

2022 Regular Session

HOUSE BILL NO. 720

BY REPRESENTATIVE GAINES

ELECTIONS: Provides for election procedures during a state of emergency.

1 AN ACT

2 To amend and reenact R.S. 18:135(A)(2)(a), 401.2(C), 401.3(B)(1), and 1308(A)(2)(j)(ii)  
3 and (C) and to enact R.S. 18:401.2(B)(5) and 401.3(E), relative to election  
4 procedures; to provide for election procedures during a state of emergency; to  
5 provide relative to close of voter registration; to provide to changes of polling places;  
6 to provide relative to emergency plans; to provide relative to absentee voting; and  
7 to provide for related matters.

8 Be it enacted by the Legislature of Louisiana:

9 Section 1. R.S. 18:135(A)(2)(a), 401.2(C), 401.3(B)(1), and 1308(A)(2)(j)(ii) and  
10 (C) are hereby amended and reenacted and R.S. 18:401.2(B)(5) and 401.3(E) are hereby  
11 amended and reenacted to read as follows:

12 §135. Close of registration

13 A.

14 \* \* \*

15 (2)(a) Notwithstanding the provisions of Paragraph (1) of this Subsection,  
16 if because of an emergency as declared by the governor or by the parish president the  
17 registrar is unable to open at least one office in the parish on the day on which the  
18 registration records are to be closed pursuant to Paragraph (1) of this Subsection, the  
19 registrar shall not close the registration records on that day. In such case, the  
20 registrar shall close the registration records ~~on the first business day thereafter that~~

1 ~~the registrar opens an office in the parish~~ fifteen days prior to an election, and an  
2 application for any entry or change in a registration received by the registrar on this  
3 day shall be deemed to have been received as of the day the registration records were  
4 to be closed pursuant to Paragraph (1) of this Subsection.

5 \* \* \*

6 §401.2. Relocation of polling places; state of emergency

7 \* \* \*

8 B. When a polling place is relocated pursuant to Subsection A, the clerk of  
9 court in conjunction with the secretary of state shall give adequate notice of the  
10 change of the location to each voter registered to vote at that polling place and to  
11 each candidate to be voted on at that polling place, if practicable, in the following  
12 manner:

13 \* \* \*

14 (5) The secretary of state shall post a list of all changed polling locations on  
15 the secretary of state's website.

16 C. The clerk of court may take any other reasonable steps as it deems  
17 necessary or desirable to inform the voters and the candidates of the change in  
18 location, including but not limited to posting notices on utility poles, ~~and~~  
19 advertisements in the electronic media, and contacting voters via telephone or  
20 electronic mail using the phone number or electronic address listed in the voter's  
21 registration information.

22 §401.3. Emergency plan by secretary of state; gubernatorial and legislative approval

23 \* \* \*

24 B.(1) After the issuance of an executive order by the governor declaring a  
25 state of emergency within forty-five days prior to an election and if the secretary of  
26 state determines that such emergency impairs an election that may otherwise be held  
27 except for technical, mechanical, or logistical problems with respect to the relocation  
28 or consolidation of polling places within the parish, potential shortages of  
29 commissioners and absentee commissioners, or shortages of voting machines, the

1 secretary of state shall certify such facts and the reasons therefor to the governor, the  
 2 Senate Committee on Senate and Governmental Affairs, and the House Committee  
 3 on House and Governmental Affairs. If the governor and a majority of the members  
 4 of each committee concur that such an emergency plan is necessary, the secretary of  
 5 state shall develop ~~an emergency plan~~ plans in writing that ~~proposes~~ propose a  
 6 ~~resolution~~ solutions to technical, mechanical, or logistical problems impairing the  
 7 holding of the election with respect to the relocation or consolidation of polling  
 8 places within the parish, potential shortages of commissioners and absentee  
 9 commissioners, or shortages of voting machines.

10 \* \* \*

11 E. After the issuance of an executive order by the governor declaring a state  
 12 of emergency within forty-five days prior to an election and if the secretary of state  
 13 determines that such emergency impairs an election that may otherwise be held  
 14 except for technical, mechanical, or logistical problems with respect to the relocation  
 15 or consolidation of polling places within the parish, potential shortages of  
 16 commissioners, or shortages of voting machines, the secretary of state shall take  
 17 necessary actions to ensure the successful execution of the election such as making  
 18 reasonable adjustments to deadlines, qualifications to vote absentee by mail, and  
 19 provisions of equipment, staffing, and other resources to ensure a safe, secure, and  
 20 accessible elections.

21 \* \* \*

22 §1308. Absentee voting by mail

23 A.

24 \* \* \*

25 (2)

26 \* \* \*

27 (j)

28 \* \* \*

1 (ii) The secretary of state as the chief election officer of the state shall take  
2 all actions reasonably necessary to allow registered voters who are unable to vote  
3 during early voting or at the polling place on election day due to out-of-parish or out-  
4 of-state work or personal responsibilities relating to a declared emergency to vote,  
5 whether by mail, facsimile, or other means of transmission of the ballot.

6 \* \* \*

7 C. Except as provided in R.S. 18:1308.1(C) and 1311(D)(1) and (5), all  
8 ballots received by the registrar by 4:30 p.m. on the day before election day shall be  
9 counted. If a state of emergency is declared within fifteen days prior to an election,  
10 all ballots received within three days following election day shall be counted.

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

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#### DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

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HB 720 Original

2022 Regular Session

Gaines

**Abstract:** Provides for election procedures and emergency election plans during a declared state of emergency.

Present law provides that if a registrar of voters is unable to open at least one office in the parish on the day on which the registration records are to be closed due to a declared state of emergency, the registrar shall not close the registration records on that day. In such case, the registrar shall close the registration records on the first business day thereafter that the registrar opens an office in the parish.

Proposed law changes the day that the registrar shall close the registration records to 15 days prior to an election.

Present law provides that when a polling place is relocated, the clerk of court in conjunction with the secretary of state shall give adequate notice of the change of the location to each voter registered to vote at that polling place and to each candidate to be voted on at that polling place.

Proposed law provides that the secretary of state shall also post a list of all changed polling locations on the secretary of state's website.

Present law provides that the clerk of court may take any other reasonable steps to inform the voters and the candidates of the change in location, including but not limited to posting notices on utility poles and advertisements in the electronic media.

Proposed law adds contacting voters via telephone or electronic mail as a means to provide notice of a change in polling place location.

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 due to certain circumstances, 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 a written emergency plan that proposes a resolution to the problems impairing the holding of the election.

Proposed law limits the applicability of present law to emergencies declared within 45 days prior to an election. If an emergency is declared within that period, proposed law requires the secretary of state to take necessary actions to ensure successful execution of the election.

Present law provides that the secretary of state shall take all actions reasonably necessary to allow registered voters who are unable to vote during early voting or at the polling place on election day due to out-of-state work responsibilities relating to a declared emergency.

Proposed law retains present law and adds that the secretary of state shall also allow registered voters to vote if they are unable to vote during early voting or on election day due to out-of-parish work or personal responsibilities as a result of a declared emergency.

Present law provides that all ballots received by the registrar by 4:30 p.m. on the day before election day shall be counted.

Proposed law provides that all ballots received within 3 days following election day shall be counted if a state of emergency is declared within 15 days prior to an election.

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

(Amends R.S. 18:135(A)(2)(a), 401.2(C), 401.3(B)(1), and 1308(A)(2)(j)(ii) and (C); Adds R.S. 18:401.2(B)(5) and 401.3(E))