

Office of the Governor
State of Louisiana

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GOVERNOR



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November 11, 2020

VIA HAND DELIVERY

Honorable Page Cortez
Louisiana Senate President
Louisiana State Senate
Post Office Box 94183
Baton Rouge, LA 70804

RE: Veto of Senate Bill 20 of the Second Extraordinary Session

Dear President Cortez:

Please be advised that I have vetoed Senate Bill 20 of the Second Extraordinary Session.

This bill was drafted to address the method by which emergency election plans are submitted by the Secretary of State and adopted by the Legislature and the Governor. During the spring elections this year, which were ultimately delayed until July and August because of the COVID-19 emergency, Louisiana operated under an emergency election plan that allowed for the people of Louisiana to safely and securely vote without taking unnecessary health risks. Unfortunately, for the most recent election conducted just one week ago, the emergency election plan that was submitted by the Secretary of State was wholly inadequate for the dangers posed by the COVID-19 environment. Because it did not adequately protect the health and safety of the people of Louisiana, I rejected that plan, for reasons that I made clear at the time. Thankfully, United States District Judge Shelly Dick ordered that the July/August election plan be implemented for the November election. By all accounts, this election plan seems to have been conducted safely and securely, belying all of the concerns raised by the Attorney General and others about an emergency election plan that acknowledges that Louisiana is, in fact, in a state of emergency. Thus, the only loss to the State from the manner in which the most recent election was held is the nearly \$1 million dollars the Attorney General reportedly paid to out-of-state lawyers to unsuccessfully fight the litigation.

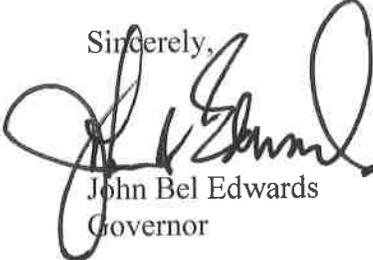
Senate Bill 20 is a product of the disputes over the emergency election plan this fall. As originally introduced, it was designed to significantly reduce the Governor's authority to disapprove of an election plan. This was an obvious attempt to respond to my action this fall and to eliminate the necessary check that the Governor has on legislative approval of an inadequate election plan. However, in the House, the bill was made significantly better, as it was amended to maintain that the Governor could disapprove of the emergency election plan. This disapproval

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could only be overridden if two-thirds of the elected members of each chamber would vote to overrule the Governor's disapproval. This is consistent with the constitutional requirement of a supermajority for the Legislature to override the Governor. Further, some of the other changes in Senate Bill 20 are favorable to the cumbersome structure in current law.

However, as finally passed, Senate Bill 20 has some defects that should not be written into law. First and foremost, there was insufficient consideration of the constitutional restriction imposed by Article 3, Section 15, which provides "action on any matter intended to have the effect of law shall be taken only in open, public meeting." The structure for voting to approve the plan or to override the disapproval would seemingly run afoul of this requirement, as any action taken by the Legislature pursuant to this vote would have the "effect of law" and would not be taken in an open meeting. Further, this structure suffers from the same infirmity at House Bill 4 of this session in that it allows for transmittal of ballots via text message. This method of transmittal is simply not acceptable. Putting aside the irony that many of the supporters of this bill assailed the security of mail-in voting for the public while at the same time providing for mail-in voting of ballots for themselves, this process should not be taken a step further by allowing balloting by text messaging and eliminating the paper trail of a mail-in ballot.

Since there will be no statewide elections conducted before the next legislative session, I pledge to work with the bill author, Senator Hewitt, and the leadership to draft a bill in the upcoming regular session that will address these concerns, while preserving some of the improvements proposed in the current bill.

Sincerely,

John Bel Edwards
Governor

cc: Honorable Clay Schexnayder
Speaker of the House of Representatives