

First Extraordinary Session, 2006

HOUSE BILL NO. 12

BY REPRESENTATIVES JEFFERSON, MARCHAND, RICHMOND, GRAY, AND  
HUNTER AND SENATOR JONES

AN ACT

To enact R.S. 18:115(F)(2)(d), relative to the conduct of elections during or following a gubernatorially declared state of emergency; to provide for certain displaced persons who have registered to vote by mail by a certain date to vote absentee by mail; to require an affidavit attesting to the voter's eligibility; to provide for the effectiveness of such provisions; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 18:115(F)(2)(d) is hereby enacted to read as follows:

§115. Registration by mail

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F.

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

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(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

1           by a gubernatorially declared state of emergency who registered to vote by mail on  
2           or after October 5, 2004, but prior to September 25, 2005, when he submits with the  
3           application to vote by mail an affidavit attesting that he is temporarily displaced from  
4           his parish of residence due to a state of emergency which has been declared by the  
5           governor, that he is eligible to vote in his parish of residence, and that he expects to  
6           be out of his parish of registration during early voting and on election day. He shall  
7           sign such affidavit before a notary public or two witnesses. If signed before two  
8           witnesses, the witnesses shall also sign the affidavit and such affidavit shall be made  
9           under penalty of perjury for providing false or fraudulent information. The  
10          provisions of this Subparagraph shall be effective until July 16, 2006.

11           (ii) Upon expiration of the effectiveness of Item (i) of this Subparagraph, any  
12          voter who has voted absentee by mail pursuant to this Subparagraph who has not  
13          voted during early voting or at the polls on election day shall not be considered to  
14          have previously voted in the parish in which he is registered for purposes of  
15          Paragraph (1) of this Subsection and shall be subject to the requirements of that  
16          Paragraph.

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

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SPEAKER OF THE HOUSE OF REPRESENTATIVES

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PRESIDENT OF THE SENATE

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GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: \_\_\_\_\_