

New law provides that after the issuance of an executive order by the governor 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 Committee on Senate and Governmental Affairs, and the House Committee on House and Governmental Affairs. If the governor and a majority of the members of each committee concur that such an emergency plan is necessary, the secretary of state shall develop an emergency plan in writing that proposes a resolution to technical, mechanical, or logistical problems impairing the holding of the election 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.

Requires the written emergency plan be submitted by the secretary of state to the Senate Committee on Senate and Governmental Affairs, the House Committee on House and Governmental Affairs, and the governor as soon as practicable following their concurrence with his certification. If a majority of the members of the Senate Committee on Senate and Governmental Affairs and of the House Committee on House and Governmental Affairs approve the emergency plan, it shall be submitted to the members of each house of the legislature for approval by mail ballot. If a majority of the members of each house 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.

Provides that in order to obtain the approval of a majority of the elected members of each house of the legislature, the Senate secretary and House 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.

Requires that the ballot be uniform and the materials sent with the ballot include:

- (i) A copy of the secretary of state's certification that the emergency impairs an election that may otherwise be held except for certain technical, mechanical, or logistical problems and the reasons therefor.
- (ii) A copy of the emergency plan.
- (iii) A copy of the roll call votes of the Senate Committee on Senate and Governmental Affairs and the House Committee on House and Governmental Affairs on the approval of the emergency plan.
- (iv) The date and time on which the ballot may be returned to the Senate secretary or House clerk, as the case may be, in order for the ballot to be valid.

Requires that each ballot contain the name of the member to whom it is to be mailed or delivered, and the member shall sign the ballot after casting his vote.

Requires that the ballots mailed to all members be postmarked on the same day and be returned to the Senate secretary or House 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 to the Senate secretary or House clerk, as the case may be, within five days after the date the ballots were delivered to members. No ballot received after five o'clock p.m. on the fifth day after the date on which the ballots were delivered to the members during session or after five o'clock p.m. on the 15th day after the date on which the ballots were mailed shall be valid or counted, and the date and time received shall be marked on each such ballot and the ballot shall be marked "Invalid." Prior to five o'clock p.m. on the fifth day after the date when delivered to the members of the legislature while in session or prior to five o'clock p.m. on the 15th day after the postmarked date if mailed to the members of the legislature, a member may withdraw his ballot or change his vote upon his written request.

Provides that 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, the Senate secretary and House clerk shall, at a public meeting, jointly open and tabulate the vote in roll call order for each house. 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 because it was not marked or signed by the member. The Senate secretary and House clerk shall each sign the tabulation sheet and cause a certified copy thereof to be transmitted to the secretary of state, the governor, and the chairmen of the Senate Committee on Senate and Governmental Affairs and House Committee on House and Governmental Affairs.

Provides that the tabulation sheet shall be a public record.

Provides that if regular mail service is impaired, the Senate secretary and House clerk shall utilize any method necessary to deliver the ballots, including commercial delivery, electronic transmission, or hand delivery, and shall keep a record of the manner of delivery utilized to deliver the ballot to each member and the date the ballot was so transmitted to each member. If such an alternative delivery method is so required, the date on which the ballot was so transmitted shall be considered to be the date postmarked.

Effective upon signature of the governor (December 6, 2005).

(Adds R.S. 18:401.3)