

ACT No. 423

2021 Regular Session

HOUSE BILL NO. 388

BY REPRESENTATIVES HARRIS AND HODGES

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AN ACT

To amend and reenact R.S. 18:423(J), 1313.1(A), (B), (C)(1), (E), and (G)(introductory paragraph), (6), and (7), and 1315(B) and to repeal R.S. 18:1313.2, relative to the preparation, verification, tabulation, and counting of absentee by mail and early voting ballots; to provide for the timing of such processes; to provide relative to elections impaired as the result of a declared disaster or emergency; to provide for an effective date; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 18:423(J), 1313.1(A), (B), (C)(1), (E), and (G)(introductory paragraph), (6), and (7), and 1315(B) are hereby amended and reenacted to read as follows:

§423. Parish boards of election supervisors

* * *

J.~~(1)~~ 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.

~~(2) Notwithstanding any provision of this Section to the contrary, 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. 18:1313.2, a member of the board~~

1 ~~may be compensated not more than eleven days for a presidential or regularly~~
 2 ~~scheduled congressional general election or ten days for any other primary or general~~
 3 ~~election if any such election is impaired as the result of a declared emergency or~~
 4 ~~disaster.~~

5 * * *

6 §1313.1. Preparation, verification, tabulation, and counting of absentee by mail and
 7 ~~early voting ballots; parishes with one thousand or more absentee by mail~~
 8 ~~ballots~~

9 A.(1)(a) ~~Parishes with one thousand or more absentee by mail ballots~~
 10 ~~returned to the registrar of voters for a primary or general election may conduct the~~
 11 preparation and verification process for the tabulation and counting of absentee by
 12 mail and early voting ballots for a primary or general election the day before the
 13 election.

14 (b) However, with the written approval of the secretary of state, parishes
 15 may conduct the preparation and verification process for the tabulation and counting
 16 of absentee by mail and early voting ballot for a primary or general election
 17 beginning three days before the election.

18 (2) and conduct the The tabulation and counting of absentee by mail and
 19 early voting ballots shall be conducted on election day.

20 B. The parish board of election supervisors shall be responsible for the
 21 preparation, verification, counting, and tabulation of all absentee by mail and early
 22 voting ballots in the parish. The board may utilize parish board commissioners to
 23 count the absentee by mail and early voting ballots in the parish. If the board
 24 determines that parish board commissioners are necessary for the preparation and
 25 verification process to count and tabulate the absentee by mail and early voting
 26 ballots ~~the day~~ before the election and to count and tabulate the absentee by mail and
 27 early voting ballots on election day, it shall select parish board commissioners in

1 accordance with the provisions of R.S. 18:1314. If a majority of the members of the
 2 board are not present for the preparation and verification process to count the
 3 absentee by mail and early voting ballots or to count the absentee by mail and early
 4 voting ballots and no parish board commissioners were previously selected, the
 5 members present may select a sufficient number of parish board commissioners ~~on~~
 6 ~~the day~~ three days before the election or on election day, as applicable, to assist in
 7 the preparation and verification process for the tabulation and counting of absentee
 8 by mail and early voting ballots and the tabulation and counting of the ballots.

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

13 * * *

14 E. Candidates, their representatives, and qualified electors may be present
 15 during the preparation and verification process for the counting and tabulation of
 16 absentee by mail and early voting ballots ~~on the day~~ before the election and the
 17 counting and tabulation of absentee by mail and early voting ballots on election day.
 18 If the counting and tabulation of absentee by mail and early voting ballots begins
 19 prior to the closing of the polls on election day, the board shall give notice
 20 reasonably calculated to inform any person who wants to be present during the
 21 counting and tabulation that no person will be allowed to leave or to communicate
 22 with any other person outside, until such time as the polls are closed, nor shall any
 23 person who is present during the counting and tabulation of absentee by mail and
 24 early voting ballots on election day possess a cellular telephone or electronic
 25 communication device.

26 * * *

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

30 * * *

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

1 (6) A member of the board shall place the absentee by mail ballots and early
2 voting paper ballots that have been challenged and the ballots that have not been
3 challenged in the special absentee by mail envelope or container provided for that
4 purpose and seal the envelope or container. Two members of the board shall execute
5 the first certificate on the envelope or container and date the certificate ~~the day with~~
6 the date on which it was executed before the election.

7 (7) The members of the board shall place the certificates of the absentee by
8 mail ballots and early voting paper ballots that have not been challenged and the
9 flaps removed from those ballots in the envelope or container provided for that
10 purpose and seal the envelope or container. Two of the members shall execute the
11 first certificate on the envelope and date the certificate ~~the day with the date on~~
12 which it was executed before the election.

13 * * *

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

15 * * *

16 B.(1) 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).

22 ~~(2) Notwithstanding Paragraph (1) of this Subsection, for elections impaired~~
23 ~~as a result of a declared disaster or emergency, during the preparation and~~
24 ~~verification process for the counting of absentee by mail and early voting ballots~~
25 ~~before an election in accordance with R.S. 18:1313.2, or the counting of absentee by~~
26 ~~mail and early voting ballots on election day in accordance with R.S. 18:1313.2, any~~
27 ~~candidate or his representative, member of the board, or qualified elector may~~
28 ~~challenge an absentee by mail or early voting ballot for cause, other than those~~
29 ~~grounds specified in R.S. 18:565(A).~~

30 * * *

1 Section 2. R.S. 18:1313.2 is hereby repealed in its entirety.

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____