HLS 22RS-753 **ORIGINAL**

2022 Regular Session

HOUSE BILL NO. 559

1

BY REPRESENTATIVE EDMONDS

ELECTIONS/BALLOTS: Provides relative to absentee by mail ballots

1	AN ACT
2	To enact R.S. 18:1313(G)(11), 1313.1(H)(10), and 1317, relative to absentee by mail
3	ballots, to provide for curing of ballot deficiencies, to provide for rejection of
4	absentee ballots; to provide for an effective date; and to provide for related matters.
5	Be it enacted by the Legislature of Louisiana:
6	Section 1. R.S. 18:1313(G)(11), 1313.1(H)(10), and 1317 are hereby amended and
7	reenacted to read as follows:
8	§1313. Tabulation and counting of absentee by mail and early voting ballots
9	* * *
0	G. The procedure for the preparation, verification, counting, and tabulation
1	of absentee by mail ballots shall be as follows:
12	* * *
13	(11) No absentee by mail ballot rejected pursuant to R.S. 18:1317 shall be
4	counted.
15	* * *
16	§1313.1. Preparation, verification, tabulation, and counting of absentee by mail and
17	early voting ballots
8	* * *
9	H. The procedure for counting early voting machine ballots and paper ballots
20	voted during early voting shall be as follows:
21	* * *
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CODING: Words in struck through type are deletions from existing law; words underscored are additions.

1	(10) No absentee by mail ballot rejected pursuant to R.S. 18:1317 shall be
2	counted.
3	* * *
4	§1317. Curing absentee by mail ballot deficiencies
5	A. Immediately upon receipt of an absentee by mail ballot, a registrar of
6	voters shall review the absentee by mail ballot envelope flap for the following
7	deficiencies:
8	(1) Missing voter signature.
9	(2) Missing witness signature and incomplete affidavit information,
10	including but not limited to missing election date and voter information.
1	B. Upon receipt of an absentee by mail ballot envelope flap with one or more
12	of the deficiencies provided in Subsection A, the registrar of voters shall segregate
13	the ballot envelope and promptly notify the voter of the ballot envelope flap
14	deficiency and of the opportunity to cure the deficiency.
15	C. The registrar of voters shall identify the ballot in the voter's absentee
16	record and notate it as "deficient with opportunity to cure."
17	D. The registrar shall immediately mail a written notice to the voter of the
18	ballot envelope flap informing him of the deficiency and the opportunity to cure the
19	deficiency. If there is a telephone number or electronic mail address available in the
20	voter's registration record, the registrar shall also attempt to contact the voter by
21	telephone or electronic mail.
22	E.(1) All deficiency notifications shall inform the voter of the type of
23	deficiency, the process for curing the deficiency, and the deadline and method to
24	cure the deficiency. The registrar shall make a log of the date for doing so.
25	(2) All deficiency notifications shall inform the voter that completing the
26	curing process does not guarantee that his ballot will be accepted.
27	F. The secretary of state shall have a space on the office's website that allows
28	a voter to check the status of his absentee by mail ballot.

1	G. Voters are required to appear in person at their registrar of voters office
2	during normal business hours the day before the election to cure the ballot envelope
3	flap deficiency.
4	(1) To cure a missing voter signature, the voter shall appear at the office of
5	the registrar and sign the ballot envelope flap in the presence of an employee of the
6	registrar of voters. The employee of the registrar who observes the signature shall
7	also sign the ballot envelope flap as witness.
8	(2) To cure a missing witness signature, the voter shall appear at the office
9	of the registrar and re-sign the ballot envelope flap in the presence of an employee
10	of the registrar of voters. The employee of the registrar who observes the signature
11	shall sign the ballot envelope flap as witness.
12	(3) To cure an incomplete affidavit, the voter shall appear at the office of the
13	registrar and complete the affidavit on the ballot envelope flap.
14	H. If the voter appears at the office of the registrar to cure the deficiency, the
15	notation in the voter's absentee record shall be updated to so reflect.
16	I. (1) Each cured ballot shall be submitted to the parish board of election
17	supervisors which shall determine if such ballot is rejected.
18	(2) During the counting of absentee by mail ballots, at least a majority of the
19	members of the board shall hear and determine the validity of any ballot cured in
20	accordance with the provisions of Subsection G of this Section.
21	(3) If a ballot is rejected in accordance with the provisions of this
22	Subsection, the vote shall not be counted, the board shall write "rejected" and the
23	cause therefor across the ballot envelope, and shall place the ballots so rejected in the
24	special absentee by mail ballot envelope or container. The board shall notify the
25	voter in writing of such rejection and the cause therefor. The notification shall be
26	on a form provided by the secretary of state and shall be signed by at least a majority
27	of the members of the board. The notice of such rejection and the cause therefor
28	shall be given within four business days by mail addressed to the voter at his place
29	of residence. The board shall retain a copy of the notification.

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

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)]

HB 559 Original

2022 Regular Session

Edmonds

Abstract: Provides for curing absentee by mail ballot deficiencies.

<u>Present law</u> provides that when a voter receives the absentee voting materials by mail, he first shall fill in all blanks on the certificate on the ballot envelope flap. The voter then shall mark the ballot according to the printed instructions on its face. Then the voter shall place the voted ballot in the envelope, seal the envelope, and sign the certificate on the ballot envelope flap.

<u>Proposed law</u> retains <u>present law</u> and provides a process for curing absentee by mail ballot deficiencies.

<u>Proposed law</u> provides that upon receipt of an absentee by mail ballot, a registrar of voters shall review the absentee by mail ballot envelope flap for deficiencies. If a deficiency on the absentee by mail ballot envelope flap is found, the registrar of voters shall segregate the ballot envelope and promptly notify the voter of the ballot envelope flap deficiency and of the opportunity to cure the deficiency.

<u>Proposed law</u> provides that the registrar of voters shall inform the voter of the type of deficiency, the process for curing the deficiency, the deadline for doing so, and that completing the curing process does not guarantee that his ballot will be accepted.

<u>Proposed law</u> provides that voters are required to appear in person at their registrar of voters office during normal business hours the day before the election to cure the ballot envelope flap deficiency. Further provides procedure for curing absentee ballot deficiencies.

<u>Proposed law</u> provides that each cured ballot shall be submitted to the parish board of election supervisors who shall determine if such ballot is rejected. During the counting of absentee by mail ballots, at least a majority of the members of the board shall hear and determine the validity of any ballot cured in accordance with the provisions of <u>proposed law</u>. Further provides that if a ballot is rejected, the vote shall not be counted and the board shall notify the voter in writing of such rejection and the cause therefor.

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

(Adds R.S. 18:1313(G)(11) and (H)(14), 1313.1(H)(10), and 1317)