

2022 Regular Session

HOUSE BILL NO. 912

BY REPRESENTATIVE MAGEE

ELECTION CODE: Makes technical changes to certain provisions relative to the manner in which ballots are prepared and marked

1 AN ACT

2 To amend and reenact R.S. 18:563(D)(2), 1259(B)(5), 1309(E)(5)(b)(i) and (iii), and  
3 1316(A) and to enact R.S. 18:1309(E)(5)(b)(iv), relative to voting; to provide for  
4 procedures applicable to voting; to provide for the manner of voting; to provide  
5 relative to ballots; to provide for the manner of marking ballot selections; and to  
6 provide for related matters.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. R.S. 18:563(D)(2), 1259(B)(5), 1309(E)(5)(b)(i) and (iii), and 1316(A)  
9 are hereby amended and reenacted and R.S. 18:1309(E)(5)(b)(iv) is hereby enacted to read  
10 as follows:

11 §563. Procedure for voting

12 \* \* \*

13 D.

14 \* \* \*

15 (2)(a) In order to cast a vote on a paper ballot, a voter must make a selection  
16 for a candidate or for or against a proposition by ~~completely filling in the oval to the~~  
17 ~~right of a selection~~ marking his ballot in accordance with the instructions and  
18 returning the ballot to the appropriate election official within the applicable deadline  
19 set forth by law. ~~If a voter makes selections for more than the number of candidates~~

1 ~~to be elected for an office or makes selections for and against the same proposition,~~  
2 ~~the selections for that office or proposition will be void.~~

3 (b) If a voter determines that his paper ballot is spoiled because he wants to  
4 change or correct his vote on the ballot before it is cast and counted but is unable to  
5 do so, he may obtain a replacement ballot upon returning the spoiled ballot to a  
6 commissioner. The voter shall cast his vote as provided in Subparagraph (a) of this  
7 Paragraph using the replacement ballot. The commissioner shall write the words  
8 "spoiled and replaced" on the spoiled ballot and shall place it in the envelope marked  
9 "Registrar of Voters".

10 (c) If a voter makes selections for more than the number of candidates to be  
11 elected for an office or makes selections for and against the same proposition, the  
12 selections for that office or proposition shall be void.

13 \* \* \*

14 §1259. Arrangement of ballot; designation of party candidates

15 \* \* \*

16 B.

17 \* \* \*

18 (5) On a voting machine, there shall be a button or candidate selection button  
19 with which to mark the ballot opposite each pair of nominee names. On paper  
20 ballots, there shall be a ~~single box~~ designated area within which to mark the ballot  
21 opposite each pair of nominee names.

22 \* \* \*

23 §1309. Early voting; verification

24 \* \* \*

25 E.

26 \* \* \*

27 (5)

28 \* \* \*

1 (b)(i) In order to cast a vote on a paper ballot, a voter must make a selection  
 2 for a candidate or for or against a proposition by ~~completely filling in the oval to the~~  
 3 ~~right of a selection~~ marking his ballot in accordance with the instructions and  
 4 returning the ballot to the appropriate election official within the applicable deadline  
 5 set forth by law. ~~If a voter makes selections for more than the number of candidates~~  
 6 ~~to be elected for an office or makes selections for and against the same proposition,~~  
 7 ~~the selections for that office or proposition will be void.~~

8 \* \* \*

9 (iii) If a voter determines that his paper ballot is spoiled because he wants  
 10 to change or correct his vote on the ballot before it is cast and counted but is unable  
 11 to do so, he may obtain a replacement ballot upon returning the spoiled ballot to the  
 12 registrar or deputy registrar. The voter shall cast his vote as provided in Item (i) of  
 13 this Subparagraph using the replacement ballot. The registrar or deputy registrar  
 14 shall write the words "spoiled and replaced" on the spoiled ballot and attach it to the  
 15 early voting confirmation sheet.

16 (iv) If a voter makes selections for more than the number of candidates to be  
 17 elected for an office or makes selections for and against the same proposition, the  
 18 selections for that office or proposition shall be void.

19 \* \* \*

20 §1316. Rejection of ballot having distinguishing marks

21 A. Any ballot with a distinguishing mark or feature making the ballot  
 22 susceptible of identification shall be rejected if at least a majority of the members of  
 23 the board determine that the distinguishing mark was made by action of the voter.  
 24 The marking of the ballot by the voter in such manner that a portion of an authorized  
 25 mark to indicate a vote inadvertently extends outside the ~~box~~ designated area in  
 26 which it is to be placed shall not be sufficient cause to reject the ballot. Any ballot  
 27 containing a combination of authorized marks and any ballot marked by a mark or  
 28 an instrument other than as instructed on the ballot shall be considered as susceptible  
 29 of identification and shall be rejected by the board.

30 \* \* \*

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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 912 Reengrossed

2022 Regular Session

Magee

**Abstract:** Makes technical changes to certain provisions relative to the manner in which ballots are prepared and marked and relative to determinations by the parish board of election supervisors regarding certain marks on ballots.

Present law (R.S. 18:563 and 1309) provide that in order to cast a vote on a paper ballot, a voter must make a selection for a candidate or for or against a proposition by *completely filling in the oval to the right of a selection* and returning the ballot to the appropriate election official by the applicable legal deadline.

Proposed law removes the provisions that require the voter to completely fill in the oval to the right of a selection and instead requires the voter to mark his ballot in accordance with the instructions and otherwise retains present law.

Present law provides that if a voter makes selections for more than the number of candidates to be elected for an office or makes selections for and against the same proposition, the selections for that office or proposition *will* be void. Proposed law changes "will" to "shall" and otherwise retains present law.

Present law (R.S. 18:1316) provides that any ballot with a distinguishing mark or feature making the ballot susceptible of identification shall be rejected if at least a majority of the members of the board determine that the distinguishing mark was made by action of the voter. Further specifies that if the voter marked the ballot in such manner that a portion of the mark to indicate a vote inadvertently extends outside the *box* in which it is to be placed shall not be sufficient cause to reject the ballot. Proposed law changes "box" to "designated area" and otherwise retains present law.

Present law (R.S. 18:1259) provides for the arrangement of the ballot for presidential elections and specifies that on paper ballots, there shall be a *single box* within which to mark the ballot. Proposed law changes "single box" to "designated area", makes other technical changes, and otherwise retains present law.

(Amends R.S. 18:563(D)(2), 1259(B)(5), 1309(E)(5)(b)(i) and (iii), and 1316(A); Adds R.S. 18:1309(E)(5)(b)(iv))