

2022 Regular Session

SENATE BILL NO. 350

BY SENATOR CLOUD

VOTERS/VOTING. Provides relative to elections. (8/1/22)

1 AN ACT

2 To amend and reenact R.S. 18:1313.1(G)(3), (H)(2), and (I)(3) and 1315(C) and to enact  
3 R.S. 18:1315(D) and (E), relative to elections; to provide relative to absentee by mail  
4 ballots; to provide for the challenge of certain ballots; to provide for rulemaking; to  
5 provide for processes and procedures; and to provide for related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. R.S. 18:1313.1(G)(3), (H)(2), and (I)(3) and 1315(C) are hereby amended  
8 and reenacted and R.S. 18:1315(D) and (E) are hereby enacted to read as follows:

9 §1313.1. Preparation, verification, tabulation, and counting of absentee by mail and  
10 early voting ballots

11 \* \* \*

12 G. The procedure for the preparation and verification process for the  
13 tabulation and counting of absentee by mail ballots and early voting paper ballots  
14 before the election shall be as follows:

15 \* \* \*

16 (3) The board shall separate any ballots that are challenged in accordance  
17 with R.S. 18:1315(A), ~~or (B), or (C)~~ from the ballots that are not challenged.

\* \* \*

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

\* \* \*

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

\* \* \*

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

\* \* \*

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

\* \* \*

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

\* \* \*

**C. Notwithstanding the provisions of Subsections A and B of this Section, any absentee by mail ballot with an affidavit flap missing information, which is required to be completed by the voter pursuant to R.S. 18:1310, that was not cured by the voter in accordance with the provisions of LAC 31:I.301 et seq. shall be deemed challenged.**

**D.**(1) During the counting of absentee by mail and early voting ballots, at least a majority of the members of the board shall hear and determine the validity of any ballot challenged in accordance with the provisions of Subsection A or B of this Section.

(2) If a challenge in accordance with the provisions of Subsection A of this Section is sustained, the vote shall not be counted, the ballot or early voting confirmation sheet shall be placed in the special absentee by mail and early voting ballot envelope or container, and the board shall notify the voter in writing of the challenge and the cause therefor. This notification shall be on a form provided by the

1 secretary of state and shall be signed by at least a majority of the members of the  
2 board. The notice of the challenge and the cause therefor shall be given within four  
3 business days by mail, addressed to the voter at his place of residence. The board  
4 shall retain a copy of the notification. However, if the challenge is based upon a  
5 change of residence within the parish or is based upon a change of residence outside  
6 the parish that has occurred within the last three months, the ballot shall be counted  
7 provided that the voter confirmed his current address as shown by the affidavit of the  
8 absentee by mail ballot envelope flap or early voting confirmation sheet or, if the  
9 voter is on the inactive list of voters, as shown by the information provided on an  
10 address confirmation card.

11 (3)(a) If a challenge in accordance with the provisions of Subsection B of this  
12 Section is sustained, the vote shall not be counted, the board shall write "rejected"  
13 and the cause therefor across the ballot envelope or early voting confirmation sheet,  
14 and shall place the ballots and early voting confirmation sheets so rejected in the  
15 special absentee by mail and early voting ballot envelope or container. The board  
16 shall notify the voter in writing of the challenge and the cause therefor. The  
17 notification shall be on a form provided by the secretary of state and shall be signed  
18 by at least a majority of the members of the board. The notice of the challenge and  
19 the cause therefor shall be given within four business days by mail addressed to the  
20 voter at his place of residence. The board shall retain a copy of the notification.

21 (b) If a ballot is rejected pursuant to the provisions of R.S. 18:1316, the vote  
22 shall not be counted, the board shall write "rejected" and the cause therefor on a  
23 separate slip of paper and attach it to the ballot, and shall place the ballots so rejected  
24 in the special absentee by mail and early voting ballot envelope or container.

25 **(4)(a) Except as provided in Subparagraph (b) of this Paragraph, if a**  
26 **challenge in accordance with the provisions of Subsection C of this Section is**  
27 **sustained, the vote shall not be counted, the board shall write "rejected" and the**  
28 **reason therefor across the ballot envelope, and shall place the rejected ballot in**  
29 **the special absentee by mail ballot envelope or container. The board shall notify**

1 the voter in writing of the challenge and the reason therefor. The notification  
2 shall be on a form provided by the secretary of state and shall be signed by at  
3 least a majority of the members of the board. The notice of the challenge and  
4 the reason therefor shall be given within four business days by mail addressed  
5 to the voter at his place of residence. The board shall retain a copy of the  
6 notification.

7 (b) If a challenge in accordance with the provisions of Subsection C of  
8 this Section is because the affidavit flap of the absentee by mail ballot is missing  
9 the voter's signature, his mother's maiden name, or, if applicable, the signature  
10 of the witness, the challenge shall be sustained and the vote shall not be counted.  
11 The board shall write "rejected" and the reason therefor across the ballot  
12 envelope, and shall place the rejected ballot in the special absentee by mail  
13 ballot envelope or container. The board shall notify the voter in writing of the  
14 challenge and the reason therefor. The notification shall be on a form provided  
15 by the secretary of state and shall be signed by at least a majority of the  
16 members of the board. The notice of the challenge and the reason therefor shall  
17 be given within four business days by mail addressed to the voter at his place  
18 of residence. The board shall retain a copy of the notification.

19 E. The secretary of state shall adopt rules in accordance with the  
20 Administrative Procedure Act to implement the provisions of this Section. The  
21 rules shall at a minimum include the following:

22 (1) The preprinting of information on the affidavit flap of an absentee  
23 ballot by mail in a form prescribed by the secretary of state, including but not  
24 limited to the date of the election and the ward and precinct of the voter.

25 (2) A uniform, standard challenge process and procedure with regards  
26 to the items missing on the affidavit flap of an absentee by mail ballot and  
27 determinations made by the board.

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

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DIGEST

SB 350 Engrossed                      2022 Regular Session                      Cloud

Present law provides for the method of voting absentee by mail ballot in primary and general elections, bond elections, tax elections, and special elections.

Present law allows a qualified voter to vote absentee by mail provided present law requirements are met.

Present law establishes a challenge process for an absentee by mail ballot as follows:

- (1) A candidate or his representative, a member of the parish board of election supervisors of a parish (board), or a qualified elector may challenge an absentee ballot on any of the following grounds:
  - (a) The person is not qualified to vote in the election.
  - (b) The person is not qualified to vote in the precinct.
  - (c) The person is not the same person whose name is shown on the precinct register.
- (2) During the preparation and verification process for the counting of absentee ballots on election day, any candidate or his representative, member of the board, or qualified elector may challenge the absentee ballot for cause.

Present law provides that during the counting of absentee ballots, at least a majority of the members of the board shall hear and determine the validity of any ballot challenged. Provides if the challenge is sustained, the vote shall not be counted, and the voter shall be notified of the challenge and the cause for the rejection.

Proposed law adds that any absentee by mail ballot with an affidavit flap missing required information that was not cured by the voter will be deemed challenged and requires that at least a majority of the board members hear and determine the validity of any ballot challenged. Provides that if the challenge is sustained, the vote shall not be counted, and the voter shall be notified of the challenge and the reason for the rejection.

Proposed law provides that if the challenge is because the affidavit flap is missing the signature of the voter, the signature of the witness, or the voter's mother's maiden name, the challenge shall be sustained and the vote shall not be counted. Provides that the voter shall be notified of the challenge and the reason for the rejection.

Proposed law requires the secretary of state to adopt rules that shall include, at a minimum, the following:

- (1) The preprinting of information on the affidavit flap of an absentee by mail ballot in a form prescribed by the secretary of state, including but not limited to the date of the election and the ward and precinct of the voter.
- (2) A uniform, standard challenge process and procedure with regards to the items missing on the affidavit flap of an absentee by mail ballot and determinations made by the board.

Effective August 1, 2022.

(Amends R.S. 18:1313.1(G)(3), (H)(2), and (I)(3) and 1315(C); adds R.S. 18:1315(D) and (E))