

Regular Session, 2014

HOUSE BILL NO. 296

BY REPRESENTATIVE CONNICK

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AN ACT

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

Be it enacted by the Legislature of Louisiana:

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

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

\* \* \*

J.

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(2)(a)(i) Notwithstanding the provisions of Paragraph (1) of this Subsection, 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, upon the written request of a candidate for such office, the board shall recount the absentee by mail ballots by hand or scanning equipment and early voting ballots electronically, unless paper ballots were used for early voting and in such case, the ballots shall be recounted by hand for such office.

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

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

20                               \*           \*           \*

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

28               (ii) If the recount changes the outcome of the election, the costs paid by the  
29               candidate or voter in the proposition election shall be refunded by the clerk of court,

