

First Extraordinary Session, 2005

SENATE BILL NO. 7

BY SENATOR JONES

VOTERS/VOTING. Procedures for an emergency election plan, addressing registration, early voting, absentee voting by mail and election day voting during a gubernatorially declared emergency. (gov sig)

AN ACT

To enact R.S. 18:401.3, relative to the creation and conduct of an emergency election plan; to provide for a written emergency election plan; to provide for procedures for voter registration, early voting, absentee voting by mail and election day voting; to provide for compliance with the Voting Rights Act of 1965; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 18:401.3 is hereby enacted to read as follows:

§401.3. Emergency election plan; registration, early voting, absentee voting by mail and election day voting plan

A. Due to the possibility of an emergency or common disaster occurring before or during a regularly scheduled or special election, and in order to ensure maximum citizen participation in the electoral process and provide a safe and orderly procedure for persons seeking to qualify or exercise their right to vote, to minimize to whatever degree possible a person's exposure to danger during declared states of emergency, and to protect the integrity of the electoral process, it is hereby found and declared to be necessary to designate a

1 procedure for the emergency suspension or delay and rescheduling of
2 registration, early voting, absentee voting by mail and election day voting.

3 B. Notwithstanding any contrary provision of law, the secretary of state
4 may, upon issuance of an executive order by the governor declaring a state of
5 emergency or impending emergency, certify to the governor, the Senate
6 Committee on Senate and Governmental Affairs and the House Committee on
7 House and Governmental Affairs, the need for an emergency election plan for
8 registration, early voting, absentee voting by mail and election day voting.
9 Upon the written concurrence with the certification by the governor and
10 majority of the members of each committee, the secretary of state shall develop
11 a written emergency election plan.

12 C. The written emergency election plan shall be submitted by the
13 secretary of state to the Senate Committee on Senate and Governmental Affairs,
14 the House Committee on House and Governmental Affairs, and the governor
15 as soon as practicable following their concurrence with his certification. Upon
16 approval of the emergency plan by a majority of the members of the Senate
17 Committee on Senate and Governmental Affairs Committee, a majority of the
18 members of the House Committee on House and Governmental Affairs, and the
19 governor, the secretary of state shall take all necessary steps to implement the
20 emergency plan following compliance with Section 5 of the Voting Rights Act
21 of 1965.

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

The original instrument and the following digest, which constitutes no part of the legislative instrument, were prepared by Tabitha I. Gray.

DIGEST

Proposed law authorizes the secretary of state, upon a gubernatorial declaration of emergency to certify to the governor and the Senate and House governmental affairs committees the need for an emergency election plan for registration, early voting, absentee voting by mail and election day voting. Requires the secretary of state to submit a written plan as soon as practicable after the concurrence of the governor and the majority of the members of each committee with his certification. After approval by the governor and the majority of the members of each committee of the emergency plan, requires the secretary of state to take all necessary steps to implement the plan following compliance with the Voting Rights Act of 1965.

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

(Adds R.S. 18:401.3)