

SENATE BILL NO. 224

BY SENATOR CLOUD

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

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AN ACT

To amend and reenact R.S. 18:1306(E)(1)(f), 1307(A)(9), 1309(D)(1)(b), 1313(E) and (G)(2), 1313.1(E) and (G)(2), and 1315(B) and to enact R.S. 18:1306(E)(1)(g) and (h) and 1307(A)(10), relative to absentee by mail and early voting ballots; to provide for absentee by mail ballot certificate requirements; to provide for absentee by mail ballot application requirements; to provide for definitions; to provide for early voting identity verification; to provide for tabulation and counting of ballots; to specify the criminal penalties applicable to certain prohibited conduct relative to the tabulation and counting of ballots process; to provide for challenge of a ballot; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 18:1306(E)(1)(f), 1307(A)(9), 1309(D)(1)(b), 1313(E) and (G)(2), 1313.1(E) and (G)(2), and 1315(B) are hereby amended and reenacted and R.S. 18:1306(E)(1)(g) and (h) and 1307(A)(10) are hereby enacted to read as follows:

§1306. Preparation and distribution of absentee by mail and early voting ballots

\* \* \*

E.(1) An absentee by mail ballot envelope also shall have a perforated extension or flap below the sealing line, which shall bear a certificate prescribed by the secretary of state and approved by the attorney general. The certificate shall include but not necessarily be limited to:

\* \* \*

(f) The number of the voter's Louisiana driver's license or special identification card issued pursuant to R.S. 40:1321 or the last four digits of the voter's social security number if the voter does not have a Louisiana driver's

1 license or special identification card issued pursuant to R.S. 40:1321.

2 (g) The statement of the voter certifying that he does not possess a  
3 Louisiana driver's license or special identification card issued pursuant to R.S.  
4 40:1321 and has not been issued a social security number, if applicable.

5 (h) An affidavit followed by a line for the handwritten signature or mark of  
6 the voter, certifying that the statements made by him are true and correct and that the  
7 voter is aware of the penalties for knowingly making a false statement therein, which  
8 penalties shall be stated on the certificate.

9 \* \* \*

10 §1307. Application by mail

11 A. A person qualified to vote absentee by mail under this Chapter may make  
12 application therefor to the registrar by letter; over his signature or mark if the voter  
13 is unable to sign his name, signed by two witnesses who witnessed the applicant's  
14 mark; setting forth:

15 \* \* \*

16 (9) The number of the voter's Louisiana driver's license or special  
17 identification card issued pursuant to R.S. 40:1321 and the last four digits of the  
18 voter's social security number, if issued.

19 (10) If the person requests that a ballot for a general election be sent in  
20 addition to a ballot for the primary, he shall declare in writing to the registrar that he  
21 will be eligible to vote absentee by mail in the general election.

22 \* \* \*

23 §1309. Early voting; verification

24 \* \* \*

25 D.(1) \* \* \*

26 (b) If the voter does not have one of the forms of identification provided in  
27 Subparagraph (a) of this Paragraph, the voter shall complete and sign, in the presence  
28 of the registrar or his deputy, a voter identification affidavit to that effect provided  
29 by the secretary of state, which affidavit shall include the voter's date of birth, ~~and~~  
30 mother's maiden name, and the last four digits of the voter's social security

1        **number, if issued**. If the voter is unable to read or write or is otherwise unable to  
 2        complete the affidavit due to disability, the voter may receive assistance in  
 3        completing the affidavit, and the registrar or his deputy shall make a notation on the  
 4        affidavit. The voter may receive the assistance of any person of his choice, including  
 5        the registrar or his deputy, except a candidate, the voter's employer or employer's  
 6        agent, or the voter's union agent. The registrar or his deputy shall retain the affidavit  
 7        in the office of the registrar of voters.

8                                \*        \*        \*

9        §1313. Tabulation and counting of absentee by mail and early voting ballots

10                               \*        \*        \*

11                E. Candidates, their representatives, and qualified electors may be present  
 12        during the preparation, verification, counting, and tabulation of absentee by mail and  
 13        early voting ballots. If the counting and tabulation of absentee by mail and early  
 14        voting ballots begin prior to the closing of the polls, the board shall give notice  
 15        reasonably calculated to inform any person who wants to be present during the  
 16        preparation, verification, counting, and tabulation that no person will be allowed to  
 17        leave or to communicate with any other person outside, until such time as the polls  
 18        are closed, nor shall any person who is present during the preparation, verification,  
 19        counting, and tabulation of absentee by mail and early voting ballots possess a  
 20        cellular telephone or electronic communication device. **The recordation or**  
 21        **dissemination of any voter information read aloud during the process of**  
 22        **preparation, verification, counting, and tabulation of absentee by mail and early**  
 23        **voting ballots is expressly prohibited, and any person who knowingly, willfully,**  
 24        **or intentionally violates this prohibition shall be subject to the criminal**  
 25        **penalties applicable to violations of R.S. 18:1461.7(A)(5) and any other**  
 26        **applicable penalties or remedies otherwise provided by law, including R.S.**  
 27        **14:67.16.**

28                               \*        \*        \*

29                G. The procedure for the preparation, verification, counting, and tabulation  
 30        of absentee by mail ballots shall be as follows:

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(2) The board shall announce the name of each absentee by mail voter and the ward and precinct where he is registered to vote, and shall compare **but not announce** the name, **mother's maiden name, and Louisiana driver's license or special identification card number issued pursuant to R.S. 40:1321 or the last four digits of the voter's social security number, if applicable,** on the certificate or on the flap of the envelope containing the absentee by mail ballot with the ~~names~~ **voter's information** on the absentee by mail voter report.

\* \* \*

§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

\* \* \*

E. 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 device. **The recordation or dissemination of any voter information read aloud during the process of preparation, verification, counting, and tabulation of absentee by mail and early voting ballots is expressly prohibited.**

\* \* \*

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:

\* \* \*

(2) The board shall announce the name of each absentee by mail voter, **and** each voter who voted a paper ballot during early voting and the ward and precinct where he is registered to vote, and shall compare but not announce the name, **mother's maiden name, and Louisiana driver's license or special identification card number issued pursuant to R.S. 40:1321 or the last four digits of the voter's social security number, if applicable,** on the certificate or on the flap of the envelope containing the absentee by mail ballot or early voting paper ballot with the ~~names~~ **voter's information** on the absentee by mail voter report or early voter report, as applicable.

\* \* \*

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

\* \* \*

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). **Reasons for challenging an absentee by mail ballot for cause shall include but not be limited to the information provided on the certificate or flap of the envelope containing the absentee by mail ballot not matching the voter's information as it appears on his voter registration.**

~~(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. This Act shall become effective on January 1, 2023.

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PRESIDENT OF THE SENATE

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SPEAKER OF THE HOUSE OF REPRESENTATIVES

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GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: \_\_\_\_\_