

**HOUSE COMMITTEE AMENDMENTS**

Amendments proposed by House Committee on House and Governmental Affairs to Reengrossed Senate Bill No. 89 by Senator Jones

1 AMENDMENT NO. 1

2 On page 1, line 2, after "certain elections;" delete the remainder of the line and delete lines  
 3 3 through 5 and insert "to authorize the secretary of state to develop and implement an  
 4 emergency plan relative to holding certain elections impaired as a result of a gubernatorially  
 5 declared disaster or emergency; to require and provide for gubernatorial and legislative  
 6 approval of such emergency plan prior to implementation;

7 AMENDMENT NO. 2

8 On page 1, delete lines 9 through 17 and on page 2, delete lines 1 through 21 and insert the  
 9 following:

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

11 A. Due to the occurrence of a gubernatorially declared emergency or disaster  
 12 occurring before or during a regularly scheduled or special election, and in order to  
 13 ensure maximum citizen participation in the electoral process and provide a safe and  
 14 orderly procedure for persons seeking to exercise their right to vote, minimize to  
 15 whatever degree possible a person's exposure to danger during declared states of  
 16 emergency, and protect the integrity of the electoral process, it is hereby declared to  
 17 be necessary to provide a procedure for the development of an emergency plan for  
 18 the holding of elections impaired as a result of such an emergency or disaster.

19 B. After the issuance of an executive order by the governor declaring a state  
 20 of emergency and if the secretary of state determines that such emergency impairs  
 21 an election that may otherwise be held except for technical, mechanical, or logistical  
 22 problems with respect to the relocation or consolidation of polling places within the  
 23 parish, potential shortages of commissioners and absentee commissioners, or  
 24 shortages of voting machines, the secretary of state shall certify such facts and the  
 25 reasons therefor to the governor, the Senate Committee on Senate and Governmental  
 26 Affairs, and the House Committee on House and Governmental Affairs. If the  
 27 governor and a majority of the members of each committee concur that such an  
 28 emergency plan is necessary, the secretary of state shall develop an emergency plan  
 29 in writing that proposes a resolution to technical, mechanical, or logistical problems  
 30 impairing the holding of the election with respect to the relocation or consolidation  
 31 of polling places within the parish, potential shortages of commissioners and  
 32 absentee commissioners, or shortages of voting machines.

33 C. The written emergency plan shall be submitted by the secretary of state  
 34 to the Senate Committee on Senate and Governmental Affairs, the House Committee  
 35 on House and Governmental Affairs, and the governor as soon as practicable  
 36 following their concurrence with his certification. If a majority of the members of  
 37 the Senate Committee on Senate and Governmental Affairs and of the House  
 38 Committee on House and Governmental Affairs approve the emergency plan, such  
 39 plan shall be submitted to the members of each house of the legislature for approval  
 40 by mail ballot as provided in this Section. If a majority of the members of each  
 41 house of the legislature and the governor approve the emergency plan, the secretary  
 42 of state shall take all steps necessary to implement the plan and all officials of the  
 43 state and of any political subdivision thereof shall cooperate with and provide  
 44 assistance to the secretary of state as necessary to implement the plan.

45 D.(1) In order to obtain the approval of a majority of the elected members of  
 46 each house of the legislature, the secretary of the Senate and the clerk of the House  
 47 of Representatives shall jointly prepare and transmit a ballot to each member of the  
 48 legislature by certified mail with return receipt requested unless the legislature is in

1 session and the ballots may be distributed and returned during the session as  
 2 provided in this Subsection.

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

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

8 (ii) A copy of the emergency plan.

9 (iii) A copy of the roll call votes of the Senate Committee on Senate and  
 10 Governmental Affairs and the House Committee on House and Governmental  
 11 Affairs on the approval of the emergency plan.

12 (iv) The date and time on which the ballot may be returned to the secretary  
 13 of the Senate or the clerk of the House of Representatives, as the case may be, in  
 14 order for the ballot to be valid.

15 (b) Each ballot shall contain the name of the member to whom it is to be  
 16 mailed or delivered, and the member shall sign the ballot after casting his vote.

17 (3) The ballots mailed to all members shall be postmarked on the same day  
 18 and shall be returned to the secretary of the Senate or the clerk of the House of  
 19 Representatives, as the case may be, within fifteen days after the postmarked date;  
 20 or, when such ballots are delivered to the members of the legislature while in session,  
 21 the ballots shall be returned to the secretary of the Senate or the clerk of the House  
 22 of Representatives, as the case may be, within five days after the date the ballots  
 23 were delivered to members. No ballot received after five o'clock p.m. on the fifth  
 24 day after the date on which the ballots were delivered to the members during session  
 25 or after five o'clock p.m. on the fifteenth day after the date on which the ballots were  
 26 mailed shall be valid or counted, and the date and time received shall be marked on  
 27 each such ballot and the ballot shall be marked "Invalid". Prior to five o'clock p.m.  
 28 on the fifth day after the date when delivered to the members of the legislature while  
 29 in session or prior to five o'clock p.m. on the fifteenth day after the postmarked date  
 30 if mailed to the members of the legislature, a member may withdraw his ballot or  
 31 change his vote upon his written request.

32 (4) On the seventeenth day after the date on which the ballots were mailed,  
 33 or the seventh day after the date on which the ballots were delivered to the members  
 34 of the legislature in session as provided in this Subsection, the secretary of the Senate  
 35 and the clerk of the House of Representatives shall, at a public meeting, jointly open  
 36 and tabulate the vote in roll call order for each house of the legislature. The  
 37 tabulation sheet shall indicate by name each member who voted in favor of the plan,  
 38 each member who voted against the plan, each member who did not return the ballot  
 39 by the deadline, and each member whose ballot was invalid because it was not  
 40 marked or signed by the member. The secretary of the Senate and the clerk of the  
 41 House of Representatives shall each sign the tabulation sheet and cause a certified  
 42 copy thereof to be transmitted to the secretary of state, the governor, and the  
 43 chairmen of the Senate Committee on Senate and Governmental Affairs and House  
 44 Committee on House and Governmental Affairs.

45 (5) The tabulation sheet shall be a public record.

46 (6) If regular mail service is impaired, the secretary of the Senate and the  
 47 clerk of the House of Representatives shall utilize any method necessary to deliver  
 48 the ballots, including commercial delivery, electronic transmission, or hand delivery,  
 49 and shall keep a record of the manner of delivery utilized to deliver the ballot to each  
 50 member and the date the ballot was so transmitted to each member. For the purposes  
 51 of this Subsection, if such an alternative delivery method is so required, the date on  
 52 which the ballot was so transmitted shall be considered to be the date postmarked."