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The original instrument and the following digest, which constitutes no part of the legislative instrument, were prepared by Matt DeVille.

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DIGEST

SB 20 Reengrossed

2020 Second Extraordinary Session

Hewitt

Proposed law creates the Emergency Election Commission within the Department of State; provides for its membership, meetings, quorum requirements, compensation policy, and domicile.

Present 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 Committee on Senate and Governmental Affairs, and the Committee on House and Governmental Affairs.

Proposed 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 and the Emergency Election Commission.

Present law provides that 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 to address the logistical problems created by the emergency.

Proposed law provides that if the Emergency Election Commission concurs that such an emergency plan is necessary, the secretary of state shall develop an emergency plan to address the logistical problems created by the emergency.

Present law provides that if the governor, Senate and Governmental Affairs Committee, and House and Government Affairs committee have certified the emergency, the secretary of state will develop and present a plan to the governor, Senate and Governmental Affairs Committee, and House and Governmental Affairs Committee for their approval.

Proposed law provides that once the Emergency Election Commission has certified the emergency, the secretary of state will develop and present a plan to the commission for their approval and that the secretary may present multiple plans at any meeting.

Present law provides that upon approval by a majority of the members of the Senate and Governmental Affairs Committee and House and Governmental Affairs Committee, the emergency election plan will be sent to members of each house of the legislature for approval by mail ballot.

Proposed law provides that upon approval by the Emergency Election Commission, the emergency election plan will be sent to members of each house of the legislature for approval by mail ballot.

Present law provides that upon approval by a majority of the members of each house of the legislature and the governor, the secretary of state will take all steps necessary to implement the plan.

Proposed law provides that upon approval by a majority of the members of each house of the legislature, the secretary of state will take all steps necessary to implement the plan.

Present law provides that a copy of the roll call votes of the Senate and Governmental Affairs Committee and the House and Governmental Affairs Committee on the approval of the emergency plan will be included in the mail ballots sent to members of both houses of the legislature and that the ballots must be returned to the secretary of the Senate or clerk of the House of Representatives within fifteen days of the postmarked date if the legislature is not in session or within five days after the date of delivery to members if the legislature is in session.

Proposed law provides that if the emergency is declared within 60 days prior to the date of the election when the legislature is not in session, the commission may require that ballots be returned within five days. Provides that the secretary of the Senate and the clerk of the House of Representatives shall utilize any method necessary to deliver the ballots 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.

Proposed law provides that when the ballots are delivered to the members of the legislature while in session, the ballots shall be returned to the secretary of the Senate or the clerk of the House of Representatives, as the case may be, within five days after the date the ballots were delivered to members.

Effective January 1, 2021.

(Amends R.S. 18:401.3(B)(1), (C), (D)(2)(a)(iii), (3), and (4); adds R.S. 18:401.4 and R.S. 36:744(EE))

#### Summary of Amendments Adopted by Senate

##### Committee Amendments Proposed by Senate Committee on Senate and Governmental Affairs to the original bill

1. Technical amendment.

##### Senate Floor Amendments to engrossed bill

1. Makes technical amendments.

2. Provides that if the emergency is declared within 60 days prior to the date of the election when the legislature is not in session, the commission may require the ballot be returned within five days.
3. Requires the secretary of the Senate and the clerk of the House of Representatives to utilize any method necessary to deliver the ballots and to keep a record of the manner of delivery utilized to deliver the ballot to each member and the date the ballot was transmitted to each member.