

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), (b), and (d), relative to elections; to provide
3 relative to recounts of absentee by mail and early voting ballots; to provide for a
4 recount in proposition elections under certain circumstances; to provide for
5 procedures; to provide relative to the duties of certain election officials relative to
6 such recount; to provide relative to the payment of costs; and to provide for related
7 matters.

8 Be it enacted by the Legislature of Louisiana:

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

11 §1313. Tabulation and counting of absentee by mail and early voting ballots

12 * * *

13 J.

14 * * *

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

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

22 * * *

23 (d)(i) The candidate or the voter in the proposition election requesting the
24 recount shall be responsible for all reasonable costs associated with such recount
25 which shall be payable to the clerk of court. The costs shall be paid at the time the
26 written request for the recount is filed with the clerk of court and shall be paid in
27 cash or by certified or cashier's check on a state or national bank or credit union,
28 United States postal money order, or money order issued by a state or national bank
29 or credit union.

3. Adds provisions authorizing a person who voted in a proposition election to make a written request according to the same procedures and deadlines as for candidate elections in order for a recount to be conducted in a proposition election and requiring the person to pay the costs of the recount.
4. Adds provisions that require the costs paid by the candidate or person who voted in the proposition election to be refunded if the recount changes the outcome of the election.

House Floor Amendments to the engrossed bill.

1. Provides that if the costs of the recount are refunded, the costs shall be a reimbursable election expense as provided in present law.