

Regular Session, 2012

HOUSE BILL NO. 366

BY REPRESENTATIVE STUART BISHOP

VOTERS/VOTING: Provides relative to the counting of votes cast by persons who die prior to the opening of the polls on election day

1 AN ACT

2 To amend and reenact R.S. 18:1302(2) and to repeal R.S. 18:1317, relative to elections; to  
3 repeal provisions relative to the counting of votes cast by persons who die prior to  
4 the opening of the polls on election day; to provide for definitions; and to provide for  
5 related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. R.S. 18:1302(2) is hereby amended and reenacted to read as follows:

8 §1302. Definitions

9 As used in this Chapter, unless the context clearly indicates otherwise, the  
10 following terms shall have the meanings hereafter ascribed to each:

11 \* \* \*

12 (2) "Board" means the parish board of election supervisors of each parish.  
13 If absentee by mail and early voting commissioners are utilized by the parish board  
14 of election supervisors to count and tabulate absentee votes, the term "board" for the  
15 purposes of R.S. 18:1306, 1311, 1312, 1313, 1315, and 1316, ~~and 1317~~ may also  
16 mean absentee by mail and early voting commissioners.

17 \* \* \*

18 Section 2. R.S. 18:1317 is hereby repealed in its entirety.

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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)]

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Stuart Bishop

HB No. 366

**Abstract:** Repeals provisions of law that exclude absentee by mail and early votes cast by persons who die prior to the opening of the polls on election day.

Present law provides relative to absentee by mail and early voting. Provides that the parish board of election supervisors is responsible for the counting and tabulation of all absentee by mail and early voting ballots in a parish. Proposed law retains present law.

Present law (R.S. 18:1317) provides that when the members of the board determine by proof satisfactory to them that a voter who has voted by absentee by mail or early voting ballot has died prior to the opening of the polls on the day of the election, they shall return the ballot or early voting application of the voter in the same manner as is provided in present law provisions relative to the challenge of ballots (R.S. 18:1315). Provides, however, that the casting of an absentee by mail or early voting ballot by a voter who thereafter dies or the tabulation of such a ballot shall not invalidate the election.

Proposed law repeals present law.

Proposed law makes technical changes.

(Amends R.S. 18:1302(2); Repeals R.S. 18:1317)