Regular Session, 2014

HOUSE BILL NO. 296

BY REPRESENTATIVE CONNICK

ELECTIONS: Provides for an automatic recount in elections when the number of absentee by mail and early voting ballots could make a difference in the outcome of the election

1	AN ACT
2	To amend and reenact R.S. 18:1313(J)(2)(a), (b), and (d), relative to elections; to provide
3	relative to recounts of absentee by mail and early voting ballots; to provide for a
4	recount in proposition elections under certain circumstances; to provide for
5	procedures; to provide relative to the duties of certain election officials relative to
6	such recount; to provide relative to the payment of costs; and to provide for related
7	matters.
8	Be it enacted by the Legislature of Louisiana:
9	Section 1. R.S. 18:1313(J)(2)(a, (b), and (d) are hereby amended and reenacted to
10	read as follows:
11	§1313. Tabulation and counting of absentee by mail and early voting ballots
12	* * *
13	J.
14	* * *
15	(2)(a)(i) Notwithstanding the provisions of Paragraph (1) of this Subsection,
16	if the number of absentee by mail and early voting ballots cast for all candidates for
17	an office could make a difference in the outcome of the election for such office, upon
18	the written request of a candidate for such office, the board shall recount the absentee
19	by mail ballots by hand or scanning equipment and early voting ballots

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CODING: Words in struck through type are deletions from existing law; words <u>underscored</u> are additions.

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electronically, unless paper ballots were used for early voting and in such case, the ballots shall be recounted by hand for such office.

3 (ii) Notwithstanding the provisions of Paragraph (1) of this Subsection, if the 4 number of absentee by mail and early voting ballots cast for and against a proposition could make a difference in the outcome of the election, upon the written 5 request of a person who voted in the proposition election, the board shall recount the 6 7 absentee by mail ballots by hand or scanning equipment and early voting ballots 8 electronically, unless paper ballots were used for early voting and in such case, the 9 ballots shall be recounted by hand for such election.

10 (b) All recounts of absentee by mail and early voting ballots shall be held at 11 10:00 a.m. or following the reinspection of voting machines on the fifth day after the 12 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 13 14 next working day at 10:00 a.m. or following the reinspection of voting machines. 15 Any written request for recount of absentee by mail and early voting ballots shall be 16 filed with the clerk of court. The deadline for filing a request for recount of absentee 17 by mail and early voting ballots shall be the last working day prior to the date of the 18 recount. Immediately upon receiving any request, the clerk of court shall 19 prominently post in his office a notice of the time and place where the absentee by 20 mail and early voting ballots will be recounted and the name of the candidate or the 21 voter in the proposition election requesting the recount.

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23 (d)(i) The candidate or the voter in the proposition election requesting the 24 recount shall be responsible for all reasonable costs associated with such recount which shall be payable to the clerk of court. The costs shall be paid at the time the 25 26 written request for the recount is filed with the clerk of court and shall be paid in 27 cash or by certified or cashier's check on a state or national bank or credit union, 28 United States postal money order, or money order issued by a state or national bank 29 or credit union.

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1	(ii) If the recount changes the outcome of the election, the costs paid by the
2	candidate or voter in the proposition election shall be refunded by the clerk of court.
3	* * *

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

Connick

HB No. 296

Abstract: Provides for a recount in proposition elections upon the request of a person who voted in the proposition election when the number of absentee by mail and early voting ballots could make a difference in the outcome of the election, and provides for a refund of costs paid by the requestor in a candidate or proposition election when the recount changes the outcome of the election.

<u>Present law</u> (R.S. 18:1313) provides relative to the tabulation and counting of absentee by mail and early voting ballots. Provides that if the number of absentee by mail and early voting ballots cast for all candidates for an office could make a difference in the outcome of the election for such office, the parish board of election supervisors shall recount the absentee by mail ballots.

<u>Present law</u> requires that a written request by a candidate be filed with the clerk of court for a recount to be conducted. Provides deadlines for making the request. Provides that the candidate requesting the recount shall be responsible for all reasonable costs associated with such recount which shall be payable to the clerk of court. Provides for the method of payment.

<u>Proposed law</u> retains <u>present law</u>. Applies <u>present law</u> to proposition elections in addition to candidate elections; provides that a person who voted in the proposition election may request the recount. Additionally provides that if the recount changes the outcome of an election, the costs paid by the candidate or voter in the proposition election shall be refunded by the clerk of court.

(Amends R.S. 18:1313(J)(2)(a), (b), and (d))

Summary of Amendments Adopted by House

Committee Amendments Proposed by <u>House Committee on House and Governmental</u> <u>Affairs</u> to the <u>original</u> bill.

- 1. Removes provisions of <u>proposed law</u> that would have repealed the requirement that a written request be made by a candidate by a certain deadline for a recount to be conducted in a candidate election.
- 2. Removes provisions of <u>proposed law</u> that would have repealed the requirement that the candidate pay the costs of the recount.
- 3. Adds provisions authorizing a person who voted in a proposition election to make a written request according to the same procedures and deadlines as for candidate elections in order for a recount to be conducted in a proposition election and requiring the person to pay the costs of the recount.

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4. Adds provisions that require the costs paid by the candidate or person who voted in the proposition election to be refunded if the recount changes the outcome of the election.