2021 Regular Session

HOUSE BILL NO. 388

BY REPRESENTATIVES HARRIS AND HODGES

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.(1) 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
21	and early voting ballots in accordance with R.S. 18:1313.2, a member of the board

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CODING: Words in struck through type are deletions from existing law; words $\underline{\text{underscored}}$ are additions.

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may be compensated not more than eleven days for a presidential or regularly scheduled congressional general election or ten days for any other primary or general election if any such election is impaired as the result of a declared emergency or disaster.

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

A.(1)(a) Parishes with one thousand 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 for a primary or general election the day before the election.

- (b) However, with the written approval of the secretary of state, parishes may conduct the preparation and verification process for the tabulation and counting of absentee by mail and early voting ballot for a primary or general election beginning three days before the election.
- (2) and conduct the <u>The</u> tabulation and counting of absentee by mail and early voting ballots <u>shall be conducted</u> on election day.
- B. The parish board of election supervisors shall be responsible for the preparation, verification, counting, and tabulation of all absentee by mail and early voting ballots in the parish. The board may utilize parish board commissioners to count the absentee by mail and early voting ballots in the parish. If the board determines that parish board commissioners are necessary for the preparation and verification process to count and tabulate the absentee by mail and early voting ballots the day before the election and to count and tabulate the absentee by mail and early voting ballots on election day, it shall select parish board commissioners in

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accordance with the provisions of R.S. 18:1314. If a majority of the members of the board are not present for the preparation and verification process to count the absentee by mail and early voting ballots or to count the absentee by mail and early voting ballots and no parish board commissioners were previously selected, the members present may select a sufficient number of parish board commissioners on the day three days before the election or on election day, as applicable, to assist in the preparation and verification process for the tabulation and counting of absentee by mail and early voting ballots and the tabulation and counting of the ballots.

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

* * *

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

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

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

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

* * *

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

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

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

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

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SPEAKER OF THE HOUSE OF REPRESENTATIVES
PRESIDENT OF THE SENATE
GOVERNOR OF THE STATE OF LOUISIANA