

RÉSUMÉ DIGEST

ACT 286 (SB 258)

2022 Regular Session

Hewitt

Existing 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 the facts and the reasons for that determination to the governor, the Committee on Senate and Governmental Affairs, and the Committee on House and Governmental Affairs. New law adds other impairments that affect participation in or the integrity of the electoral process to the impairments that the secretary may consider and certify to the governor and the committees.

Existing 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. Existing law is applicable to the additional impairments added by new law.

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

Existing law authorizes the secretary of state to include in the plan a proposal to conduct early voting.

Prior law limited the locations of such early voting to the offices of the registrars and provides for conducting early voting in accordance with existing law. New law removes these limitations and provides for such early voting at times and locations that are accessible to affected voters.

Existing 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.

New law specifically authorizes the secretary of state to present alternative plans at the same time and also authorizes 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. Requires the joint committee to send notice of each meeting held pursuant to new law to the governor. Provides that the governor or his designee may attend and provide recommendations regarding the emergency plan. New law specifically provides that the secretary of state may incorporate changes suggested and approved by the joint committee.

Existing law provides that upon approval by a majority of the members of the Senate and Governmental Affairs Committee and of the 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.

Existing 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.

New law provides that if a majority of the elected members of each house approve the emergency plan, the governor shall approve or disapprove 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 new law.

Existing 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. New law 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))