

Regular Session, 2007

SENATE BILL NO. 320

BY SENATOR JONES

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

ELECTION CODE. Provides relative to the election code. (gov sig)

AN ACT

To amend and reenact R.S. 18:115(F)(2)(d)(i) and 1308.3(A)(1), (2)(a) and (B) and to enact R.S. 18:401.4, relative to the election code; to provide for early voting in an election conducted pursuant to an emergency plan; to allow registered voters of an affected area to vote during early voting in the offices of the registrars in certain parishes for certain elections; to provide relative to the manner of conducting the early voting in other parishes; to require the secretary of state to assist the registrars of voters in conducting early voting; to provide for absentee by mail voting; to provide for early voting; to provide for absentee voting by mail by temporarily displaced persons; to provide for the application to such persons of certain provisions relative to absentee voting by mail by United States service members and persons residing outside the United States; to require an affidavit attesting to the voter's eligibility; to provide for the effectiveness of the provisions; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 18:115(F)(2)(d)(i) and 1308.3(A)(1), (2)(a) and (B) are hereby amended and reenacted and R.S. 18:401.4 is hereby enacted to read as follows:

§115. Registration by mail

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F.

* * *

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

* * *

(d)(i) The Legislature of Louisiana recognizes that due to a recent common disaster and state of emergency in the state, an unprecedented number of persons have been temporarily displaced from their parishes of residence for an indefinite period of time. Because the right to vote is a right that is essential to the effective operation of a democratic government, the legislature finds that the state has a compelling interest in securing the right to vote for any person temporarily displaced by a disaster or emergency who may experience greater difficulty exercising his right due to his displaced status. The legislature, therefore, enacts this Subparagraph, which shall apply to any person temporarily displaced from his parish of residence by a gubernatorially declared state of emergency who registered to vote by mail on or after October 5, 2004, but prior to September 25, 2005, when he submits with the application to vote by mail an affidavit attesting that he is temporarily displaced from his parish of residence due to a state of emergency which has been declared by the governor, that he is eligible to vote in his parish of residence, and that he expects to be out of his parish of registration during early voting and on election day. He shall sign such affidavit before a notary public or two witnesses. If signed before two witnesses, the witnesses shall also sign the affidavit and such affidavit shall be made under penalty of perjury for providing false or fraudulent information. The provisions of this Subparagraph shall be effective until ~~July 16, 2006~~ **June 15, 2008**.

* * *

§401.4. Early Voting in other parishes

A. For an election in an affected area for which the secretary of state has submitted an emergency plan to the legislature pursuant to R.S. 18:401.3(C),

1 and such plan has been approved by the legislature pursuant to R.S.
2 18:401.3(D), any registered voter of the affected area may vote during the early
3 voting period for such election at any office of the registrar in any parish that
4 has a population of one hundred thousand or more according to the most recent
5 federal decennial census.

6 B. The registrars of voters shall conduct the early voting authorized by
7 this Section in the same manner as provided in R.S. 18:1309(A). The secretary
8 of state shall assist each registrar of voters, as necessary, in the preparation for
9 and conduct of early voting authorized by this Section. Any expenses associated
10 with compliance with the provisions of this Section shall be borne by any local
11 or municipal entity for which a local or municipal candidate or a local bond,
12 debt, or tax proposition or other question appears on the ballot for such
13 election. Prior to the beginning of early voting pursuant to this Section, the
14 secretary of state shall contact the appropriate election official in each
15 jurisdiction where potential displaced registered voters are currently located to
16 the best of his knowledge, to verify that each such registered voter has not
17 registered to vote in that jurisdiction or, if such jurisdiction has a statewide
18 voter registration database, in that state. If the secretary of state finds that a
19 displaced registered voter has registered in that jurisdiction or state, the
20 registered voter shall not be permitted to vote early pursuant to this Section and
21 the secretary of state shall instruct the appropriate registrar of voters to
22 proceed in accordance with the applicable provisions of Part V of this Chapter.

23 C. The provisions of this Section shall be effective until June 15, 2008.

24 * * *

25 §1308.3. Special provision for temporarily displaced persons

26 A. * * *

27 (1) The legislature, therefore, enacts this Paragraph to provide for the
28 following provisions, applicable to members of the United States service or persons
29 residing outside the United States, to apply to any registered voter temporarily

1 displaced from his parish of residence when he submits with an application to vote
2 by mail an affidavit attesting that he is temporarily displaced from his parish of
3 residence by reason of the state of emergency, that he is eligible to vote in his parish
4 of residence, and that he expects to be out of his parish of registration during early
5 voting and on election day: R.S. 18:1307(C) and 1311(D)(1)(a), except that the
6 application to vote by mail shall be valid ~~for a period of one year following February~~
7 ~~23, 2006~~ **until June 15, 2008**. The provisions of this Paragraph shall not apply to any
8 person who has not previously voted in his parish of residence either during early
9 voting in the office of the registrar or at the precinct in which he is registered to vote.

10 (2)(a) The legislature, therefore, additionally enacts this Paragraph to provide
11 for the following provisions, applicable to members of the United States service or
12 persons residing outside the United States, to apply to any registered voter, who
13 registered to vote by mail on or after October 5, 2004 but prior to September 25,
14 2005, who is temporarily displaced from his parish of residence when he submits
15 with an application to vote by mail an affidavit attesting that he is temporarily
16 displaced from his parish of residence by reason of the state of emergency, that he
17 is eligible to vote in his parish of residence, and that he expects to be out of his
18 parish of registration during early voting and on election day: R.S. 18:115(F)(2)(a),
19 1307(C), and 1311(D)(1)(a), except that the application to vote by mail shall be valid
20 ~~for a period of one year following February 23, 2006~~ **until June 15, 2008**.

21 * * *

22 B. The provisions of R.S. 18:1308(A)(2) shall not apply to absentee by mail
23 voting conducted pursuant to this Section. The provisions of Subsection B,
24 Paragraph (A)(1), and Subparagraph (A)(2)(a) of this Section shall be effective ~~for~~
25 ~~a period of one year following February 23, 2006~~ **until June 15, 2008**.

26 * * *

27 Section 2. This Act shall become effective upon signature by the governor or, if not
28 signed by the governor, upon expiration of the time for bills to become law without signature
29 by the governor, as provided in Article III, Section 18 of the Constitution of Louisiana. If

- 1 vetoed by the governor and subsequently approved by the legislature, this Act shall become
 2 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 Irvin-Gray.

DIGEST

Jones (SB 320)

Present law provides for elections during or a gubernatorially declared state of emergency for certain displaced persons who have registered by mail on or after October 5, 2004, but prior to Sept. 25, 2005, to vote absentee by mail without first voting in person at the polls or appearing or voting at the office of the registrar, if they provide an affidavit attesting to their displaced status.

Proposed law retains present law and extends the expiration date to June 15, 2008.

Present law provides for an election in the affected area in which a emergency plan was approved by the legislature for registered voters of the affected area who registered to vote on or before the date of the gubernatorially declared emergency or disaster, may vote during the early voting period at any registrar in any parish that has a population of 100,000 or more according to the most recent federal decennial census. The secretary of state shall assist each registrar as necessary in preparing for early voting. Any expenses shall be borne by the local or municipal entity for which a local or municipal candidate or a local bond, debt, or tax proposition or other question appears on the ballot for such election. The secretary of state shall contact each jurisdiction where potential displaced registered voters are located. If the secretary of state finds that the displaced registered voter has registered in that jurisdiction or state, the registered voter shall not be permitted to vote early. This provision will be effective until June 15, 2008.

Proposed law retains present law and further provides that any registered voter of the affected area who is a registered voter may vote at a satellite office during the early voting period.

Present law provides special early voting provisions for members of the U.S. service or persons residing outside the U.S. to persons temporarily displaced by hurricanes Katrina and Rita for a period of one year following February 23, 2006.

Proposed law retains present law and extends that period until June 15, 2008.

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

(Amends 18:115(F)(2)(d)(i) and 1308.3(A)(1), (2)(a) and (B); adds R.S. 18:401.4)

Summary of Amendments Adopted by Senate

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

1. Allows certain displaced persons who have registered by mail on or after October 5, 2004, but prior to Sept. 25, 2005, to vote absentee by mail without first voting in person at the polls or appearing or voting at the office of the registrar, if they provide an affidavit attesting to their displaced status effective until June 15, 2008.

2. Allows for any registered voter of the affected area who is a registered voter may vote at a satellite office during the early voting period.