

HOUSE COMMITTEE AMENDMENTS

2022 Regular Session

Substitute for Original House Bill No. 720 by Representative Gaines as proposed by the House Committee on House and Governmental Affairs

This document reflects the content of a substitute bill but is not in a bill form; page numbers in this document DO NOT correspond to page numbers in the substitute bill itself.

To amend and reenact R.S. 18:401.3(B)(1) and to enact R.S. 18:401.2(B)(5) and 401.4, relative to election procedures; to provide for election procedures during a state of emergency; to provide to changes of polling places; to provide relative to emergency plans; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 18:401.3(B)(1) is hereby amended and reenacted and R.S. 18:401.2(B)(5) and 401.4 are hereby amended and reenacted to read as follows:

§401.2. Relocation of polling places; state of emergency

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B. When a polling place is relocated pursuant to Subsection A, the clerk of court in conjunction with the secretary of state shall give adequate notice of the change of the location to each voter registered to vote at that polling place and to each candidate to be voted on at that polling place, if practicable, in the following manner:

* * *

(5) The secretary of state shall post a list of all changed polling locations on the secretary of state's website.

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§401.3. Emergency plan by secretary of state; gubernatorial and legislative approval

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B.(1) After the issuance of an executive order by the governor declaring a state of emergency within forty-five days prior to an election and if the secretary of state determines that such emergency impairs an election that may otherwise be held except for technical, mechanical, or logistical problems with respect to the relocation

or consolidation of polling places within the parish, potential shortages of commissioners and absentee commissioners, or shortages of voting machines, the secretary of state shall certify such facts and the reasons therefor to the governor, the Senate Committee on Senate and Governmental Affairs, and the House Committee on House and Governmental Affairs. If the governor and a majority of the members of each committee concur that such an emergency plan is necessary, the secretary of state shall develop ~~an emergency plan~~ plans in writing that ~~proposes~~ propose a ~~resolution~~ solutions to technical, mechanical, or logistical problems impairing the holding of the election with respect to the relocation or consolidation of polling places within the parish, potential shortages of commissioners and absentee commissioners, or shortages of voting machines.

* * *

§401.4. Emergency actions by secretary of state

After the issuance of an executive order by the governor declaring a state of emergency within forty-five days prior to an election and if the secretary of state determines that such emergency impairs an election that may otherwise be held except for problems with respect to the relocation or consolidation of polling places within the parish, potential shortages of commissioners, or shortages of voting machines, the secretary of state shall take necessary actions to ensure the successful execution of the election such as making reasonable adjustments to deadlines, qualifications to vote absentee by mail, and provisions of equipment, staffing, and other resources to ensure a safe, secure, and accessible elections.

* * *

Section 2. This Act shall become effective on October 1, 2022.

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 Draft

2022 Regular Session

Abstract: Provides for election procedures and emergency election plans during a declared state of emergency.

Present law provides that when a polling place is relocated, the clerk of court in conjunction with the secretary of state shall give adequate notice of the change of the location to each voter registered to vote at that polling place and to each candidate to be voted on at that polling place.

Proposed law provides that the secretary of state shall also post a list of all changed polling locations on the secretary of state's website.

Present law provides that after the issuance of an executive order by the governor declaring a state of emergency and if the secretary of state determines that such emergency impairs an election due to certain circumstances, the secretary of state shall certify such facts and the reasons therefor to the governor, the Senate Committee on Senate and Governmental Affairs, and the House Committee on House and Governmental Affairs.

Proposed law limits the applicability of present law to emergencies declared within 45 days prior to an election.

Present law provides that if the governor and a majority of the members of each committee concur that such an emergency plan is necessary, the secretary of state shall develop a written emergency plan that proposes a resolution to the problems impairing the holding of the election. Provides that the plan shall propose a resolution to problems impairing the holding of the election with respect to the following:

- (1) Relocation or consolidation of polling places.
- (2) Shortages of commissioners and absentee commissioners.
- (3) Shortages of voting machines.
- (4) Conducting early voting for displaced persons.

Present law requires the secretary of state to submit the emergency plan to the Senate Committee on Senate and Governmental Affairs, the House Committee on House and Governmental Affairs, and the governor. If a majority of the members of the legislative committees approve the emergency plan, the plan shall be submitted to the members of each house of the legislature for approval by mail ballot. If the legislature and the governor approve the emergency plan, the secretary of state shall implement the plan.

Proposed law provides that if an emergency is declared within 45 days prior to an election, the secretary of state shall take necessary actions to ensure successful execution of the election including:

- (1) Adjusting deadlines.
- (2) Adjusting qualifications to vote absentee by mail.
- (3) Adjusting provision of equipment, staffing, and other resources.

Present law regarding concurrence of the governor and the legislative committees that an emergency action is necessary and regarding the approval of the plan by the governor and the legislature is not applicable to proposed law.

Effective October 1, 2022.

(Amends R.S. 18:401.3(B)(1); Adds R.S. 18:401.2(B)(5) and 401.4)