

HOUSE COMMITTEE AMENDMENTS

2020 Second Extraordinary Session

Amendments proposed by House Committee on House and Governmental Affairs to Reengrossed Senate Bill No. 20 by Senator Hewitt

AMENDMENT NO. 1

On page 1, line 2, after "R.S. 18:401.3" delete the remainder of the line and delete lines 3 through 5 and insert a comma "," and "relative to emergency election plans; to provide for reasons for the development of a plan; to authorize alternative plans; to provide for procedures for approval of a plan;"

AMENDMENT NO. 2

On page 1, line 8, after "R.S. 18:401.3" delete the remainder of the line and delete line 9 and insert "is hereby amended and reenacted to read as follows:

AMENDMENT NO. 3

On page 1, delete lines 10 through 17 and delete pages 2 through 5 and insert the following:

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

A. Due to the occurrence of a gubernatorially declared emergency or disaster occurring before or during a regularly scheduled or special election, and in order 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, it is hereby declared to be necessary to provide a procedure for the development of an emergency plan for the holding of elections impaired as a result of such an emergency or disaster.

B.(1)(a) After the issuance of an executive order by the governor declaring a state of emergency **or disaster** and if the secretary of state determines that such emergency **or disaster** 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, **or other impairments that affect participation in or the integrity of the electoral process**, 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.

(b)(i) The House Committee on House and Governmental Affairs and the Senate Committee on Senate and Governmental Affairs shall meet and function as a joint committee for all purposes pursuant to this Section. No action shall be taken by the joint committee except by the favorable vote of a majority of the members thereof from each house present and voting, each house voting separately.

(ii) The joint committee shall meet no later than ten days following receipt of the certification.

(c) 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, **or other impairments that affect participation in or the integrity of the electoral**

1 **process. The secretary of state may also present alternative written emergency**
 2 **plans at the same time.**

3 (2) If, in addition to the resolution of the ~~technical, mechanical, or logistical~~
 4 problems as provided in Paragraph (B)(1) of this Section, the secretary of state
 5 determines that it is necessary and feasible to conduct early voting in ~~certain parishes~~
 6 to enable ~~displaced~~ **affected** voters to vote, the secretary of state may include in the
 7 emergency plan a proposal to conduct early voting at ~~the offices of the registrars in~~
 8 ~~certain parishes in the state. Any early voting authorized by the provisions of this~~
 9 ~~Paragraph shall be conducted in the same manner as provided in R.S. 18:1309(A)~~
 10 **times and locations which are accessible to affected voters.**

11 C.(1) The written emergency plan **and any alternatives** shall be submitted
 12 by the secretary of state to the Senate Committee on Senate and Governmental
 13 Affairs, the House Committee on House and Governmental Affairs, and the governor
 14 **either at the same time as he submits the certification or** as soon as practicable
 15 following ~~their~~ **the joint committee's and the governor's** concurrence with his
 16 certification. **The joint committee shall meet no later than ten days following**
 17 **receipt of the emergency plan. The secretary of state may incorporate changes**
 18 **suggested and approved by the joint committee into the emergency plan.** If a
 19 majority of the members of the Senate Committee on Senate and Governmental
 20 Affairs and of the House Committee on House and Governmental Affairs approve
 21 the emergency plan **or an alternative emergency plan, such the approved** plan
 22 shall be submitted to the members of each house of the legislature for approval by
 23 ~~mail~~ ballot as provided in this Section. If a majority of the members of each house
 24 of the legislature and the governor approve the emergency plan **or if the legislature**
 25 **overrides the governor's veto of the emergency plan as provided in Subsection**
 26 **E of this Section,** the secretary of state shall take all steps necessary to implement
 27 the plan and all officials of the state and of any political subdivision thereof shall
 28 cooperate with and provide assistance to the secretary of state as necessary to
 29 implement the plan.

30 (2) **The joint committee shall send notice to the governor of each**
 31 **meeting held pursuant to this Section. The governor or his designee may attend**
 32 **each joint meeting held pursuant to this Section and may provide**
 33 **recommendations to the joint committee regarding the emergency plan.**

34 D.(1) In order to obtain the approval of a majority of the elected members
 35 of each house of the legislature, the secretary of the Senate and the clerk of the
 36 House of Representatives shall jointly prepare and transmit a ballot to each member
 37 of the legislature ~~by certified mail with return receipt requested unless the legislature~~
 38 ~~is in session and the ballots may be distributed and returned during the session as~~
 39 **soon as possible in the manner** provided in this Subsection.

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

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

45 (ii) A copy of the emergency plan **approved by the joint committee.**

46 (iii) A copy of the roll call votes of the Senate Committee on Senate and
 47 Governmental Affairs and the House Committee on House and Governmental
 48 Affairs on the approval of the emergency plan.

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

52 (b) Each ballot shall ~~contain the name of the member to whom it is to be~~
 53 ~~mailed or delivered, and the member shall sign the ballot after casting his vote.~~
 54 **include a place for the member to whom the ballot has been transmitted to**
 55 **provide his name and validate his ballot after casting his vote.**

56 (3) ~~The ballots mailed to all members shall be postmarked on the same day~~
 57 ~~and shall be returned to the secretary of the Senate or the clerk of the House of~~
 58 ~~Representatives, as the case may be, within fifteen days after the postmarked date;~~
 59 ~~or, when such ballots are delivered to the members of the legislature while in session,~~

1 the ballots shall be returned to the secretary of the Senate or the clerk of the House
 2 of Representatives, as the case may be, within five days after the date the ballots
 3 were delivered to members. No ballot received after five o'clock p.m. on the fifth
 4 day after the date on which the ballots were delivered to the members during session
 5 or after five o'clock p.m. on the fifteenth day after the date on which the ballots were
 6 mailed shall be valid or counted, and the date and time received shall be marked on
 7 each such ballot and the ballot shall be marked "Invalid". Prior to five o'clock p.m.
 8 on the fifth day after the date when delivered to the members of the legislature while
 9 in session or prior to five o'clock p.m. on the fifteenth day after the postmarked date
 10 if mailed to the members of the legislature, a member may withdraw his ballot or
 11 change his vote upon his written request.

12 ~~(4) At any time after the deadline for submitting the ballots as provided in~~
 13 ~~Paragraph (3) of this Subsection, but prior to the eighteenth day after the date on~~
 14 ~~which the ballots were mailed, or prior to the eighth day after the date on which the~~
 15 ~~ballots were delivered to the members of the legislature in session, the secretary of~~
 16 ~~the Senate and the clerk of the House of Representatives shall jointly open and~~
 17 ~~tabulate the vote in roll call order for each house of the legislature. The clerk and the~~
 18 ~~secretary shall hold such ballots unopened and shall not disclose the contents to any~~
 19 ~~person until the day when such ballots are opened and tabulated. The tabulation~~
 20 ~~sheet shall indicate by name each member who voted in favor of the plan, each~~
 21 ~~member who voted against the plan, each member who did not return the ballot by~~
 22 ~~the deadline, and each member whose ballot was invalid because it was not marked~~
 23 ~~or signed by the member. The secretary of the Senate and the clerk of the House of~~
 24 ~~Representatives shall each sign the tabulation sheet and cause a certified copy thereof~~
 25 ~~to be transmitted to the secretary of state, the governor, and the chairmen of the~~
 26 ~~Senate Committee on Senate and Governmental Affairs and House Committee on~~
 27 ~~House and Governmental Affairs.~~

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

29 (6) ~~If regular mail service is impaired, the secretary of the Senate and the~~
 30 ~~clerk of the House of Representatives shall utilize any method necessary to deliver~~
 31 ~~the ballots, including commercial delivery, electronic transmission, or hand delivery;~~
 32 ~~and shall keep a record of the manner of delivery utilized to deliver the ballot to each~~
 33 ~~member and the date the ballot was so transmitted to each member. For the purposes~~
 34 ~~of this Subsection, if such an alternative delivery method is so required, the date on~~
 35 ~~which the ballot was so transmitted shall be considered to be the date postmarked.~~

36 **The clerk of the House of Representatives and the secretary of the Senate**
 37 **shall transmit the ballots to all members on the same day. The clerk and the**
 38 **secretary shall certify this date, which is referred to in this Subsection as the**
 39 **"transmittal date".**

40 **(4) The member shall cast his vote, provide his name in the appropriate**
 41 **place on the ballot, validate his ballot in the manner prescribed, and return the**
 42 **voted ballot to the clerical officer of his house.**

43 **(5) The clerk and the secretary shall provide notice to each member**
 44 **from whom the clerk or the secretary, as applicable, receives a voted ballot**
 45 **confirming that the ballot has been received.**

46 **(6) On the fourth business day after the transmittal date, the clerk and**
 47 **the secretary shall provide a notice to each member whose voted ballot has not**
 48 **been received indicating that the member's voted ballot has not been received**
 49 **and informing the member of the deadline for returning the ballot.**

50 **(7) Ballots shall be returned to the clerk and the secretary no later than**
 51 **five o'clock p.m. on the fifth business day after the transmittal date.**

52 **(8) Prior to the deadline for returning a ballot, a member may withdraw**
 53 **his ballot or change his vote upon his written request.**

54 **(9) No ballot received by the clerk and the secretary after the deadline**
 55 **provided in Paragraph (7) of this Subsection shall be valid or counted, but the**
 56 **day and time received shall be recorded for each ballot received after such time,**
 57 **and the ballot shall be marked "Invalid".**

58 **(10)(a) Whenever the clerk of the House of Representatives and the**
 59 **secretary of the Senate are to transmit a ballot or notice to a member of the**

1 legislature pursuant to this Section, the ballot or notice shall be transmitted
 2 using the most efficient medium available to the clerk or the secretary under the
 3 circumstances and may include but is not limited to electronic mail or SMS
 4 communications. Any such medium shall provide for notice of receipt and the
 5 records of all such transmittals and notices shall be maintained and preserved
 6 for a least six months following the tabulation.

7 (b) The clerk and the secretary shall devise a method for a member to
 8 validate his ballot which may include signature, personal identification number,
 9 or other security method.

10 (11)(a) On the next business day after the deadline for returning ballots
 11 as provided in Paragraph (7) of this Subsection the clerk of the House of
 12 Representatives and the secretary of the Senate shall jointly tabulate the vote
 13 in roll call order for each house of the legislature. The clerk and the secretary
 14 shall hold such ballots under seal and shall not disclose the contents to any
 15 person until the day when such ballots are tabulated. No ballot shall be deemed
 16 spoiled if inadvertently disclosed in processing. The secretary of the Senate and
 17 the clerk of the House of Representatives shall each sign the tabulation sheet
 18 and cause a certified copy thereof to be transmitted to the secretary of state, the
 19 governor, and the chairmen of the Senate Committee on Senate and
 20 Governmental Affairs and House Committee on House and Governmental
 21 Affairs. The tabulation sheet shall be a public record.

22 E. The governor shall either approve or veto the plan no later than five
 23 days after he receives the certified tabulation sheet. If the governor approves
 24 the plan, he shall immediately send his approval message to the secretary of
 25 state and the chairmen of the Senate Committee on Senate and Governmental
 26 Affairs and House Committee on House and Governmental Affairs. If the
 27 governor vetoes the plan, he shall immediately send the veto message to the
 28 secretary of the Senate and the clerk of the House of Representatives. The
 29 secretary and the clerk shall immediately and jointly prepare and transmit a
 30 ballot to each member of the legislature utilizing the same procedures and
 31 deadlines provided in Subsection D of this Section. The ballot shall contain a
 32 question phrased to allow each member to cast his vote for or against overriding
 33 the governor's veto of the emergency election plan. If two-thirds of the elected
 34 members of each house vote to override the governor's veto of the emergency
 35 election plan, the secretary of state shall implement the plan in the manner
 36 provided by Subsection C of this Section.

37 Section 2. This Act shall become effective upon signature by the governor
 38 or, if not signed by the governor, upon expiration of the time for bills to become law
 39 without signature by the governor, as provided by Article III, Section 18 of the
 40 Constitution of Louisiana. If vetoed by the governor and subsequently approved by
 41 the legislature, this Act shall become effective on the day following such approval."