HLS 24RS-1728 REENGROSSED

2024 Regular Session

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HOUSE BILL NO. 962 (Substitute for House Bill No. 499 by Representative Billings)
BY REPRESENTATIVE BILLINGS

ELECTIONS/ABSENTEE VOTE: Provides relative to the preparation, verification, tabulation, and counting of absentee by mail and early voting ballots

AN ACT

2 To amend and reenact R.S. 18:423(I), 1302(2), 1313(B) and (E), and 1313.1(B) and (E), 3 relative to the meetings of the parish board of election supervisors; to provide for 4 notice of meetings; to provide for the preparation, verification, tabulation, and 5 counting of absentee by mail and early voting ballots; to provide for the preparation, 6 verification, tabulation, and counting process without a majority of parish board of 7 election supervisors present; to provide for the selection of parish board 8 commissioners to provide assistance; to provide for the authorization of the 9 commissioner of elections; to prohibit the recording or broadcasting of the 10 preparation, verification, tabulation, and counting process; and to provide for related 11 matters. 12 Be it enacted by the Legislature of Louisiana: 13 Section 1. R.S. 18:423(I), 1302(2), 1313(B) and (E), and 1313.1(B) and (E) are 14 hereby amended and reenacted to read as follows: 15 §423. Parish boards of election supervisors 16 17 I. Meetings. Each parish board of election supervisors shall conduct its 18 business in the presence of a quorum. All members of the board must be given 19 actual notice of all board meetings no later than twenty-four hours, exclusive of 20 Saturdays, Sundays, and legal holidays, before each meeting. 21

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1	§1302. Definitions
2	As used in this Chapter, unless the context clearly indicates otherwise, the
3	following terms shall have the meanings hereafter ascribed to each:
4	* * *
5	(2) "Board" means the parish board of election supervisors of each parish.
6	If parish board commissioners are utilized by the parish board of election supervisors
7	to count and tabulate absentee by mail and early voting ballots, the term "board" for
8	the purposes of R.S. 18:1306, 1311, 1312, 1313, <u>1313.1</u> , 1315, and 1316 shall also
9	mean the parish board commissioners providing assistance.
10	* * *
11	§1313. Tabulation and counting of absentee by mail and early voting ballots
12	* * *
13	B.(1) The parish board of election supervisors shall be responsible for the
14	preparation, verification, counting, and tabulation of all absentee by mail and early
15	voting ballots in the parish. The board may utilize parish board commissioners to
16	count the absentee by mail and early voting ballots in the parish. If the board
17	determines that parish board commissioners are necessary to prepare, verify, count
18	and tabulate the absentee by mail and early voting ballots, it shall select parish board
19	commissioners in accordance with the provisions of R.S. 18:1314. If a majority of
20	the members of the board are not present to count the absentee by mail and early
21	voting ballots and no parish board commissioners were previously selected, the
22	members present may select a sufficient number of parish board commissioners on
23	election day to assist in the counting of absentee by mail and early voting ballots.
24	(2) If an insufficient number of parish board commissioners was selected
25	pursuant to R.S. 18:1314 to count the absentee by mail and early voting ballots, the
26	board, through the registrar of voters, shall request approval from the commissioner
27	of elections to select a sufficient number of parish board commissioners on election
28	day to assist in the counting of the ballots.

E.(1) Candidates, their representatives, and qualified electors may be present
during the preparation, verification, counting, and tabulation of absentee by mail and
early voting ballots. If the counting and tabulation of absentee by mail and early
voting ballots begin prior to the closing of the polls, the board shall give notice
reasonably calculated to inform any person who wants to be present during the
preparation, verification, 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 preparation, verification
counting, and tabulation of absentee by mail and early voting ballots possess a
cellular telephone or electronic communication or recording device.
(2) The preparation, verification, counting, and tabulation of absentee by
mail and early voting ballots shall not be video, audio, or tape recorded, filmed, or
broadcast live.
* * *
§1313.1. Preparation, verification, tabulation, and counting of absentee by mail and
early voting ballots
* * *
B.(1) 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 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
accordance with the provisions of R.S. 18:1314.
(2) If <u>less than</u> a majority <u>but at least two</u> 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

and the board cannot locate an alternate designee or appointee, the board shall, through the registrar of voters, so inform the commissioner of elections and request approval from the commissioner of elections for the appointment of a parish board commissioner to serve as a board member. The board shall receive approval of the commissioner of elections before proceeding with the preparation and verification process without a majority present.

(3) If an insufficient number of parish board commissioners was previously selected for the preparation and verification process or to count the absentee by mail and early voting ballots, the board, through the registrar of voters, may request approval from the commissioner of election to select a sufficient number of parish board commissioners 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.

* * *

E.(1) 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 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 or recording device.

1 (2) The preparation, verification, counting, and tabulation of absentee by mail
2 and early voting ballots shall not be video, audio, or tape recorded, filmed, or
3 broadcast live.
4 * * *

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 962 Reengrossed

2024 Regular Session

Billings

Abstract: Provides for the procedure for selecting parish board commissioners to assist the parish board of election supervisors with the preparation, verification, tabulation, and counting of absentee by mail and early voting ballots and a prohibition on the recording or broadcasting of the process and for notice of meetings of the board of election supervisors.

<u>Present law</u> requires each parish board of election supervisors to conduct its business in the presence of a quorum, subject to the Open Meetings Law (R.S. 42:11, et seq.), which requires written public notice of any regular, special, or rescheduled meeting not later than 24 hours, exclusive of Saturdays, Sundays, and legal holidays, before the meeting.

<u>Proposed law</u> requires that all members of the board must be given actual notice of all board meetings not later than 24 hours before each meeting.

<u>Present law</u> requires the parish board of election supervisors to conduct the preparation verification, tabulation, and counting of absentee by mail and early voting ballots in the parish. Authorizes the board to utilize and select parish board commissioners to count the ballots. <u>Proposed law retains present law.</u>

<u>Present law</u> requires a majority of the parish board of election supervisors to be present to determine whether an absentee by mail or early voting ballot is invalid and requires the inspection by a candidate of certificates removed from valid absentee by mail and early voting ballots be done in the presence of a majority of the parish board of election supervisors. <u>Proposed law</u> retains <u>present law</u>.

When the preparation verification, tabulation, and counting is conducted on election day and a majority of the members of the board are not present and no parish board commissioners were previously selected, <u>present law</u> (R.S. 18:1313) authorizes the members present to select a sufficient number of parish board commissioners on election day to assist.

<u>Proposed law</u> instead requires the board, through the registrar of voters, to receive approval from the commissioner of elections to select a sufficient number of commissioners to assist.

<u>Present law</u> (R.S. 18:1313.1) authorizes parishes to conduct preparation and verification the day prior to the election and conduct tabulation and counting on election day. In such circumstances, if less than a majority of the parish board members are present, <u>present law</u> authorizes the members present to select a sufficient number of parish board commissioners three days before the election or on election day, as applicable, to assist in both the preparation and verification process and the tabulation and counting of the ballots.

<u>Proposed law</u> instead provides that if less than a majority but at least two of the members of the board are present for the preparation and verification process and the board cannot locate

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an alternate designee or appointee, the board shall, through the registrar of voters, so inform the commissioner of elections and request approval from the commissioner of elections for the appointment of a parish board commissioner to serve as a board member. The board shall receive approval of the commissioner of elections before proceeding with the preparation and verification process without a majority present.

<u>Proposed law</u> also provides that if an insufficient number of parish board commissioners were previously selected for the preparation and verification process or to count the absentee by mail and early voting ballots, the board, through the registrar of voters, may request approval from the commissioner of election to select a sufficient number of parish board commissioners 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.

<u>Present law</u> (R.S. 18:1313(E) and 1313.1(E)) authorizes candidates, their representatives, and qualified electors to be present during the preparation, verification, counting, and tabulation of absentee by mail and early voting ballots. If the counting and tabulation of ballots begin prior to the closing of the polls, the board shall inform any person who wants to be present during the preparation, verification, 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. Further prohibits a person who is present from possessing a cellular telephone or electronic communication device.

<u>Proposed law</u> further prohibits the possession of an electronic recording device during preparation, verification, counting, and tabulation and provides that the process shall not be video, audio, or tape recorded, filmed, or broadcast live.

(Amends R.S. 18:423(I), 1302(2), 1313(B) and (E), and 1313.1(B) and (E))

Summary of Amendments Adopted by House

The House Floor Amendments to the engrossed bill:

1. Prohibit the possession of an electronic recording device during preparation, verification, counting, and tabulation and provides that the process shall not be video, audio, or tape recorded, filmed, or broadcast live.