POLITICAL PARTIES. Provides for a closed party primary system for congressional elections. (gov sig)

AN ACT

To amend and reenact R.S. 18:44(A) and (B)(5)(b), the introductory paragraph of 110(B)(1), 197, 401(B), 402(B), the introductory paragraph of (C) and (G)(2), 433(G)(1) and the introductory paragraph of (H)(1), 434(A)(1), the introductory paragraph of 434(C) and (D)(1) and (2), 435(A)(1)(a) and (A)(2), and (B)(1), 436, 453(A), the introductory paragraph of 467 and 467(2), 468(A), 481, 491(A) and (C)(1) and (2), 493, the introductory paragraph of 552(A), 1272(A), 1278(B), 1279, 1285(B)(1)(a), 1300(C)(1), 1300.7(A), 1306(A)(4) and (C)(2), 1307(E), 1308(A)(2)(a), (b), and (g), 1314(B)(1) and (2), (C), and (D)(1), 1401(A) and (B), 1402(B)(1)(c), 1406(B), 1407, 1409(B)(1) and (2), 1432(A)(1), and 1461(A)(1) and to enact R.S. 18:1275.1 through 1275.25, relative to elections; to provide for a party primary system of elections for congressional offices; to provide for nomination of candidates for general elections for congressional offices by party primary elections, including a first primary election and a second primary election if no candidate receives a majority vote in the first primary election; to provide for the election of unopposed candidates; to provide for qualification of candidates having no party affiliation in the general election; to provide for election by plurality vote; to provide for voting for voters affiliated with
the party in the party primary elections; to provide for voting of unaffiliated voters
in party primaries; to provide for election dates; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 18:44(A) and (B)(5)(b), the introductory paragraph of 110(B)(1), 197,
401(B), 402(B), the introductory paragraph of (C) and (G)(2), 433(G)(1) and the
introductory paragraph of (H)(1), 434(A)(1), the introductory paragraph of 434 (C) and
(D)(1) and (2), 435(A)(1)(a), and (A)(2) and (B)(1), 436, 453(A), the introductory paragraph
of 467 and 467(2), 468(A), 481, 491(A) and (C)(1) and (2), 493, the introductory paragraph
of 552(A), 1272(A), 1278(B), 1279, 1285(B)(1)(a), 1300(C)(1), 1300.7(A), 1306(A)(4) and
(C)(2), 1307(E), 1308(A)(2)(a), (b), and (g), 1314(B)(1) and (2), (C), and (D)(1), 1401(A)
and (B), 1402(B)(1)(c), 1406(B), 1407, 1409(B)(1) and (2), 1432(A)(1), and 1461(A)(1) are
hereby amended and reenacted and R.S. 18:1275.1 through 1275.25 are hereby enacted to
read as follows:

§44. Contesting election; referral for prosecution

A. Whenever the board determines as a result of an investigation that
violations of law, irregularities, error, or fraud have occurred in the conduct of an
election which in the judgment of the board has resulted in the apparent qualification
for the a party primary or for the general election or the apparent election of a
candidate not entitled to be so qualified or elected, the board, upon the favorable vote
of three members, may institute suit to contest the election in order to protect the
interest and rights of the state in fair and honest elections. In addition, for the same
cause and upon the same vote, the board may intervene in any suit instituted by any
other party to contest an election.

B. In any suit instituted by the board to contest an election, the provisions of
Chapter 9 of this Title shall apply, except that:

* * *

(5) The petition shall contain, but shall not be limited to, the following:

* * *

(b) The allegation that except for substantial irregularities or error, fraud, or
other unlawful activities in the conduct of the election, a different candidate would
have qualified for a party primary or a general election or would have been elected.

§110. Removal from precinct; removal from parish

B.(1) A change of registration based upon a change of residence within a
parish received after the closing of registration for a party primary or primary
election shall become effective the day after the general election or special general
election when a special primary election is held in conjunction with a general
election except as follows:

§197. Registration; cancellation

No registrar of voters shall cancel the registration of any voter in his parish
between any party primary or primary election and the subsequent general election
occurring in that parish as a result of any of the processes authorized by this Part,
except in the case of a person who has been fraudulently placed upon the registration
records or in the case of a person whose registration is canceled pursuant to the
annual canvass conducted by the registrar.

§401. Purpose and nature of primary and general elections

B. Nature. All qualified voters of this state may vote on candidates for public office in primary and
general elections without regard to the voter's party affiliation or lack of it, and all
candidates for public office who qualify for a primary or general election may be
voted on without regard to the candidate's party affiliation or lack of it.

(2) In the election of persons to congress, the following shall apply:

(a) In primary elections, recognized political parties shall make all
nominations of candidates by direct primary elections held under the provisions
of this Chapter. In primary elections, each qualified voter may vote only on the
candidates for public office who are affiliated with the same political party with
which the voter is affiliated. In primary elections, each qualified voter who is
not affiliated with a recognized political party may choose to vote in one
recognized political party's primary elections, except as otherwise provided in
R.S. 18:1275.2 or R.S. 18:1275.21.

(b) In general elections, each qualified voter of this state may vote for
candidates for public office without regard to the voter's party affiliation or
lack thereof, and all candidates for public office who qualify for a general
election may be voted for without regard to the candidates' party affiliation or
lack thereof.

§402. Dates of primary and general elections

B. Congressional elections. Elections for members of congress and officers
elected at the same time as members of congress shall be held every two years,
beginning in 1982.

(1)(a) **Primary Recognized political party primary** elections for members
of congress and officers elected at the same time as members of congress shall be
held on the first Tuesday after the first Monday in November **second Saturday in**
**August** of an election year.

(b) If a **second party primary election is necessary, it shall be held on the**
second Saturday in **September of an election year under the provisions of R.S.**
18:1275.3.

(2) General elections for members of congress and officers elected at the
same time as members of congress shall be held on the fifth Saturday after the first
Tuesday after the first Monday in November of an election year.

C. Municipal and ward elections. In all municipalities with a population of
less than three hundred thousand, elections for municipal and ward officers who are
not elected at the same time as the governor or members of congress shall be held every four years. The primary election for municipal and ward officers who are elected at the same time as members of congress shall be held on the same date as the congressional party primary, and the general election shall be held at the same time as the general election for congressional offices.

*          *          *
G. *          *          *

(2)(a) If the date for the primary election is advanced in accordance with the provisions of Paragraph (1) of this Subsection, the general election shall be advanced the same number of weeks as the primary election.

(b) If the date for the general election is advanced in accordance with the provisions of Paragraph (1) of this Subsection, the primary election shall be advanced the same number of weeks as the general election.

*          *          *
§433. Commissioners-in-charge; course of instruction; selection; commission; disqualification; replacement

*          *          *
G. Replacement. (1) Except as provided in Subsection H of this Section, if it becomes certain that a commissioner-in-charge will not be able to serve for a primary election, or if a commissioner-in-charge fails to attend a course of instruction held immediately prior to a primary election as provided in R.S. 18:431(B), the parish board of election supervisors shall select a replacement commissioner-in-charge who shall serve for both primary and general elections. Except as provided in Subsection H of this Section, if it becomes certain that a commissioner-in-charge will not be able to serve for a general election, or if a commissioner-in-charge fails to attend the course of instruction held prior to a general election, the parish board of election supervisors shall select a replacement commissioner-in-charge who shall serve for the general election.
H. Replacement for failing to appear. (1) If a commissioner-in-charge fails to appear at the polling place at least thirty minutes before the time when the polls are to open on election day, the commissioners in attendance at the polling place shall immediately notify the clerk of court of the absence. Immediately upon receipt of the notice, the clerk of court shall select a replacement commissioner-in-charge for that precinct. Subject to the provisions of Subsection G of this Section, a replacement commissioner-in-charge selected for a party primary or primary election also shall serve for the general election. The replacement commissioner-in-charge shall be selected from the following categories in the order of priority listed:

§434. Commissioners and alternate commissioners; selection; commission; disqualification; replacement

A. Time and place of selection. (1) The parish board of election supervisors shall meet at 10:00 a.m. on the twenty-ninth day before a party primary or primary election to select the commissioners and alternate commissioners for each precinct. However, if the deadline for the close of the registration records provided in R.S. 18:135(A)(1) is moved due to a legal holiday, the meeting to select commissioners and alternate commissioners for each precinct shall be moved to the day after the close of the registration records. The meeting shall be open to the public. The board shall have previously posted a notice on the front courthouse door designating the location within the courthouse where the meeting is to be held.

C. Commission. Once the commissioners and alternate commissioners are selected for a party primary, primary, and general election, the parish board of election supervisors shall immediately:

D. Replacement of a commissioner. (1) If prior to the day of the election a commissioner notifies the parish board of election supervisors that he is unable to
serve as commissioner, the parish board of election supervisors shall select an
alternate commissioner to serve in place of the absent commissioner. An alternate
commissioner who replaces an absent commissioner in a party primary or primary
election shall replace the absent commissioner in the general election. If there are no
alternate commissioners or an insufficient number of alternate commissioners
available, the parish board of election supervisors shall select a person to serve as
commissioner from the list containing the names of persons within that ward who
have received certificates of instruction from the clerk of court pursuant to R.S.
18:431(A)(1). If no person on that list is available to serve as commissioner, the
parish board of election supervisors shall select any person within the parish who has
received a certificate of instruction from the clerk of court pursuant to R.S.
18:431(A)(1). If there is no such qualified person available, the parish board of
election supervisors shall select a watcher.

(2) If a commissioner fails to appear at the polling place at least thirty
minutes before the time when the polls are to open on election day, or if a
commissioner is selected as commissioner-in-charge, the commissioner-in-charge
shall select an alternate commissioner to serve in place of the absent commissioner.
An alternate commissioner who replaces an absent commissioner in a party
primary or primary election shall replace the absent commissioner in the general
election. If there are no alternate commissioners or an insufficient number of
alternate commissioners available, the commissioner-in-charge shall select a person
to serve as commissioner from the list containing the names of those who have
received certificates of instruction that was furnished him by the parish board of
election supervisors pursuant to R.S. 18:431(A)(5). If no person on that list is
available to serve as commissioner, the commissioner-in-charge shall select any
person present at the polls who possesses the qualifications of a commissioner as set
forth in R.S. 18:425(B). If there is no such qualified person available, the
commissioner-in-charge shall select a watcher.
§435. Watchers; appointment and commission

A. (1)(a) Each candidate is entitled to have one watcher at every precinct on

election day where the office he seeks is voted on in a any party primary, primary, or general election. The candidate or his authorized representative shall file one list

of watchers on a form provided by the secretary of state or on a form which contains

the same information as required by the form provided by the secretary of state.

When a candidate's list of watchers is filed by the candidate's authorized

representative, a letter of authorization from the candidate shall accompany the list

of watchers; however, the list of watchers shall be signed by the candidate.

*       *       *

(2) In addition to the watchers provided for in Paragraph (1), each candidate

may designate one watcher as a "super watcher" who shall have the qualifications,
powers, and duties of watchers provided for by R.S. 18:427 and who shall be

admitted as a watcher in every precinct in the designated parish where the office the

candidate seeks is on the ballot in the a party primary, primary, and general

election. The selection of the super watcher shall be made in the same manner as for

watchers set forth in this Section.

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B.(1)(a) A list of watchers shall be filed with the clerk of court by hand

delivery, facsimile, mail, or commercial courier before 4:30 p.m. on the tenth day

before the any primary or general election; however, if the tenth day before the any

primary or general election falls on a Saturday, Sunday, or other legal holiday, the

list shall be filed on the next day which is not a Saturday, Sunday, or other legal

holiday. For purposes of this Paragraph, "commercial courier" shall have the same

meaning as provided in R.S. 13:3204(D). If the office that the candidate seeks is

voted on in more than one parish, a list of watchers shall be filed with the clerk of

court in each parish where the candidate will have watchers.

(b) A list of watchers submitted by a candidate for the a party primary or

primary election may be used for the general election only if the candidate notifies
the clerk of court in writing by 4:30 p.m. on the tenth day before the general election that he wants to use the same list of watchers.

§436. Election officials at certain special elections

A. When a special primary election to fill a vacancy or an anticipated vacancy in elective public office is called to be held at the same time as a previously scheduled general election, or if a previously scheduled election is delayed for any reason, the commissioners who were selected to serve at the previously scheduled party primary, primary, and general election also shall be the commissioners for the special primary and general elections and any such delayed primary or general election, and the compensation for each shall be only that amount provided for in R.S. 18:426.1 for a day of service as a commissioner or commissioner-in-charge. Each candidate to be voted on in the special primary election or delayed primary election may appoint one watcher for each precinct in which that candidate is to be voted on. Notwithstanding the provisions of R.S. 18:427(C) or of any other law to the contrary, the watchers so appointed shall be allowed to remain in the polling place at all times.

B. When a special general election to fill a vacancy or an anticipated vacancy in elective public office is called to be held at the same time as a previously scheduled primary election, the commissioners who were selected to serve at the special primary election for which the special general election is to be held shall also be the commissioners for both the previously scheduled party primary, primary, and general elections. In such case the compensation for each shall be only that amount provided for in R.S. 18:426.1 for a day of service as a commissioner or commissioner-in-charge.

§453. Dual candidacy

A. General prohibitions. A person shall not become a candidate in a party primary, primary, or general election for more than one office unless one of party primary, primary, or general election for more than one office unless one of
the offices is membership on a political party committee, nor shall a person be a
candidate at the same time for two or more different offices to be filled at separate
elections.

§467. Opening of qualifying period

The qualifying period for candidates in a party primary or primary election
shall open:

(2) For candidates in a congressional party primary election and those in any
special primary election to be held at the same time, on the third Wednesday in July
June of the year of the election.

§468. Close of the qualifying period

A. The qualifying period for candidates in a party primary or primary
election shall close at 4:30 p.m. on the Friday after the opening of the qualifying
period for candidates in the a party primary or primary election or, if that Friday
is a legal holiday, at 4:30 p.m. on the next day which is not a legal holiday.

§481. Candidates who qualify for a general election

The Except for the candidates for the public office of United States
senator or representative in Congress, the candidates who qualify for each office
remaining to be filled in the general election are those who received the two highest
numbers of votes, the four highest number of votes, and so on among those not
elected in the primary election, until the maximum number of candidates for each
office on the general election ballot is reached.

§491. Standing to object to candidacy

A. A registered voter may bring an action objecting to the candidacy of a
person who qualified as a candidate in a party primary or primary election for an
office for which the plaintiff is qualified to vote.

* * *

C. In addition to the persons with standing to bring an action objecting to candidacy as provided in Subsections A and B of this Section:

(1) The Supervisory Committee on Campaign Finance Disclosure shall bring or join in an action objecting to the candidacy of a person who qualified as a candidate in a party primary or primary election for an office on the grounds provided in R.S. 18:492(A)(5).

(2) The Board of Ethics shall bring or join in an action objecting to the candidacy of a person who qualified as a candidate in a party primary or primary election for an office on the grounds provided in R.S. 18:492(A)(6).

§493. Time for objecting to candidacy

An action objecting to candidacy shall be commenced in a court of competent jurisdiction within seven days after the close of qualifications for candidates in the primary election. However, if the time interval ends on a Saturday, Sunday, or other legal holiday, then noon of the next day which is not a Saturday, Sunday, or legal holiday shall be deemed to be the end of the time interval. After the expiration of the time period set forth in this Section, no action shall be commenced objecting to candidacy based on the grounds for objections to candidacy contained in R.S. 18:492 above.

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§552. Election materials

A. Materials furnished. At least twenty-two days before a party primary or primary election and as soon as possible for a general election:

* * *

§1272. United States senators; representatives in congress; time of electing

A. All general elections for representatives in congress shall be held on the fifth Saturday after the first Tuesday after the first Monday in November in even-
numbered years. The Any party primary election shall be held on the first Tuesday after the first Monday in November of an election year in accordance with the provisions of Chapter 5 of this Title.

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§1275.1 Congressional party primary qualifications

A recognized political party must have a membership constituting no less than five percent of the registered voters in the state at least sixty days prior to candidate qualifying to hold a party primary for congressional elections. For purposes of this Section, "no party" registration is not considered a political party.

§1275.2. Purpose and nature of congressional primary and general elections

A. Nature of primary elections. All recognized political parties shall make all nominations of candidates for United States senator or United States representative by direct primary elections held under the provisions of this Part and applicable general election law. In congressional primary elections, each qualified voter of this state may vote only on the candidates for public office who are affiliated with the same political party with which the voter is affiliated, except as otherwise provided in this Section.

B. Each qualified voter of this state who is not affiliated with a recognized political party may choose to vote in a recognized political party's primary elections, if the state central committee of the political party in its bylaws or rules and regulations allows unaffiliated voters to participate in its primary elections. If a recognized political party allows unaffiliated voters to participate in its primary elections, the state central committee of such party shall give written notice to the secretary of state of the allowance, including a copy of the bylaws or rules and regulations containing such allowance, no later than January first of the year in which regularly scheduled congressional elections are to be held. The notice, once filed with the secretary of state, shall be effective until the recognized political party notifies the secretary of state of
a change. Any change in allowing voters who are not affiliated with a recognized political party to participate in a party's primary election shall be filed with the secretary of state no later than January first of the year in which the regularly scheduled congressional elections are to be held to be effective in the year of the regularly scheduled congressional elections. Should more than one political party permit nonaffiliated voters to participate in the party primary, the participating voter shall select only one party ballot to vote on in the primary election.

C. For special congressional elections, each qualified voter of this state who is not affiliated with a recognized political party may choose to vote in a recognized political party's special primary elections if the state central committee of the party in its bylaws or rules and regulations allows unaffiliated voters to participate in its special primary elections. If a recognized political party allows unaffiliated voters to participate in its special primary elections, the state central committee of the party shall give written notice to the secretary of state of the allowance, including a copy of the bylaws or rules and regulations containing the allowance, no later than the forty-sixth day prior to the special party primary election. Should more than one political party permit nonaffiliated voters to participate in the special party primary, the participating voter shall select only one party ballot to vote on in the special party primary election.

D. Nature of congressional general elections. Each qualified voter of this state may vote on candidates for the United States House of Representatives and Senate in general elections without regard to the voter's party affiliation or lack thereof, and all candidates for such offices who qualify for a general election may be voted on without regard to the candidates' party affiliation or lack thereof.

E. The provisions of the Louisiana Election Code shall govern any matter related to congressional elections not specifically provided for in this Part.
§1275.3. Dates of congressional primary and general elections

Congressional elections. Elections for members of Congress shall be held every two years as follows:

(1) Congressional party primary elections shall be held on the second Saturday in August of an election year.

(2) Congressional second party primary elections, if necessary, shall be held on the second Saturday in September of an election year.

(3) Congressional general elections shall be held on the first Tuesday after the first Monday in November of an election year.

§1275.4. Manner of qualifying for a party primary election

A. A person who desires to become a candidate in a party primary election shall qualify as a candidate by timely filing notice of his candidacy, which shall be accompanied either by a nominating petition or by the qualifying fee and any additional fee imposed. No person, whether or not currently registered as a voter with the registrar of voters, shall qualify to become a candidate if he is under an order of imprisonment for conviction of a felony. A candidate whose notice of candidacy is accompanied by a nominating petition shall not be required to pay any qualifying fee or any additional fee.

B. A person who desires to become a candidate in a party primary election must be affiliated with a recognized political party. A person may qualify as a candidate only in a party primary election of the party with which he is affiliated as shown on his voter registration. No candidate shall change his political party affiliation after he has qualified for an election until the outcome of the election is determined.

C. When a candidate has filed multiple notices of candidacy for election to more than one office at the same election, which multiple candidacies would be in violation of R.S. 18:453, the person filing multiple notices of candidacy shall be disqualified as a candidate in a party primary election for all but the last of the offices for which he filed notices of candidacy, and any qualifying fees
for those offices paid by the candidate shall be refunded as provided in R.S. 18:501. The secretary of state shall include the name of the candidate on the ballot for election to the last of such offices for which the candidate filed notices of candidacy and to no other such office for which dual candidacy would be prohibited.

§1275.5. Officials with whom candidates qualify

Candidates shall qualify for a party primary election with the secretary of state or a person in his office designated to receive qualifying papers.

§1275.6. Notice of candidacy; qualifying fees

A. A notice of candidacy shall be in writing and shall state the candidate's name, the office he seeks, the address of his domicile, the parish, ward, and precinct where he is registered to vote, and the political party with which he is registered as being affiliated.

B. Qualifying fees shall be paid as provided in this Code.

§1275.7. Nominating petitions

A. A nominating petition shall be filed with the official with whom the candidate qualifies and shall accompany the notice of candidacy.

B. A person may be nominated as a candidate in a party primary election only by persons within the same political party who are registered to vote on the office he seeks who sign a nominating petition for him no more than one hundred twenty days before the qualifying period opens for candidates in the party primary election. In addition to his signature, each voter who signs a nominating petition shall date his signature and shall provide the ward and precinct in which he is registered to vote, his residence address, including the municipal number, the apartment number, if any, the rural route and box number, or any other physical description that will identify his actual place of residence and his political party affiliation. Once a voter has signed a nominating petition, he may not withdraw the nomination. The secretary of state shall prepare forms which may be used by any person who seeks
nomination as a candidate by nominating petition. The secretary of state shall furnish copies of the forms to each clerk of court, and the forms shall be available, upon request, at the office of the secretary of state or at the office of the clerk of court. Nothing in this Subsection shall be construed to require nominating petitions to be filed only on forms prepared by the secretary of state.

C. The number of qualified voters who must timely sign a nominating petition is:

(1) For a candidate for the United States Senate - five thousand with not fewer than five hundred being from each congressional district.

(2) For the United States House of Representatives - one thousand from within the congressional district.

D. Form. Each sheet of the nominating petition shall set forth the candidate's name, the address of his domicile, the office for which the signers nominate him, the political party with which he is affiliated, and the date of the party primary election for which he seeks to qualify. The name of each voter who signed the nominating petition shall be typed or legibly written on the petition, and each signature on the nominating petition shall be dated and witnessed by the candidate or the person who obtained the signature on his behalf. The candidate and all persons who obtained signatures on his behalf shall certify on the nominating petition that to the best of their knowledge, information, and belief, all of the signatures on the nominating petition are genuine and all of the statements contained in the nominating petition are true and correct.

E. Certification. (1) A nominating petition shall be submitted to the registrars of voters in the parishes where the signers reside not less than thirty days before the qualifying period ends for candidates in a party primary election, except that in a special election the nominating petition shall be submitted by the candidate to the registrars of voters in the parishes where the
signers reside prior to the opening of the qualifying period.

(2) The registrar for each parish shall endorse upon the nominating petitions, whether original or supplemental, the date and time of submission and shall promptly certify the nominating petitions, in the order received, by determining and certifying on each nominating petition which of the signers who provided a residence address in the parish signed the nominating petition timely, are registered with the same political party as the candidate, and are entitled to vote on the office the candidate seeks. A supplemental nominating petition shall be certified in the order in which it is received, without regard to the time when the original nominating petition for that candidate was submitted. A registrar may stop certifying the signatures on a nominating petition when the total number of the signers he has certified as having signed the petition timely, as being registered to vote on the office the candidate seeks, and as affiliated with the candidate's political party equals one hundred fifteen percent of the number of qualified voters required to nominate the candidate for the office he seeks. A registrar's certification shall be conclusive as to the number of qualified voters who timely signed a nominating petition, and evidence to the contrary shall not be admitted in an action objecting to the candidacy of the candidate who filed the nominating petition.

§1275.8. Time for qualifying in a party primary election

A notice of candidacy, accompanied either by the qualifying fee or by a nominating petition, is filed timely only if received by the secretary of state during the qualifying period for candidates in a party primary election.

§1275.9. Opening of qualifying period

The qualifying period for candidates in the party primary election shall open for candidates in a congressional or United States Senate party primary election and those in any special party primary election to be held at the same time, on the third Wednesday in June of the year of the election.

§1275.10. Opening of qualifying period in event of change of date for a party
primary election

In the event that the date for a party primary election is advanced in accordance with R.S. 18:402(G), the qualifying period for candidates in a party primary election shall be advanced from the date specified in R.S. 18:1275.9.

§1275.11. Close of the qualifying period

The qualifying period for candidates in a party primary election shall close at 5:00 p.m. on the Friday after the opening of the qualifying period for candidates in a party primary election or, if that Friday is a legal holiday, at 5:00 p.m. on the next day which is not a legal holiday.

§1275.12. Reopening of qualifying period: effect

A. When a person who qualified as a candidate in a party primary election for the office of party nominee dies after the close of the qualifying period and before the time for closing the polls on the day of that party primary election, the qualifying period for candidates in that party primary election for that office of party nominee shall reopen only for the deceased candidate's party on the day after the death and shall close at 5:00 p.m. on the third day after the death or, if that day is a legal holiday, at 5:00 p.m. on the next day which is not a legal holiday. The name of the deceased candidate shall not be printed on the party primary election ballot. If the party primary election ballot was printed with the deceased candidate's name on it, any votes received by the deceased candidate shall be void and shall not be counted for any purpose whatsoever.

B. When, at the close of the qualifying period, no candidate has qualified for the office of party nominee, the qualifying period shall be reopened, but only for the office of party nominee for which no candidates qualified, on the first Wednesday after the close of the qualifying period and shall close at 5:00 p.m. on the Friday thereafter or, if that day is a legal holiday, at 5:00 p.m. on the next day that is not a legal holiday. However, if the qualifying period reopens pursuant to this Subsection and at the close of the reopened qualifying period no candidate has qualified for the office of party nominee, the qualifying period...
shall not be reopened and the party shall not have a candidate on the party
primary election ballot for that office of party nominee.

C. Whenever the qualifying period is reopened as required by
Subsections A or B of this Section, the secretary of state shall cause notice of the
reopening, listing the dates and times the period shall run, to be published in the
official journal of the state.

D. Effect on primary election. (1) If the qualifying period for candidates
reopens for any recognized political party within thirty days before a party
primary election, all the votes cast in the party primary election for the offices
of party nominee are void, unless the qualifying period for the office of party
nominee for the party reopened and closed without additional candidates
qualifying for the office of party nominee. If additional candidates qualify for
the office of party nominee for the party and the votes for a party primary will
be void for that reason, the secretary of state shall immediately publish in the
official journal of the state a notice to the electorate that the election for the
offices of party nominee have been voided because no candidates qualified. The
notice shall include the dates for the rescheduled party primary and general
elections.

§1275.13. List of candidates

The secretary of state shall furnish the appropriate listing of candidates
for each of the offices to be voted on in each election to any applicable federal
or state official responsible for enforcement of laws regulating the conduct of
campaigns. All other matters regarding the disposition of notice fees and actions
shall be as provided in R.S. 18:470.

§1275.14. Plurality vote required

The candidate receiving the most votes in a party primary election shall
be declared the winner. If only one candidate from a recognized political party
qualifies for the office, that candidate shall be declared the nominee of the
party. If the person receiving the highest number of votes in a party primary
withdraws his candidacy, dies, or is otherwise disqualified, thereby leaving no
candidate from the recognized political party in the race, the candidate who has
received the next highest number of votes for the office for which he was a
candidate shall be declared the nominee of the party.
§1275.15. Second primary; effect of the tie vote, withdrawal, or death of a
candidate
A. In the case of a tie vote for first place in the party primary of a
recognized political party, all candidates affiliated with the same political party
who received the same highest number of votes qualify for a second party
primary. If all the votes cast in a party primary election for a public office are
void because of the death of a candidate, all candidates affiliated with the same
political party qualify for the second party primary.
B. There shall be no third party primary. For any situation not
specifically provided for herein, the state central committee of a recognized
political party involved shall provide for the selection of a nominee from the
candidates and shall provide a notice in writing sworn to and subscribed before
a notary of the selection of a nominee to the secretary of state no later than 4:30
p.m. on the fifth business days after the second party primary election. If a
recognized political party fails to submit the notice of the selection of a nominee
to the secretary of state by the deadline provided in this Subsection, the
secretary of state shall draw lots to determine the party's nominee for the
general election.
§1275.16. Candidates who qualify for a general election
All nominations by recognized political parties for the general election
shall be in accordance with the provisions relative to primary elections. The
candidate or candidates from each recognized political party who received the
highest number of votes in a party or, if necessary, second party primary
election, or is the only candidate remaining after the death or withdrawal of a
candidate after a party or second party primary election, shall be the party
nominee and qualify for the general election.

§1275.17. Number of candidates who may qualify for a general election

The number of candidates for an office who may qualify for the general election by party nomination is one candidate from each recognized political party.

§1275.18. Candidates not affiliated with a recognized political party; qualifying for the general election

A. Any person desiring to become a candidate in a general election who is not registered as being affiliated with a recognized political party shall file his notice of candidacy which shall be accompanied by either a ballot access petition or by the qualifying fee required for state candidates as provided in R.S. 18:464. The number of signatures required on a ballot access petition shall be the same as the number required for candidates seeking the same office in the first party primary election as set forth in this Part.

B. The notice of candidacy shall comply with all of the requirements of this Chapter relative to notice of candidacy, except that the candidate shall indicate his political party affiliation or indicate "no party" if he is not affiliated with any political party.

C. The ballot access petition shall comply with all of the requirements of this Chapter relative to nominating petitions, except that no person affiliated with a recognized political party shall be eligible to sign such ballot access petition.

D. The time of qualifying and the official with whom a candidate qualifies shall be in accordance with all of the provisions of this Chapter relative to qualifying for a party primary election.

§1275.19. Time for objecting to candidacy

An action objecting to candidacy, including the candidacy of a person who qualified as provided in R.S. 18:1275.4 and 1275.18, shall be commenced in a court of competent jurisdiction within seven days after the close of
qualifications for candidates in a party primary election. The grounds for
objecting to the candidacy shall be as provided in R.S. 18:492. After the
expiration of the time period set forth in this Section, no action shall be
commenced objecting to candidacy based on the grounds for objections to
candidacy contained in R.S. 18:492. All other matters regarding objecting to
candidacy shall be as provided by law in this Code.
§1275.20. Nomination of candidates in a party primary election; general
election; unopposed candidate

A. If, after the close of the qualifying period for candidates in a party
primary election, only one candidate qualified for the recognized political party
or only one candidate for the recognized political party remains after the
withdrawal of one or more candidates, the candidate is declared the nominee of
the party, and his name shall not appear on the ballot in a party primary
election but shall be on the ballot for the general election. If a party primary
election ballot was printed with the name of a candidate who withdrew on it,
any votes received by a candidate who withdrew shall be void and shall not be
counted for any purpose whatsoever.

B. If, after the close of the qualifying period for candidates for the public
office of United States senator or representative in Congress, only one candidate
qualified for a party primary election or the general election or only one
candidate remains after the withdrawal of one or more candidates, the
candidate is declared elected by the people at the close of the polls on the day of
the general election, and his name shall not appear on the ballot in a party
primary or second party primary, if applicable, and such candidate's name shall
not appear on the general election ballot.

§1275.21. Qualifications of voters

In congressional primary elections, each qualified voter of this state may
vote only on candidates as provided in R.S. 18:1275.2.

§1275.22. Ballots
A. Preparation. The secretary of state shall prepare and certify the absentee ballots and the ballots to be used on the voting machines in party primary and general elections.

B. Titles of offices. The titles of the offices to be voted on in any primary or general election shall be printed on the ballot with capital letters in the following order:

(1) United States senator.

(2) United States representative.

C. Names and numbers of candidates. The names of the candidates in any party primary or general election shall be printed on the ballot as follows:

(1) In any party primary election only the names of candidates who qualified for election and were not subsequently disqualified by a judgment rendered in an action objecting to candidacy or who were not unopposed shall be printed on the ballot. The name of each candidate shall be printed on the ballot in the form designated by the candidate in his notice of candidacy on file with the secretary of state. The parties shall be arranged alphabetically, and under party affiliation, the names of the candidates for each office shall be listed alphabetically by surname within each party and printed below the title of the office and below the respective party designation, in smaller capital letters. The names of the candidates shall be numbered from first to last. Once the secretary of state has assigned numbers to the candidates on a party primary election ballot, the numbers shall not be changed. If the qualifying period reopens because of the death of a candidate, additional candidates who qualify for the primary election shall be given the numbers following the number assigned to the last candidate on the ballot. If two or more candidates have the same surname, the word "Incumbent" shall be printed after the name of each candidate having the same surname who is an incumbent and the residence address shall be printed after the name of each candidate having the same surname who is not an incumbent. The form of the ballot shall be the same for
the second party primary election, if necessary, but only the names of the
candidates who qualified for the election shall be printed on the ballot.

(2) In a general election only the names of the candidates who qualified
for election and who were not subsequently disqualified by a judgment rendered
in an action objecting to candidacy shall be printed on the ballot, and the names
shall be printed in the same form as they were printed on the ballot for a party
primary election. The names of candidates who qualified pursuant to R.S.
18:1275.18 shall be as they appear on the notice of candidacy. The names of the
candidates for each office shall be arranged alphabetically by surname, and
shall be listed below the title of the office, in smaller capital letters. The political
party designation of a candidate shall be listed on the ballot as provided in R.S.
18:551(D). The names of the candidates shall be given the same number
assigned to them on a party primary election ballot. Additional candidates who
qualify who were not on the party primary election ballot shall be given the
numbers following the number assigned to the last candidate on the ballot for
the party primary election.

§1275.23. Prerequisites to voting

The provisions of R.S. 18:562 shall be applicable to all congressional
party primary elections and congressional general elections. Additionally, any
person who desires to vote in any party primary election shall also give his party
affiliation, if any, to a commissioner, who shall announce the applicant’s name,
address, and party affiliation, if any, to the persons at the polling place.

§1275.24. Compilation and promulgation of returns

On or before the twelfth day after a party primary election or general
election, as the case may be, the secretary of state shall promulgate the returns
for candidates by publishing in the official journal of the state the names of the
candidates for each office in the election, and the number of votes received by
each candidate, shown by the returns transmitted by the clerks of court from
the compiled statements by the parish boards of election supervisors. In a
parish containing a municipality with a population of four hundred seventy-five thousand or more the promulgation shall be from the returns transmitted by the parish board of election supervisors.

§1275.25. Election of candidates in a general election

A. Generally. The candidate who receives the most votes cast for an office in a general election is elected.

B. Election of unopposed candidates. If, as a result of the death or withdrawal of one or more candidates, the number of candidates for an office in a general election does not exceed the number of persons to be elected to the office, the remaining candidates are declared elected by the people, and their names shall not appear on the ballot in the general election.

C. Effect of a tie vote. If, as a result of a tie vote in a general election, the number of candidates who would be elected to an office exceeds the number of persons to be elected to the office, the candidates who received the same number of votes for that office in the general election are not elected. The election for officers thus not elected shall be returned to the people on the third Saturday after the date on which the results in the election at which the tie vote occurred were promulgated.

*     *     *

§1278. Vacancies; United States senator

*     *     *

B. If a vacancy occurs in the office of United States senator and the unexpired term is more than one year, an appointment to fill the vacancy shall be temporary. Any senator so appointed shall serve until his successor is elected at a special election and takes office. Within ten days after receiving official notice of the vacancy, the governor shall issue a proclamation for special election to fill the vacancy for the unexpired term. The date of the special election shall be established by the governor in accordance with the provisions of R.S. 18:402(E). The party primary for the special election shall be held four weeks prior to the dates for
special primary elections as provided in R.S. 18:402(E)(1). If a second party primary election is necessary, it shall be held on the dates as provided for special primary elections in R.S. 18:402(E)(1). The general election shall be held either on the dates as provided for special primary elections in R.S. 18:402(E)(1), if a second party primary election is held on the dates as provided in R.S. 18:402(E)(2) if no second party primary election is held. The dates of the qualifying period shall be established by the governor in accordance with R.S. 18:467, 467.1, and 468 this Part. Immediately after issuance of the proclamation, which shall include the dates of the party primary and general elections and the dates of the qualifying period, the governor shall publish the proclamation in the official journal of each parish in which the election is to be held. Within twenty-four hours after its issuance, the governor shall send a copy of the proclamation to the secretary of state. Within twenty-four hours after he receives the copy, the secretary of state shall notify all election officials having any duty to perform in connection with a special election to fill such vacancy, including the parish boards of election supervisors for the parish or parishes in which the vacancy occurred. The election shall be conducted and the returns shall be certified as in regular elections for United States senator.

*          *          *

§1279. Vacancies; representatives in congress

When a vacancy occurs in the office of representative in congress, the governor shall determine the dates on which the special elections shall be held and the dates of the qualifying period and shall issue a proclamation ordering a special election and specifying the dates on which the a party primary election and the general elections election will be held and the dates of the qualifying period for the election. Immediately thereafter he shall publish the proclamation in the official journal of each parish in which the election is to be held. Within twenty-four hours after issuing the proclamation, the governor shall send a copy of the proclamation to the secretary of state, who shall within twenty-four hours of receipt of the
information notify all election officials having any duty to perform in connection
with a special election to fill such vacancy, including the parish boards of election
supervisors for the parish or parishes in which the vacancy occurred. The election
shall be conducted in the same manner and at the same places and the returns shall
be certified as in regular congressional elections. If at a primary or general election
in a congressional district one representative in congress is to be elected for a full
term and another to fill a vacancy, the ballots containing the names of the candidates
shall, as a part of the title of the office, designate the term for which the candidates
are respectively nominated.

§1285. Notice of election

B.(1)(a) Written notice of the election and the certificate required by
Subparagraph (b) of this Paragraph shall be transmitted to the secretary of state and
each clerk of court and registrar of voters in the area affected by the election. If the
election is to be held on a party primary or primary election date, then such the
notice and certificate shall be received by the secretary of state at least four weeks
prior to the opening of the qualifying period for the party primary or primary
election. If the election is not to be held on a party primary or primary election
date, then the notice and certificate shall be received by the secretary of state on or
before the fifty-fourth day prior to the election. The secretary of state shall not accept
any revisions to propositions, including but not limited to changes in title, text, or
numerical designations, after the last day for submission of the notice and certificate
to the secretary of state.

§1300. Procedures; notice of election; expenses

C.(1) When an election is called under the provisions of this Chapter, written
notice of the election shall be transmitted to the secretary of state, the commissioner
of elections, and each clerk of court and registrar of voters in the area affected by the
election. If the election is to be held on a party primary or primary election date,
then such the notice shall be received by the secretary of state at least four weeks
prior to the opening of the qualifying period for the party primary or primary
election. If the election is not to be held on a party primary or primary election
date, then such notice shall be received by the secretary of state on or before the
fifty-fourth day prior to the election.

*          *          *

§1300.7. Governor to order election; proclamation; publication

A. If the required number of qualified electors of the voting area sign the
petition for recall, the governor shall issue a proclamation ordering an election to be
held for the purpose of voting on the question of the recall of the officer. The total
number of registered voters in the voting area and the total number of registered
voters in the voting area signing the petition shall be calculated from the totals on the
certificates of all of the registrars of voters received by the governor. The governor
shall issue such proclamation within fifteen days after he receives the certified
petitions from all of the registrars of voters in the voting area who have received
petitions for certification. If the final day for the governor to issue the proclamation
falls on a Saturday, Sunday, or legal holiday, then the next day which is not a
Saturday, Sunday, or legal holiday shall be deemed to be the final day for issuing the
proclamation. The proclamation shall order the election to be held on the next
available date specified in R.S. 18:402(F). If the election is to be held on a party
primary or primary election date, the proclamation shall be issued at least four
weeks prior to the opening of the qualifying period for the primary election. If the
election is not to be held on a party primary or primary election date, the
proclamation shall be issued on or before the fifty-fourth day prior to the election.

*          *          *

§1306. Preparation and distribution of absentee by mail and early voting ballots

A.          *          *
(4) The secretary of state shall prepare a special absentee ballot for candidates and constitutional amendments to be voted on in party primary or general elections, subject to approval as to content by the attorney general. This special ballot shall only be for use by a qualified voter who is either a member of the United States Service or who resides outside of the United States. Such special ballot shall contain a list of the titles of all offices being contested at the party primary or primary election and the candidates qualifying for the party primary or primary election for each office, and shall permit the elector to vote in the party primary or general election by indicating his order of preference for each candidate for each office. On the special ballot shall also be printed each constitutional amendment to be voted on in the party primary or general election. To indicate his order of preference for each candidate for each office to be voted on in the election, the voter shall put the number one next to the name of the candidate who is the voter's first choice, the number two for his second choice and so forth so that, in consecutive numerical order, a number indicating the voter's preference is written by the voter next to each candidate's name on the ballot. A space shall be provided for the voter to indicate his preference for or against each constitutional amendment contained on the ballot. The voter shall not be required to indicate his preference for more than one candidate on the ballot if the voter so chooses. The secretary of state shall also prepare instructions for use of the special ballot, including instructions for voting by mail using an electronically transmitted ballot.

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C. *          *          *

(2) At least twenty days before each party primary or primary election the secretary of state shall deliver to the registrar in each parish in which the election is to be held the special absentee ballot for qualified voters who are either members of the United States Service or persons residing outside of the United States. The number of special ballots and other necessary paraphernalia, including instructions for the use of the special ballot, to be so delivered shall be up to one percent of the
§1307. Application by mail

E. A person entitled to vote absentee by mail may request in his application for an absentee ballot for a party primary or primary election that an absentee ballot for the succeeding general election be sent to him when such ballots become available for distribution; however, in such case, the applicant shall declare in writing to the registrar that he will be eligible to vote absentee by mail in the general election.

§1308. Absentee voting by mail

A. (2)(a) With respect to members of the United States Service and persons residing outside the United States who are registered to vote, these materials shall be mailed as provided by the Uniformed and Overseas Citizens Absentee Voting Act (39 U.S.C. 3406 and 42 U.S.C. 1973ff et seq.) and shall include both the party primary or primary election ballot and the special ballot for the general election. The registrar shall mail the materials for candidates for United States senator or United States representative in congressional party primary and general elections, candidates for presidential nominee in presidential preference primary elections, and candidates in presidential elections at least forty-five days prior to the election to those voters who have made application to vote absentee by mail by such time.

(b) Notwithstanding the provision of Subparagraph (a) of this Paragraph, with respect to members of the United States Service and persons residing outside the United States who are registered to vote, these materials may be electronically transmitted for candidates for United States senator or United States representative in congressional party primary and general elections and must include the special ballot or ballots as provided in R.S. 18:1306(A)(4) for the congressional general election.
election. The registrar shall transmit the materials at least forty-five days prior to the
election to those voters who have requested electronic transmission by such time.

*          *          *

(g) For mailed ballots, the envelope mailed to the voter shall contain ballot
envelopes and a return envelope. The return envelope shall bear the official title and
mailing address of the registrar and the name, return address, and precinct or district
number of the voter. The voter shall return his voted party primary or primary
election ballot and special ballot for the general election to the registrar in the
appropriate envelope. The registrar of voters shall mail a regular general election
absentee ballot to a member of the United States Service or to persons residing
overseas only if the regular general election absentee ballot includes one or more
elections that were not included on the special ballot sent, as provided herein, to such
voter. The envelope for the special ballot shall contain language on the outside of the
envelope that clearly designates which envelope is to be used for return of the
general election ballot.

*          *          *

§1314. Parish board commissioners

*          *          *

B. Selection for party primary or primary election. (1) The parish board of
election supervisors shall determine the number of parish board commissioners
necessary to count the absentee by mail and early voting ballots in the parish
pursuant to R.S. 18:1313 or 1313.1, as applicable. The parish board of election
supervisors shall select a maximum of six such commissioners. If the parish board
of election supervisors determines that the number of parish board commissioners
should be increased to more than six, the parish board shall make a request to the
secretary of state for the additional parish board commissioners. If the secretary of
state or his designee determines that there is a need for the additional parish board
commissioners, the parish board shall select the parish board commissioners.

(2) The parish board of election supervisors shall meet at 10:00 a.m. on the
fifth day before a party primary or primary election and shall select the parish board commissioners and alternate parish board commissioners for the parish in the manner provided by law for the selection of commissioners and alternate commissioners. If there are not enough certified commissioners to select the appropriate number of parish board commissioners and alternate parish board commissioners, the board of election supervisors may select a qualified elector of the parish to serve; however, no such elector shall serve as a parish board commissioner if a certified commissioner has been selected as an alternate parish board commissioner.

* * *

C. Selection for party primary or general election. (1)(a) The parish board of election supervisors shall determine if the number of parish board commissioners necessary to count the absentee by mail and early voting ballots in the party primary or general election pursuant to R.S. 18:1313 or 1313.1, as applicable, can be reduced or should be increased from the number which counted absentee by mail and early voting ballots in the party primary or primary election.

(b) If it determines that the number cannot be reduced or should be increased, those persons who served as parish board commissioners and alternate parish board commissioners for the parish in the party primary or primary election shall serve in the general election, unless replaced or disqualified in the manner provided by law for commissioners and alternate commissioners. If the parish board of election supervisors determines that the number of parish board commissioners should be increased to more than the number of such commissioners who served in the party primary or primary election, the parish board shall make a request to the secretary of state for the parish board commissioners. If the secretary of state or his designee determines that there is a need for the additional parish board commissioners, the parish board shall select the additional parish board commissioners.

(2)(a) If the parish board determines that the number of parish board commissioners can be reduced, it shall notify each person who served as a parish
board commissioner or alternate parish board commissioner in the a party primary or primary election of its decision to reduce the number of parish board commissioners and of the date and time of the meeting to select the parish board commissioners for a party primary or the general election. The parish board shall meet at 10:00 a.m. on the fifth day before a general election and shall select the parish board commissioners and alternate parish board commissioners to serve in the party primary or general election for the parish.

(b)(i) The parish board shall prepare a list containing the names of all persons who served as parish board commissioners in the a party primary or primary election. The parish board commissioners and alternate parish board commissioners for the general election shall be selected from that list in the manner provided by law for the selection of commissioners and alternate commissioners. The parish board commissioners so chosen shall then serve as needed for the a party primary or general election.

(ii) If the list does not contain sufficient names to select the number of parish board commissioners and alternate parish board commissioners determined by the board to be needed for a party primary or general election, the board shall fill any remaining alternate commissioner positions from a list of those persons who were selected as alternate parish board commissioners for the primary election, such list to be prepared and the selection made in the same manner provided in this Section for selection of parish board commissioners for the a party primary or general election.

(3) If the parish board and the secretary of state or his designee determine that the number of parish board commissioners should be increased, the parish board shall meet at 10:00 a.m. on the fifth day before a party primary and the general election and shall select the additional parish board commissioners and alternate parish board commissioners to serve in the a party primary or general election for that parish from the list of certified commissioners who have not been chosen to serve in the a party primary or general election as a commissioner-in-charge,
commissioner, or, if applicable, parish board commissioner in the manner provided by law for the selection of commissioners and alternate commissioners. If there are not enough certified commissioners to select the appropriate number of parish board commissioners and alternate parish board commissioners, the board of election supervisors may select a qualified elector of the parish to serve; however, no such elector shall serve as a parish board commissioner if a certified commissioner has been selected as an alternate parish board commissioner.

D. Selection for provisional ballot counting for a party primary or primary or general election. (1) The parish board of election supervisors shall determine if parish board commissioners are necessary to assist the board in counting and tabulating provisional ballots in the parish. If necessary, the parish board of election supervisors shall select the number of parish board commissioners and present the number of parish board commissioners to the secretary of state for approval, either in writing or by telephone.

§ 1401. Objections to candidacy, contests of elections, contests of certification of recall petition; parties authorized to institute actions

A. A qualified elector may bring an action objecting to the candidacy of a person who qualified as a candidate in a party primary or primary election for an office in which the plaintiff is qualified to vote.

B. A candidate who alleges that, except for substantial irregularities or error, or except for fraud or other unlawful activities in the conduct of the election, he would have qualified for a party primary or general election or would have been elected may bring an action contesting the election.

§ 1402. Proper parties

B.(1) The following persons are the proper parties against whom election
contests shall be instituted:

* * *

(c) The person or persons whose eligibility to be a candidate in a party primary or general election or whose election to office is contested.

* * *

§1406. Petition; answer; notification

* * *

B. The petition shall set forth in specific detail the facts upon which the objection or contest is based. If the action contests an election involving election to office, the petition shall allege that except for substantial irregularities or error, fraud, or other unlawful activities in the conduct of the election, the petitioner would have qualified for a party primary or general election or would have been elected. If the action contests an election involving the recall of a public officer, the petition shall allege that except for substantial irregularities or error, fraud, or other unlawful activities in the conduct of the election, the petitioner would not have been recalled. The trial judge may allow the filing of amended pleadings for good cause shown and in the interest of justice.

* * *

§1407. Appointment of agent for service of process

By filing notice of candidacy a candidate appoints the clerk of court for each parish in which he is to be voted on as his agent for service of process in any action objecting to his candidacy, contesting his qualification as a candidate in a party primary or general election, or contesting his election to office.

* * *

§1409. Trial; decision; appeal

* * *

B.(1) If the action involves the contest of a party primary or primary election for a major office, the trial judge, for good cause shown, may postpone the date of the party primary or general election for the office as to which the contest
was filed for a period not to exceed five weeks.

(2) Whenever the trial of an action contesting a primary election for a major office, extends past 5:00 p.m. on the fourteenth day after the day of the election, the trial judge shall order the party primary or general election for the affected office postponed to a Saturday specified by him which is at least thirty days after the date on which the trial court renders judgment.

* * *

§1432. Remedies

A.(1) If the trial judge in an action contesting an election determines that: it is impossible to determine the result of election, or the number of qualified voters who were denied the right to vote by the election officials was sufficient to change the result in the election, if they had been allowed to vote, or the number of unqualified voters who were allowed to vote by the election officials was sufficient to change the result of the election if they had not been allowed to vote, or a combination of these factors would have been sufficient to change the result had they not occurred, the judge may render a final judgment declaring the election void and ordering a new party primary or primary or general election for all the candidates, or, if the judge determines that the appropriate remedy is the calling of a restricted election, the judge may render a final judgment ordering a restricted election, specifying the date of the election, the appropriate candidates for the election, the office or other position for which the election shall be held, and indicating which voters will be eligible to vote.

* * *

§1461. Bribery of voters; penalties

A.(1) Bribery of voters is the giving or offering to give, directly or indirectly, any money, or anything of apparent present or prospective value to any voter at any general, party primary, primary, or special election, or at any convention of a recognized political party, with the intent to influence the voter in the casting of his ballot. The acceptance of, or the offer to accept, directly or indirectly, any money,
or anything of apparent present or prospective value, by any such voters under such circumstances shall also constitute bribery of voters.

* * *

The original instrument and the following digest, which constitutes no part of the legislative instrument, were prepared by Matt DeVille.

**DIGEST**

**SB 235 Original 2021 Regular Session Hewitt**

Present law provides for an open primary system for all municipal, local, state, and federal elections other than the presidential preference primary in which voters of any political affiliation may cast a ballot for any candidate.

Proposed law retains present law for all elections that utilize the open primary system and creates a closed party primary system for congressional elections.

Proposed law provides that recognized political parties with a minimum membership of five percent of the state's registered voters as of sixty days prior to candidate qualifying shall hold party primary elections to select a single candidate to advance to the general election.

Proposed law provides that voters are required to be members of the recognized political party in order to participate in its party primary unless the bylaws and regulations of the party's state central committee allow for unaffiliated voters to participate.

Proposed law provides that the candidate who receives the most votes in a party primary election shall be declared the winner. In the event of a tie or all votes cast being declared void, a second party primary shall be held to determine the winner.

Proposed law provides for methods of candidate qualification and objection and election procedure.

Effective August 1, 2021.

(Amends R.S. 18:44(A) and (B)(5)(b), 110(B)(1)(intro para), 197, 401(B), 402(B), (C)(intro para), and (G)(2), 433(G)(1), (H)(1)(intro para), 434(A)(1), 434(C)(intro para) and (D)(1) and (2), 435(A)(1)(a) and (A)(2), and (B)(1), 436, 453(A), 467(intro para) and 467(2), 468(A), 481, 491(A) and (C)(1) and (2), 493, 552(A)(intro para), 1272(A), 1278(B), 1279, 1285(B)(1)(a), 1300(C)(1), 1300.7(A), 1306(A)(4), and (C)(2), 1307(E), 1308(A)(2)(a),(b), and (g), 1314(B)(1) and (2), (C), and (D)(1), 1401(A) and (B), 1402(B)(1)(c), 1406(B), 1407, 1409(B)(1) and (2), 1432(A)(1), and 1461(A)(1); adds R.S. 18:1275.1-1275.25)