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

SB 258 Engrossed

DIGEST
2022 Regular Session

Hewitt

Present law provides that if the secretary of state determines that an emergency declared by the governor impairs an election that could be held except for technical, mechanical, or logistical problems with respect to the relocation or consolidation of polling places and potential shortages of commissioners or 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 adds other impairments that affect participation in or the integrity of the electoral process to the impairments that the secretary shall consider and certify to the governor and the committees.

Present law provides that if the governor and a majority of the members of each committee concur that an emergency plan is necessary, the secretary of state shall develop an emergency plan to address the impairments. Present law is applicable to the additional impairments added by proposed law.

Proposed law additionally requires the committees to meet within 10 days following the secretary of state's certification and requires the committees to meet and function as a joint committee.

Present law authorizes the secretary of state to include in the plan a proposal to conduct early voting. Proposed law retains present law.

Present law limits the locations of such early voting to the offices of the registrars and provides for conducting early voting in accordance with present law. Proposed law removes these limitations and provides for such early voting at times and locations that are accessible to affected voters.

Present law requires the secretary of state to present the plan to the governor, Senate and Governmental Affairs Committee, and House and Governmental Affairs Committee for their approval.

Proposed law specifically authorizes the secretary of state to present alternative plans at the same time and also authorize the secretary to present the plan or plans at the same time as the certification. Requires the joint committee to meet no later than 10 days following receipt of the plan and requires the joint committee to send notice of each meeting held pursuant to proposed law to the governor and provides that the governor or his designee may attend and provide recommendations regarding the emergency plan. Proposed law specifically provides that the secretary of state may incorporate changes suggested and approved by the joint committee.

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 shall be sent to members of each house of the legislature for approval by mail ballot.

Proposed law retains present law.

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 and the plan shall be included in the notice sent with the ballots 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 a certain time period.

Proposed law retains present law.

Proposed law provides that if a majority of the elected members of each house approved the emergency plan, the governor shall approve or veto the plan no later than five days after he receives the certified tabulation sheet. Requires the governor to send his approval message to the secretary of state and the chairs of the governmental affairs committees. Requires the governor to immediately send his disapproval message to the secretary of the Senate and clerk of the House who shall immediately transmit a ballot to each member of the legislature phrased to allow members to vote for or against overriding the governor's disapproval using the same procedures and deadlines provided in proposed law above.

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 shall take all steps necessary to implement the plan. Proposed law retains present law and further provides that if two-thirds of the elected members of each house of the legislature vote to override the governor's disapproval, the secretary of state shall take all steps necessary to implement plan.

Effective August 1, 2022.

(Amends R.S. 18:401.3(B), (C), and (D)(1), (2)(a)(i) and (ii), (3), and (4); adds R.S. 18:401.3(E)