

Regular Session, 2013

ACT No. 395

HOUSE BILL NO. 665

BY REPRESENTATIVE BARRAS

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

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AN ACT

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

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 18:154(B), 1306(A)(2)(a) and (B)(1) and (3), (C)(1), (D), (E)(1)(introductory paragraph) and (f) and (2)(a), 1309(A)(1), (2), and (4), (D), (E)(1), (2), (3), (5)(b), and (6), and (F) through (L), 1309.3(B)(4)(b), 1310(C), 1311(D)(4)(a), 1312(A), (B), (C), and (E), 1313(B), (E), (F)(introductory paragraph), (1), (2), (4) through (7), and (9), and (G) through (I), and 1315(C)(2) and (3) are hereby amended and reenacted and R.S. 18:1309(M), 1309.1(D), 1311(C)(3), and 1313(J) are hereby enacted to read as follows:

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

2 * * *

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

15 * * *

16 §1306. Preparation and distribution of absentee by mail and early voting ballots

17 A.

18 * * *

19 (2)(a) Each ballot shall have printed on its face instructions informing the
20 voter of the types of marks which may be used on that ballot to indicate his vote.
21 ~~Depending on the type of ballot used in an election, one of the following marks may~~
22 ~~be used by a voter to indicate his vote:~~

23 (i) ~~A cross [X] mark.~~

24 (ii) ~~A check [*] mark.~~

25 (iii) ~~A mark that is made by filling in the appropriate space or box.~~

26 * * *

27 B.(1) The secretary of state shall prepare absentee by mail ~~and early voting~~
28 ballot envelopes, ~~early voting applications~~, absentee by mail ~~and early voting~~
29 instructions, certificates, and other absentee by mail ~~and early voting~~ balloting
30 paraphernalia consistent with the provisions of this Chapter, subject to approval of

1 the attorney general as to content. Notwithstanding the provisions of R.S. 18:1316
 2 relating to distinguishing marks on absentee by mail ~~and early voting~~ ballots,
 3 absentee by mail voting instructions on absentee by mail ballots to be transmitted by
 4 facsimile in accordance with R.S. 18:1308(A)(1)(b) shall ~~stipulate that the voter may~~
 5 ~~mark his ballot with a cross [X] mark or a check [T] mark as provided in Items~~
 6 ~~(A)(2)(a)(i) and (ii) of this Section~~ inform the voter of the types of marks which may
 7 be used on the ballot to indicate his vote. When a court of competent jurisdiction,
 8 a registrar of voters, the secretary of state, or other competent authority determines
 9 that there exists a literate linguistic minority equal to more than five percent of the
 10 total population of any parish, the secretary of state, with approval of the attorney
 11 general as to content, shall prepare and furnish absentee by mail and early voting
 12 ballots, absentee by mail and early voting instructions, and certificates in the
 13 minority language in sufficient quantity to provide to each absentee by mail and
 14 early voter requesting voting material in that language.

15 * * *

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

24 C.(1) At least twenty days before each primary election and at least thirteen
 25 days before each general election, the secretary of state shall deliver to the registrar
 26 in each parish in which the election is to be held the paper absentee by mail ~~and early~~
 27 ~~voting~~ ballots, envelopes, ~~early voting applications~~, certificates, instructions to be
 28 used in voting by an absentee by mail ~~and early voting~~ ballot in that election, and a
 29 statement, approved by the attorney general, explaining the scope and nature of any
 30 proposed constitutional amendment. The number of paper absentee by mail ~~and~~

1 ~~early voting~~ ballots and other necessary paraphernalia to be ~~so~~ delivered shall be up
2 to ten percent of the registered voters within each parish.

3 * * *

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

6 FOR BALLOT ONLY

7 VIOLATION OF ABSENTEE BY MAIL OR EARLY

8 VOTING LAWS VOIDS BALLOT

9 AND MAY RESULT IN CRIMINAL PENALTIES

10 VOTING AT POLLS AFTER VOTING ABSENTEE BY MAIL

11 OR DURING EARLY VOTING IS PROHIBITED

12 AND MAY RESULT IN CRIMINAL PENALTIES

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

17 * * *

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

22 * * *

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

30 * * *

1 §1309. Early voting ~~application and early voting~~; verification

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

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

14 * * *

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

18 * * *

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

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

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

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

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

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

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

3 * * *

4 (5)

5 * * *

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

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

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

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

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

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

4 (c) The total number of early voters from the state voter registration
 5 computer system for the day.

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

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

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

25 G. By no later than the fifth day before an election, the registrar shall have
 26 received from the branch office and all early voting locations all ~~ballots,~~ early voting
 27 applications, machine results cartridges, early voting confirmation sheets, early
 28 voting verification forms, early voting machine public counter logs, paper ballot
 29 envelopes, certificates, early voting lists or duplicate precinct registers, and other
 30 election paraphernalia. ~~Immediately upon receipt of these materials, the registrar~~

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

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

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

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

23 ~~J.(1)~~K.(1) Only a certified commissioner may be selected to serve as an early
 24 voting commissioner.

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

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

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

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

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

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

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

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

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

19 §1309.1. Preparation of machines for early voting; examination by candidate or his
20 representative; sealing machines

21 * * *

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

25 * * *

26 §1309.3. Assistance in voting during early voting

27 * * *

28 B.

29 * * *

1 (4)

2 * * *

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

8 * * *

9 §1310. Execution of certificate; marking of ballot; casting vote; assistance

10 * * *

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

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

18 §1311. List of absentee by mail and early voters; posting; delivery of alphabetized
19 list to precincts; supplements; absentee by mail voter report

20 * * *

21 C.

22 * * *

23 (3) The registrar shall print an absentee by mail voter report from the state
24 voter registration computer system listing all voters from whom he has received
25 absentee by mail ballots before election day; he shall certify to the correctness of the
26 report and deliver the report to the parish board of election supervisors on election
27 day for use in the tabulation and counting of absentee by mail ballots.

28 D.

29 * * *

1 (4)(a) If the voter has not voted in person at the precinct, the registrar shall
 2 instruct the commissioner-in-charge to mark "~~Absentee~~" "voted by mail" in the place
 3 where the voter would ordinarily sign the precinct register and to initial the precinct
 4 register opposite the ~~word "Absentee"~~ words "voted by mail". The registrar shall
 5 then include the first absentee by mail ballot received, if received timely, with those
 6 to be counted by the board, or, if the counting and tabulation of absentee by mail and
 7 early voting ballots has commenced, shall transmit such ballot to the board to be
 8 counted. Any second or subsequent ballot received from such person shall be
 9 considered as not timely received. Accompanying any such absentee by mail ballot
 10 shall be a statement certified by the registrar that he has verified that such voter has
 11 not voted in person at the precinct where he is registered to vote.

12 * * *

13 §1312. Retention of ballots at registrar's office

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

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

24 C. After the tabulation of the absentee by mail and early voting ballots on
 25 election night, the board shall replace the absentee by mail ~~and ballots,~~ early voting
 26 ballots machine results reports, early voting verification forms, early voting machine
 27 public counter logs, absentee by mail and early voter reports, and early voting
 28 confirmation sheets in the special absentee by mail and early voting ballot envelope
 29 or container and return the envelope or container to the registrar of voters. The
 30 registrar shall retain ~~these absentee by mail and early voting ballots inviolate~~ in the

1 special absentee by mail and early voting ballot envelope or container inviolate until
2 the delay for filing an election contest has lapsed, or, if an action contesting the
3 election has been filed, until the judgment in the action becomes definitive.

4 * * *

5 E. Absentee by mail ~~and ballots~~, early voting ballots, machine results reports,
6 early voting verification forms, early voting machine public counter logs, early
7 voting confirmation sheets, absentee by mail and early voter reports, applications for
8 absentee by mail ~~and early voting ballots~~, ballots, certificates, and other absentee by
9 mail and early voting ballot paraphernalia associated with an election shall be
10 retained ~~for six months after an election~~ as provided in R.S. 18:403, unless litigation
11 is pending relative to such election. If litigation is pending relative to such election,
12 such paraphernalia shall be retained in accordance with any applicable court order
13 and until ~~said~~ the litigation is concluded.

14 §1313. Tabulation and counting of absentee by mail and early voting ballots

15 * * *

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

21 (2) Prior to the counting of absentee by mail and early voting ballots on
22 election day, any person authorized by the secretary of state may assist the registrar
23 of voters in the challenge removal process on the early voting machines, in the
24 reading of the early voting machine results cartridges on the secretary of state's
25 equipment, and in producing the early voting machine results report. All early
26 voting machine results reports shall be placed in the special absentee by mail and
27 early voting envelope or container.

28 * * *

29 E. The board shall count the absentee by mail and early voting ballots and
30 announce the results ~~of the absentee by mail and early voting ballots~~ after the closing

1 of the polls as the total number of absentee by mail and early voting votes cast in the
2 election for each candidate and the total number cast for and against each
3 proposition.

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

6 (1) A member of the board shall remove the certificates and special absentee
7 by mail ballots; and envelopes containing the absentee by mail ~~and early voting~~
8 ballots ~~and early voting applications~~ from the special absentee by mail and early
9 voting ballot envelope or container.

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

16 * * *

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

25 (5) If a majority of the members of the board determine that an absentee by
26 mail ~~or early voting~~ ballot is invalid, the members shall leave the flap on the
27 envelope containing the absentee by mail ~~or early voting~~ ballot, leave the envelope
28 sealed, and a member of the board ~~and~~ shall write the word "rejected", together with
29 the reasons for rejecting the ballot, across the envelope containing the ballot, ~~across~~
30 ~~the early voting application~~, or across the certificate attached to the special absentee

CODING: Words in ~~struck through~~ type are deletions from existing law; words underscored are additions.

1 by mail ballot. He shall also write the word "rejected" and his initials on the
 2 absentee by mail voter report beside the name of the voter as it appears in the report.

3 The rejected absentee by mail ~~and early voting~~ ballots, ~~early voting applications~~, and
 4 certificates shall be replaced in the special absentee by mail and early voting ballot
 5 envelope or container. No rejected absentee by mail ~~or early voting~~ ballot shall be
 6 counted.

7 (6) After the validity of all absentee by mail ~~and early voting~~ ballots has
 8 been determined, the members of the board shall place the valid ~~early voting~~
 9 ~~applications~~, certificates; and the flaps removed from the valid absentee by mail ~~and~~
 10 ~~early voting~~ ballots in the envelope or container provided for that purpose and seal
 11 the envelope or container. Two of the members shall execute the certificate on the
 12 envelope.

13 (7) The members shall open the envelopes containing the valid absentee by
 14 mail ~~and early voting~~ ballots and remove the ballots.

15 * * *

16 (9) If a ballot is physically damaged or cannot properly be counted by the
 17 counting equipment and the vote cast by the voter is clearly ~~discernable~~ discernible
 18 from a physical inspection of the defective ballot, a true duplicate may be made of
 19 the defective ballot in the presence of witnesses and substituted for the ballot. The
 20 duplicate ballot shall be clearly labeled "duplicate", bear a ballot number which shall
 21 be recorded on the defective ballot, and be counted in lieu of the defective ballot.
 22 After a ballot has been duplicated, the defective ballot shall be placed in the special
 23 absentee by mail and early voting ballot envelope or container, and the duplicate
 24 ballot shall be counted with the other valid ballots.

25 G. The procedure for counting early voting machine ballots and paper ballots
 26 voted during early voting shall be as follows:

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

1 results reports from the special absentee by mail and early voting ballot envelope or
2 container.

3 (2) The board shall review the early voting verification forms and early
4 voting machine public counter logs and, if found to be acceptable to the board, sign
5 each early voting verification form. If the board does not find an early voting
6 verification form to be acceptable, it may review any early voting confirmation sheet
7 and shall document its correction to the early voting verification form and then sign
8 it.

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

11 (4) For each paper ballot voted during early voting, the board shall announce
12 the name of the person who voted by paper ballot during early voting and the ward
13 and precinct where he is registered to vote and shall compare the name on the flap
14 of the envelope containing the early voting ballot with the names on the early voter
15 report.

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

18 (6) If the board determines that a paper ballot voted during early voting is
19 valid, a member of the board shall write the words "voted early" and his initials on
20 the early voter report beside the name of the voter as it appears on the report. A
21 member of the board shall tear the flap from the envelope containing the paper ballot
22 voted during early voting and leave the envelope sealed.

23 (7) If a majority of the members of the board determine that a paper ballot
24 voted during early voting is invalid, the members shall leave the flap on the envelope
25 containing the ballot, leave the envelope sealed, and a member of the board shall
26 write the word "rejected" together with the reasons for rejecting the ballot across the
27 envelope containing the ballot. He shall also write the word "rejected" and his
28 initials on the early voter report beside the name of the voter as it appears on the
29 report. The rejected ballot shall be placed in the special absentee by mail and early

1 voting ballot envelope or container. No rejected paper ballot voted during early
2 voting shall be counted.

3 (8) After the validity of all paper ballots voted during early voting has been
4 determined, the members of the board shall place the valid early voting confirmation
5 sheets and flaps removed from the valid paper ballots voted during early voting in
6 the envelope or container provided for that purpose and seal the envelope or
7 container. Two of the members shall execute the certificate on the envelope or
8 container.

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

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

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

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

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

1 (13) The absentee by mail and early voting votes cast for a candidate and
 2 those cast for and against a proposition shall be counted and the total number of
 3 absentee by mail and early voting votes cast for a candidate and those cast for and
 4 against a proposition shall be announced in the order the offices and candidates and
 5 propositions are listed on the ballot. The members of the board shall enter the total
 6 number of votes on the final absentee by mail and early voting vote report and shall
 7 certify the results.

8 H. The final absentee by mail and early voting vote report prepared by the
 9 parish board of election supervisors shall be transmitted to the clerk of court
 10 immediately upon completion of the tabulation of the absentee by mail and early
 11 voting ballots on election night, ~~and a.~~ A copy of the record shall be transmitted
 12 immediately to the secretary of state, and a copy of the record shall be placed in the
 13 special absentee by mail and early voting envelope or container.

14 H.I. When the ~~supplemental lists have~~ absentee by mail and early voter
 15 reports have been returned to the registrar of voters, the registrar, based on the
 16 information contained in the ~~lists~~ reports, shall confirm that the word "absentee" is
 17 words "voted by mail" or "voted early" are written in the proper space on the precinct
 18 register for each voter who voted early or absentee by mail.

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

1 (2)(a) Notwithstanding the provisions of Paragraph (1) of this Subsection,
2 if the number of absentee by mail and early voting ballots cast for all candidates for
3 an office could make a difference in the outcome of the election for such office, upon
4 the written request of a candidate for such office, the board shall recount the absentee
5 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 office.

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
19 requesting the recount.

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

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

1 (3) A candidate or his representative, in the presence of a majority of the
2 parish board of election supervisors, shall be allowed to inspect the flaps removed
3 from the valid absentee by mail ballots and the flaps removed from the valid early
4 voting ballots when paper ballots are used for early voting. All such inspections
5 shall be held at 10:00 a.m. or following the recount of absentee by mail and early
6 voting ballots on the fifth day after the election and at any time ordered by a court
7 of competent jurisdiction. If the fifth day after the election falls on a holiday or
8 weekend, such inspection shall be held on the next working day at 10:00 a.m. or
9 following the recount of absentee by mail and early voting ballots. Any written
10 request for inspection shall be filed with the clerk of court. The deadline for filing
11 a request for inspection shall be the last working day prior to the date of the
12 inspection. Immediately upon receiving any request, the clerk of court shall
13 prominently post in his office a notice of the time and place where the inspection will
14 occur and the name of the candidate requesting the inspection. The candidate
15 requesting the inspection shall be responsible for all reasonable costs associated with
16 such inspection.

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

* * *

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

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C.

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(2) If a challenge in accordance with the provisions of Subsection A of this Section is sustained, the vote shall not be counted, the ballot or early voting ~~application~~ confirmation sheet shall be placed in the special absentee by mail and early voting ballot envelope or container, and the board shall notify the voter in writing of the challenge and the cause therefor. This notification shall be on a form provided by the secretary of state and shall be signed by at least a majority of the members of the board. The notice of the challenge and the cause therefor shall be given within three days by mail, addressed to the voter at his place of residence. The board shall retain a copy of the notification. However, if the challenge is based upon a change of residence within the parish or is based upon a change of residence outside the parish that has occurred within the last three months, the ballot shall be counted provided that the voter confirmed his current address as shown by the affidavit of the absentee by mail ~~or early voting~~ ballot envelope flap or early voting ~~application~~ confirmation sheet or, if the voter is on the inactive list of voters, as shown by the information provided on an address confirmation card.

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

(b) If a ballot is rejected pursuant to the provisions of R.S. 18:1316, the vote shall not be counted, the board shall write "rejected" and the cause therefor on a

CODING: Words in ~~struck through~~ type are deletions from existing law; words underscored are additions.

1 separate slip of paper and attach it to the ballot, and shall place the ballots so rejected
2 in the special absentee by mail and early voting ballot envelope or container.

3 * * *

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

6 Section 3. This Act shall become effective upon signature by the governor or, if not
7 signed by the governor, upon expiration of the time for bills to become law without signature
8 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If
9 vetoed by the governor and subsequently approved by the legislature, this Act shall become
10 effective on the day following such approval.

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____