

2021 Regular Session

HOUSE BILL NO. 388

BY REPRESENTATIVES HARRIS AND HODGES

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.(1)(a) ~~Parishes with one thousand or more absentee by mail ballots~~  
11 ~~returned to the registrar of voters for a primary or general election may conduct the~~  
12 ~~preparation and verification process for the tabulation and counting of absentee by~~  
13 ~~mail and early voting ballots for a primary or general election the day before the~~  
14 ~~election.~~

15 (b) However, with the written approval of the secretary of state, parishes  
16 may conduct the preparation and verification process for the tabulation and counting  
17 of absentee by mail and early voting ballot for a primary or general election  
18 beginning three days before the election.

19 (2) and conduct the The tabulation and counting of absentee by mail and  
20 early voting ballots shall be conducted on election day.

21 B. The parish board of election supervisors shall be responsible for the  
22 preparation, verification, counting, and tabulation of all absentee by mail and early  
23 voting ballots in the parish. The board may utilize parish board commissioners to  
24 count the absentee by mail and early voting ballots in the parish. If the board  
25 determines that parish board commissioners are necessary for the preparation and  
26 verification process to count and tabulate the absentee by mail and early voting  
27 ballots ~~the day~~ before the election and to count and tabulate the absentee by mail and  
28 early voting ballots on election day, it shall select parish board commissioners in  
29 accordance with the provisions of R.S. 18:1314. If a majority of the members of the

1 board are not present for the preparation and verification process to count the  
 2 absentee by mail and early voting ballots or to count the absentee by mail and early  
 3 voting ballots and no parish board commissioners were previously selected, the  
 4 members present may select a sufficient number of parish board commissioners ~~on~~  
 5 ~~the day~~ four days before the election or on election day, as applicable, to assist in the  
 6 preparation and verification process for the tabulation and counting of absentee by  
 7 mail and early voting ballots and the tabulation and counting of the ballots.

8 C.(1) The preparation and verification process for the counting of the  
 9 absentee by mail and early voting ballots may be conducted ~~the day~~ before the  
 10 election at a public facility within the parish designated by the registrar of voters at  
 11 a time fixed by the parish board of election supervisors.

12 \* \* \*

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

25 \* \* \*

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

29 \* \* \*

1           (6) A member of the board shall place the absentee by mail ballots and early  
2 voting paper ballots that have been challenged and the ballots that have not been  
3 challenged in the special absentee by mail envelope or container provided for that  
4 purpose and seal the envelope or container. Two members of the board shall execute  
5 the first certificate on the envelope or container and date the certificate ~~the day with~~  
6 the date on which it was executed before the election.

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

13   \*       \*       \*

14           §1315. Challenge of absentee by mail or early voting ballot

15   \*       \*       \*

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

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

CODING: Words in ~~struck through~~ type are deletions from existing law; words underscored are additions.

1 ~~challenge an absentee by mail or early voting ballot for cause, other than those~~  
2 ~~grounds specified in R.S. 18:565(A).~~

3 \* \* \*

4 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 Engrossed                      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 three days before the election day. Otherwise retains present law and makes it applicable to all parishes.

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)

Summary of Amendments Adopted by House

The Committee Amendments Proposed by House Committee on House and Governmental Affairs to the original bill:

- 1. Regarding the time frame during which a parish may conduct the preparation and verification of absentee by mail and early voting ballots:
  - a. Change the maximum period from four days to three days, if the maximum is approved by the secretary of state.
  - b. Provide that present law is applicable to all parishes unless the maximum period is approved.