

2020 Second Extraordinary Session

SENATE BILL NO. 22

BY SENATOR HEWITT

VOTERS/VOTING. Provides for preparation and counting of absentee and early voting ballots. (gov sig) (Item #5)

1 AN ACT

2 To amend and reenact R.S. 18:423(J), 1313.1(A), (B), (C)(1), (E), the introductory
3 paragraph of (G), (G)(6) and (7), and 1315(B), relative to the preparation and
4 verification process for the tabulation and counting of absentee by mail ballots in
5 parishes with one thousand or more absentee by mail ballots; to provide for the
6 process to begin four days prior to the date of the election; to provide for
7 documentation; and to provide for related matters.

8 Be it enacted by the Legislature of Louisiana:

9 Section 1. R.S. 18:423(J), 1313.1(A), (B), (C)(1), (E), the introductory paragraph
10 of (G), (G)(6) and (7), and 1315(B) are hereby amended and reenacted to read as follows:

11 §423. Parish boards of election supervisors

12 * * *

13 J. Notwithstanding Subsection E of this Section, in a parish where the parish
14 board of election supervisors tabulates and counts absentee by mail and early voting
15 ballots in accordance with R.S. 18:1313.1, a member of the board may be
16 compensated not more than ~~eight~~ **eleven** days for a presidential or regularly
17 scheduled congressional general election or ~~seven~~ **ten** days for any other primary or

1 general election.

2 * * *

3 §1313.1. Preparation, verification, tabulation, and counting of absentee by mail and
4 early voting ballots; parishes with one thousand or more absentee by
5 mail ballots

6 A. Parishes with one thousand or more absentee by mail ballots returned to
7 the registrar of voters for a primary or general election may ~~conduct~~ **begin**
8 **conducting** the preparation and verification process for the tabulation and counting
9 of absentee by mail and early voting ballots ~~the day~~ **four days** before the election
10 and conduct the tabulation and counting of absentee by mail and early voting ballots
11 on election day.

12 B. The parish board of election supervisors shall be responsible for the
13 preparation, verification, counting and tabulation of all absentee by mail and early
14 voting ballots in the parish. The board may utilize parish board commissioners to
15 count the absentee by mail and early voting ballots in the parish. If the board
16 determines that parish board commissioners are necessary for the preparation and
17 verification process to count and tabulate the absentee by mail and early voting
18 ballots ~~the day~~ **beginning four days** before the election and to count and tabulate the
19 absentee by mail and early voting ballots on election day, it shall select parish board
20 commissioners in accordance with the provisions of R.S. 18:1314. If a majority of
21 the members of the board are not present for the preparation and verification process
22 to count the absentee by mail and early voting ballots or to count the absentee by
23 mail and early voting ballots and no parish board commissioners were previously
24 selected, the members present may select a sufficient number of parish board
25 commissioners ~~on the day~~ **four days** before the election or on election day, as
26 applicable, to assist in the preparation and verification process for the tabulation and
27 counting of absentee by mail and early voting ballots and the tabulation and counting
28 of the ballots.

29 C.(1) The preparation and verification process for the counting of the

1 absentee by mail and early voting ballots may be begin being conducted ~~the day~~
 2 four days before the election at a public facility within the parish designated by the
 3 registrar of voters at a time fixed by the parish board of election supervisors.

4 * * *

5 E. Candidates, their representatives, and qualified electors may be present
 6 during the preparation and verification process for the counting and tabulation of
 7 absentee by mail and early voting ballots ~~on the day~~ that may begin four days
 8 before the election and the counting and tabulation of absentee by mail and early
 9 voting ballots on election day. If the counting and tabulation of absentee by mail and
 10 early voting ballots begins prior to the closing of the polls on election day, the board
 11 shall give notice reasonably calculated to inform any person who wants to be present
 12 during the counting and tabulation that no person will be allowed to leave or to
 13 communicate with any other person outside, until such time as the polls are closed,
 14 nor shall any person who is present during the counting and tabulation of absentee
 15 by mail and early voting ballots on election day possess a cellular telephone or
 16 electronic communication device.

17 * * *

18 G. The procedure for the preparation and verification process for the
 19 tabulation and counting of absentee by mail ballots and early voting paper ballots ~~on~~
 20 ~~the day~~ beginning four days before the election shall be as follows:

21 * * *

22 (6) A member of the board shall place the absentee by mail ballots and early
 23 voting paper ballots that have been challenged and the ballots that have not been
 24 challenged in the special absentee by mail envelope or container provided for that
 25 purpose and seal the envelope or container. Two members of the board shall execute
 26 the first certificate on the envelope or container and date the certificate ~~the day~~
 27 ~~before the election~~ with the date on which it was executed before the election.

28 (7) The members of the board shall place the certificates of the absentee by
 29 mail ballots and early voting paper ballots that have not been challenged and the

1 flaps removed from those ballots in the envelope or container provided for that
 2 purpose and seal the envelope or container. Two of the members shall execute the
 3 first certificate on the envelope and date the certificate ~~the day before the election~~
 4 **with the date on which it was executed before the election.**

5 * * *

6 §1315. Challenge of absentee by mail or early voting ballot

7 * * *

8 B. During the preparation and verification process for the counting of
 9 absentee by mail and early voting ballots ~~on the day~~ **four days** before the election,
 10 as applicable, or the counting of absentee by mail and early voting ballots on election
 11 day, any candidate or his representative, member of the board, or qualified elector
 12 may challenge an absentee by mail or early voting ballot for cause, other than those
 13 grounds specified in R.S. 18:565(A).

14 * * *

15 Section 2. This Act shall become effective upon signature by the governor or, if not
 16 signed by the governor, upon expiration of the time for bills to become law without signature
 17 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If
 18 vetoed by the governor and subsequently approved by the legislature, this Act shall become
 19 effective on the day following such approval.

The original instrument and the following digest, which constitutes no part
 of the legislative instrument, were prepared by Matt DeVille.

DIGEST

SB 22 Reengrossed

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Hewitt

Present law provides that in a parish where the parish board of election supervisors tabulates and counts absentee by mail and early voting ballots in accordance with R.S. 18:1313.1, a member of the board may be compensated not more than eight days for a presidential or regularly scheduled congressional general election or seven days for any other primary or general election.

Proposed law provides that in a parish where the parish board of election supervisors tabulates and counts absentee by mail and early voting ballots in accordance with R.S. 18:1313.1, a member of the board may be compensated not more than eleven days for a presidential or regularly scheduled congressional general election or ten days for any other primary or general election.

Present law provides that parishes with one thousand or more absentee by mail ballots

returned to the registrar of voters for a primary or general election may conduct the preparation and verification process for the tabulation and counting of absentee by mail and early voting ballots the day before the election.

Proposed law retains these provisions but provides that the activity occur four days before the election.

Present law provides that if the parish board of election supervisors determines that parish board commissioners are necessary for the preparation and verification process to count and tabulate the absentee by mail and early voting ballots the day before the election, it will do so in accordance with the provisions of R.S. 18:1314.

Proposed law provides that if the parish board of election supervisors determines that parish board commissioners are necessary for the preparation and verification process to count and tabulate the absentee by mail and early voting ballots beginning four days prior to the election, it will do so in accordance with the provisions of R.S. 18:1314.

Present law provides that the preparation and verification process for the counting of absentee by mail and early voting ballots may be conducted the day before the election at a public facility within the parish designated by the registrar of voters at a time fixed by the parish board of election supervisors.

Proposed law provides that the preparation and verification process for the counting of absentee by mail and early voting ballots may be conducted beginning four days before the election.

Present law provides that candidates, their representatives, and qualified electors may be present during the preparation and verification process for the counting and tabulation of absentee by mail and early voting ballots on the day before election day.

Proposed law provides that candidates, their representatives, and qualified electors may be present during the preparation and verification process for the counting and tabulation of absentee by mail and early voting ballots that may start being conducted four days prior to the election.

Present law provides the procedure for the preparation and verification for the tabulation and counting of absentee by mail ballots and early voting paper ballots on the day before the election.

Proposed law provides the procedure for the preparation and verification for the tabulation and counting of absentee by mail ballots and early voting paper ballots that may begin four days before the election.

Present law provides that the parish board assisting with the preparation and verification for the tabulation and counting of absentee by mail ballots and early voting paper ballots will sort the ballots to differentiate those that have been challenged from those that have not and execute the first certificate on the envelope or container and date the certificate the day before the election.

Proposed law provides that the parish board assisting with the preparation and verification for the tabulation and counting of absentee by mail ballots and early voting paper ballots will sort the ballots to differentiate those that have been challenged from those that have not and execute the first certificate on the envelope or container and date the certificate with the date on which it was executed.

Present law provides that during the preparation and verification process for the counting of absentee by mail and early voting ballots on the day before the election, as applicable, or the counting of absentee by mail and early voting ballots on election day, any candidate or his

representative, member of the board, or qualified elector may challenge an absentee by mail or early voting ballot for cause, other than those grounds specified in R.S. 18:565(A).

Proposed law provides that during the preparation and verification process for the counting of absentee by mail and early voting ballots four days before the election, as applicable, or the counting of absentee by mail and early voting ballots on election day, any candidate or his representative, member of the board, or qualified elector may challenge an absentee by mail or early voting ballot for cause, other than those grounds specified in R.S. 18:565(A).

Effective upon signature of the governor or lapse of time for gubernatorial action.

(Amends R.S. 18:423(J), 1313.1(A), (B), (C)(1), (E), (G)(intro para), (G)(6) and (7), and 1315(B))