

DIGEST

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SB 20 Reengrossed

2020 Second Extraordinary Session

Hewitt

Present 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 such facts and the reasons therefor to the governor, the Committee on Senate and Governmental Affairs, and the Committee on House and Governmental Affairs. Proposed law adds other impairments that affect participation in or the integrity of the electoral process to the impairments that the secretary shall consider and certify to the governor and the committees.

Present 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. Present law is applicable to the additional impairments added by proposed law.

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

Present law authorizes the secretary of state to include in the plan a proposal to conduct early voting. Proposed law retains present law.

Present law limits the locations of such early voting to the offices of the registrars and provides for conducting early voting in accordance with present law. Proposed law removes these limitations and provides for such early voting at times and locations that are accessible to affected voters.

Present 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.

Proposed 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. Further requires the joint committee to meet no later than 10 days following receipt of the plan and requires the joint committee to send notice of each meeting held pursuant to proposed law to the governor and provides that the governor or his designee may attend and provide recommendations regarding the emergency plan. Proposed law further specifically provides that the secretary of state may incorporate changes suggested and approved by the joint committee.

Present law provides that upon approval by a majority of the members of the Senate and Governmental Affairs Committee and 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. Proposed law retains present law but removes the requirement that the ballot be a "mail" ballot.

Present 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.

Proposed law retains present law but removes provisions specifically related to mailing ballots and different time periods for voting and deadlines for return of ballots dependent upon whether the legislature is in session or not. Proposed law provides for procedures for transmittal of the ballot by the secretary of the Senate or clerk of the House of Representatives using the most efficient medium available and for them to devise a method for a member to validate his ballot. Proposed law provides that the ballots shall be returned no later than the fifth business day after transmittal, allows a member to withdraw his ballot or change his vote prior to the deadline, and provides that the secretary of the Senate and clerk of the House shall tabulate the votes on the next business day after the deadline.

Proposed law further requires the governor to approve or veto the plan no later than five days after he receives the certified tabulation sheet. Requires the governor to send approval message to the secretary of state and the chairs of the governmental affairs committees. Requires the governor to immediately send veto 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 member to vote for or against overriding the veto using the same procedures and deadlines provided in proposed law above.

Present 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. Proposed law retains present law and further provides that if two-thirds of the elected members of each house of the legislature vote to override the governor's veto, the secretary of state shall take all steps necessary to implement plan.

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

(Amends R.S. 18:401.3)

Summary of Amendments Adopted by Senate

Committee Amendments Proposed by Senate Committee on Senate and Governmental Affairs to the original bill

1. Technical amendment.

Senate Floor Amendments to engrossed bill

1. Makes technical amendments.
2. Provides that if the emergency is declared within 60 days prior to the date of the election when the legislature is not in session, the commission may require the ballot be returned within five days.
3. Requires the secretary of the Senate and the clerk of the House of Representatives to utilize any method necessary to deliver the ballots and to keep a record of the manner of delivery utilized to deliver the ballot to each member and the date the ballot was transmitted to each member.

Summary of Amendments Adopted by House

The Committee Amendments Proposed by House Committee on House and Governmental Affairs to the reengrossed bill:

1. Remove all provisions for the membership, meetings, quorum requirements, and powers and procedures relative to the proposed Emergency Election Commission. Restore present law regarding approval by the legislative committees and the governor.

2. Make changes relative to the issues that may be addressed by an emergency plan, and authorize the secretary of state to submit alternative plans and to incorporate changes suggested and approved the joint committee.
3. Require the governmental affairs committees to meet jointly and to send the governor notice of meetings.
4. Require the governor to either approve or veto the plan no later than five days after receipt of tabulation sheet of legislative vote and authorize the legislature to override the veto by a two-thirds vote.
5. Change the method and deadlines for the ballot transmitted to the legislature for approval of plan and provide that same method and deadlines are to be used for override of gubernatorial veto of the plan.
6. Change effective date from Jan. 1, 2021, to upon signature of the governor.