

Regular Session, 2012

HOUSE BILL NO. 1020

BY REPRESENTATIVES DANAHAHAY AND KLECKLEY

ELECTIONS/BOND & TAX: Requires, for certain elections, that notice to the public be given and records be kept relating to the remittance of portions of tax collections to specified retirement systems in accordance with law

1 AN ACT

2 To amend and reenact R.S. 18:1285(A)(1) and 1293, relative to certain elections; to require  
3 certain notification to electors relative to the remittance of portions of tax collections  
4 to specified retirement systems in accordance with law; to require certain records to  
5 be kept regarding certain elections; and to provide for related matters.

6 Notice of intention to introduce this Act has been published  
7 as provided by Article X, Section 29(C) of the Constitution  
8 of Louisiana.

9 Be it enacted by the Legislature of Louisiana:

10 Section 1. R.S. 18:1285(A)(1) and 1293 are hereby amended and reenacted to read  
11 as follows:

12 §1285. Notice of election

13 A.(1)(a) Notice of the election shall be given and shall embrace substantially  
14 all matters required to be set forth in the resolution ordering the election, including  
15 a list of precincts where the proposition will be voted on and an indication for each  
16 precinct as to whether or not all registered voters in the precinct will be eligible to  
17 vote on the proposition, unless the proposition is to be voted on parishwide.

18 (i) If the notice is relative to the increase of a special tax, the notice shall also  
19 state the proposed increase in the millage rate of a property tax or percentage rate of

1 sales tax. ~~The list of commissioners for an election called in accordance with R.S.~~  
2 ~~18:1286(A) is not required to be set forth in the notice of election.~~

3 (ii) If the notice is relative to an election which affects ad valorem taxation,  
4 the notice shall also state that a portion of the monies collected shall be remitted to  
5 certain state and statewide retirement systems in the manner required by law.

6 (iii) It also The notice shall also state that the governing authority of the  
7 political subdivision ordering the election will, in open session, at the hour and place  
8 named, proceed to canvass the returns and declare the result of the election.

9 (b) The list of commissioners for an election called in accordance with R.S.  
10 18:1286(A) is not required to be set forth in the notice of election.

11 \* \* \*

12 §1293. Proces verbal

13 The governing authority ordering the election shall preserve a proces verbal  
14 of the canvass~~and~~. If the election affects ad valorem taxation, the governing  
15 authority shall include a copy of the notice of election and proof of publication of the  
16 notice in the proces verbal. The governing authority shall forward a copy of the  
17 proces verbal to the secretary of state, who shall record it. A copy also shall be  
18 forwarded to the clerk of the district court, and in Orleans Parish to the clerk of the  
19 civil district court, who shall record it in the mortgage records. ~~The remaining A~~  
20 copy shall be retained in the archives of the office of the governing authority  
21 ordering the election.

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

CODING: Words in ~~struck through~~ type are deletions from existing law; words underscored are additions.

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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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Danahay

HB No. 1020

**Abstract:** For elections affecting ad valorem taxation, requires that the notice of election, which is published once a week for four consecutive weeks prior to the election, state that a portion of the monies collected shall be remitted to certain state and statewide retirement systems in the manner required by law and that a copy of the notice and proof of publication be included in the proces verbal record of the election.

Present law requires that for bond, debt, and tax election notice of the election shall be given and shall embrace substantially all matters required to be set forth in the resolution ordering the election. Specifies that if the notice is relative to the increase of a special tax, the notice shall also state the proposed increase in the millage rate of a property tax or percentage rate of sales tax. Requires the notice to state that the governing authority of the political subdivision ordering the election will, in open session, at the hour and place named, proceed to canvass the returns and declare the result of the election. Specifies that the list of commissioners is not required to be set forth in the notice of election. Requires the notice to be published once a week for four consecutive weeks in the official journal of the political subdivision, or, if there is none, then in a newspaper of general circulation in the parish or, if there is no newspaper of general circulation in the parish, then in a newspaper of general circulation in an adjoining parish. Specifies that not less than 45 days nor more than 90 days shall intervene between the date of the first publication and the date of the election.

Proposed law retains present law but further specifies that if the notice is relative to an election which affects ad valorem taxation, the notice shall also state that a portion of the monies collected shall be remitted to certain state and statewide retirement systems in the manner required by law.

Present law further provides that the governing authority ordering the election shall preserve a proces verbal of the canvass and shall forward a copy to the secretary of state, who shall record it, and to the appropriate clerk of court who shall record it in the mortgage records. Specifies that a copy be retained in the archives of the office of the governing authority ordering the election.

Proposed law retains present law but further requires that if the election affects ad valorem taxation, a copy of the notice of election and proof publication of the notice shall be included in the proces verbal.

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

(Amends R.S. 18:1285(A)(1) and 1293)