

2022 Regular Session

HOUSE BILL NO. 1082 (Substitute for House Bill No. 720 by Representative Gaines)

BY REPRESENTATIVE GAINES

ELECTIONS: Provides for election procedures during a state of emergency

1 AN ACT

2 To enact R.S. 18:401.2(B)(5) and 401.4, relative to election procedures; to provide for
3 election procedures during a state of emergency; to provide to changes of polling
4 places; to provide relative to emergency plans; and to provide for related matters.

5 Be it enacted by the Legislature of Louisiana:

6 Section 1. R.S. 18:401.2(B)(5) and 401.4 are hereby enacted to read as follows:

7 §401.2. Relocation of polling places; state of emergency

8 * * *

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

14 * * *

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

17 * * *

18 §401.4. Emergency actions by secretary of state

19 A. After the issuance of an initial proclamation or executive order by the
20 governor declaring a state of emergency within forty-five days prior to an election

1 and if the secretary of state determines that such emergency impairs an election that
 2 may otherwise be held except for problems with respect to the relocation or
 3 consolidation of polling places within the parish, potential shortages of
 4 commissioners, or shortages of voting machines, the secretary of state shall submit
 5 notice of such problems and proposed solutions to both the House and Senate
 6 committees on governmental affairs as well as the governor's office. Following such
 7 notice, the secretary of state shall take necessary actions to ensure the successful
 8 execution of the election such as making reasonable adjustments to deadlines and
 9 provisions of equipment, staffing, and other resources to ensure a safe, secure, and
 10 accessible elections.

11 B. Within fifteen days following the election, the Department of State shall
 12 provide a report to the legislature of actions taken pursuant to this Section.

13 * * *

14 Section 2. This Act shall become effective on October 1, 2022.

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)]

HB 1082 Original 2022 Regular Session Gaines

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

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 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.

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 a written emergency plan that proposes a resolution to the problems impairing the holding of

the election. Provides that the plan shall propose a resolution to problems impairing the holding of the election with respect to the following:

- (1) Relocation or consolidation of polling places.
- (2) Shortages of commissioners and absentee commissioners.
- (3) Shortages of voting machines.
- (4) Conducting early voting for displaced persons.

Present law requires the secretary of state to submit the emergency plan to the Senate Committee on Senate and Governmental Affairs, the House Committee on House and Governmental Affairs, and the governor. If a majority of the members of the legislative committees approve the emergency plan, the plan shall be submitted to the members of each house of the legislature for approval by mail ballot. If the legislature and the governor approve the emergency plan, the secretary of state shall implement the plan.

Proposed law provides that after the initial declaration of an emergency within 45 days prior to an election, the secretary of state shall take necessary actions to ensure successful execution of the election including:

- (1) Adjusting deadlines.
- (2) Adjusting provision of equipment, staffing, and other resources.

Present law regarding concurrence of the governor and the legislative committees that an emergency action is necessary and regarding the approval of the plan by the governor and the legislature is not applicable to proposed law.

Proposed law requires the Dept. of State to provide a report to the legislature within 15 days of an election detailing such actions taken pursuant to proposed law.

Effective Oct. 1, 2022.

(Adds R.S. 18:401.2(B)(5) and 401.4)