

Regular Session, 2013

HOUSE BILL NO. 665

BY REPRESENTATIVE BARRAS

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

ELECTIONS: Provides relative to absentee by mail and early voting

1 AN ACT

2 To amend and reenact R.S. 18:154(B), 1306(B)(1) and (3), (C)(1), (D), (E)(1)(introductory
3 paragraph) and (f) and (2)(a), 1309(A)(1), (2), and (4), (D), (E)(1), (2), (3), (5)(b),
4 and (6), and (F) through (L), 1309.3(B)(4)(b), 1310(C), 1311(D)(4)(a), 1312(A), (B),
5 (C), and (E), 1313(B), (E), (F)(introductory paragraph), (1), (2), (4) through (7), and
6 (9), and (G) through (I), and 1315(C)(2) and (3), to enact R.S. 18:1306(E)(2)(c),
7 1309(M), 1309.1(D), and 1313(J), and to repeal R.S. 18:1306(F), 1313(F)(10) and
8 (11), relative to elections; to provide relative to procedures and requirements for
9 absentee by mail and early voting; to provide relative to the confidentiality of certain
10 records of a registrar of voters; to provide relative to absentee by mail and early
11 voting materials; to provide for the time during which early voting occurs; to provide
12 relative to the tabulation and counting of absentee by mail and early voting ballots;
13 to provide relative to the duties of registrars and deputy registrars; to provide relative
14 to the duties of the parish board of election supervisors; to provide relative to
15 challenges of absentee by mail and early voting ballots; to provide for effectiveness;
16 and to provide for related matters.

17 Be it enacted by the Legislature of Louisiana:

18 Section 1. R.S. 18:154(B), 1306(B)(1) and (3), (C)(1), (D), (E)(1)(introductory
19 paragraph) and (f) and (2)(a), 1309(A)(1), (2), and (4), (D), (E)(1), (2), (3), (5)(b), and (6),
20 and (F) through (L), 1309.3(B)(4)(b), 1310(C), 1311(D)(4)(a), 1312(A), (B), (C), and (E),

1 1313(B), (E), (F)(introductory paragraph), (1), (2), (4) through (7), and (9), and (G) through
2 (I), and 1315(C)(2) and (3) are hereby amended and reenacted and R.S. 18:1309(M),
3 1309.1(D), and 1313(J) are hereby enacted to read as follows:

4 §154. Records open to inspection; copying; exceptions

5 * * *

6 B. When twenty-five or more qualified voters of a parish request in writing
7 that the registrar permit the copying of any part of his records, except the early
8 voting ~~applications of voters~~ confirmation sheets, he shall allow this to be done by
9 hand or otherwise, if so requested, unless such reproduction seriously interferes with
10 the registration of voters or otherwise seriously interferes with the performance of
11 the duties imposed on his office by law. In such instances, the registrar shall cause
12 his employees to make copies of the requested records or print the information
13 electronically, if the electronic copy contains the same information, and deliver them
14 to the voters or request the secretary of state to reproduce such records which may
15 then be forwarded to the registrar for delivery to the voters. Copying by the registrar
16 or his employees or the secretary of state or printing an electronic copy shall be done
17 in the presence of a representative of the requesting voters, if they so request.

18 * * *

19 §1306. Preparation and distribution of absentee by mail and early voting ballots

20 * * *

21 B.(1) The secretary of state shall prepare absentee by mail ~~and early voting~~
22 ballot envelopes, ~~early voting applications~~, absentee by mail ~~and early voting~~
23 instructions, certificates, and other absentee by mail ~~and early voting~~ balloting
24 paraphernalia consistent with the provisions of this Chapter, subject to approval of
25 the attorney general as to content. Notwithstanding the provisions of R.S. 18:1316
26 relating to distinguishing marks on absentee by mail ~~and early voting~~ ballots,
27 absentee by mail voting instructions on absentee by mail ballots to be transmitted by
28 facsimile in accordance with R.S. 18:1308(A)(1)(b) shall stipulate that the voter may
29 mark his ballot with a cross [X] mark or a check [T] mark as provided in Items

1 (A)(2)(a)(i) and (ii) of this Section. When a court of competent jurisdiction, a
2 registrar of voters, the secretary of state, or other competent authority determines that
3 there exists a literate linguistic minority equal to more than five percent of the total
4 population of any parish, the secretary of state, with approval of the attorney general
5 as to content, shall prepare and furnish absentee by mail and early voting ballots,
6 absentee by mail and early voting instructions, and certificates in the minority
7 language in sufficient quantity to provide to each absentee by mail and early voter
8 requesting voting material in that language.

9 * * *

10 (3) The secretary of state shall prepare early voting ballots and include with
11 the election paraphernalia accompanying early voting ballots instructions approved
12 by the secretary of state and the attorney general, which generally describe the
13 particular early voting counting equipment used in the election to count early voting
14 ballots or voting machines used to cast early voting ballots. The instructions shall
15 inform the voter how to cast his vote, which shall include if applicable instructions
16 for marking the early voting ballot and examples of the correct and incorrect
17 methods of marking the ballot.

18 C.(1) At least twenty days before each primary election and at least thirteen
19 days before each general election, the secretary of state shall deliver to the registrar
20 in each parish in which the election is to be held the paper absentee by mail ~~and early~~
21 ~~voting~~ ballots, envelopes, ~~early voting applications~~, certificates, instructions to be
22 used in voting ~~by an~~ absentee by mail ~~and early voting~~ ballot in that election, and a
23 statement, approved by the attorney general, explaining the scope and nature of any
24 proposed constitutional amendment. The number of paper absentee by mail ~~and~~
25 ~~early voting~~ ballots and other necessary paraphernalia to be ~~so~~ delivered shall be up
26 to ten percent of the registered voters within each parish.

27 * * *

28 D. An absentee by mail ~~and early voting~~ ballot envelope shall have printed
29 on its face in red bold face type:

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FOR BALLOT ONLY
VIOLATION OF ABSENTEE BY MAIL OR EARLY
VOTING LAWS VOIDS BALLOT
AND MAY RESULT IN CRIMINAL PENALTIES
VOTING AT POLLS AFTER VOTING ABSENTEE BY MAIL
OR DURING EARLY VOTING IS PROHIBITED
AND MAY RESULT IN CRIMINAL PENALTIES

E.(1) An absentee by mail ~~or early voting~~ ballot envelope also shall have a perforated extension or flap below the sealing line, which shall bear a certificate prescribed by the secretary of state and approved by the attorney general. The certificate shall include but not necessarily be limited to:

* * *

(f) An affidavit followed by a line for the handwritten signature or mark of the voter, certifying that the statements made by him are true and correct and that the voter is aware of the penalties for knowingly making a false statement therein, which penalties shall be stated on the certificate.

* * *

(2)(a) An absentee by mail ~~or early voting~~ ballot envelope flap shall also contain a line for the handwritten signature of one witness. The voter may sign the certificate in the presence of one witness and in such a case, the voter shall not be required to obtain the signature of a notary public, but his certificate shall be made under penalty of perjury for providing false or fraudulent information. Above the perforation and along the seal line, the words "DO NOT DETACH FLAP" shall be printed.

* * *

§1309. Early voting ~~application and early voting~~; verification

A.(1) The ~~periods~~ period for conducting early voting ~~application and early voting~~ shall be from fourteen days to seven days prior to any scheduled election.

1 (2) During the early voting period, the registrar shall maintain regular office
 2 hours, remaining open from 8:30 a.m. to 6:00 p.m. Monday through Saturday. Early
 3 voting on ~~the last~~ each day of the early voting with period shall terminate when all
 4 persons who were in line to vote at the close of the regular office hours of the
 5 registrar's office, as provided in this Paragraph, have been allowed to vote. If the
 6 office space of the registrar is insufficient or inconvenient to accommodate early
 7 voting, the registrar may provide for an alternate location to conduct early voting,
 8 which location shall be in the courthouse or in a public building in the immediate
 9 vicinity thereof, and in such case, adequate notice shall be posted at the registrar's
 10 office informing the public of the location where early voting is being conducted.

11 * * *

12 (4) A registrar shall observe the holidays which are provided by law or
 13 proclaimed by the governor for state departments during any period for conducting
 14 ~~early voting application and~~ early voting.

15 * * *

16 D.(1) Before any voter is allowed to vote during early voting, the registrar
 17 or his deputy shall establish the voter's identity by requiring him to submit a
 18 Louisiana driver's license, a Louisiana special identification card issued pursuant to
 19 R.S. 40:1321, or other generally recognized picture identification card that contains
 20 the name and signature of the voter. If the voter does not have a Louisiana driver's
 21 license, a Louisiana special identification card, or other generally recognized picture
 22 identification card that contains the name and signature of the voter, the voter shall
 23 complete and sign, in the presence of the registrar or his deputy, ~~an~~ a voter
 24 identification affidavit to that effect provided by the secretary of state, which
 25 affidavit shall include the voter's date of birth and mother's maiden name. If the
 26 voter is unable to read or write or is otherwise unable to complete the affidavit due
 27 to disability, the voter may receive assistance in completing the affidavit, and the
 28 registrar or his deputy shall make a notation on the affidavit. The voter may receive
 29 the assistance of any person of his choice, including the registrar or his deputy,

1 except a candidate, the voter's employer or employer's agent, or the voter's union
 2 agent. The registrar or his deputy shall retain the affidavit in the office of the
 3 registrar of voters. If satisfied that the voter has identified himself as the voter
 4 registered in the state voter registration computer system or named on the precinct
 5 register ~~or list kept by the registrar~~ and that he is qualified to vote, the registrar or his
 6 deputy shall initial the precinct register or early voting list kept by the registrar
 7 opposite the voter's signature or mark. The voter then shall be allowed to vote. A
 8 voter who votes without the picture identification required by this Paragraph is
 9 subject to challenge as provided in R.S. 18:1315.

10 (2) If the voter's name is found in the state voter registration computer
 11 system or precinct register on the inactive list of voters, the voter shall be required
 12 to complete an address confirmation card to determine his eligibility to vote.

13 E.(1) ~~Upon a voter's application to vote during early voting, the registrar or~~
 14 ~~his deputy shall obtain the information required to be included on the list provided~~
 15 ~~in R.S. 18:1311(A).~~

16 (2) The voter's identity having been established as provided in Subsection
 17 D of this Section, the voter shall sign or make his mark in the precinct register or
 18 early voting list kept by the registrar prior to voting.

19 (3) (2) The registrar or deputy registrar shall electronically generate ~~the~~ an
 20 early voting application confirmation sheet for each voter using the state voter
 21 registration computer system or a form prepared by the secretary of state and retain
 22 the application confirmation sheet in the office of the registrar to be used by the
 23 registrar to verify each early voter at the end of the early voting period. If a paper
 24 ballot is used for early voting in lieu of a voting machine, the registrar or deputy
 25 registrar shall write "early voting paper ballot voter" across the early voting
 26 confirmation sheet for the voter and attach it to the paper ballot envelope.

27 (3) The voter then shall be allowed to cast his vote in an area and in a
 28 manner that protects the secrecy of his vote.

29 * * *

1 (5)

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3 (b)(1) In order to cast a vote on a paper ballot, a voter must make a selection
4 for a candidate or for or against a proposition by completely filling in the oval to the
5 right of a selection and returning the ballot to the appropriate election official within
6 the applicable deadline set forth by law. If a voter makes selections for more than
7 the number of candidates to be elected for an office or makes selections for and
8 against the same proposition, the selections for that office or proposition will be
9 void.

10 (2) If the paper ballot envelope contains a certificate on the envelope flap,
11 the voter shall not be required to sign the certificate. The registrar of voters or
12 deputy registrar shall write "early voting ballot" across the envelope flap and include
13 the voter's name, ward, precinct and registration number and attach it to the early
14 voting confirmation sheet so that the ballot may be identified for purposes of a
15 challenge filed pursuant to R.S. 18:1315.

16 (6) If a person who votes during early voting at the registrar's office casts his
17 vote on an incorrect ballot as provided to him by the registrar or his deputy and the
18 time for early voting has not expired, the registrar or his deputy shall ~~void the~~
19 ~~incorrect ballot~~ write "void, challenge removal" and the reason for the challenge on
20 the confirmation sheet, retain the confirmation sheet, and permit the voter to vote the
21 correct ballot using a paper ballot. The confirmation sheet shall be attached to the
22 paper ballot envelope for review by the parish board of election supervisors on
23 election day and for use by the secretary of state's office in removing the voided
24 ballot from the voting machine as a challenged ballot on election day.

25 F.(1) At the end of each day during early voting, the registrar shall document
26 on the early voting verification form provided by the secretary of state for each early
27 voting location each of the following:

28 (a) The total number for the public counters of all early voting machines for
29 the day.

1 (b) The total number of early voting confirmation sheets for the day.

2 (c) The total number of early voters from the state voter registration
3 computer system.

4 (d) Any discrepancies or irregularities observed that prevent the total public
5 counter number from matching the total early voting confirmation sheet number for
6 the day and the total number of early voters from the state voter registration
7 computer system for the day.

8 (2) Each day, the registrar shall compare the early voting confirmation sheets
9 to the information contained in the state voter registration computer system. If the
10 registrar finds any discrepancies, he shall make a note thereof on the early voting
11 verification form or on a notice of irregularity form provided by the secretary of state
12 that he shall attach to the early voting verification form.

13 (3) At the end of the early voting period, the registrar shall complete the
14 early voting verification form for each location and sign and certify to its correctness
15 and print a report from the state voter registration computer system listing all
16 absentee by mail and early voters from the parish. All early voting verification
17 forms, early voting machine public counter logs, early voting confirmation sheets,
18 absentee by mail and early voter reports, and paper ballots voted during early voting
19 shall be placed in the special absentee by mail and early voting envelope or container
20 for delivery to the parish board of election supervisors on election day for the
21 tabulation and counting of early voting ballots.

22 G. By no later than the fifth day before an election, the registrar shall have
23 received from the branch office and all early voting locations all ballots, early voting
24 applications, machine results cartridges, early voting confirmation sheets, early
25 voting verification forms, early voting machine public counter logs, paper ballot
26 envelopes, certificates, early voting lists or duplicate precinct registers, and other
27 election paraphernalia. Immediately upon receipt of these materials, the registrar
28 shall compare the information contained on each early voting application, the flap
29 certificate of each ballot, and the signed lists with the information contained in the

1 ~~precinct register. If the registrar finds any discrepancies between the information~~
2 ~~contained on an early voting application or the flap certificate of a ballot envelope~~
3 ~~and that contained in the precinct register, he shall make a note thereof on the front~~
4 ~~of the ballot envelope or early voting application.~~

5 ~~G. H.~~ H. Prior to delivery of the precinct register to the parish custodian, the
6 registrar shall ~~enter the word "absentee" and the date of the election in the proper~~
7 ~~space on~~ ensure that the precinct register reflects for each voter ~~who~~ whether the
8 voter voted during early voting ~~and for each voter who voted or voted timely~~
9 absentee by mail ~~whose ballot the registrar had received on or before the last day for~~
10 ~~early voting using the words "voted by mail" and, if the register was not used during~~
11 early voting, "voted early" in the signature line for the voter in the precinct register.

12 ~~H. I.~~ I. In the event of the inability to utilize voting machines for early voting
13 within a parish, the registrar may utilize paper ballots for early voting.

14 ~~F. J.~~ J. Upon approval of the secretary of state, a registrar of voters may utilize
15 commissioners selected and trained by the registrar of voters to assist the registrar
16 during the early voting period in the conduct of early voting by his office. A
17 registrar of voters shall, in seeking the approval of the secretary of state, indicate to
18 the secretary the number of commissioners that is required for such assistance. A
19 commissioner who assists the registrar in the conduct of early voting shall be paid
20 in accordance with R.S. 18:426.1(3) for each day of such assistance.

21 ~~F.(1) K.(1)~~ K.(1) Only a certified commissioner may be selected to serve as an
22 early voting commissioner.

23 (2) A person to whom one or more of the following applies shall not serve
24 as an early voting commissioner:

25 (a) The person is a candidate in the election.

26 (b) An immediate family member of the person is a candidate for election
27 to public office in the election.

28 (c) The person is marked for assistance in voting in the precinct register or
29 requires the use of the audio ballot in voting.

1 (d) The person has been convicted of an election offense enumerated in
2 Chapter 10 of this Title.

3 ~~K. L.~~ During early voting the registrar of voters shall make available to the
4 public at each location where early voting is conducted copies of the state mail voter
5 registration application forms.

6 ~~L.(1)(a)~~ M.(1)(a) In a parish where early voting is conducted at an additional
7 location pursuant to R.S. 18:1309.2, the registrar may fix the hours and days during
8 which early voting shall be conducted at the additional location during the early
9 voting period if such hours and days of voting are approved by the secretary of state
10 no later than seven days after the close of qualifying for the election.

11 (b) The registrar shall ensure that adequate notice is posted at the office of
12 the registrar informing the public of the hours and days during which early voting
13 will be conducted at the additional location, and the secretary of state shall post such
14 notice on the secretary of state's website.

15 (2) The provisions of Paragraph (1) of this Subsection shall not apply to
16 early voting for gubernatorial or congressional elections.

17 §1309.1. Preparation of machines for early voting; examination by candidate or his
18 representative; sealing machines

19 * * *

20 D. The registrar of voters shall record the public and protective counter
21 numbers for each early voting machine on a form prepared by the secretary of state
22 for use in verifying the early voting results on election day.

23 * * *

24 §1309.3. Assistance in voting during early voting

25 * * *

26 B.

27 * * *

28 (4)

29 * * *

1 (b) The registrar or deputy registrar shall write the voter's name in the
2 precinct register or early voting list kept by the registrar and the name of the person
3 assisting the voter behind the tab for Assistance to Voters. The person assisting the
4 voter, including a registrar or deputy registrar, shall sign his name behind the tab for
5 Assistance to Voters.

6 * * *

7 §1310. Execution of certificate; marking of ballot; casting vote; assistance

8 * * *

9 C.(1) Any person who assists a voter in voting absentee by mail ~~or during~~
10 ~~early voting if paper ballots are utilized in early voting,~~ shall execute the
11 acknowledgment on the ballot envelope flap prepared by the secretary of state,
12 verifying that the person providing the assistance has marked the ballot in the
13 manner dictated by the voter.

14 (2) The registrar or deputy registrar shall follow the procedures contained in
15 R.S. 18:1309.3 when paper ballots are used for early voting.

16 §1311. List of absentee by mail and early voters; posting; delivery of alphabetized
17 list to precincts; supplements

18 * * *

19 D.

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21 (4)(a) If the voter has not voted in person at the precinct, the registrar shall
22 instruct the commissioner-in-charge to mark "~~Absentee~~" "voted by mail" in the place
23 where the voter would ordinarily sign the precinct register and to initial the precinct
24 register opposite the ~~word "Absentee"~~ words "voted by mail". The registrar shall
25 then include the first absentee by mail ballot received, if received timely, with those
26 to be counted by the board, or, if the counting and tabulation of absentee by mail and
27 early voting ballots has commenced, shall transmit such ballot to the board to be
28 counted. Any second or subsequent ballot received from such person shall be
29 considered as not timely received. Accompanying any such absentee by mail ballot

1 shall be a statement certified by the registrar that he has verified that such voter has
2 not voted in person at the precinct where he is registered to vote.

3 * * *

4 §1312. Retention of ballots at registrar's office

5 A. All absentee by mail ~~and ballots~~, early voting ballots machine results
6 reports, early voting verification forms, early voting machine public counter logs,
7 and early voting confirmation sheets, shall be retained in the office of the registrar
8 of voters except as otherwise provided in this Chapter.

9 B. All absentee by mail ballots which are received timely shall be removed
10 from the mail return envelope, if applicable, shall be arranged by ward and precinct
11 and placed and retained in a special absentee by mail and early voting ballot
12 envelope or container designated and used only for that purpose, and shall be
13 delivered to the parish board of election supervisors to be counted and tabulated as
14 provided in R.S. 18:1313.

15 C. After the tabulation of the absentee by mail and early voting ballots on
16 election night, the board shall replace the absentee by mail ~~and ballots~~, early voting
17 ballots machine results reports, early voting verification forms, early voting machine
18 public counter logs, absentee by mail and early voter reports, and early voting
19 confirmation sheets in the special absentee by mail and early voting ballot envelope
20 or container and return the envelope or container to the registrar of voters. The
21 registrar shall retain ~~these absentee by mail and early voting ballots inviolate~~ in the
22 special absentee by mail and early voting ballot envelope or container inviolate until
23 the delay for filing an election contest has lapsed, or, if an action contesting the
24 election has been filed, until the judgment in the action becomes definitive.

25 * * *

26 E. Absentee by mail ~~and ballots~~, early voting ballots, machine results reports,
27 early voting verification forms, early voting machine public counter logs, early
28 voting confirmation sheets, absentee by mail and early voter reports, applications for
29 absentee by mail ~~and early voting ballots~~, ballots, certificates, and other absentee by

1 mail and early voting ballot paraphernalia associated with an election shall be
2 retained ~~for six months after an election~~ as provided in R.S. 18:403, unless litigation
3 is pending relative to such election. If litigation is pending relative to such election,
4 such paraphernalia shall be retained in accordance with any applicable court order
5 and until ~~said~~ the litigation is concluded.

6 §1313. Tabulation and counting of absentee by mail and early voting ballots

7 * * *

8 B.(1) Absentee by mail and early voting ballots shall be counted at the office
9 of the registrar of voters or at a public facility within the parish designated by the
10 parish board of election supervisors at a time fixed by the parish board of election
11 supervisors which time shall be set no earlier than 1:00 p.m. and no later than 8:00
12 p.m. on election day.

13 (2) Prior to the counting of absentee by mail and early voting ballots on
14 election day, any person authorized by the secretary of state may assist the registrar
15 of voters in the challenge removal process on the early voting machines for
16 discrepancies or irregularities documented by the registrar on a confirmation sheet
17 or early voting verification form, in the reading of the early voting machine results
18 cartridges on the secretary of state's equipment, and in producing the early voting
19 machine results report. All early voting machine results reports shall be placed in
20 the special absentee by mail and early voting envelope or container.

21 * * *

22 E. The board shall count the absentee by mail and early voting ballots and
23 announce the results ~~of the absentee by mail and early voting ballots~~ after the closing
24 of the polls as the total number of absentee by mail and early voting votes cast in the
25 election for each candidate and the total number cast for and against each
26 proposition.

27 F. The procedure for counting absentee by mail ~~or early voting~~ ballots shall
28 be as follows:

1 (1) A member of the board shall remove the certificates and special absentee
2 by mail ballots, absentee by mail and early voter reports, and envelopes containing
3 the absentee by mail ~~and early voting ballots and early voting applications~~ from the
4 special absentee by mail and early voting ballot envelope or container.

5 (2) The board shall announce the name of each absentee by mail ~~or early~~
6 ~~voting~~ voter and the ward and precinct where he is registered to vote, and shall
7 compare the name on the certificate, ~~early voting application,~~ or on the flap of the
8 envelope containing the absentee by mail ~~or early voting~~ ballot with the names on
9 the ~~list of absentee by mail or early voting voters and on the supplemental list and~~
10 early voter report.

11 * * *

12 (4) If the board determines that an absentee by mail ~~or early voting~~ ballot is
13 valid, a member of the board shall write the ~~word "absentee"~~ words "voted by mail"
14 and his initials on the ~~list~~ absentee by mail and early voter report beside the name of
15 the voter as it appears on the ~~list or supplemental list of persons who voted absentee~~
16 ~~by mail and shall sign his name in the space therefor which shall be provided on the~~
17 ~~list for the purpose~~ report. If applicable, a member of the board shall tear the flap
18 from the envelope containing the absentee by mail ~~or early voting~~ ballot and leave
19 the envelope sealed.

20 (5) If a majority of the members of the board determine that an absentee by
21 mail ~~or early voting~~ ballot is invalid, the members shall leave the flap on the
22 envelope containing the absentee by mail ~~or early voting~~ ballot, leave the envelope
23 sealed, and shall write the word "rejected", together with the reasons for rejecting the
24 ballot, across the envelope containing the ballot, ~~across the early voting application,~~
25 or across the certificate attached to the special absentee by mail ballot. The rejected
26 absentee by mail ~~and early voting~~ ballots, ~~early voting applications,~~ and certificates
27 shall be replaced in the special absentee by mail and early voting ballot envelope or
28 container. No rejected absentee by mail ~~or early voting~~ ballot shall be counted.

1 (3) The board shall announce the results from each early voting machine
2 results report for the early voting ballots.

3 (4) For each paper ballot voted during early voting, the board shall announce
4 the name of the person who voted by paper ballot during early voting and the ward
5 and precinct where he is registered to vote and shall compare the name on the flap
6 of the envelope containing the early voting ballot with the names on the absentee by
7 mail and early voter report and on the supplemental list.

8 (5) The board shall determine the validity of challenges made in accordance
9 with R.S. 18:1315.

10 (6) If the board determines that a paper ballot voted during early voting is
11 valid, a member of the board shall write the words "voted early" and his initials on
12 the absentee by mail and early voter report beside the name of the voter as it appears
13 on the report. A member of the board shall tear the flap from the envelope
14 containing the paper ballot voted during early voting and leave the envelope sealed.

15 (7) If a majority of the members of the board determine that a paper ballot
16 voted during early voting is invalid, the members shall leave the flap on the envelope
17 containing the ballot, leave the envelope sealed, and write the word "rejected"
18 together with the reasons for rejecting the ballot across the envelope containing the
19 ballot. He shall also write the word "rejected" and his initials on the absentee by
20 mail and early voter report beside the name of the voter as it appears on the report.
21 The rejected ballot shall be placed in the special absentee by mail and early voting
22 ballot envelope or container. No rejected paper ballot voted during early voting shall
23 be counted.

24 (8) After the validity of all paper ballots voted during early voting has been
25 determined, the members of the board shall place the valid early voting confirmation
26 sheets and flaps removed from the valid paper ballots voted during early voting in
27 the envelope or container provided for that purpose and seal the envelope or
28 container. Two of the members shall execute the certificate on the envelope or
29 container.

1 (9) The members shall open the envelopes containing the valid paper ballots
2 voted during early voting and remove the ballots.

3 (10) The board shall, in accordance with the requirements of R.S. 18:1316,
4 reject any ballot which contains a distinguishing mark or feature making the ballot
5 susceptible of identification.

6 (11) If a ballot is physically damaged or cannot properly be counted by the
7 counting equipment and the vote cast by the voter is clearly discernible from a
8 physical inspection of the defective ballot, a true duplicate may be made of the
9 defective ballot in the presence of witnesses and substituted for the ballot. The
10 duplicate ballot shall be clearly labeled "duplicate", bear a ballot number which shall
11 be recorded on the defective ballot, and be counted in lieu of the defective ballot.
12 After a ballot has been duplicated, the defective ballot shall be placed in the special
13 absentee by mail and early voting ballot envelope or container, and the duplicate
14 ballot shall be counted with the other valid ballots.

15 (12)(a) Prior to utilizing any absentee by mail and early voting counting
16 equipment, the parish board of election supervisors shall generate a zero tally to
17 ensure that the equipment's candidate and question counters are set at zero and that
18 no votes have been cast for any candidate or for or against any proposition.

19 (b) The board shall sign and certify to the correctness of each zero proof
20 sheet and place all zero proof sheets in the special absentee by mail and early voting
21 envelope or container.

22 (13) The absentee by mail and early voting votes cast for a candidate and
23 those cast for and against a proposition shall be counted and the total number of
24 absentee by mail and early voting votes cast for a candidate and those cast for and
25 against a proposition shall be announced in the order the offices and candidates and
26 propositions are listed on the ballot. The members of the board shall enter the total
27 number of votes on the final absentee by mail and early voting vote report and shall
28 certify the results.

1 H. The final absentee by mail and early voting vote report prepared by the
2 parish board of election supervisors shall be transmitted to the clerk of court
3 immediately upon completion of the tabulation of the absentee by mail and early
4 voting ballots on election night, ~~and a.~~ A copy of the record shall be transmitted
5 immediately to the secretary of state, and a copy of the record shall be placed in the
6 special absentee by mail and early voting envelope or container.

7 H: I. When the ~~supplemental lists have~~ absentee by mail and early voter
8 report has been returned to the registrar of voters, the registrar, based on the
9 information contained in the ~~lists report~~, shall confirm that the ~~word "absentee" is~~
10 words "voted by mail" or "voted early" are written in the proper space on the precinct
11 register for each voter who voted early or absentee by mail.

12 ~~I:(1)~~ J(1) Upon completion of the tabulation and counting of the absentee
13 by mail and early voting ballots, the parish board of election supervisors shall return
14 the absentee by mail and early voting ballots and electronic results report to the
15 special absentee by mail and early voting ballot envelope or container, shall seal the
16 envelope or container, and shall deliver the envelope or container to the registrar of
17 voters. The registrar shall preserve the envelope or container and its contents
18 inviolate and, except upon order of a court of competent jurisdiction, shall not allow
19 the absentee by mail and early voting documents to be inspected by anyone until the
20 delay for filing an action contesting the election has lapsed. If an action contesting
21 the election is commenced timely, the registrar shall continue to preserve the
22 envelope or container and its contents inviolate, subject to the orders of the court,
23 until the final judgment in the action has become definitive.

24 (2)(a) Notwithstanding the provisions of Paragraph (1) of this Subsection,
25 if the number of absentee by mail and early voting ballots cast for all candidates for
26 an office could make a difference in the outcome of the election for such office, upon
27 the written request of a candidate for such office, the board shall recount the absentee
28 by mail ballots by hand or scanning equipment and early voting ballots

1 electronically, unless paper ballots were used for early voting and in such case, the
2 ballots shall be recounted by hand for such office.

3 (b) All recounts of absentee by mail and early voting ballots shall be held at
4 10:00 a.m. or following the reinspection of voting machines on the fifth day after the
5 election and at any time ordered by a court of competent jurisdiction. If the fifth day
6 after the election falls on a holiday or weekend, such recount shall be held on the
7 next working day at 10:00 a.m. or following the reinspection of voting machines.
8 Any written request for recount of absentee by mail and early voting ballots shall be
9 filed with the clerk of court. The deadline for filing a request for recount of absentee
10 by mail and early voting ballots shall be the last working day prior to the date of the
11 recount. Immediately upon receiving any request, the clerk of court shall
12 prominently post in his office a notice of the time and place where the absentee by
13 mail and early voting ballots will be recounted and the name of the candidate
14 requesting the recount.

15 (c) Upon completion of recount of the absentee by mail and early voting
16 ballots, the board shall return the absentee by mail and early voting documents to the
17 special absentee by mail and early voting ballot envelope or container, shall reseal
18 the envelope or container, and shall deliver the envelope ~~containing the absentee by~~
19 ~~mail and early voting documents~~ or container and its contents to the registrar of
20 voters who shall preserve the envelope ~~and the absentee by mail and early voting~~
21 ~~documents contained therein~~ or container and its contents in the manner provided for
22 in Paragraph (1) of this Subsection.

23 (d) The candidate requesting the recount shall be responsible for all
24 reasonable costs associated with such recount.

25 (3) A candidate or his representative, in the presence of a majority of the
26 parish board of election supervisors, shall be allowed to inspect the flaps removed
27 from the valid absentee by mail ballots and the flaps removed from the valid early
28 voting ballots when paper ballots are used for early voting. All such inspections
29 shall be held at 10:00 a.m. or following the recount of absentee by mail and early

1 voting ballots on the fifth day after the election and at any time ordered by a court
 2 of competent jurisdiction. If the fifth day after the election falls on a holiday or
 3 weekend, such inspection shall be held on the next working day at 10:00 a.m. or
 4 following the recount of absentee by mail and early voting ballots. Any written
 5 request for inspection shall be filed with the clerk of court. The deadline for filing
 6 a request for inspection shall be the last working day prior to the date of the
 7 inspection. Immediately upon receiving any request, the clerk of court shall
 8 prominently post in his office a notice of the time and place where the inspection will
 9 occur and the name of the candidate requesting the inspection. The candidate
 10 requesting the inspection shall be responsible for all reasonable costs associated with
 11 such inspection.

12 (4) The parish board of election supervisors shall be entitled to
 13 reimbursement at the rate established in R.S. 18:423(E) for attending the recount of
 14 absentee by mail and early voting ballots and inspection, but not both if they are
 15 conducted on the same day. However, such reimbursement shall not be counted
 16 toward the six-day limitation provided in R.S. 18:423(E). No member of the parish
 17 board of election supervisors shall be reimbursed for attending a recount of absentee
 18 by mail and early voting ballots or inspection if such member received
 19 reimbursement for attending the reinspection of voting machines which was
 20 conducted on the same day as the recount of the absentee by mail and early voting
 21 ballots or inspection.

22 * * *

23 §1315. Challenge of absentee by mail or early voting ballot

24 * * *

25 C.

26 * * *

27 (2) If a challenge in accordance with the provisions of Subsection A of this
 28 Section is sustained, the vote shall not be counted, the ballot or early voting
 29 ~~application~~ confirmation sheet shall be placed in the special absentee by mail and

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

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

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

28 * * *

1 Section 2. R.S. 18:1306(F) and 1313(F)(10) and (11) are hereby repealed in their
2 entirety.

3 Section 3. This Act shall become effective upon signature by the governor or, if not
4 signed by the governor, upon expiration of the time for bills to become law without signature
5 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If
6 vetoed by the governor and subsequently approved by the legislature, this Act shall become
7 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)]

Barras

HB No. 665

Abstract: Provides procedures and requirements for absentee by mail and early voting.

Present law (R.S. 18:1306) provides for the preparation and distribution of absentee by mail ballots and voting paraphernalia. Requires the secretary of state to prepare early voting ballot envelopes, early voting applications, and other early voting balloting paraphernalia consistent with present law. Provides for the content of the early voting ballot envelope. Proposed law repeals present law.

Present law requires the secretary of state at least 20 days before each primary election and at least 13 days before each general election to deliver to the registrar in each parish early voting paper ballots, envelopes, certificates, and instructions and early voting applications to be used during early voting. Provides for the number of paper early voting ballots that must be delivered. Proposed law repeals present law.

Present law provides for the content of the absentee by mail ballot envelop. Requires the envelope to include a perforated extension or flap that bears a certificate. Requires the certificate to include, among other things, an affidavit followed by the line for the handwritten signature of the voter. Proposed law retains present law and specifies that the line shall be for the handwritten signature or mark of the voter.

Present law (R.S. 18:1309) provides relative to early voting application and early voting. Provides procedures and requirements. Requires the registrar during the early voting period to maintain regular office hours, remaining open from 8:30 a.m. to 6:00 p.m. Monday through Saturday. Provides that early voting on the last day of voting terminates when all persons who were in line to vote at the close of the regular office hours of the registrar's office have been allowed to vote. Proposed law provides instead that early voting each day of the early voting period shall terminate when all persons who were in line to vote at the close of the registrar's office have been allowed to vote. Otherwise retains present law.

Present law requires the registrar or deputy registrar to establish each voter's identity prior to allowing the voter to vote. Requires a voter to submit a La. driver's license, La. special identification card, or other generally recognized picture identification card containing the name and signature of the voter or to complete and sign an affidavit. Proposed law retains present law and refers to the affidavit as a voter identification affidavit.

Present law requires the registrar or deputy registrar to use the precinct register or list kept by the registrar to establish the identity of the voter. Proposed law repeals the list kept by the registrar as a means to identify a voter and provides instead that the registrar may use the state voter registration computer system or the precinct register. Provides that the registrar may initial the precinct register or the list kept by the registrar after establishing the identity of the voter.

Present law provides for application to vote during early voting. Provides for the content of an early voting application. Proposed law repeals present law. Provides that the registrar or deputy registrar shall generate an early voting confirmation sheet for each voter using the state voter registration computer system or a form prepared by the secretary of state, which sheet shall be used to verify each early voter at the end of the early voting period.

Present law provides for using paper ballots during early voting under certain circumstances. Proposed law retains present law and provides that if the paper ballot envelope contains a certificate on the envelope flap, the voter shall not be required to sign the certificate. Provides that the registrar of voters or deputy registrar shall write "early voting ballot" across the envelope flap and include the voter's name, ward, precinct and registration number and attach it to the early voting confirmation sheet so that the ballot may be identified for purposes of a challenge filed pursuant to present law (R.S. 18:1315).

Proposed law provides that at the end of each day during early voting, the registrar shall document on the early voting verification form provided by the secretary of state for each early voting location each of the following:

- (1) The total number for the public counters of all early voting machines for the day.
- (2) The total number of early voting confirmation sheets for the day.
- (3) The total number of early voters from the state voter registration computer system.
- (4) Any discrepancies or irregularities observed that prevent the total public counter number from matching the total early voting confirmation sheet number for the day and the total number of early voters from the state voter registration computer system for the day.

Proposed law provides that each day, the registrar shall compare the early voting confirmation sheets to the information contained in the state voter registration computer system. Provides that if the registrar finds any discrepancies, he shall make a note thereof on the early voting verification form or on a notice of irregularity form provided by the secretary of state that he shall attach to the early voting verification form.

Proposed law provides that at the end of the early voting period, the registrar shall complete the early voting verification form for each location and sign and certify to its correctness and print a report from the state voter registration computer system listing all absentee by mail and early voters from the parish. Provides that all early voting verification forms, early voting machine public counter logs, early voting confirmation sheets, absentee by mail and early voter reports, and paper ballots voted during early voting shall be placed in the special absentee by mail and early voting envelope or container for delivery to the parish board of election supervisors on election day for the tabulation and counting of early voting ballots.

Present law requires that the registrar have received election paraphernalia from branch offices no later than five days before the election. Proposed law changes the deadline to the day before the election. Specifies the election paraphernalia that must be received.

Present law requires the registrar to compare information contained on the early voting application with the information on ballot envelopes and contained in the precinct register. Requires him to make note of discrepancies. Proposed law repeals present law.

Present law provides that prior to delivery of the precinct register to the parish custodian, the registrar shall enter the word "absentee" and the date of the election in the proper space on the precinct register for each voter who voted during early voting and for each voter who voted absentee by mail whose ballot the registrar had received on or before the last day for early voting. Proposed law provides instead that the registrar shall ensure that the precinct register reflects for each voter whether the voter voted during early voting or voted timely absentee by mail using the words "voted by mail" and, if the register was not used during early voting, "voted early" in the signature line for the voter in the precinct register.

Present law (R.S. 18:1309.1) provides procedures for the preparation, testing, and sealing of machines for early voting. Provides for observation by a candidate or his representative. Requires the parish board of election supervisors to generate a zero tally to ensure that the voting machine's public counter is set at zero and that no votes have been cast for any candidate or for or against any proposition. Proposed law retains present law and additionally requires the registrar to record the public and protective counter numbers for each early voting machine on a form prepared by the secretary of state for use in verifying the early voting results on election day.

Present law (R.S. 18:1309.3) provides for assistance during early voting. Provides procedures and requirements. Proposed law retains present law and expressly provides that the procedures in present law shall be followed when paper ballots are used during early voting.

Present law (R.S. 18:1311) provides relative to absentee by mail ballots received from military and overseas voters on election day. Requires the registrar and commissioner-in-charge to mark the precinct register "Absentee" in the place where the voter would ordinarily sign the register. Proposed law requires the precinct register to be marked "voted by mail" instead of "Absentee". Otherwise retains present law.

Present law (R.S. 18:1312) requires the parish board of election supervisors to return to the registrar and for the registrar to retain in his office all absentee by mail and early voting ballots. Provides requirements for retaining the materials. Proposed law repeals present law requirements relative to absentee by mail ballots. Additionally, requires the board to return and the registrar to keep early voting machine results reports, early voting verification forms, early voting machine public counter logs, and early voting confirmation sheets.

Present law (R.S. 18:1313) provides for the tabulation and counting of absentee by mail and early voting ballots. Provides that the parish board of election supervisors shall be responsible for the counting and tabulation of all absentee by mail and early voting ballots in the parish and provides procedures therefor.

Proposed law retains present law and additionally provides that prior to the counting of absentee by mail and early voting ballots on election day, any person authorized by the secretary of state may assist the registrar of voters in the challenge removal process on the early voting machines for discrepancies or irregularities documented by the registrar on a confirmation sheet or early voting verification form, in the reading of the early voting machine results cartridges on the secretary of state's equipment, and in producing the early voting machine results report. Provides that all early voting machine results reports shall be placed in the special absentee by mail and early voting envelope or container.

Present law provides procedures that apply to the counting of absentee by mail and early voting ballots. Proposed law amends present law so that present law applies to the counting of absentee by mail ballots. Provides separate procedures for counting early voting ballots as follows:

- (1) A member of the board shall remove the early voting verification forms, early voting machine public counter logs, early voting confirmation sheets, paper ballots voted during early voting, absentee by mail and early voter report, and all early voting

- machine results reports from the special absentee by mail and early voting ballot envelope or container.
- (2) The board shall review the early voting verification forms and early voting machine public counter logs and, if found to be acceptable to the board, sign each early voting verification form. If the board does not find a voting verification form to be acceptable, it may review any early voting confirmation sheet and shall document its correction to the early voting verification form and then sign it.
 - (3) The board shall announce the results from each early voting machine results report for the early voting ballots.
 - (4) For each paper ballot voted during early voting, the board shall announce the name of the person who voted by paper ballot during early voting and the ward and precinct where he is registered to vote and shall compare the name on the flap of the envelope containing the early voting ballot with the names on the absentee by mail and early voter report and on the supplemental list.
 - (5) The board shall determine the validity of challenges made in accordance with present law (R.S. 18:1315).
 - (6) If the board determines that a paper ballot voted during early voting is valid, a member of the board shall write the words "voted early" and his initials on the absentee by mail and early voter report beside the name of the voter as it appears on the report. A member of the board shall tear the flap from the envelope containing the paper ballot voted during early voting and leave the envelope sealed.
 - (7) If a majority of the members of the board determine that a paper ballot voted during early voting is invalid, the members shall leave the flap on the envelope containing the ballot, leave the envelope sealed, and write the word "rejected" together with the reasons for rejecting the ballot across the envelope containing the ballot. He shall also write the word "rejected" and his initials on the absentee by mail and early voter report beside the name of the voter as it appears on the report. The rejected ballot shall be placed in the special absentee by mail and early voting ballot envelope or container. No rejected paper ballot voted during early voting shall be counted.
 - (8) After the validity of all paper ballots voted during early voting has been determined, the members of the board shall place the valid early voting confirmation sheets and flaps removed from the valid paper ballots voted during early voting in the envelope or container provided for that purpose and seal the envelope or container. Two of the members shall execute the certificate on the envelope or container.
 - (9) The members shall open the envelopes containing the valid paper ballots voted during early voting and remove the ballots.
 - (10) The board shall, in accordance with the requirements of present law (R.S. 18:1316), reject any ballot which contains a distinguishing mark or feature making the ballot susceptible of identification.
 - (11) If a ballot is physically damaged or cannot properly be counted by the counting equipment and the vote cast by the voter is clearly discernible from a physical inspection of the defective ballot, a true duplicate may be made of the defective ballot in the presence of witnesses and substituted for the ballot. The duplicate ballot shall be clearly labeled "duplicate", bear a ballot number which shall be recorded on the defective ballot, and be counted in lieu of the defective ballot. After a ballot has been duplicated, the defective ballot shall be placed in the special absentee by mail and early voting ballot envelope or container, and the duplicate ballot shall be counted with the other valid ballots.

- (12) Prior to utilizing any absentee by mail and early voting counting equipment, the parish board of election supervisors shall generate a zero tally to ensure that the equipment's candidate and question counters are set at zero and that no votes have been cast for any candidate or for or against any proposition.
- (13) The board shall sign and certify to the correctness of each zero proof sheet and place all zero proof sheets in the special absentee by mail and early voting envelope or container.
- (14) The absentee by mail and early voting votes cast for a candidate and those cast for and against a proposition shall be counted and the total number of absentee by mail and early voting votes cast for a candidate and those cast for and against a proposition shall be announced in the order the offices and candidates and propositions are listed on the ballot. The members of the board shall enter the total number of votes on the final absentee by mail and early voting vote report and shall certify the results.

Present law (R.S. 18:1315) provides relative to challenges of absentee by mail and early voting ballots. Provides procedures and deadlines. Specifies who may bring a challenge and the grounds for challenges. Proposed law retains present law.

Present law provides that if a challenge is sustained, the early voting ballot application is used and retained in connection therewith. Proposed law provides that the early voting confirmation sheet is used and retained instead of the early voting application.

Present law (R.S. 18:154) prohibits the registrar and the Dept. of State from disclosing early voting applications of voters. Proposed law repeals present law and instead prohibits the disclosure of early voting confirmation sheets.

Proposed law makes various technical changes.

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

(Amends R.S. 18:154(B), 1306(B)(1) and (3), (C)(1), (D), (E)(1)(intro. para.) and (f) and (2)(a), 1309(A)(1), (2), and (4), (D), (E)(1), (2), (3), (5)(b), and (6), and (F)–(L), 1309.3(B)(4)(b), 1310(C), 1311(D)(4)(a), 1312(A), (B), (C), and (E), 1313(B), (E), (F)(intro. para.), (1), (2), (4)–(7), and (9), and (G)–(I), and 1315(C)(2) and (3); Adds R.S. 18:1306(E)(2)(c), 1309(M), 1309.1(D), and 1313(J); Repeals R.S. 18:1306(F), 1313(F)(10) and (11))