

2021 Regular Session

HOUSE BILL NO. 388

BY REPRESENTATIVE HARRIS

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

ELECTIONS: Provides relative to the preparation and verification process of absentee and early voting ballots prior to election day

1 AN ACT

2 To amend and reenact R.S. 18:423(J), 1313.1(A), (B), (C)(1), (E), and (G)(introductory  
3 paragraph), (6), and (7), and 1315(B) and to repeal R.S. 18:1313.2, relative to the  
4 preparation, verification, tabulation, and counting of absentee by mail and early  
5 voting ballots; to provide for the timing of such processes; to provide relative to  
6 elections impaired as the result of a declared disaster or emergency; to provide for  
7 an effective date; and to provide for related matters.

8 Be it enacted by the Legislature of Louisiana:

9 Section 1. R.S. 18:423(J), 1313.1(A), (B), (C)(1), (E), and (G)(introductory  
10 paragraph), (6), and (7), and 1315(B) are hereby amended and reenacted to read as follows:

11 §423. Parish boards of election supervisors

12 \* \* \*

13 J.~~(H)~~ Notwithstanding Subsection E of this Section, in a parish where the  
14 parish board of election supervisors tabulates and counts absentee by mail and early  
15 voting ballots in accordance with R.S. 18:1313.1, a member of the board may be  
16 compensated not more than eight days for a presidential or regularly scheduled  
17 congressional general election or seven days for any other primary or general  
18 election.

19 ~~(2) Notwithstanding any provision of this Section to the contrary, in a parish~~  
20 ~~where the parish board of election supervisors tabulates and counts absentee by mail~~

1 ~~and early voting ballots in accordance with R.S. 18:1313.2, a member of the board~~  
2 ~~may be compensated not more than eleven days for a presidential or regularly~~  
3 ~~scheduled congressional general election or ten days for any other primary or general~~  
4 ~~election if any such election is impaired as the result of a declared emergency or~~  
5 ~~disaster.~~

6 \* \* \*

7 §1313.1. Preparation, verification, tabulation, and counting of absentee by mail and  
8 early voting ballots; ~~parishes with one thousand or more absentee by mail~~  
9 ~~ballots~~

10 A. ~~Parishes with one thousand or more absentee by mail ballots returned to~~  
11 ~~the registrar of voters for a primary or general election, with written approval of the~~  
12 ~~secretary of state,~~ may conduct the preparation and verification process for the  
13 tabulation and counting of absentee by mail and early voting ballots the day for a  
14 primary or general election beginning four days before the election and conduct the  
15 tabulation and counting of absentee by mail and early voting ballots on election day  
16 in the manner provided by this Section.

17 B. The parish board of election supervisors shall be responsible for the  
18 preparation, verification, counting, and tabulation of all absentee by mail and early  
19 voting ballots in the parish. The board may utilize parish board commissioners to  
20 count the absentee by mail and early voting ballots in the parish. If the board  
21 determines that parish board commissioners are necessary for the preparation and  
22 verification process to count and tabulate the absentee by mail and early voting  
23 ballots ~~the day~~ before the election and to count and tabulate the absentee by mail and  
24 early voting ballots on election day, it shall select parish board commissioners in  
25 accordance with the provisions of R.S. 18:1314. If a majority of the members of the  
26 board are not present for the preparation and verification process to count the  
27 absentee by mail and early voting ballots or to count the absentee by mail and early  
28 voting ballots and no parish board commissioners were previously selected, the  
29 members present may select a sufficient number of parish board commissioners ~~on~~

1 ~~the day~~ four days before the election or on election day, as applicable, to assist in the  
2 preparation and verification process for the tabulation and counting of absentee by  
3 mail and early voting ballots and the tabulation and counting of the ballots.

4 C.(1) The preparation and verification process for the counting of the  
5 absentee by mail and early voting ballots may be conducted ~~the day~~ beginning four  
6 days before the election at a public facility within the parish designated by the  
7 registrar of voters at a time fixed by the parish board of election supervisors.

8 \* \* \*

9 E. Candidates, their representatives, and qualified electors may be present  
10 during the preparation and verification process for the counting and tabulation of  
11 absentee by mail and early voting ballots ~~on the day~~ before the election and the  
12 counting and tabulation of absentee by mail and early voting ballots on election day.  
13 If the counting and tabulation of absentee by mail and early voting ballots begins  
14 prior to the closing of the polls on election day, the board shall give notice  
15 reasonably calculated to inform any person who wants to be present during the  
16 counting and tabulation that no person will be allowed to leave or to communicate  
17 with any other person outside, until such time as the polls are closed, nor shall any  
18 person who is present during the counting and tabulation of absentee by mail and  
19 early voting ballots on election day possess a cellular telephone or electronic  
20 communication device.

21 \* \* \*

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

25 \* \* \*

26 (6) A member of the board shall place the absentee by mail ballots and early  
27 voting paper ballots that have been challenged and the ballots that have not been  
28 challenged in the special absentee by mail envelope or container provided for that  
29 purpose and seal the envelope or container. Two members of the board shall execute

1 the first certificate on the envelope or container and date the certificate ~~the day with~~  
2 the date on which it was executed before the election.

3 (7) The members of the board shall place the certificates of the absentee by  
4 mail ballots and early voting paper ballots that have not been challenged and the  
5 flaps removed from those ballots in the envelope or container provided for that  
6 purpose and seal the envelope or container. Two of the members shall execute the  
7 first certificate on the envelope and date the certificate ~~the day with the date on~~  
8 which it was executed before the election.

9 \* \* \*

10 §1315. Challenge of absentee by mail or early voting ballot

11 \* \* \*

12 B.~~(1)~~ During the preparation and verification process for the counting of  
13 absentee by mail and early voting ballots ~~on the day~~ before the election, as  
14 applicable, or the counting of absentee by mail and early voting ballots on election  
15 day, any candidate or his representative, member of the board, or qualified elector  
16 may challenge an absentee by mail or early voting ballot for cause, other than those  
17 grounds specified in R.S. 18:565(A).

18 ~~(2) Notwithstanding Paragraph (1) of this Subsection, for elections impaired~~  
19 ~~as a result of a declared disaster or emergency, during the preparation and~~  
20 ~~verification process for the counting of absentee by mail and early voting ballots~~  
21 ~~before an election in accordance with R.S. 18:1313.2, or the counting of absentee by~~  
22 ~~mail and early voting ballots on election day in accordance with R.S. 18:1313.2, any~~  
23 ~~candidate or his representative, member of the board, or qualified elector may~~  
24 ~~challenge an absentee by mail or early voting ballot for cause, other than those~~  
25 ~~grounds specified in R.S. 18:565(A).~~

26 \* \* \*

27 Section 2. R.S. 18:1313.2 is hereby repealed in its entirety.

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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)]

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HB 388 Original

2021 Regular Session

Harris

**Abstract:** Provides a longer period of time for a parish to prepare and verify absentee by mail and early voting ballots before election day

Present law provides that parishes with 1,000 or more absentee by mail ballots returned to the registrar of voters for a primary or general election may conduct the preparation and verification process for the tabulation and counting of absentee by mail and early voting ballots the day before the election and conduct the tabulation and counting of absentee by mail and early voting ballots on election day.

Proposed law allows any parish, with written approval of the secretary of state, to conduct the preparation and verification of absentee by mail and early voting ballots beginning four days before the election day. Also allows the preparation and verification of challenged ballots four days before the election.

Present law (R.S. 18:1313.2) provides relative to elections impaired as the result of a declared disaster or emergency and allows the preparation and verification process to begin four days before election day. Provides that present law shall be void and of no effect on Aug. 1, 2021.

Proposed law repeals present law.

(Amends R.S. 18:423(J), 1313.1(A), (B), (C)(1), (E), and (G)(intro. para.), (6), and (7), and 1315(B); Repeals R.S. 18:1313.2)