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AN ACT

To amend and reenact R.S. 18:1313.1(G)(3), (H)(2), and (I)(3) and 1315(C) and to enact R.S. 18:1315(D) and (E), relative to elections; to provide relative to absentee by mail ballots; to provide for the challenge of certain ballots; to provide for rulemaking; to provide for processes and procedures; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 18:1313.1(G)(3), (H)(2), and (I)(3) and 1315(C) are hereby amended and reenacted and R.S. 18:1315(D) and (E) are hereby enacted to read as follows:

§1313.1. Preparation, verification, tabulation, and counting of absentee by mail and early voting ballots

\* \* \*

G. The procedure for the preparation and verification process for the tabulation and counting of absentee by mail ballots and early voting paper ballots before the election shall be as follows:

\* \* \*

(3) The board shall separate any ballots that are challenged in accordance with R.S. 18:1315(A), ~~or (B), or (C)~~ from the ballots that are not challenged.

\* \* \*

H. The procedure for counting absentee by mail ballots and early voting paper ballots on election day shall be as follows:

\* \* \*

(2) The board shall determine the validity of challenges filed in accordance with R.S. 18:1315(A), ~~and (B), and (C)~~.

\* \* \*

I. The procedure for counting early voting machine ballots on election day

1 shall be as follows:

2 \* \* \*

3 (3) The board shall determine the validity of challenges made in accordance  
4 with R.S. 18:1315(A), ~~and (B), and (C).~~

5 \* \* \*

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

7 \* \* \*

8 **C. Notwithstanding the provisions of Subsections A and B of this Section,**  
9 **any absentee by mail ballot with an affidavit flap missing information, which**  
10 **is required to be completed by the voter pursuant to R.S. 18:1310, that was not**  
11 **cured by the voter in accordance with the provisions of LAC 31:I.301 et seq.**  
12 **shall be deemed challenged.**

13 **D.**(1) During the counting of absentee by mail and early voting ballots, at  
14 least a majority of the members of the board shall hear and determine the validity of  
15 any ballot challenged in accordance with the provisions of Subsection A or B of this  
16 Section.

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

1 address confirmation card.

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

12 (b) If a ballot is rejected pursuant to the provisions of R.S. 18:1316, the vote  
13 shall not be counted, the board shall write "rejected" and the cause therefor on a  
14 separate slip of paper and attach it to the ballot, and shall place the ballots so rejected  
15 in the special absentee by mail and early voting ballot envelope or container.

16 **(4)(a) Except as provided in Subparagraph (b) of this Paragraph, if a**  
17 **challenge in accordance with the provisions of Subsection C of this Section is**  
18 **sustained, the vote shall not be counted, the board shall write "rejected" and the**  
19 **reason therefor across the ballot envelope, and shall place the rejected ballot in**  
20 **the special absentee by mail ballot envelope or container. The board shall notify**  
21 **the voter in writing of the challenge and the reason therefor. The notification**  
22 **shall be on a form provided by the secretary of state and shall be signed by at**  
23 **least a majority of the members of the board. The notice of the challenge and**  
24 **the reason therefor shall be given within four business days by mail addressed**  
25 **to the voter at his place of residence. The board shall retain a copy of the**  
26 **notification.**

27 **(b) If a challenge in accordance with the provisions of Subsection C of**  
28 **this Section is because the affidavit flap of the absentee by mail ballot is missing**  
29 **the voter's signature, his mother's maiden name, or, if applicable, the signature**  
30 **of the witness, the challenge shall be sustained and the vote shall not be counted.**

1           The board shall write "rejected" and the reason therefor across the ballot  
 2           envelope, and shall place the rejected ballot in the special absentee by mail  
 3           ballot envelope or container. The board shall notify the voter in writing of the  
 4           challenge and the reason therefor. The notification shall be on a form provided  
 5           by the secretary of state and shall be signed by at least a majority of the  
 6           members of the board. The notice of the challenge and the reason therefor shall  
 7           be given within four business days by mail addressed to the voter at his place  
 8           of residence. The board shall retain a copy of the notification.

9           E. The secretary of state shall adopt rules in accordance with the  
 10          Administrative Procedure Act to implement the provisions of this Section. The  
 11          rules shall at a minimum include the following:

12                   (1) The preprinting of information on the affidavit flap of an absentee  
 13                   ballot by mail in a form prescribed by the secretary of state, including but not  
 14                   limited to the date of the election and the ward and precinct of the voter.

15                   (2) A uniform, standard challenge process and procedure with regards  
 16                   to the items missing on the affidavit flap of an absentee by mail ballot and  
 17                   determinations made by the board.

\_\_\_\_\_  
 PRESIDENT OF THE SENATE

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

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

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

**VETO MESSAGE:**

"Please be advised that I have vetoed Senate Bill 350 of the Regular Session of 2022.

This bill is similar to House Bill 1074 from the 2022 Regular Session that I have signed into law. House Bill 1074 directs the Secretary of State to promulgate rules to ensure consistency in how deficient absentee ballots are handled by Parish Boards of Election Supervisors. However, Senate Bill 350, unlike House Bill 1074, improperly denies discretion to the Parish

Boards of Election Supervisors in determining whether a ballot is valid. Instead, this bill mandates that an otherwise valid ballot be rejected if there is a technical deficiency such as a missing mother's maiden name on the affidavit flap of the absentee by mail ballot. This is simply too prescriptive and should not become law."