

## RÉSUMÉ DIGEST

SB 350

2022 Regular Session

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

Existing law allows a qualified voter to vote absentee by mail provided existing law requirements are met.

Existing 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 (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.

Existing 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 would have added that any absentee by mail ballot with an affidavit flap missing required information that was not cured by the voter would be deemed challenged and would have required compliance with existing law procedure for sustaining a challenge.

Proposed law would have provided that if the challenge was because the affidavit flap was missing the signature of the voter, the signature of the witness, or the voter's mother's maiden name, the challenge would have to be sustained and the vote would not be counted. Provided that the voter could be notified of the challenge and the reason for the rejection.

Proposed law would have required the secretary of state to adopt rules that included, 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.

Would have been effective August 1, 2022.

(Proposed to amend R.S. 18:1313.1(G)(3), (H)(2), and (I)(3) and 1315(C) and add R.S. 18:1315(D) and (E))

### **VETO MESSAGE:**

"Please be advised that I have vetoed Senate Bill 350 of the Regular Session of 2022.

This bill is similar to House Bill 1074 from the 2022 Regular Session that I have signed into law. House Bill 1074 directs the Secretary of State to promulgate rules to ensure consistency in how deficient absentee ballots are handled by Parish Boards of Election Supervisors.

However, Senate Bill 350, unlike House Bill 1074, improperly denies discretion to the Parish Boards of Election Supervisors in determining whether a ballot is valid. Instead, this bill mandates that an otherwise valid ballot be rejected if there is a technical deficiency such as a missing mother's maiden name on the affidavit flap of the absentee by mail ballot. This is simply too prescriptive and should not become law."