

First Extraordinary Session, 2005

SENATE BILL NO. 89

BY SENATOR JONES

VOTERS/VOTING. Provides for holding elections impaired as a result of a gubernatorially declared disaster or emergency pursuant to a plan for registration, early voting, absentee voting by mail, and election day voting. (gov sig)

1 AN ACT

2 To enact R.S. 18:401.3, relative to holding certain elections; to provide for elections  
3 impaired as a result of a gubernatorially declared disaster or emergency; to provide  
4 for procedures for voter registration, early voting, absentee voting by mail, and  
5 election day voting; to provide for compliance with the Voting Rights Act of 1965;  
6 and to provide for related matters.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. R.S. 18:401.3 is hereby enacted to read as follows:

9 **§401.3. Conducting elections impaired as a result of a gubernatorially declared**  
10 **disaster or emergency plan for registration, early voting,**  
11 **absentee voting by mail and election day voting**

12 **A. Due to the possibility of an emergency or common disaster occurring**  
13 **before or during a regularly scheduled or special election, and in order to**  
14 **ensure maximum citizen participation in the electoral process and provide a**  
15 **safe and orderly procedure for persons seeking to qualify or exercise their right**  
16 **to vote, to minimize to whatever degree possible a person's exposure to danger**  
17 **during declared states of emergency, and to protect the integrity of the electoral**

1 process, it is hereby found and declared to be necessary to designate a  
2 procedure to hold elections for the emergency suspension or delay and  
3 rescheduling of registration, early voting, absentee voting by mail and election  
4 day voting when the election is impaired as a result of a gubernatorially  
5 declared disaster or emergency.

6 B. Notwithstanding any contrary provision of law, the secretary of state  
7 may, upon issuance of an executive order by the governor declaring a state of  
8 emergency or impending emergency and a determination that the emergency  
9 impairs a scheduled election, certify to the governor, the Senate Committee on  
10 Senate and Governmental Affairs and the House Committee on House and  
11 Governmental Affairs, the need for an emergency election plan for registration,  
12 early voting, absentee voting by mail, and election day voting. Upon the written  
13 concurrence with the certification by the governor and majority of the members  
14 of each committee, the secretary of state shall develop a written emergency  
15 election plan.

16 C. The written emergency election plan shall be submitted by the  
17 secretary of state to the Senate Committee on Senate and Governmental Affairs,  
18 the House Committee on House and Governmental Affairs, and the governor  
19 as soon as practicable following their concurrence with his certification. Upon  
20 approval of the emergency plan by a majority of the members of the Senate  
21 Committee on Senate and Governmental Affairs, a majority of the members of  
22 the House Committee on House and Governmental Affairs, and the governor,  
23 the secretary of state shall take all necessary steps to implement the emergency  
24 plan following compliance with Section 5 of the Voting Rights Act of 1965.

25 Section 2. This Act shall become effective upon signature by the governor or, if not  
26 signed by the governor, upon expiration of the time for bills to become law without signature  
27 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If  
28 vetoed by the governor and subsequently approved by the legislature, this Act shall become  
29 effective on the day following such approval.

---

The original instrument and the following digest, which constitutes no part of the legislative instrument, were prepared by Tabitha I. Gray.

---

## DIGEST

Jones (SB 89)

Proposed law authorizes the secretary of state, upon a gubernatorial declaration of emergency and a determination that the emergency will impair a scheduled election, to certify to the governor and the Senate and House governmental affairs committees the need for an election plan for registration, early voting, absentee voting by mail and election day voting. Requires the secretary of state to submit a written plan as soon as practicable after the concurrence of the governor and the majority of the members of each committee with his certification. After approval by the governor and the majority of the members of each committee of the emergency plan, requires the secretary of state to take all necessary steps to implement the plan following compliance with the Voting Rights Act of 1965.

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

(Adds R.S. 18:401.3)