

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) and (H)(2) and 1315(C) and to enact R.S.
3 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 processes and
5 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) and (H)(2), and 1315(C) are hereby amended and
8 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).~~

* * *

§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 absentee by mail certificate 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 secretary of state and shall be signed by at least a majority of the members of the board. The notice of the challenge and the cause therefor shall be given within four business days by mail, addressed to the voter at his place of residence. The board shall retain a copy of the notification. However, if the challenge is based upon a change of residence within the parish or is based upon a change of residence outside the parish that has occurred within the last three months, the ballot shall be counted

1 provided that the voter confirmed his current address as shown by the affidavit of the
2 absentee by mail ballot ~~envelope flap~~ certificate or early voting confirmation sheet
3 or, if the voter is on the inactive list of voters, as shown by the information provided
4 on an address confirmation card.

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

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

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

29 **E. The secretary of state shall provide for the following:**

- 1 **(1) The preprinting of information on the absentee by mail certificate of**
 2 **an absentee ballot by mail in a form prescribed by the secretary of state,**
 3 **including but not limited to the date of the election and the ward and precinct**
 4 **of the voter.**
- 5 **(2) A uniform, standard challenge process and procedure with regards**
 6 **to the items missing on the absentee by mail certificate of an absentee by mail**
 7 **ballot and 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 Engrossed

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 absentee by mail certificate 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 requires the secretary of state to provide for the following:

- (1) The preprinting of information on the absentee by mail certificate 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 absentee by mail certificate of an absentee by mail ballot and determinations made by the board.

Effective August 1, 2024.

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

Summary of Amendments Adopted by Senate

Committee Amendments Proposed by Senate Committee on Senate and Governmental Affairs to the original bill

1. Make technical changes.
2. Change references from "affidavit flaps" to "absentee by mail certificate".
3. Remove the procedure for counting early voting machine ballots on election day.
4. Remove rule-making requirements.