2024 Regular Session

SENATE BILL NO. 226

BY SENATOR CLOUD

VOTERS/VOTING. Provides relative to absentee by mail ballots. (8/1/24)

| 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.

1                              *       *       *

2              H. The procedure for counting absentee by mail ballots and early voting

3       paper ballots on election day shall be as follows:

4                              *       *       *

5              (2) The board shall determine the validity of challenges filed in accordance

6       with R.S. 18:1315(A)**,** and (B)**, and (C)**.

7                              *       *       *

8              I. The procedure for counting early voting machine ballots on election day

9       shall be as follows:

10                             *       *       *

11             (3) The board shall determine the validity of challenges made in accordance

12      with R.S. 18:1315(A)**,** and (B)**, and (C)**.

13                             *       *       *

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

15                             *       *       *

16             C. **Notwithstanding the provisions of Subsections A and B of this Section,**

17      **any absentee by mail ballot with an affidavit flap missing information, which**

18      **is required to be completed by the voter pursuant to R.S. 18:1310, that was not**

19      **cured by the voter in accordance with the provisions of LAC 31:I.301 et seq.**

20      **shall be deemed challenged.**

21             **D.**(1) During the counting of absentee by mail and early voting ballots, at

22      least a majority of the members of the board shall hear and determine the validity of

23      any ballot challenged in accordance with the provisions of Subsection A or B of this

24      Section.

25             (2) If a challenge in accordance with the provisions of Subsection A of this

26      Section is sustained, the vote shall not be counted, the ballot or early voting

27      confirmation sheet shall be placed in the special absentee by mail and early voting

28      ballot envelope or container, and the board shall notify the voter in writing of the

29      challenge and the cause therefor. This notification shall be on a form provided by the

Coding: Words which are ~~struck through~~ are deletions from existing law;
words in **boldface type and underscored** are additions.

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.**

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

DIGEST
SB 226 Original                2024 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.

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Effective August 1, 2024.

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