

Regular Session, 2014

HOUSE BILL NO. 296

BY REPRESENTATIVE CONNICK

ELECTIONS: Provides for an automatic recount in elections when the number of absentee by mail and early voting ballots could make a difference in the outcome of the election

1 AN ACT

2 To amend and reenact R.S. 18:1313(J)(2)(a) and (b) and to repeal R.S. 18:1313(J)(2)(d),  
3 relative to elections; to provide relative to recounts of absentee by mail and early  
4 voting ballots; to provide for an automatic recount under certain circumstances; to  
5 provide for procedures; to provide relative to the duties of certain election officials  
6 relative to such recount; and to provide for related matters.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. R.S. 18:1313(J)(2)(a) and (b) are hereby amended and reenacted to read  
9 as follows:

10 §1313. Tabulation and counting of absentee by mail and early voting ballots

11 \* \* \*

12 J.

13 \* \* \*

14 (2)(a) Notwithstanding the provisions of Paragraph (1) of this Subsection,  
15 if the number of absentee by mail and early voting ballots cast for all candidates for  
16 an office or for and against a proposition could make a difference in the outcome of  
17 the election ~~for such office, upon the written request of a candidate for such office,~~  
18 the board shall recount the absentee by mail ballots by hand or scanning equipment  
19 and early voting ballots electronically, unless paper ballots were used for early  
20 voting and in such case, the ballots shall be recounted by hand for such office.

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

\* \* \*

14 Section 2. R.S. 18:1313(J)(2)(d) is hereby repealed in its entirety.

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)]

Connick

HB No. 296

**Abstract:** Provides for an automatic recount in elections when the number of absentee by mail and early voting ballots could make a difference in the outcome of the election.

Present law (R.S. 18:1313) provides relative to the tabulation and counting of absentee by mail and early voting ballots. Provides that if the number of absentee by mail and early voting ballots cast for all candidates for an office could make a difference in the outcome of the election for such office, the parish board of election supervisors shall recount the absentee by mail ballots. Proposed law retains present law.

Present law provides that the recount only takes place if requested by a candidate for such office. Requires the request to be filed with the clerk. Provides deadlines. Provides that the candidate requesting the recount shall be responsible for all reasonable costs associated with such recount which shall be payable to the clerk of court. Provides for the method of payment. Proposed law repeals present law. Applies proposed law to proposition elections in addition to candidate elections.

(Amends R.S. 18:1313(J)(2)(a) and (b); Repeals R.S. 18:1313(J)(2)(d))