

SENATE BILL NO. 422

BY SENATOR BERNARD

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AN ACT

To amend and reenact R.S. 18:573(A)(3) and 1313(J)(2)(b) and (3), relative to the reinspection of voting machines and recounting of absentee by mail and early voting ballots; to provide for setting the timing of inspections; to provide for deadlines for requests for inspections; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 18:573(A)(3) and 1313(J)(2)(b) and (3) are hereby amended and reenacted to read as follows:

§573. Evidence of election results

A. Opening the voting machines.

\* \* \*

(3) Each election day voting machine shall be relocked or otherwise secured and, if applicable, resealed after the candidates or their representatives have had a reasonable opportunity to inspect the machine, which shall not be less than thirty minutes after the time designated for opening the machines by the clerk of court in the notice posted in his office. The clerk of court, in the presence of a majority of the parish board of election supervisors, shall reopen any voting machine for reinspection by a candidate or his representative after receipt of a written request for reinspection by the candidate. All reinspections shall be held at ~~10:00 a.m.~~ **a time set by the secretary of state, in conjunction with the registrar of voters and the clerk of court,** on the fifth day after the election and at any time ordered by a court of competent jurisdiction. If the fifth day after the election falls on a holiday or weekend, such reinspection shall be held at ~~10:00 a.m.~~ **a time set by the secretary of state, in conjunction with the registrar of voters and the clerk of court,** on the next working day. Any written request for reinspection of voting machines shall be

1 filed with the clerk of court. The deadline for filing a request for reinspection shall  
 2 be ~~the last working day prior to the date of the reinspection~~ **4:30 p.m. on the third**  
 3 **calendar day after the election.** Immediately upon receiving any request, the clerk  
 4 of court shall prominently post in his office a notice of the time and place where the  
 5 voting machines will be reopened and the name of the candidate requesting that the  
 6 machines be reopened. The candidate requesting the reinspection shall be responsible  
 7 for all reasonable costs associated with such reinspection, including technical support  
 8 by the secretary of state's technicians, which shall be payable to the clerk of court.  
 9 The costs shall be estimated and paid at the time the written request for reinspection  
 10 of voting machines is filed with the clerk of court and shall be paid in cash or by  
 11 certified or cashier's check on a state or national bank or credit union, United States  
 12 postal money order, or money order issued by a state or national bank or credit  
 13 union. The parish board of election supervisors shall be entitled to reimbursement  
 14 for attending the reinspection at the rate established in R.S. 18:423(E); however,  
 15 such reimbursement shall not be counted toward the six-day limitation provided in  
 16 R.S. 18:423(E). If it is necessary to reopen a voting machine which has been  
 17 relocked or otherwise secured and, if applicable, resealed to conduct a reinspection  
 18 thereof, the clerk of court shall relock or otherwise secure and, if applicable, reseat  
 19 the machine after the reinspection is completed.

\* \* \*

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

\* \* \*

J. \* \* \*

(2) \* \* \*

(b) All recounts of absentee by mail and early voting ballots shall be held at  
 10:00 a.m. **on the fifth day after the election at a time set by the secretary of**  
**state, in conjunction with the registrar of voters and the clerk of court,** or  
 following the reinspection of voting machines on the fifth day after the election and  
 at any time ordered by a court of competent jurisdiction. If the fifth day after the  
 election falls on a holiday or weekend, such recount shall be held on the next

1 working day at ~~10:00 a.m.~~ **a time set by the secretary of state, in conjunction with**  
 2 **the registrar of voters and the clerk of court,** or following the reinspection of  
 3 voting machines. Any written request for recount of absentee by mail and early  
 4 voting ballots shall be filed with the clerk of court. The deadline for filing a request  
 5 for recount of absentee by mail and early voting ballots shall be 4:30 p.m. on the ~~last~~  
 6 ~~working day prior to the date of the recount~~ **third calendar day after the election.**  
 7 Immediately upon receiving any request, the clerk of court shall prominently post in  
 8 his office a notice of the time and place where the absentee by mail and early voting  
 9 ballots will be recounted and the name of the candidate or the voter in the  
 10 proposition election requesting the recount.

11 \* \* \*

12 (3) A candidate or his representative, in the presence of a majority of the  
 13 parish board of election supervisors, shall be allowed to inspect the flaps removed  
 14 from the valid absentee by mail ballots and the flaps removed from the valid early  
 15 voting ballots when paper ballots are used for early voting. All such inspections shall  
 16 be held at ~~10:00 a.m.~~ **a time set by the secretary of state, in conjunction with the**  
 17 **registrar of voters and the clerk of court,** or following the recount of absentee by  
 18 mail and early voting ballots on the fifth day after the election and at any time  
 19 ordered by a court of competent jurisdiction. If the fifth day after the election falls  
 20 on a holiday or weekend, such inspection shall be held on the next working day at  
 21 ~~10:00 a.m.~~ **a time set by the secretary of state, in conjunction with the registrar**  
 22 **of voters and the clerk of court,** or following the recount of absentee by mail and  
 23 early voting ballots. Any written request for inspection shall be filed with the clerk  
 24 of court. The deadline for filing a request for inspection shall be ~~the last working day~~  
 25 ~~prior to the date of the inspection~~ **4:30 p.m. on the third calendar day after the**  
 26 **election.** Immediately upon receiving any request, the clerk of court shall  
 27 prominently post in his office a notice of the time and place where the inspection will  
 28 occur and the name of the candidate requesting the inspection. The candidate  
 29 requesting the inspection shall be responsible for all reasonable costs associated with  
 30 such inspection which shall be payable to the clerk of court. The costs shall be paid

1 at the time the written request for the inspection is filed with the clerk of court and  
 2 shall be paid in cash ~~or~~, by certified or cashier's check on a state or national bank or  
 3 credit union, United States postal money order, or money order issued by a state or  
 4 national bank or credit union.

5 \* \* \*

6 Section 2. 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.

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 PRESIDENT OF THE SENATE

\_\_\_\_\_  
 SPEAKER OF THE HOUSE OF REPRESENTATIVES

\_\_\_\_\_  
 GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: \_\_\_\_\_