

**Abstract:** Provides authorization for the secretary of state to devise an election plan for holding an election that may otherwise be held except for certain specified technical, mechanical, or logistical problems after the issuance of an executive order by the governor declaring a state of emergency and requires the approval the House and Senate Governmental Affairs Committees, the legislature, and the governor prior to implementation of such plan.

Proposed law declares that it is necessary to provide a procedure for the for the development of an emergency plan for the holding of elections impaired as a result of a gubernatorially declared emergency or disaster occurring before or during a regularly scheduled or special election to ensure maximum citizen participation in the electoral process and provide a safe and orderly procedure for persons seeking to exercise their right to vote, minimize to whatever degree possible a person's exposure to danger during declared states of emergency, and protect the integrity of the electoral process.

Proposed law provides that after the issuance of an executive order declaring a state of emergency and if the secretary of state determines that such emergency impairs an election that may otherwise be held except for technical, mechanical, or logistical problems with respect to the relocation or consolidation of polling places within the parish, potential shortages of commissioners and absentee commissioners, or shortages of voting machines, the secretary of state shall certify such facts and the reasons therefor to the governor, the Senate and Governmental Affairs Committee and the House and Governmental Affairs Committee (the committees) and if the governor and a majority of the members of each committee concur, the secretary of state shall develop an emergency plan in writing that proposes a resolution to such technical, mechanical, or logistical problems impairing the holding of the election.

Proposed law requires the secretary of state to submit the emergency plan to the committees and the governor as soon as practicable following their concurrence. Provides that if a majority of the members of each committee approve the emergency plan, such plan shall be submitted to the members of each house of the legislature for approval by mail ballot as provided in proposed law. Proposed law provides that if a majority of the members of each house of the legislature and the governor approve the emergency plan, 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.

Proposed law provides that in order to obtain the approval of a majority of the members of each house of the legislature, the secretary of the Senate and the clerk of the House of Representatives (the secretary and the clerk) shall jointly prepare and transmit a ballot to each member by certified mail with return receipt requested unless the legislature is in session and the ballots may be distributed and returned during the session. Provides that the ballot shall be uniform and the materials sent with the ballot shall include the secretary of state's certification and the reasons therefor, a copy of the emergency plan, a copy of the roll call votes of the committees on the approval of the emergency plan, the date and time on which the ballot may be returned in order to be valid. Requires each ballot to contain the name of the member to whom it is to be mailed or delivered and to be signed by the member after casting his vote. Provides that the ballots shall be postmarked on the same day and shall be returned to the secretary or the clerk, as the case may be, within 15 days after the postmarked date; or, when such ballots are delivered to the members of the legislature while in session, the ballots shall be returned within 5 days after the date the ballots were delivered to members. Provides that no ballot received after 5 p.m. on the fifth day after the date on which the ballots were delivered to the members during session or after 5 p.m. on the 15th day after the date on which the ballots were mailed shall be valid or counted. Requires each such ballot be marked "Invalid" along with the date and time received. Allows a member to withdraw or change his vote, upon written request, prior to 5 p.m. on the fifth day after the date when delivered to the members of the legislature while in session or prior to 5 p.m. on the 15th day after the postmarked date if mailed to the members of the legislature. On the 17th day after the date on which the ballots were mailed, or the seventh day after the date on

which the ballots were delivered to the members of the legislature in session, requires the secretary and the clerk, at a public meeting, jointly to open and tabulate the vote in roll call order for each house. Provides that 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. Requires the secretary and clerk to each sign the tabulation sheet and transmit a certified copy to the secretary of state, the governor, and the chairmen of the committees. Specifies that the tabulation sheet is a public record. Proposed law additionally provides that if regular mail service is impaired, the secretary and the clerk shall utilize any method necessary to deliver the ballots, including commercial delivery, electronic transmission, or hand delivery and keep a record of the manner of delivery utilized to deliver the ballot to each member and the date the ballot was transmitted. Provides that the date the ballot is so alternatively transmitted shall be considered the date postmarked.

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

(Adds R.S. 18:401.3)

#### Summary of Amendments Adopted by House

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

1. Removes authorization for secretary of state to devise an election plan for registration, early voting, absentee voting by mail and election day voting with the approval of the governor and the House and Senate governmental affairs committees.
2. Provides authorization for the secretary of state to devise an election plan for holding an election that may otherwise be held except for certain specified technical, mechanical, or logistical problems after the issuance of an executive order by the governor declaring a state of emergency.
3. Requires the approval of the governor and the House and Senate governmental affairs committees of the necessity of the plan.
4. Requires approval of the plan by a majority of the members of the House and Senate governmental affairs committees, a majority of each house of the legislature, and the governor prior to implementation.
5. Provides specific procedures to obtain legislative approval by ballot.