## SLS 20RS-619

## ORIGINAL

2020 Regular Session

SENATE BILL NO. 422

BY SENATOR BERNARD

VOTERS/VOTING. Provides for the reinspection of voting machines and recounting of absentee by mail and early voting ballots. (gov sig)

1	AN ACT
2	To amend and reenact R.S. 18:573(A)(3) and 1313(J)(2)(b) and (3), relative to the
3	reinspection of voting machines and recounting of absentee by mail and early voting
4	ballots; to provide for setting the timing of inspections; to provide for deadlines for
5	requests for inspections; and to provide for related matters.
6	Be it enacted by the Legislature of Louisiana:
7	Section 1. R.S. 18:573(A)(3) and 1313(J)(2)(b) and (3) are hereby amended and
8	reenacted to read as follows:
9	§573. Evidence of election results
10	A. Opening the voting machines.
11	* * *
12	(3) Each election day voting machine shall be relocked or otherwise secured
13	and, if applicable, resealed after the candidates or their representatives have had a
14	reasonable opportunity to inspect the machine, which shall not be less than thirty
15	minutes after the time designated for opening the machines by the clerk of court in
16	the notice posted in his office. The clerk of court, in the presence of a majority of the
17	parish board of election supervisors, shall reopen any voting machine for

Page 1 of 6 Coding: Words which are struck through are deletions from existing law; words in **boldface type and underscored** are additions.

1	reinspection by a candidate or his representative after receipt of a written request for
2	reinspection by the candidate. All reinspections shall be held at 10:00 a.m. at a time
3	set by the secretary of state, in conjunction with the registrar of voters and the
4	<u>clerk of court</u> , on the fifth day after the election and at any time ordered by a court
5	of competent jurisdiction. If the fifth day after the election falls on a holiday or
6	weekend, such reinspection shall be held at 10:00 a.m. at a time set by the
7	secretary of state, in conjunction with the registrar of voters and the clerk of
8	court, on the next working day. Any written request for reinspection of voting
9	machines shall be filed with the clerk of court. The deadline for filing a request for
10	reinspection shall be the last working day prior to the date of the reinspection 4:30
11	<b>p.m. on the third calendar day after the election</b> . Immediately upon receiving any
12	request, the clerk of court shall prominently post in his office a notice of the time and
13	place where the voting machines will be reopened and the name of the candidate
14	requesting that the machines be reopened. The candidate requesting the reinspection
15	shall be responsible for all reasonable costs associated with such reinspection,
16	including technical support by the secretary of state's technicians, which shall be
17	payable to the clerk of court. The costs shall be estimated and paid at the time the
18	written request for reinspection of voting machines is filed with the clerk of court
19	and shall be paid in cash or by certified or cashier's check on a state or national bank
20	or credit union, United States postal money order, or money order issued by a state
21	or national bank or credit union. The parish board of election supervisors shall be
22	entitled to reimbursement for attending the reinspection at the rate established in R.S.
23	18:423(E); however, such reimbursement shall not be counted toward the six-day
24	limitation provided in R.S. 18:423(E). If it is necessary to reopen a voting machine
25	which has been relocked or otherwise secured and, if applicable, resealed to conduct
26	a reinspection thereof, the clerk of court shall relock or otherwise secure and, if
27	applicable, reseal the machine after the reinspection is completed.
28	* * *

29

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

Page 2 of 6 Coding: Words which are struck through are deletions from existing law; words in **boldface type and underscored** are additions.

1	* * *
2	J. * * *
3	(2) * * *
4	(b) All recounts of absentee by mail and early voting ballots shall be held at
5	10:00 a.m. on the fifth day after the election at a time set by the secretary of
6	state, in conjunction with the registrar of voters and the clerk of court, or
7	following the reinspection of voting machines on the fifth day after the election and
8	at any time ordered by a court of competent jurisdiction. If the fifth day after the
9	election falls on a holiday or weekend, such recount shall be held on the next
10	working day at 10:00 a.m. at a time set by the secretary of state, in conjunction
11	with the registrar of voters and the clerk of court, or following the reinspection
12	of voting machines. Any written request for recount of absentee by mail and early
13	voting ballots shall be filed with the clerk of court. The deadline for filing a request
14	for recount of absentee by mail and early voting ballots shall be 4:30 p.m. on the last
15	working day prior to the date of the recount third calendar day after the election.
16	Immediately upon receiving any request, the clerk of court shall prominently post in
17	his office a notice of the time and place where the absentee by mail and early voting
18	ballots will be recounted and the name of the candidate or the voter in the
19	proposition election requesting the recount.
20	* * *
21	(3) A candidate or his representative, in the presence of a majority of the
22	parish board of election supervisors, shall be allowed to inspect the flaps removed
23	from the valid absentee by mail ballots and the flaps removed from the valid early
24	voting ballots when paper ballots are used for early voting. All such inspections shall
25	be held at 10:00 a.m. at a time set by the secretary of state, in conjunction with
26	the registrar of voters and the clerk of court, or following the recount of absentee
27	by mail and early voting ballots on the fifth day after the election and at any time
28	ordered by a court of competent jurisdiction. If the fifth day after the election falls
29	on a holiday or weekend, such inspection shall be held on the next working day at

Page 3 of 6 Coding: Words which are struck through are deletions from existing law; words in **boldface type and underscored** are additions.

1	10:00 a.m. at a time set by the secretary of state, in conjunction with the
2	registrar of voters and the clerk of court, or following the recount of absentee by
3	mail and early voting ballots. Any written request for inspection shall be filed with
4	the clerk of court. The deadline for filing a request for inspection shall be the last
5	working day prior to the date of the inspection 4:30 p.m. on the third calendar day
6	after the election. Immediately upon receiving any request, the clerk of court shall
7	prominently post in his office a notice of the time and place where the inspection will
8	occur and the name of the candidate requesting the inspection. The candidate
9	requesting the inspection shall be responsible for all reasonable costs associated with
10	such inspection which shall be payable to the clerk of court. The costs shall be paid
11	at the time the written request for the inspection is filed with the clerk of court and
12	shall be paid in cash or by certified or cashier's check on a state or national bank or
13	credit union, United States postal money order, or money order issued by a state or
14	national bank or credit union.
15	* * *
16	Section 2 This Act shall become effective upon signature by the governor or if not

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

SB 422 Original

DIGEST 2020 Regular Session

Bernard

<u>Present law</u> provides that the clerk of court, in the presence of a majority of the parish board of election supervisors, will reopen any voting machine for reinspection by a candidate or his representative at 10:00 a.m. on the fifth day after the election and at any time ordered by a court of competent jurisdiction after receipt of a written request for reinspection by the candidate or at 10:00 a.m. on the next working day if the fifth day after the election falls on a holiday or weekend.

<u>Proposed law</u> provides that the clerk of court, in the presence of a majority of the parish board of election supervisors, will reopen any voting machine for reinspection by a candidate or his representative at 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

Page 4 of 6 Coding: Words which are struck through are deletions from existing law; words in **boldface type and underscored** are additions. a court of competent jurisdiction after receipt of a written request for reinspection by the candidate or on the next working day at a time set by secretary of state, in conjunction with the registrar of voters and the clerk of court.

<u>Present law</u> provides that the deadline for filing a written request for reinspection with the clerk of court will be the last working day prior to the date of the reinspection.

<u>Proposed law</u> provides that the deadline for filing a written request for reinspection with the clerk of court will be 4:30 p.m. on the third calendar day after the election.

<u>Present law</u> provides that all recounts of absentee by mail and early voting ballots will be held at 10:00 a.m. 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 or at 10:00 a.m. on the next working day if the fifth day after the election falls on a holiday or weekend.

<u>Proposed law</u> provides that all recounts of absentee by mail and early voting ballots will be held 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 or at a time set by the secretary of state, in conjunction with the registrar of voters and the clerk working day if the fifth day after the election falls on a holiday or weekend.

<u>Present law</u> provides that the deadline for filing a written request with the clerk of court for a recount of absentee by mail and early voting ballots will be 4:30 p.m. on the last working day prior to the date of the recount.

<u>Proposed law</u> provides that the deadline for filing a written request with the clerk of court for a recount of absentee by mail an early voting ballots will be 4:30 p.m. on the third calendar day after the election.

<u>Present law</u> provides that a candidate or his representative, in the presence of a majority of the parish board of election supervisors, will be allowed to inspect the flaps removed from valid absentee by mail ballots and the flaps removed from the valid early voting ballots when paper ballots are used for early voting at 10:00 a.m. or following the recount of absentee by mail and early voting ballots on the fifth day after the election and at any time ordered by a court of competent jurisdiction or at 10:00 a.m. on the next working day if the fifth day after the election falls on a holiday or weekend.

<u>Proposed law</u> provides that a candidate or his representative, in the presence of a majority of the parish board of election supervisors, will be allowed to inspect the flaps removed from valid absentee by mail ballots and the flaps removed from the valid early voting ballots when paper ballots are used for early voting at a time set by the secretary of state, in conjunction with the registrar of voters and the clerk of court, or following the recount of absentee by mail and early voting ballots on the fifth day after the election and at any time ordered by a court of competent jurisdiction or at 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 if the fifth day after the election falls on a holiday or weekend.

<u>Present law</u> provides that the deadline for filing a written request with the clerk of court for inspection of the flaps removed from the valid absentee by mail ballots and the flaps removed from the valid early voting ballots when paper ballots are used for early voting will be the last working day prior to the date of the inspection.

<u>Proposed law</u> provides that the deadline for filing a written request with the clerk of court for inspection of the flaps removed from the valid absentee by mail ballots and the flaps

removed from the valid early voting ballots when paper ballots are used for early voting will be 4:30 p.m. on the third calendar day after the election.

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

(Amends R.S. 18:573(A)(3) and 1313(J)(2)(b) and (3))