

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. Gubernatorially declared emergency; plan for rescheduling elections**

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

1 voting, absentee voting by mail and election day voting when the election is
2 impaired as a result of a gubernatorially declared disaster or emergency.

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

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

22 Section 2. This Act shall become effective upon signature by the governor or, if not
23 signed by the governor, upon expiration of the time for bills to become law without signature
24 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If
25 vetoed by the governor and subsequently approved by the legislature, this Act shall become
26 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)