

SENATE BILL NO. 258

BY SENATOR HEWITT AND REPRESENTATIVE GAROFALO

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AN ACT

2 To amend and reenact R.S. 18:401.3(B), (C), and (D)(1), (2)(a)(i) and (ii), (3), and (4), and
3 to enact R.S. 18:401.3(E), relative to emergency election plans; to provide for
4 reasons for the development of a plan; to authorize alternative plans; to provide for
5 procedures for approval of a plan; to provide for an effective date; and to provide for
6 related matters.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. R.S. 18:401.3(B), (C), and (D)(1), (2)(a)(i) and (ii), (3), and (4) are hereby
9 amended and reenacted and R.S. 18:401.3(E) is hereby enacted to read as follows:

10 §401.3. Emergency plan by secretary of state; gubernatorial and legislative approval

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12 B.(1)(a) After the issuance of an executive order by the governor declaring
13 a state of emergency or disaster and if the secretary of state determines that such
14 emergency or disaster impairs an election that may otherwise be held except for
15 technical, mechanical, or logistical problems with respect to the relocation or
16 consolidation of polling places within the parish, potential shortages of
17 commissioners and absentee commissioners, or shortages of voting machines, or
18 other impairments that affect participation in or the integrity of the electoral
19 process, the secretary of state shall certify such facts and the reasons therefor to the
20 governor, the Senate Committee on Senate and Governmental Affairs, and the House
21 Committee on House and Governmental Affairs.

1 (b)(i) The Senate Committee on Senate and Governmental Affairs and
2 the House Committee on House and Governmental Affairs shall meet and
3 function as a joint committee for all purposes pursuant to this Section. No
4 action shall be taken by the joint committee except by the favorable vote of a
5 majority of the members thereof from each house present and voting, each
6 house voting separately.

7 (ii) The joint committee shall meet no later than ten days following
8 receipt of the certification.

9 (c) If the governor and a majority of the members of each committee concur
10 that such an emergency plan is necessary, the secretary of state shall develop an
11 emergency plan in writing that proposes a resolution to technical, mechanical, or
12 logistical problems impairing the holding of the election with respect to the
13 relocation or consolidation of polling places within the parish, potential shortages of
14 commissioners and absentee commissioners, or shortages of voting machines, or

15 other impairments that affect participation in or the integrity of the electoral
16 process. The secretary of state may also present alternative written emergency
17 plans at the same time.

18 (2) If, in addition to the resolution of the technical, mechanical, or logistical
19 problems as provided in Paragraph (B)(1) of this Section Subsection, the secretary
20 of state determines that it is necessary and feasible to conduct early voting in certain
21 parishes to enable displaced affected voters to vote, the secretary of state may
22 include in the emergency plan a proposal to conduct early voting at the offices of the
23 registrars in certain parishes in the state. Any early voting authorized by the
24 provisions of this Paragraph shall be conducted in the same manner as provided in
25 R.S.18:1309(A) times and locations which are accessible to affected voters.

26 C.(1) The written emergency plan and any alternatives shall be submitted
27 by the secretary of state to the Senate Committee on Senate and Governmental
28 Affairs, the House Committee on House and Governmental Affairs, and the governor
29 either at the same time as he submits the certification or as soon as practicable
30 following their the joint committee's and the governor's concurrence with his

certification. The joint committee shall meet no later than ten days following receipt of the emergency plan. The secretary of state may incorporate changes suggested and approved by the joint committee into the emergency plan. If a majority of the members of the Senate Committee on Senate and Governmental Affairs and of the House Committee on House and Governmental Affairs approve the emergency plan or an alternative emergency plan, such the approved plan shall be submitted to the members of each house of the legislature for approval by mail ballot as provided in this Section. If a majority of the members of each house of the legislature and the governor approve the emergency plan or if the legislature overrides the governor's disapproval of the emergency plan as provided in Subsection E of this Section, the secretary of state shall take all steps necessary to implement the plan and all officials of the state and of any political subdivision thereof shall cooperate with and provide assistance to the secretary of state as necessary to implement the plan.

(2) The joint committee shall send notice to the governor of each meeting held pursuant to this Section. The governor or his designee may attend each joint meeting held pursuant to this Section and may provide recommendations to the joint committee regarding the emergency plan.

D.(1) In order to obtain the approval of a majority of the elected members of each house of the legislature, the secretary of the Senate and the clerk of the House of Representatives shall jointly prepare and transmit a ballot to each member of the legislature by certified mail with return receipt requested unless the legislature is in session and the ballots may be distributed and returned during the session as soon as possible in the manner provided in this Subsection.

(2)(a) The ballot shall be uniform and the materials sent with the ballot shall include:

(i) A copy of the secretary of state's certification that the emergency or disaster impairs an election that may otherwise be held ~~except for certain technical, mechanical, or logistical problems~~ and the reasons therefor.

(ii) A copy of the emergency plan approved by the joint committee.

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2 (3)(a) The ballots mailed to all members shall be postmarked on the same day
3 and shall be returned to the secretary of the Senate or the clerk of the House of
4 Representatives, as the case may be, within fifteen days after the postmarked date;
5 or, when such ballots are delivered to the members of the legislature while in session,
6 the ballots shall be returned to the secretary of the Senate or the clerk of the House
7 of Representatives, as the case may be, within five days after the date the ballots
8 were delivered to members. No ballot received after five o'clock p.m. on the fifth day
9 after the date on which the ballots were delivered to the members during session or
10 after five o'clock p.m. on the fifteenth day after the date on which the ballots were
11 mailed shall be valid or counted, and the date and time received shall be marked on
12 each such ballot and the ballot shall be marked "Invalid." Prior to five o'clock p.m.
13 on the fifth day after the date when delivered to the members of the legislature while
14 in session or prior to five o'clock p.m. on the fifteenth day after the postmarked date
15 if mailed to the members of the legislature, a member may withdraw his ballot or
16 change his vote upon his written request.

17 (b) If the emergency is declared within sixty days prior to the date of the
18 election when the legislature is not in session, the joint committee may require
19 that ballots be returned within five days. The secretary of the Senate and the
20 clerk of the House of Representatives shall utilize any method necessary to
21 deliver the ballots, including commercial delivery, electronic transmission, or
22 hand delivery, and shall keep a record of the manner of delivery utilized to
23 deliver the ballot to each member and the date the ballot was so transmitted to
24 each member. When such ballots are delivered to the members of the legislature
25 while in session, the ballots shall be returned to the secretary of the Senate or
26 the clerk of the House of Representatives, as the case may be, within five days
27 after the date the ballots were delivered to members.

28 (4) At any time after the deadline for submitting the ballots as provided in
29 Paragraph (3) Subparagraph (3)(a) of this Subsection, but prior to the eighteenth
30 day after the date on which the ballots were mailed, or prior to the eighth day after

the date on which the ballots were delivered to the members of the legislature in session **or delivered pursuant to Subparagraph (3)(b) of this Subsection**, the secretary of the Senate and the clerk of the House of Representatives shall jointly open and tabulate the vote in roll call order for each house of the legislature. The clerk and the secretary shall hold such ballots unopened and shall not disclose the contents to any person until the day when such ballots are opened and tabulated. The tabulation sheet shall indicate by name each member who voted in favor of the plan, each member who voted against the plan, each member who did not return the ballot by the deadline, and each member whose ballot was invalid because it was not marked or signed by the member. The secretary of the Senate and the clerk of the House of Representatives shall each sign the tabulation sheet and cause a certified copy thereof to be transmitted to the secretary of state, the governor, and the chairmen of the Senate Committee on Senate and Governmental Affairs and House Committee on House and Governmental Affairs.

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E. If a majority of the elected members of each house of the legislature approve the emergency plan, the governor shall either approve or disapprove the plan no later than five days after he receives the certified tabulation sheet. If the governor approves the plan, he shall immediately send a written message of approval to the secretary of state and the chairmen of the Senate Committee on Senate and Governmental Affairs and House Committee on House and Governmental Affairs. If the governor disapproves of the plan, he shall immediately send a written message of disapproval to the secretary of the Senate and the clerk of the House of Representatives. The secretary and the clerk shall immediately and jointly prepare and transmit a ballot to each member of the legislature utilizing the same procedures and deadlines provided in Subsection D of this Section. The ballot shall contain a question phrased to allow each member to cast his vote for or against overriding the governor's disapproval of the emergency election plan. If two-thirds of the elected members of each house vote to override the governor's disapproval of the emergency

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- 1 election plan, the secretary of state shall implement the plan in the manner
- 2 provided by Subsection C of this Section.

PRESIDENT OF THE SENATE

SPEAKER OF THE HOUSE OF REPRESENTATIVES

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____