

Regular Session, 2014

HOUSE BILL NO. 354

BY REPRESENTATIVE CONNICK

ELECTIONS: Provides for the use of provisional ballots in all elections

1 AN ACT

2 To amend and reenact R.S. 18:566(A), (B)(introductory paragraph) and (1), (C), and
3 (D)(introductory paragraph) and (1), 566.2(B), (E), and (F)(7), and 574(A)(2),
4 relative to voting; to provide relative to the use of provisional ballots; to provide for
5 the use of provisional ballots in all elections; to provide for the duties of election
6 officials relative to the use of provisional ballots; to provide relative to voting
7 procedures; to provide relative to the counting and tabulation of provisional ballots;
8 to provide relative to the compilation and promulgation of returns; to provide for
9 effectiveness; and to provide for related matters.

10 Be it enacted by the Legislature of Louisiana:

11 Section 1. R.S. 18:566(A), (B)(introductory paragraph) and (1), (C), and
12 (D)(introductory paragraph) and (1), 566.2(B) and (E), and (F)(7), and 574(A)(2) are hereby
13 amended and reenacted to read as follows:

14 §566. Provisional voting ~~for federal office~~; polling place and early voting

15 A. ~~In an election for federal office, when~~ When an applicant's name does not
16 appear on the precinct register and the registrar of voters has not authorized the
17 applicant to vote by affidavit, or the commissioners assert that the applicant is not
18 eligible to vote, and the applicant declares himself to be a registered voter and
19 eligible to vote in the election ~~for federal office~~, the applicant may cast a provisional
20 ballot ~~for candidates for federal office~~.

1 B. Procedure for provisional voting ~~for federal office~~ at a polling place:

2 (1)(a) The applicant shall first fill in the blanks on the provisional ballot
3 envelope flap and sign the certificate on the envelope flap in the presence of a
4 commissioner attesting that he is a registered voter in the parish and is eligible to
5 vote in the election ~~for federal office~~. The applicant shall then sign the precinct
6 register on the page marked "Provisional Voters". The commissioner shall record
7 the provisional ballot number on the provisional ballot envelope and then shall
8 provide the applicant the provisional ballot envelope and the provisional ballot
9 ~~listing the federal offices~~. The applicant shall then mark the provisional ballot
10 according to the printed instructions on its face, place the ballot in the provisional
11 ballot envelope, seal the envelope, and return the provisional ballot envelope to the
12 commissioner. The applicant shall be allowed to mark the provisional ballot in an
13 area and in a manner that protects the secrecy of his vote. The commissioner shall
14 place the provisional ballot envelope inside the envelope marked "Provisional
15 Ballot".

16 (b) The procedures provided in Subparagraph (a) of this Paragraph shall be
17 utilized for each ballot that the applicant casts, except that the applicant shall only
18 be required to sign the precinct register once.

19 (c) The "Provisional Ballot" envelope shall be returned to the registrar of
20 voters, in care of the clerk of court, on election night.

21 * * *

22 C. ~~In an election for federal office during~~ During the period of early voting,
23 when an applicant's name does not appear on the precinct register and the registrar
24 of voters has not authorized the applicant to vote by affidavit, or the registrar or
25 deputy registrar asserts that the applicant is not eligible to vote, and the applicant
26 declares himself to be a registered voter and eligible to vote in the election ~~for~~
27 ~~federal office~~, the applicant shall be permitted to cast an early voting provisional
28 ballot ~~for candidates for federal office~~.

1 D. Procedure for provisional voting ~~for federal office~~ during the period of
2 early voting:

3 (1)(a) The applicant shall first fill in the blanks on the provisional ballot
4 envelope flap and sign the certificate on the envelope flap in the presence of the
5 registrar or deputy registrar attesting that he is a registered voter in the parish and is
6 eligible to vote in the election ~~for federal office~~. The applicant shall then sign the
7 precinct register on the page marked "Provisional Voters". If the applicant is voting
8 at a branch office of the registrar, the applicant shall be required to sign and date a
9 register for early voting provisional voters kept by the registrar prior to voting by
10 provisional ballot. The registrar or deputy registrar shall record the provisional
11 ballot number on the provisional ballot envelope flap and then shall provide the
12 applicant the provisional ballot envelope and the provisional ballot ~~listing the federal~~
13 ~~offices~~. The applicant shall then mark the provisional ballot according to the printed
14 instructions on its face, place the ballot in the provisional ballot envelope, seal the
15 envelope, and return the provisional ballot envelope to the registrar or deputy
16 registrar. The applicant shall be allowed to mark the provisional ballot in an area and
17 in a manner that protects the secrecy of his vote. The registrar or deputy registrar
18 shall place the provisional ballot envelope inside the envelope marked "Early Voting
19 Provisional Ballot".

20 (b) The procedures provided in Subparagraph (a) of this Paragraph shall be
21 utilized for each ballot that the applicant casts, except that the applicant shall only
22 be required to sign the precinct register or branch office register once.

23 * * *

24 §566.2. Tabulation and counting of provisional ballots ~~for federal office~~

25 * * *

26 B. The parish board of election supervisors in each parish shall be
27 responsible for the counting and tabulation of all provisional ballots ~~for federal~~
28 ~~office~~. The board may utilize absentee by mail and early voting commissioners to
29 count the provisional ballots in the parish. If the board determines that absentee by

1 mail and early voting commissioners are necessary to count and tabulate the
 2 provisional ballots, it shall select absentee by mail and early voting commissioners
 3 in accordance with the provisions of R.S. 18:1314(D). In a parish where no absentee
 4 by mail and early voting commissioners are utilized during the counting and
 5 tabulation of absentee by mail and early voting ballots, the board may utilize
 6 commissioners to count the provisional ballots. The selection and compensation of
 7 such commissioners to count and tabulate provisional ballots shall be in the same
 8 manner as absentee by mail and early voting commissioners as provided for in R.S.
 9 18:1314(D) and (E).

* * *

11 E. The board shall count and announce the results of the provisional ballots
 12 as the total number of provisional votes cast in the election for each candidate ~~for~~
 13 ~~federal office~~ and the total number cast for and against each proposition.

14 F. The procedure for counting provisional ballots shall be as follows:

* * *

16 (7) The provisional votes cast for a candidate ~~for federal office~~ and those cast
 17 for and against a proposition shall be counted by hand, and the total number of
 18 provisional votes cast for a candidate and those cast for and against a proposition
 19 shall be announced in the order the offices and candidates and propositions are listed
 20 on the provisional ballot. The members of the board shall enter the total number of
 21 votes on the final provisional ballot vote report and certify the results.

* * *

23 §574. Compilation and promulgation of returns

24 A.

* * *

26 (2) Immediately after the completion of the verification by the clerk of court
 27 and the counting and tabulation of provisional ballots ~~for federal office~~, if applicable,
 28 the board shall publicly prepare two compiled statements of the election returns as
 29 shown by the record of the votes made by the clerk of court. The compiled

1 statements shall separately show the machine votes for each candidate and for and
 2 against each proposition in each precinct, the total absentee by mail and early voting
 3 votes for each candidate and for and against each proposition in the parish, the total
 4 provisional votes for each candidate ~~for federal office~~ and for and against each
 5 proposition, and the total of all votes for each candidate and for and against each
 6 proposition in the parish.

7 * * *

8 Section 2. This Act shall become effective on January 1, 2015.

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. 354

Abstract: Provides for the use of provisional ballots in all elections instead of in only federal elections.

Present law (R.S. 18:566) provides that when an applicant's name does not appear on the precinct register and the registrar of voters has not authorized the applicant to vote by affidavit, or the commissioners assert that the applicant is not eligible to vote, and the applicant declares himself to be a registered voter and eligible to vote in the election, the applicant may cast a provisional ballot. Proposed law retains present law.

Present law limits the use of provisional ballots to elections for federal office. Proposed law repeals present law.

Present law provides procedures for provisional voting at a polling place and during early voting. Provides that the applicant shall first fill in the blanks on the provisional ballot envelope flap and sign the certificate on the envelope flap in the presence of election officials attesting that he is a registered voter in the parish and is eligible to vote in the election for federal office. Requires the applicant to then sign the register. Requires the election official to record the provisional ballot number on the provisional ballot envelope and provide the applicant the provisional ballot envelope and the provisional ballot listing the federal offices. Provides that the applicant shall then mark the provisional ballot according to the printed instructions on its face, place the ballot in the provisional ballot envelope, seal the envelope, and return the provisional ballot envelope to the election official. Provides that the applicant shall be allowed to mark the provisional ballot in an area and in a manner that protects the secrecy of his vote. Requires an election official to provide an applicant who casts a provisional ballot with written instructions for how the applicant may ascertain whether the provisional vote was counted and, if the provisional vote was not counted, the reason the vote was not counted.

Proposed law repeals references in present law to elections for federal office. Otherwise retains present law. Provides that such procedures shall be utilized for each provisional ballot that an applicant casts, except that the applicant shall only be required to sign the register once.

Present law (R.S. 18:566.2 and 574) provides procedures for the tabulation and counting of provisional ballots and for the compilation and promulgation of returns. Proposed law repeals references in present law to federal elections. Expressly provides for the counting, compilation, and promulgation of votes for and against a proposition in addition to votes for each candidate. Otherwise retains present law.

Effective Jan. 1, 2015.

(Amends R.S. 18:566(A), (B)(intro. para.) and (1), (C), and (D)(intro. para.) and (1), 566.2(B), (E), and (F)(7), and 574(A)(2))