

2022 Regular Session

HOUSE BILL NO. 559

BY REPRESENTATIVE EDMONDS

ELECTIONS/BALLOTS: Provides relative to absentee by mail ballots

1 AN ACT

2 To enact R.S. 18:1313(G)(11), 1313.1(H)(10), and 1317, relative to absentee by mail
3 ballots, to provide for curing of ballot deficiencies, to provide for rejection of
4 absentee ballots; to provide for an effective date; and to provide for related matters.

5 Be it enacted by the Legislature of Louisiana:

6 Section 1. R.S. 18:1313(G)(11), 1313.1(H)(10), and 1317 are hereby amended and
7 reenacted to read as follows:

8 §1313. Tabulation and counting of absentee by mail and early voting ballots

9 * * *

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

12 * * *

13 (11) No absentee by mail ballot rejected pursuant to R.S. 18:1317 shall be
14 counted.

15 * * *

16 §1313.1. Preparation, verification, tabulation, and counting of absentee by mail and
17 early voting ballots

18 * * *

19 H. The procedure for counting early voting machine ballots and paper ballots
20 voted during early voting shall be as follows:

21 * * *

1 G. Voters are required to appear in person at their registrar of voters office
2 during normal business hours the day before the election to cure the ballot envelope
3 flap deficiency.

4 (1) To cure a missing voter signature, the voter shall appear at the office of
5 the registrar and sign the ballot envelope flap in the presence of an employee of the
6 registrar of voters. The employee of the registrar who observes the signature shall
7 also sign the ballot envelope flap as witness.

8 (2) To cure a missing witness signature, the voter shall appear at the office
9 of the registrar and re-sign the ballot envelope flap in the presence of an employee
10 of the registrar of voters. The employee of the registrar who observes the signature
11 shall sign the ballot envelope flap as witness.

12 (3) To cure an incomplete affidavit, the voter shall appear at the office of the
13 registrar and complete the affidavit on the ballot envelope flap.

14 H. If the voter appears at the office of the registrar to cure the deficiency, the
15 notation in the voter's absentee record shall be updated to so reflect.

16 I. (1) Each cured ballot shall be submitted to the parish board of election
17 supervisors which shall determine if such ballot is rejected.

18 (2) During the counting of absentee by mail ballots, at least a majority of the
19 members of the board shall hear and determine the validity of any ballot cured in
20 accordance with the provisions of Subsection G of this Section.

21 (3) If a ballot is rejected in accordance with the provisions of this
22 Subsection, the vote shall not be counted, the board shall write "rejected" and the
23 cause therefor across the ballot envelope, and shall place the ballots so rejected in the
24 special absentee by mail ballot envelope or container. The board shall notify the
25 voter in writing of such rejection and the cause therefor. The notification shall be
26 on a form provided by the secretary of state and shall be signed by at least a majority
27 of the members of the board. The notice of such rejection and the cause therefor
28 shall be given within four business days by mail addressed to the voter at his place
29 of residence. The board shall retain a copy of the notification.

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

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 559 Original

2022 Regular Session

Edmonds

Abstract: Provides for curing absentee by mail ballot deficiencies.

Present law provides that when a voter receives the absentee voting materials by mail, he first shall fill in all blanks on the certificate on the ballot envelope flap. The voter then shall mark the ballot according to the printed instructions on its face. Then the voter shall place the voted ballot in the envelope, seal the envelope, and sign the certificate on the ballot envelope flap.

Proposed law retains present law and provides a process for curing absentee by mail ballot deficiencies.

Proposed law provides that upon receipt of an absentee by mail ballot, a registrar of voters shall review the absentee by mail ballot envelope flap for deficiencies. If a deficiency on the absentee by mail ballot envelope flap is found, the registrar of voters shall segregate the ballot envelope and promptly notify the voter of the ballot envelope flap deficiency and of the opportunity to cure the deficiency.

Proposed law provides that the registrar of voters shall inform the voter of the type of deficiency, the process for curing the deficiency, the deadline for doing so, and that completing the curing process does not guarantee that his ballot will be accepted.

Proposed law provides that voters are required to appear in person at their registrar of voters office during normal business hours the day before the election to cure the ballot envelope flap deficiency. Further provides procedure for curing absentee ballot deficiencies.

Proposed law provides that each cured ballot shall be submitted to the parish board of election supervisors who shall determine if such ballot is rejected. During the counting of absentee by mail ballots, at least a majority of the members of the board shall hear and determine the validity of any ballot cured in accordance with the provisions of proposed law. Further provides that if a ballot is rejected, the vote shall not be counted and the board shall notify the voter in writing of such rejection and the cause therefor.

Effective upon signature of governor or lapse of time for gubernatorial action.

(Adds R.S. 18:1313(G)(11) and (H)(14), 1313.1(H)(10), and 1317)