

First Extraordinary Session, 2005

HOUSE BILL NO. 59

BY REPRESENTATIVE JEFFERSON

ELECTIONS: Provides relative to the conduct of elections during or following a gubernatorially declared state of emergency (Items #57 and 58)

1 AN ACT

2 To enact R.S. 18:115(F)(2)(d) and 425(A)(4), relative to the conduct of elections during or
3 following a gubernatorially declared state of emergency; to provide for displaced
4 persons who have registered to vote by mail to vote absentee by mail; to require
5 certain documentation showing displaced status; to provide for the effectiveness of
6 such provisions; to provide relative to a parishwide shortage of commissioners due
7 to an emergency; to authorize commissioners from other parishes to serve in the
8 affected parish; to provide relative to selection and training of such commissioners;
9 and to provide for related matters.

10 Be it enacted by the Legislature of Louisiana:

11 Section 1. R.S. 18:115(F)(2)(d) and 425(A)(4) are hereby enacted to read as follows:

12 §115. Registration by mail

13 * * *

14 F.

15 * * *

16 (2) The provisions of Paragraph (1) of this Subsection shall not apply in the
17 case of the following:

18 * * *

19 (d) A person who has been temporarily displaced from his parish of
20 residence by a gubernatorially declared state of emergency, when he submits with

the application to vote by mail 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. 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.

* * *

§425. Commissioners

A.

* * *

(4) For an election held during or following a gubernatorially declared state of emergency, if a clerk of court determines that there is a parishwide shortage of commissioners because a significant number of commissioners has been temporarily displaced due to such emergency, the clerk may submit a written request to the secretary of state, on or before the twenty-third day prior to an election, for additional commissioners from other parishes. The written request shall include the number of additional commissioners requested and an explanation of the need for additional commissioners. If the secretary of state determines that there is a need for additional commissioners and that the allocation of additional commissioners is feasible, the secretary of state shall request the clerks of court to survey the commissioners of their parishes for availability to serve as commissioners in the affected parish and to submit a list of available commissioners to the secretary of state. The secretary of state shall select commissioners from the lists of available commissioners, giving priority based on proximity to the affected parish. The secretary of state shall ensure that the selected commissioners have received

adequate training on the voting machines that are used in the parish with the shortage
and on any procedures necessary for the conduct of that election.

3 * * *

Section 2. This Act shall become effective upon signature by the governor or, if not signed by the governor, upon expiration of the time for bills to become law without signature by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If vetoed by the governor and subsequently approved by the legislature, this Act shall become 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. 59

Abstract: Relative to the conduct of elections during or following a gubernatorially declared state of emergency, 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. Provides for the effectiveness of such provision. Provides relative to a parishwide shortage of commissioners due to an emergency. Authorizes commissioners from other parishes to serve in the affected parish. Provides relative to selection and training of such commissioners.

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. 18:425(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.

(Adds R.S. 18:115(F)(2)(d) and 425(A)(4))