

2020 Regular Session

SENATE BILL NO. 422

BY SENATOR BERNARD

VOTERS/VOTING. Provides for the reinspection of voting machines and recounting of absentee by mail and early voting ballots. (gov sig)

1 AN ACT

2 To amend and reenact R.S. 18:573(A)(3) and 1313(J)(2)(b) and (3), relative to the  
3 reinspection of voting machines and recounting of absentee by mail and early voting  
4 ballots; to provide for setting the timing of inspections; to provide for deadlines for  
5 requests for inspections; and to provide for related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. R.S. 18:573(A)(3) and 1313(J)(2)(b) and (3) are hereby amended and  
8 reenacted to read as follows:

9 §573. Evidence of election results

10 A. Opening the voting machines.

11 \* \* \*

12 (3) Each election day voting machine shall be relocked or otherwise secured  
13 and, if applicable, resealed after the candidates or their representatives have had a  
14 reasonable opportunity to inspect the machine, which shall not be less than thirty  
15 minutes after the time designated for opening the machines by the clerk of court in  
16 the notice posted in his office. The clerk of court, in the presence of a majority of the  
17 parish board of election supervisors, shall reopen any voting machine for

1 reinspection by a candidate or his representative after receipt of a written request for  
2 reinspection by the candidate. All reinspections shall be held ~~at 10:00 a.m.~~ **at a time**  
3 **set by the secretary of state, in conjunction with the registrar of voters and the**  
4 **clerk of court,** on the fifth day after the election and at any time ordered by a court  
5 of competent jurisdiction. If the fifth day after the election falls on a holiday or  
6 weekend, such reinspection shall be held ~~at 10:00 a.m.~~ **at a time set by the**  
7 **secretary of state, in conjunction with the registrar of voters and the clerk of**  
8 **court,** on the next working day. Any written request for reinspection of voting  
9 machines shall be filed with the clerk of court. The deadline for filing a request for  
10 reinspection shall be ~~the last working day prior to the date of the reinspection~~ **4:30**  
11 **p.m. on the third calendar day after the election.** Immediately upon receiving any  
12 request, the clerk of court shall prominently post in his office a notice of the time and  
13 place where the voting machines will be reopened and the name of the candidate  
14 requesting that the machines be reopened. The candidate requesting the reinspection  
15 shall be responsible for all reasonable costs associated with such reinspection,  
16 including technical support by the secretary of state's technicians, which shall be  
17 payable to the clerk of court. The costs shall be estimated and paid at the time the  
18 written request for reinspection of voting machines is filed with the clerk of court  
19 and shall be paid in cash or by certified or cashier's check on a state or national bank  
20 or credit union, United States postal money order, or money order issued by a state  
21 or national bank or credit union. The parish board of election supervisors shall be  
22 entitled to reimbursement for attending the reinspection at the rate established in R.S.  
23 18:423(E); however, such reimbursement shall not be counted toward the six-day  
24 limitation provided in R.S. 18:423(E). If it is necessary to reopen a voting machine  
25 which has been relocked or otherwise secured and, if applicable, resealed to conduct  
26 a reinspection thereof, the clerk of court shall relock or otherwise secure and, if  
27 applicable, reseal the machine after the reinspection is completed.

28 \* \* \*

29 §1313. Tabulation and counting of absentee by mail and early voting ballots

1 \* \* \*

2 J. \* \* \*

3 (2) \* \* \*

4 (b) All recounts of absentee by mail and early voting ballots shall be held at  
5 ~~10:00 a.m.~~ **on the fifth day after the election at a time set by the secretary of**  
6 **state, in conjunction with the registrar of voters and the clerk of court,** or  
7 following the reinspection of voting machines on the fifth day after the election and  
8 at any time ordered by a court of competent jurisdiction. If the fifth day after the  
9 election falls on a holiday or weekend, such recount shall be held on the next  
10 working day at ~~10:00 a.m.~~ **at a time set by the secretary of state, in conjunction**  
11 **with the registrar of voters and the clerk of court,** or following the reinspection  
12 of voting machines. Any written request for recount of absentee by mail and early  
13 voting ballots shall be filed with the clerk of court. The deadline for filing a request  
14 for recount of absentee by mail and early voting ballots shall be 4:30 p.m. on the ~~last~~  
15 ~~working day prior to the date of the recount~~ **third calendar day after the election.**  
16 Immediately upon receiving any request, the clerk of court shall prominently post in  
17 his office a notice of the time and place where the absentee by mail and early voting  
18 ballots will be recounted and the name of the candidate or the voter in the  
19 proposition election requesting the recount.

20 \* \* \*

21 (3) A candidate or his representative, in the presence of a majority of the  
22 parish board of election supervisors, shall be allowed to inspect the flaps removed  
23 from the valid absentee by mail ballots and the flaps removed from the valid early  
24 voting ballots when paper ballots are used for early voting. All such inspections shall  
25 be held at ~~10:00 a.m.~~ **at a time set by the secretary of state, in conjunction with**  
26 **the registrar of voters and the clerk of court,** or following the recount of absentee  
27 by mail and early voting ballots on the fifth day after the election and at any time  
28 ordered by a court of competent jurisdiction. If the fifth day after the election falls  
29 on a holiday or weekend, such inspection shall be held on the next working day at



a court of competent jurisdiction after receipt of a written request for reinspection by the candidate or on the next working day at a time set by secretary of state, in conjunction with the registrar of voters and the clerk of court.

Present law provides that the deadline for filing a written request for reinspection with the clerk of court will be the last working day prior to the date of the reinspection.

Proposed law provides that the deadline for filing a written request for reinspection with the clerk of court will be 4:30 p.m. on the third calendar day after the election.

Present law provides that all recounts of absentee by mail and early voting ballots will be held at 10:00 a.m. or following the reinspection of voting machines on the fifth day after the election and at any time ordered by a court of competent jurisdiction or at 10:00 a.m. on the next working day if the fifth day after the election falls on a holiday or weekend.

Proposed law provides that all recounts of absentee by mail and early voting ballots will be held on the fifth day after the election at a time set by the secretary of state, in conjunction with the registrar of voters and the clerk of court, or following the reinspection of voting machines on the fifth day after the election and at any time ordered by a court of competent jurisdiction or at a time set by the secretary of state, in conjunction with the registrar of voters and the clerk of court on the next working day if the fifth day after the election falls on a holiday or weekend.

Present law provides that the deadline for filing a written request with the clerk of court for a recount of absentee by mail and early voting ballots will be 4:30 p.m. on the last working day prior to the date of the recount.

Proposed law provides that the deadline for filing a written request with the clerk of court for a recount of absentee by mail and early voting ballots will be 4:30 p.m. on the third calendar day after the election.

Present law provides that a candidate or his representative, in the presence of a majority of the parish board of election supervisors, will be allowed to inspect the flaps removed from valid absentee by mail ballots and the flaps removed from the valid early voting ballots when paper ballots are used for early voting at 10:00 a.m. or following the recount of absentee by mail and early voting ballots on the fifth day after the election and at any time ordered by a court of competent jurisdiction or at 10:00 a.m. on the next working day if the fifth day after the election falls on a holiday or weekend.

Proposed law provides that a candidate or his representative, in the presence of a majority of the parish board of election supervisors, will be allowed to inspect the flaps removed from valid absentee by mail ballots and the flaps removed from the valid early voting ballots when paper ballots are used for early voting at a time set by the secretary of state, in conjunction with the registrar of voters and the clerk of court, or following the recount of absentee by mail and early voting ballots on the fifth day after the election and at any time ordered by a court of competent jurisdiction or at a time set by the secretary of state, in conjunction with the registrar of voters and the clerk of court on the next working day if the fifth day after the election falls on a holiday or weekend.

Present law provides that the deadline for filing a written request with the clerk of court for inspection of the flaps removed from the valid absentee by mail ballots and the flaps removed from the valid early voting ballots when paper ballots are used for early voting will be the last working day prior to the date of the inspection.

Proposed law provides that the deadline for filing a written request with the clerk of court for inspection of the flaps removed from the valid absentee by mail ballots and the flaps

removed from the valid early voting ballots when paper ballots are used for early voting will be 4:30 p.m. on the third calendar day after the election.

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

(Amends R.S. 18:573(A)(3) and 1313(J)(2)(b) and (3))