

SENATE BILL NO. 226

BY SENATOR CLOUD

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AN ACT

To amend and reenact R.S. 18:1313.1(G)(3) and (H)(2) 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 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) and (H)(2), 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

1 with R.S. 18:1315(A), ~~and (B), and (C).~~

2 * * *

3 §1315. Challenge of absentee by mail or early voting ballot

4 * * *

5 **C. Notwithstanding the provisions of Subsections A and B of this Section,**
6 **any absentee by mail ballot with an absentee by mail certificate missing**
7 **information, which is required to be completed by the voter pursuant to R.S.**
8 **18:1310, that was not cured by the voter in accordance with the provisions of**
9 **LAC 31:I.301 et seq. shall be deemed challenged. However, an absentee by mail**
10 **ballot shall not be deemed challenged solely because the voter indicates on the**
11 **absentee by mail certificate that he does not know his mother's maiden name.**

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

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

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

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

16 **(4) If a challenge in accordance with the provisions of Subsection C of**
 17 **this Section is sustained, the vote shall not be counted, the board shall write**
 18 **"rejected" and the reason therefor across the ballot envelope, and shall place**
 19 **the rejected ballot in the special absentee by mail ballot envelope or container.**
 20 **The board shall notify the voter in writing of the challenge and the reason**
 21 **therefor. The notification shall be on a form provided by the secretary of state**
 22 **and shall be signed by at least a majority of the members of the board. The**
 23 **notice of the challenge and the reason 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.**

26 **E. The secretary of state shall provide for the following:**

27 **(1) The preprinting of information on the absentee by mail certificate of**
 28 **an absentee ballot by mail in a form prescribed by the secretary of state,**
 29 **including but not limited to the date of the election and the ward and precinct**
 30 **of the voter.**

1 (2) A uniform, standard challenge process and procedure with regards
2 to the items missing on the absentee by mail certificate of an absentee by mail
3 ballot and determinations made by the board.

PRESIDENT OF THE SENATE

SPEAKER OF THE HOUSE OF REPRESENTATIVES

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____