

2016 Regular Session

HOUSE BILL NO. 896

BY REPRESENTATIVE GAROFALO

LEGISLATIVE AFFAIRS: Provides for the transmission of documents, including ballots and petitions, to and from members of the legislature

1 AN ACT

2 To enact R.S. 24:15, relative to the legislature; to authorize a means other than mail for  
3 transmission of documents to and from members of the legislature; to provide for the  
4 authority of the clerical officers of the legislature with respect thereto; and to provide  
5 for related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. R.S. 24:15 is hereby enacted to read as follows:

8 §15. Transmission of documents

9 A. Whenever the clerk of the House of Representatives is required to send  
10 a ballot, petition, or other documentation to the members of the House of  
11 Representatives by mail, either by law or pursuant to the rules of procedure of the  
12 House of Representatives, and the clerk determines that it is feasible and desirable  
13 to utilize the system designed pursuant to R.S. 39:461.1 instead of mail for the  
14 transmission of the ballot, petition, or other documentation, then notwithstanding any  
15 requirement to the contrary, the clerk may utilize the system for the transmission of  
16 the ballot, petition, or other documentation in lieu of mailing.

17 B. Whenever the secretary of the Senate is required to send a ballot, petition,  
18 or other documentation to the members of the Senate by mail, either by law or  
19 pursuant to the rules of procedure of the Senate, and the secretary determines that  
20 it is feasible and desirable to utilize the system designed pursuant to R.S. 39:461.1

1 instead of mail for the transmission of the ballot, petition, or other documentation,  
 2 then notwithstanding any requirement to the contrary, the secretary may utilize the  
 3 system for the transmission of the ballot, petition, or other documentation in lieu of  
 4 mailing.

5 C. Whenever the clerk of the House of Representatives and the secretary of  
 6 the Senate are required to send a ballot, petition, or other documentation to the  
 7 members of the legislature by mail, either by law or pursuant to the joint rules of  
 8 procedure of the House of Representatives and the Senate, and the clerk and the  
 9 secretary jointly determine that it is feasible and desirable to utilize the system  
 10 designed pursuant to R.S. 39:461.1 instead of mail for the transmission of the ballot,  
 11 petition, or other documentation, then notwithstanding any requirement to the  
 12 contrary, the clerk and the secretary may utilize the system for the transmission of  
 13 the ballot, petition, or other documentation in lieu of mailing.

14 D. When necessary to determine any deadline based upon a postmark, the  
 15 transmission date through the system shall serve as the postmark.

16 E. The provisions of this Section shall be applicable to any requirement on  
 17 either or both clerical officers to mail any ballot, petition, or other documentation to  
 18 the members of his house of the legislature or to each member of the legislature,  
 19 including without limitation any such mail requirement in R.S. 18:135.1 and 401.3,  
 20 R.S. 24:10, 11, 504, and 507, R.S. 27:224, R.S. 39:87, 99.12, 99.36, R.S. 49:220.23,  
 21 and R.S.51:1052.

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#### DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

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HB 896 Original

2016 Regular Session

Garofalo

**Abstract:** Authorizes the clerical officers of the legislature to utilize the electronic system designed for interim emergency fund ballots in lieu of mail for the transmission of other ballots, petitions, and documentation to the members of the legislature.

Present law contains a variety of requirements for the consent, approval, or other declaration of the members of the legislature, or either house, to be sought by mail ballot or petition, including any plan to shorten the length of time between the close of voter registration and

the election (R.S. 18:135.1); emergency election plan (R.S. 18:401.3); veto session (R.S. 24:10); extraordinary session petition (R.S. 24:11); speaker pro tempore assumption of duties of the speaker in the event of disability or absence of the speaker (R.S. 24:504); president pro tempore assumption of duties of the president in the event of disability or absence of the president (R.S. 24:507); negotiation of new casino operating contract (R.S. 27:224); when the governor determines that there is need for a vote of the legislature under the provisions of Chapter 1 of Title 39, dealing with the operating budget and division of administration operations generally (R.S. 39:87); sale of tobacco assets (R.S. 39:99.12); sale of offshore royalty revenue assets (R.S. 39:99.36); removal of the state inspector general (R.S. 49:220.23); and specified cooperative endeavor agreements with Alabama, Mississippi, and Texas (R.S. 51:1052).

Proposed law provides that whenever the clerk of the House and the secretary of the Senate are required to send a ballot, petition, or other documentation to the members of the legislature by mail, either by law or pursuant to the rules of procedure of the House of Representatives and the Senate, and the clerk and the secretary jointly determine that it is feasible and desirable to utilize the system designed pursuant to present law (R.S. 39:461.1—relative to interim emergency board ballots which includes electronic transmission) instead of mail for the transmission of the ballot, petition, or other documentation, then notwithstanding any requirement to the contrary, the clerk and the secretary may utilize the system for the transmission of the ballot, petition, or other documentation in lieu of mailing. Provides similar provisions for the clerk of the House for the transmission of ballots, petitions, or documentation to members of the House of Representatives and for the secretary of the Senate for the transmission of ballots, petitions, or documentation to members of the Senate. Provides that when necessary to determine any deadline based upon a postmark, the transmission date through the system shall serve as the postmark.

(Adds R.S. 24:15)