

First Extraordinary Session, 2005

HOUSE BILL NO. 57

BY REPRESENTATIVE JEFFERSON

ELECTION CODE: Provides relative to conducting an election during and following a gubernatorially declared state of emergency

15 Be it enacted by the Legislature of Louisiana:

16 Section 1. R.S. 18:109, 115(B)(1)(a) and (G), 132, and 133(A) are hereby amended
17 and reenacted and R.S. 18:115(F)(2)(d) and 425(A)(4) are hereby enacted to read as follows:
18 §109. Notice of registration and change in registration

19 After receiving from the registrar the information concerning a new registrant
20 or the information concerning a change made with respect to the registration of any

1 person, the computer center promptly shall mail a notice to the appropriate registrar
2 that the person is registered or that his registration has been changed. The registrar
3 shall then mail a notice, postage prepaid, to each new registrant and to each person
4 whose registration was changed in any manner, a notice that he is registered or that
5 his registration has been changed. The notice shall show the parish, ward, precinct,
6 registration address, and party affiliation of the registrant. However, the registrar
7 shall not be required to send such a notice to any voter who has been on the inactive
8 list of voters for at least two years, unless the change in registration involves a
9 change in the voter's address. The secretary of state shall prescribe the form to be
10 used on the notice; however, the front of the notice shall contain directions to the
11 postmaster to "deliver only as addressed; otherwise return to sender; address
12 correction requested", and the return address shall be that of the registrar. When a
13 notice is returned by the postmaster, the registrar shall proceed in accordance with
14 the applicable provisions of Part V of this Chapter. However, if the notice was sent
15 during or following a gubernatorially declared state of emergency and the registrar
16 has reason to believe, based on the address, that the notice was returned because the
17 person was temporarily displaced from his parish of residence because of such
18 emergency, the registrar shall send a second notice without the directions to the
19 postmaster regarding delivery. Such notice shall request the voter to submit to the
20 registrar documentation showing his displaced status from a nonprofit organization
21 exempt from federal taxation pursuant to Section 501(c)(3) of the Internal Revenue
22 Code or a federal or state agency. Upon receipt of such documentation, the registrar
23 shall not proceed in accordance with the applicable provisions of Part V of this
24 Chapter.

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26 §115. Registration by mail

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28 B.(1) The registrar of voters shall determine the eligibility of an applicant
29 in the following manner:

(a) The registrar shall mail a verification mailing to the applicant at the address provided on the application form. The mailing shall instruct the postmaster to deliver only as addressed or return to sender, with return postage guaranteed. If such mailing is not returned to the registrar within ten days from the date of mailing, the applicant shall be added to the official list of voters and the registrar of voters shall send a notice of registration to the applicant. However, if the verification mailing is returned to the registrar by the United States Postal Service, the registrar shall not add the applicant's name to the official list of voters and shall attempt to notify the applicant of such action. However, if the verification mailing was sent during or following a gubernatorially declared state of emergency and the registrar has reason to believe, based on the address, that the mailing was returned because the person was temporarily displaced from his parish of residence because of such emergency, the registrar shall send a second mailing without the directions to the postmaster regarding delivery. Such mailing shall request the voter to submit to the registrar documentation showing his displaced status from a nonprofit organization exempt from federal taxation pursuant to Section 501(c)(3) of the Internal Revenue Code or a federal or state agency. Upon receipt of such documentation, the registrar shall add the applicant's name to the official list of voters.

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20 F.

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25 (d) A person who has been temporarily displaced from his parish of
26 residence by a gubernatorially declared state of emergency, when he submits with
27 the application to vote by mail documentation showing his displaced status from a
28 nonprofit organization exempt from federal taxation pursuant to Section 501(c)(3)
29 of the Internal Revenue Code or a federal or state agency. The provisions of this

Subparagraph shall be effective for a period of one year following the date of the issuance of any gubernatorial proclamation declaring a state of emergency; however, upon the certification of the secretary of state that circumstances in the areas affected by such emergency significantly impair the ability of such displaced persons to vote in person during the early voting period or at the polls on election day, the governor may issue a proclamation extending the period of effectiveness of the provisions of this Subparagraph relative to such emergency.

G. Upon receipt by the registrar of voters of an undelivered notice of registration, the registrar shall immediately begin the procedure set forth in R.S. 18:193 and place the voter on the inactive list of voters. However, if the notice was sent during or following a gubernatorially declared state of emergency and the registrar has reason to believe, based on the address, that the notice was returned because the person was temporarily displaced from his parish of residence because of such emergency, the registrar shall send a second notice without the directions to the postmaster regarding delivery. Such mailing shall request the voter to submit to the registrar documentation showing his displaced status from a nonprofit organization exempt from federal taxation pursuant to Section 501(c)(3) of the Internal Revenue Code or a federal or state agency. Upon receipt of such documentation, the registrar shall add the applicant's name to the official list of voters.

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§132. Offices furnished registrar; supplies; expenses

A. Except as otherwise provided by law, the governing authority of each parish shall furnish the office space required by law for the registrar and also shall be responsible for the cost of all equipment and supplies, including all furniture, books, stationery, and other expenses for the operation of each office necessary to enable the registrar fully to discharge his duties. The parish governing authority shall provide space for the registrar's principal office in the courthouse or in close proximity thereto, and this office shall be accessible and convenient to the residents

1 of the parish. The space to be used for this office shall be specifically designated by
2 the parish governing authority, which shall designate adequate space to enable the
3 registrar to fully discharge his duties. No other official or unit of government shall
4 have authority to designate or allocate such office space. Before the expenses are
5 paid, the registrar shall furnish the head of the parish governing authority a budget
6 of anticipated expenses for each succeeding year.

7 B. If the office of the registrar is destroyed, inaccessible, or unsafe during
8 or following a gubernatorially declared state of emergency, the registrar may utilize
9 a temporary office to discharge his duties until an office that meets the requirements
10 of this Section becomes available.

11 §133. Branch offices; mobile registration units; mandatory registration drives

12 A. All branch offices, whether temporary or permanent, shall be located in
13 permanent buildings, except mobile registration units. However, if a branch office
14 of a registrar is destroyed, inaccessible, or unsafe during or following a
15 gubernatorially declared state of emergency, the registrar may utilize a temporary
16 building as a branch office until an office that meets the requirements of this Section
17 becomes available.

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19 §425. Commissioners

20 A.

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22 (4) For an election held during or following a gubernatorially declared state
23 of emergency, if a clerk of court determines that there is a parishwide shortage of
24 commissioners because a significant number of commissioners has been temporarily
25 displaced due to such emergency, the clerk may submit a written request to the
26 secretary of state, on or before the twenty-third day prior to an election, for
27 additional commissioners from other parishes. The written request shall include the
28 number of additional commissioners requested and an explanation of the need for

1 additional commissioners. If the secretary of state determines that there is a need for
2 additional commissioners and that the allocation of additional commissioners is
3 feasible, the secretary of state shall request the clerks of court to survey the
4 commissioners of their parishes for availability to serve as commissioners in the
5 affected parish and to submit a list of available commissioners to the secretary of
6 state. The secretary of state shall select commissioners from the lists of available
7 commissioners, giving priority based on proximity to the affected parish. The
8 secretary of state shall ensure that the selected commissioners have received
9 adequate training on the voting machines that are used in the parish with the shortage
10 and on any procedures necessary for the conduct of that election.

11 * * *

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

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument.

Jefferson

HB No. 57

Abstract: Relative to the conduct of elections during or following a gubernatorially declared state of emergency, provides for procedures for the registrar of voters relative to returned notices of registration, change of registration, or verification mailing of temporarily displaced persons. Provides for certain displaced persons who have registered by mail to vote absentee by mail without first voting in person or appearing in the office of the registrar, if they submit certain documentation showing their displaced status. Authorizes the registrars of voters to utilize temporary offices and branch offices. Provides relative to a parishwide shortage of commissioners due to an emergency. Authorizes commissioners from other parishes to serve in the affected parish and relative to selection and training of such commissioners.

Present law (R.S. 18:109) provides for the computer center to mail notice to the appropriate registrar that a person is registered or that his registration has been changed. Provides for the registrar to mail a notice, postage prepaid, to each new registrant and to each person whose registration was changed showing the parish, ward, precinct, registration address, and party affiliation of the registrant. Provides that the registrar is not required to send such a notice to any voter who has been on the inactive list of voters for at least two years, unless the change involves a change in the voter's address. Authorizes the secretary of state to prescribe the form to be used on the notice. Requires the front of the notice to contain directions to the postmaster to "deliver only as addressed; otherwise return to sender; address correction requested", and provides for the return address to be that of the registrar. Requires registrar, when a notice is returned by the postmaster to proceed in accordance with the applicable provisions relative to the list of inactive voters and challenge and cancellation of voter registration.

Proposed law retains present law but provides that if the notice was sent during or following a gubernatorially declared state of emergency, and the registrar believes the notice was returned because the person was temporarily displaced by such emergency, that the registrar shall send a second notice without the directions to the postmaster regarding delivery. Provides for the second notice to request the voter to submit to the registrar documentation showing his displaced status from a tax-exempt nonprofit organization or a federal or state agency. Provides that the registrar, upon receipt of the documentation, shall not proceed in accordance with provisions relative to the list of inactive voters and challenge and cancellation of voter registration.

Present law (R.S. 18:115(B)(1)(a)) provides for the registrar of voters to determine the eligibility of an applicant by mailing a verification mailing to the applicant at the address provided on his application form. Provides directions to the postmaster to deliver only as addressed or return to sender. Provides for the applicant to be added to the official list of voters and for the registrar of voters to send a notice of registration to the applicant if the mailing is not returned to the registrar within 10 days. Provides that the registrar shall not add the applicant's name to the official list of voters and shall attempt to notify the applicant of such action if the mailing is returned within 10 days.

Proposed law retains present law but provides that if the verification mailing was sent during or following a gubernatorially declared state of emergency and the registrar believes that the mailing was returned because the person was temporarily displaced by such emergency, the registrar shall send a second mailing without the directions to the postmaster regarding delivery. Provides for such mailing to request the voter to submit documentation showing his displaced status from a tax-exempt nonprofit organization or a federal or state agency. Provides that upon receipt of such documentation, the registrar shall add the applicant's name to the official list of voters.

Present law (R.S. 18:115(F)) requires any voter who registered to vote by mail and who has not previously voted in the parish in which he is registered to vote in person in the office of the registrar or in person at the precinct where he is registered to vote. Provides that such requirement does not apply to certain persons who are uniformed and overseas, elderly or handicapped to whom other provisions of present law apply, a student whose institution of higher learning is located outside of his parish of residence, provided that the student submit certain documentation, or to a person who appears in the office of the registrar of voters prior to the absentee in person voting period to establish his identity.

Proposed law extends the exemption from the requirements of present law to a person who has been temporarily displaced from his parish of residence by a gubernatorially declared state of emergency, when he also submits documentation showing his displaced status from a nonprofit organization exempt from federal taxation or a federal or state agency. Provides

for the provisions of proposed law to be effective for one year following the date of the issuance of any gubernatorial proclamation declaring a state of emergency. Provides for the governor to extend the effective period of proposed law relative to the emergency via proclamation upon certification by the secretary of state that circumstances in the areas affected by the emergency significantly impair the ability of the displaced persons to vote in person during the early voting period or at the polls on election day.

Present law (R.S. 18:115(G)) provides for the registrar to immediately begin the procedure set forth in R.S. 18:193 relative to challenge and cancellation of voter registration and place the voter on the inactive list of voters upon receipt of an undelivered notice of registration.

Proposed law retains present law but provides that if the notice of registration was sent during or following a gubernatorially declared state of emergency and the registrar believes that the mailing was returned because the person was temporarily displaced by such emergency, the registrar shall send a second mailing without the directions to the postmaster regarding delivery. Provides for such mailing to request the voter to submit documentation showing his displaced status from a tax-exempt nonprofit organization or a federal or state agency. Provides that upon receipt of such documentation, the registrar shall add the applicant's name to the official list of voters.

Present law (R.S. 18:132) requires the governing authority of each parish to furnish office space for the registrar and to be responsible for the cost of all equipment, supplies, and other expenses for the operation of such offices as necessary for the registrar to perform his duties. Specifies that the registrar's principal office space be in the courthouse or in close proximity thereto, accessible and convenient to the residents of the parish. Prohibits any other official or unit of government from designating or allocating such office space. Provides relative to the budget of anticipated expenses for such office.

Proposed law retains present law but provides for the registrar to utilize a temporary office to discharge his duties if his office is destroyed, inaccessible, or unsafe during or following a gubernatorially declared state of emergency until an office that meets the requirements of this present law becomes available.

Present law (R.S. 18:133(A)) requires all branch offices of registrars to be located in permanent buildings, except mobile registration units.

Proposed law retains present law but provides for the registrar to utilize a temporary building as a branch office if a branch office is destroyed, inaccessible, or unsafe during or following a gubernatorially declared state of emergency until an office that meets the requirements of present law becomes available.

Present law (R.S. 18:425(A)) provides relative to the number of commissioners to be used at each precinct. Provides for reduction in the number of commissioners in certain circumstances where it would not be detrimental to the conduct of the election. Provides for the secretary of state to allocate additional commissioners for overcrowded precincts.

Proposed law retains present law but also provides for the clerk of court to submit a written request to the secretary of state by the 23rd day prior to an election, if he determines that there is a parishwide shortage of commissioners because a significant number of commissioners has been temporarily displaced by a gubernatorially declared state of emergency. Provides that such request shall include the number of additional commissioners requested and an explanation of the need for additional commissioners. Provides for the secretary of state to determine the need for additional commissioners and the feasibility of allocating such additional commissioners. Provides for the secretary of state to request the clerks of court to survey the commissioners of their parishes for availability to serve as

commissioners in the affected parish. Provides for the secretary of state to select commissioners from the lists of available commissioners, giving priority based on proximity to the affected parish. Requires the secretary of state to ensure that the selected commissioners have received adequate training on the voting machines that are used in the parish with the shortage and any procedures necessary for the conduct of that election.

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

(Amends R.S. 18:109, 115(B)(1)(a) and (G), 132, and 133(A); Adds R.S. 18:115(F)(2)(d) and 425(A)(4))