~~
 27 ~~verification process for the counting of absentee by mail and early voting ballots~~
 28 ~~before an election in accordance with R.S. 18:1313.2, or the counting of absentee by~~
 29 ~~mail and early voting ballots on election day in accordance with R.S. 18:1313.2, any~~

1 ~~candidate or his representative, member of the board, or qualified elector may~~
 2 ~~challenge an absentee by mail or early voting ballot for cause, other than those~~
 3 ~~grounds specified in R.S. 18:565(A).~~

4 * * *

5 Section 2. This Act shall become effective on January 1, 2023.

The original instrument and the following digest, which constitutes no part of the legislative instrument, were prepared by Matt DeVille.

DIGEST

SB 224 Reengrossed

2021 Regular Session

Cloud

Present law provides for the information required to be included on absentee by mail ballot envelope certificate.

Proposed law retains the requirements in present law and additionally requires the certificate to include the voter's Louisiana driver's license or special identification card number or last four digits of the voter's social security number if the voter does not have a Louisiana driver's license or special identification card.

Present law provides for the information required to be included on an application for an absentee by mail ballot.

Proposed law retains the requirements in present law and additionally requires the application to include the voter's Louisiana driver's license or special identification card number or last four digits of the voter's social security number if the voter does not have a Louisiana driver's license or special identification card.

Present law provides for the information required to be included on the affidavit utilized by early voters who do not possess a Louisiana driver's license, special identification card, other generally recognized picture identification card that contains the voter's name and signature, or United States military picture identification card that contains the voter's name and signature.

Proposed law retains the requirements in present law and additionally requires the affidavit to include the last four digits of the voter's social security number.

Present law provides for the verification of the voter information contained on the certificate or flap of the envelope containing an absentee by mail ballot by parish boards of election supervisors during the counting and tabulation process.

Proposed law retains the verification of the information required in present law and further requires verification of the additional voter information required to be provided on the certificate or envelope flap in proposed law.

Present law provides that any person present during the preparation, verification, counting, and tabulation of absentee by mail and early voting ballots may leave the location where the process is taking place or communicate with any person outside until the close of polls, nor shall they possess a cellular telephone or electronic device.

Proposed law retains present law and further expressly prohibits the recordation or dissemination of any voter information read aloud during the process.

Present law provides for the grounds for challenging an absentee by mail or early voting ballot during the counting preparation and verification process.

Proposed law retains present law and further provides that reasons for challenging an absentee by mail ballot for cause shall include, but not be limited to, the information provided on the certificate or flap of the envelope containing the absentee by mail ballot not matching the voter's information as it appears on his voter registration.

Present law provides for the grounds for challenging an absentee by mail or early voting ballots cast in an election impaired as a result of a declared disaster or emergency during the counting preparation and verification process.

Proposed law deletes present law.

Effective January 1, 2023.

(Amends R.S. 18:1306(E)(1)(f), 1307(A)(9), 1309(D)(1)(b), 1313(E) and (G)(2), 1313.1(E) and (G)(2), and 1315(B); adds R.S. 18:1306(E)(1)(g) and 1307(A)(10))

Summary of Amendments Adopted by Senate

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

1. Requires additional voter identification information to be provided on an absentee by mail ballot and ballot application.
2. Requires parish board of election supervisors to verify additional required voter information against the voter's registration record during the preparation and verification process for the counting of absentee by mail ballots.
3. Provides for grounds for challenging an absentee by mail ballot for cause.
4. Removes expiring language relative to the challenge of absentee by mail ballots cast during an election impaired by a declared disaster or emergency.

Senate Floor Amendments to engrossed bill

1. Prohibit the recordation or dissemination of any voter information read aloud during the process of preparation, verification, counting, and tabulation of absentee by mail and early voting ballots.