

First Extraordinary Session, 2005

HOUSE BILL NO. 59

BY REPRESENTATIVE JEFFERSON

ELECTIONS: Provides relative to the conduct of elections during or following a gubernatorially declared state of emergency (Items #57 and 58)

1 AN ACT

2 To enact R.S. 18:115(F)(2)(d) and 425(A)(4), relative to the conduct of elections during or
3 following a gubernatorially declared state of emergency; to provide for certain
4 displaced persons who have registered to vote by mail by a certain date to vote
5 absentee by mail; to require an affidavit attesting to the voter's eligibility; to provide
6 for the effectiveness of such provisions; to provide relative to a parishwide shortage
7 of commissioners due to an emergency; to authorize commissioners from other
8 parishes to serve in the affected parish; to provide relative to selection, training, and
9 certain expenses of such commissioners; and to provide for related matters.

10 Be it enacted by the Legislature of Louisiana:

11 Section 1. R.S. 18:115(F)(2)(d) and 425(A)(4) are hereby enacted to read as follows:

12 §115. Registration by mail

13 * * *

14 F.

15 * * *

16 (2) The provisions of Paragraph (1) of this Subsection shall not apply in the
17 case of the following:

18 * * *

1 (d)(i) The Legislature of Louisiana recognizes that due to a recent common
2 disaster and state of emergency in our state, an unprecedented number of persons
3 have been temporarily displaced from their parishes of residence for an indefinite
4 period of time. Because the right to vote is a right that is essential to the effective
5 operation of a democratic government, the legislature finds that the state has a
6 compelling interest in securing the right to vote for any person temporarily displaced
7 by a disaster or emergency who may experience greater difficulty exercising his right
8 due to his displaced status. The legislature, therefore, enacts this Subparagraph,
9 which shall apply to any person temporarily displaced from his parish of residence
10 by a gubernatorially declared state of emergency, who registered to vote on or before
11 September 24, 2005, when he submits with the application to vote by mail an
12 affidavit attesting that he is temporarily displaced from his parish of residence, that
13 he is eligible to vote in his parish of residence, and that he expects to be out of his
14 parish of registration during early voting and on election day. The provisions of this
15 Subparagraph shall be effective for a period of one year following the effective date
16 of this Item.

17 (ii) Upon expiration of Item (i) of this Subparagraph, any voter who has
18 voted absentee by mail pursuant to this Subparagraph who has not voted during early
19 voting or at the polls on election day shall not be considered to have previously voted
20 in the parish in which he is registered for purposes of Paragraph (1) of this
21 Subsection and shall be subject to the requirements of that Paragraph.

* * *

§425. Commissioners

A.

* * *

26 (4) For an election held within one year following the date of the issuance
27 of any gubernatorial proclamation declaring a state of emergency, if a parish board
28 of election supervisors determines that there is a parishwide shortage of
29 commissioners because a significant number of commissioners have been

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument.

Jefferson

HB No. 59

Abstract: Relative to the conduct of elections during or following a gubernatorially declared state of emergency, provides for certain displaced persons who have registered by mail by Sept. 24, 2005, to vote absentee by mail without first voting in person or appearing in the office of the registrar, if they provide an affidavit attesting to their displaced status. Provides relative to a parishwide shortage of commissioners due to an emergency. Authorizes commissioners from other parishes to serve in the affected parish. Provides relative to selection, training, and certain expenses of such commissioners. Provides for the effectiveness of such provisions.

Present law (R.S. 18:115(F)) requires any voter who registered to vote by mail and who has not previously voted in the parish in which he is registered to vote in person in the office of the registrar or in person at the precinct where he is registered to vote. Provides that such requirement does not apply to certain persons who are uniformed and overseas, elderly or handicapped to whom other provisions of present law apply, a student whose institution of higher learning is located outside of his parish of residence, provided that the student submit certain documentation, or to a person who appears in the office of the registrar of voters prior to the absentee in person voting period to establish his identity.

Proposed law extends the exemption from the requirements of present law to a person who has been temporarily displaced from his parish of residence by a gubernatorially declared state of emergency, who registered to vote on or before Sept. 24, 2005, when he also submits with the application to vote by mail an affidavit attesting that he is temporarily displaced from his parish of residence, that he is eligible to vote in his parish of residence, and that he expects to be out of his parish of registration during early voting and on election day. Provides for the provisions of proposed law to be effective for one year following the effective date of proposed law. Provides that upon expiration of proposed law, a voter who has voted by mail pursuant to proposed law shall not be considered to have voted in his parish of residence for purposes of present law and shall be subject to present law requirement of first voting in person or appearing in the office of the registrar prior to voting absentee by mail.

Present law (R.S. 18:425(A)) provides relative to the number of commissioners to be used at each precinct. Provides for reduction in the number of commissioners in certain circumstances where it would not be detrimental to the conduct of the election. Provides for the secretary of state to allocate additional commissioners for overcrowded precincts.

Present law (R.S. 18:434(B)(7)) provides that upon selection of the appropriate number of commissioners by drawing as provided for in present law, the person (selected by the parish board of election supervisors) conducting the drawing shall determine if each recognized political party having one or more local or municipal candidates on the ballot to be voted on in the precinct is represented by at least one commissioner. Provides procedures if there are none for each recognized political party to be represented unless there are no remaining certified commissioners in the parish to represent such political parties.

Proposed law retains present law but also provides for the parish board of election supervisors to submit a written request for additional commissioners from other parishes to the secretary of state by the 23rd day prior to an election, if it determines that there is a parishwide shortage of commissioners because a significant number of commissioners have been temporarily displaced by a gubernatorially declared state of emergency. Provides for the provisions of proposed law to be effective for one year following the date of the issuance

of any gubernatorial proclamation declaring a state of emergency. Provides that such request shall include the number of additional commissioners requested and an explanation of the need for additional commissioners. Provides for the secretary of state to determine if there is a need for additional commissioners and the feasibility of allocating such additional commissioners. Provides for the secretary of state to notify the parish board of election supervisors for the affected parish if he approves of the request and for such board to request the parish boards of election supervisors to submit lists of available commissioners by the 15th day prior to the election. Provides for the board of the affected parish to select commissioners from such lists based on availability, proximity and, to the extent possible, in compliance with present law provisions relative to representation based on recognized political party affiliation. Requires the clerk of court of the affected parish to ensure that the selected commissioners have received adequate training on the voting machines that are used in the parish with the shortage and any procedures necessary for the conduct of that election. Provides that upon approval of the secretary of state, such commissioners are entitled to appropriate reimbursement of travel expenses.

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

(Adds R.S. 18:115(F)(2)(d) and 425(A)(4))

Summary of Amendments Adopted by House

Committee Amendments Proposed by House Committee on House and Governmental Affairs to the original bill.

1. Removes requirement that displaced person provide with his application to vote documentation showing his displaced status from a nonprofit organization exempt from federal taxation or a federal or state agency and provides instead for such voter to include with his application an affidavit attesting that he is temporarily displaced from his parish of residence, that he is eligible to vote in his parish of residence, and that he expects to be out of his parish of registration during early voting and on election day.
2. Deletes provision relative to the governor extending effectiveness of the provision beyond one year following a gubernatorially declared state of emergency, upon certification of the secretary of state that circumstances impair the ability of displaced persons to vote in person and provides instead for the provision to be effective for a period of one year following the effective date of proposed law.
3. Provides that upon expiration of proposed law, any person who voted by mail pursuant to proposed law who has not voted in person during early voting or on election day shall be subject to present law requirement of voting in person prior to being eligible to vote absentee by mail.
4. Provides that proposed law relative to temporarily displaced persons voting absentee by mail applies only to those displaced persons who were registered to vote on or before September 24, 2005.
5. Adds a statement of purpose to the provision relative to displaced persons voting absentee by mail outlining the state's compelling interest in securing the right to vote for persons displaced by the recent common disaster and state of emergency.
6. Specifies that provision relative to commissioners serving in a parish with a shortage is effective for one year following the date of the issuance of any gubernatorial proclamation declaring a state of emergency.

7. Changes provision authorizing request of additional commissioners in affected parish so that parish board of election supervisors of the affected parish makes the request to secretary of state rather than the clerk of court.
8. Deletes provisions relative to the secretary of state surveying clerks of court relative to availability of commissioners, selecting commissioners, and ensuring that commissioners have received adequate training. Provides instead that the parish board of election supervisors, with approval of the secretary of state, request other parish boards to submit lists of available commissioners by the 15th day prior to the election and for the parish board to select commissioners based on availability, proximity and, to the extent possible, in compliance with present law provisions relative to representation based on recognized political party affiliation. Requires the clerk of court of the affected parish to ensure that the selected commissioners have received adequate training. Provides, upon approval of the secretary of state, for reimbursement of travel expenses for such commissioners.