

December 28, 2020

**EMERGENCY ELECTION PLAN FOR THE
FEBRUARY 6, 2021, MARCH 20, 2021, AND APRIL 24, 2021 ELECTIONS
IN THE STATE OF LOUISIANA**

I. AUTHORITY AND BACKGROUND

A. Authority Under La. R.S. 18:401.3

After the governor declares a statewide emergency, should the secretary of state determine that such emergency impairs an election that may otherwise be held except for technical, mechanical, or logistical problems with respect to the relocation or consolidation of polling places within the parish, potential shortages of commissioners and parish board commissioners, or shortages of voting machines, La. R.S. 18:401.3 authorizes the secretary to certify to the governor, the Senate Committee on Senate and Governmental Affairs, and the House Committee on House and Governmental Affairs that the emergency impairs the election and that an emergency election plan is necessary.

Upon concurrence by the governor and a majority of each of the two committees that such a plan is necessary, the secretary of state shall develop an emergency plan in writing that proposes a resolution to the technical, mechanical, or logistical problems that impair the election. The written emergency plan shall then be submitted to the Senate and Governmental Affairs and House and Governmental Affairs committees and the governor.

If a majority of the members of each Committee approve the emergency plan, the plan shall be submitted to the members of each house of the legislature for approval. If a majority of each house of the legislature and the governor approve the emergency plan, the secretary of state shall take all steps necessary to implement the plan and all officials of the state and of any political subdivision shall cooperate with and provide assistance to the secretary of state as necessary to implement the plan.

B. Background Information

On March 11, 2020, the World Health Organization designated the COVID-19 outbreak as a worldwide pandemic.

Proclamation No. 25 JBE 2020 was signed by Governor John Bel Edwards on March 11, 2020, declaring a statewide public health emergency as a result of the imminent threat posed to Louisiana citizens by COVID-19, which has created emergency conditions that threaten the lives and health of the citizens of the State.

On March 22, 2020, Governor Edwards issued Proclamation No. 33 JBE 2020, imposing a general stay-at-home order on all individuals within the State and limiting all public gatherings to ten people or less in an attempt to curb the spread of COVID-19. All individuals were directed to stay home unless performing an essential activity. This order was extended by subsequent proclamations until May 15, 2020. Pursuant to 58 JBE 2020, the State moved into Phase 1 of the three-phase Resilient Louisiana recovery plan.

On June 4, 2020, Governor Edwards issued 74 JBE 2020 to enter Phase 2 of recovery and also issued 89 JBE 2020 to require face coverings in public spaces beginning on July 13, 2020. The state then moved into Phase 3 of recovery on September 11, 2020, but went back to Phase 2 restrictions on November 24, 2020 with the issuance of 168 JBE 2020.

The emergency conditions created by COVID-19, as well as the efforts necessary to contain its spread, may affect some of Louisiana's registered voters and may affect some of the 3,934 precincts located at 2,058 polling places across the State.

II. PURPOSE OF THE EMERGENCY ELECTION PLAN

The purpose of this emergency plan is to address the logistical issues in conducting the February 6, 2021, March 20, 2021, and April 24, 2021 elections, so that voting may safely take place amidst the pandemic. This plan is written with consideration of Louisiana currently being under Phase 2 of the three-phase Resilient Louisiana recovery plan, and the possibility of being under either Phase 1, Phase 2, or Phase 3 at the time the elections occur.

III. DUTIES OF ELECTION OFFICIALS AND PARISH GOVERNING AUTHORITIES UNDER THE LOUISIANA ELECTION CODE

The secretary of state is the chief election officer of the State, heads the Department of State, and administers the laws of the Election Code.

The State Board of Election Supervisors has the powers and duties granted to it by La. R.S. 18:24 to oversee Louisiana election laws. The State Board consists of the lieutenant governor, the secretary of state, the attorney general, the commissioner of elections, a representative of the Registrars of Voters Association, a representative of the Clerks of Court Association, a governor's appointee, and a representative of the Police Jury Association.

Registrars of voters have many duties to perform before and during elections, including: registering voters, processing voter registration applications, processing requests for absentee ballots, receiving absentee ballots from voters, conducting early voting in the parish, and preparing the precinct registers for election day voting.

Clerks of court are the chief election officers of each parish. For each election, the clerk of court trains the commissioners who work at the polling places on election day, takes responsibility for delivering the voting machines to and from the polling locations, and tabulates and transmits election results on election night.

Parish boards of election supervisors supervise the preparation for and the conduct of all elections held in the parish. They are responsible for selecting election day commissioners, consolidating polling places, issuing commissions to watchers, preparing, verifying, counting, and tabulating absentee and early voting ballots, and selecting commissioners to aid in counting the absentee and early voting ballots. The parish boards also seal the voting machines before election day, inspect the machines after the election, and conduct requested recounts.

Parish governing authorities have specific duties to perform during election cycles, including changing any polling places which are no longer available for use. Changing polling places includes giving adequate notice of the change to each voter in the affected precincts and to each candidate to be voted on at that polling place, posting a sign at the former polling place, directing voters to the new polling place, advertising the changes in the official journal of the parish and in any other newspaper of general circulation in the affected precincts, and other reasonable steps necessary or desirable to inform voters and candidates of the change in location.

IV. COVID-19 ABSENTEE BALLOT APPLICATION

Present law requires voters to have one of several listed reasons to be eligible to vote absentee. These reasons are specified in the Election Code. A registered voter can request an absentee ballot until four days before election day and must return their ballot to the registrar of voters no later than 4:30 p.m. on the day before the election, with special exceptions for military, overseas citizens, and hospitalized or sequestered voters.

This plan will expand the reasons to request an absentee ballot to registered voters who are affected by COVID-19 and are:

- At higher risk of severe illness from COVID-19 due to serious underlying medical conditions as identified by the Centers for Disease Control and Prevention (including chronic lung disease, moderate to severe asthma, hypertension and other serious heart conditions, diabetes, undergoing chemotherapy, severe obesity (BMI of 40 or higher), chronic kidney disease and undergoing dialysis, liver disease, pregnancy, or immunocompromised due to cancer treatment, smoking, bone marrow or organ transplantation, immune deficiencies, poorly controlled HIV or AIDS, and prolonged use of corticosteroids and other immune weakening medications);
- Subject to a medically necessary quarantine or isolation order as a result of COVID-19;
- Advised by a health care provider to self-quarantine due to COVID-19 concerns;
- Experiencing symptoms of COVID-19 and seeking a medical diagnosis; or
- Caring for an identified individual who is subject to a medically necessary quarantine or isolation order as a result of COVID-19 or who has been advised by a health care provider to self-quarantine due to COVID-19 concerns.

La. R.S. 18:115(F) and 115.1(F) require voters that registered by mail or electronically and who have not previously voted in their parish to vote in person the first time. This requirement will be temporarily waived for the February 6, 2021, March 20, 2021, and April 24, 2021 elections for voters who request and receive an absentee ballot based on the COVID-19 reasons for request. However, any voter subject to the provisions of La. R.S. 18:115(F) or 115.1(F) who utilizes the COVID-19 reasons to request an absentee ballot to vote in the February 6, 2021, March 20, 2021, and April 24, 2021 elections shall be subject to the requirements of La. R.S. 18:115(F) and 115.1(F) in the first election the voter chooses to vote in subsequent to April 24, 2021.

V. VOTING UNDER THE NURSING HOME PROGRAM

The program for in-person voting by voters residing in nursing homes, as provided in La. R.S. 18:1333, may be modified for the February 6, 2021, March 20, 2021, and April 24, 2021 elections, except for the provisions of La. R.S. 18:1333(G)(4)(a). Voters currently enrolled in the Nursing

Home Program will be mailed an absentee ballot and will be allowed to vote their ballot according to current voting procedures under La. R.S. 18:1301-1319.

However, if restrictions on visitation are in place that would prohibit family members and other visitors from providing assistance during the time for voting absentee ballots for the February 6, 2021, March 20, 2021, and April 24, 2021 elections, voters enrolled in the Nursing Home Program may receive assistance from an employee of the nursing home. Prior to a nursing home employee assisting a voter, the employee shall first watch a training video, provided by the Department of State, on how to complete an absentee ballot envelope flap and on the law pertaining to voter assistance. The nursing home employee shall sign the assistance to voters portion of the absentee ballot envelope flap.

VI. COMMISSIONERS

Early voting, election day, and parish board commissioners not assigned to work in their parish may serve as commissioners in other parishes.

VII. VOTER OUTREACH AND PUBLIC EDUCATION

The Department of State will conduct a public relations and media campaign to notify the public of the deadline to return voted absentee ballots. Additional funding may be required to advertise the deadlines.

Possible media outlets include:

1. Official parish journals, as time permits;
2. Sunday edition of major metropolitan newspapers, as time permits;
3. Department of State website and Geaux Vote Mobile App;
4. Social media;
5. Radio stations;
6. Press releases to statewide media outlets;
7. Posting signs at all polling locations;
8. Posting informational signs with the toll-free Department of State telephone number in high traffic thoroughfares if necessary; and
9. Any other reasonable means of communication as determined by the Department of State.

This effort will also require the Department of State to identify and train additional staff to man the toll-free election hotline to answer an anticipated high volume of calls.

VIII. SOCIAL DISTANCING AND PROTECTIVE SUPPLIES

In accordance with 209 JBE 2020, all election personnel of the secretary of state, clerks of court, registrars of voters, parish boards of election supervisors, early voting commissioners, parish board commissioners, election day commissioners, and commissioned poll watchers are essential workers and shall wear face coverings and shall adhere to all CDC guidelines for social distancing at polling places.

All voting machine draymen will also follow all CDC recommendations for wearing protective gear and social distancing while delivering voting machines to and from polling places.

To the extent possible, the Department of State will assist the parishes to implement the CDC Recommendations for Election Polling Locations and proposes to supply all polling places, tabulation and meeting areas, and any other area related to the election process with preventative supplies, including hand sanitizer and gloves for commissioners and staff, all as recommended by the CDC.

Masks will be made available to voters.

The secretary of state is authorized to provide guidance to each registrar of voters, clerk of court, and parish board of election supervisors to facilitate any of the provisions of this emergency plan, including issuance of social distancing guidelines for in-person voting for the February 6, 2021, March 20, 2021, and April 24, 2021 elections.

R. KYLE ARDOIN
SECRETARY OF STATE