

2021 Regular Session

SENATE BILL NO. 235

BY SENATOR HEWITT

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

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

1 the party in the party primary elections; to provide for voting of unaffiliated voters
2 in party primaries; to provide for election dates; and to provide for related matters.

3 Be it enacted by the Legislature of Louisiana:

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

14 §44. Contesting election; referral for prosecution

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

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

26 * * *

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

28 * * *

29 (b) The allegation that except for substantial irregularities or error, fraud, or

1 other unlawful activities in the conduct of the election, a different candidate would
2 have qualified for a **party primary or a** general election or would have been elected.

3 * * *

4 §110. Removal from precinct; removal from parish

5 * * *

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

11 * * *

12 §197. Registration; cancellation

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

19 * * *

20 §401. Purpose and nature of primary and general elections

21 * * *

22 B. Nature. ~~All~~ **(1) Except for the election of persons to congress, all**
23 qualified voters of this state may vote on candidates for public office in primary and
24 general elections without regard to the voter's party affiliation or lack of it, and all
25 candidates for public office who qualify for a primary or general election may be
26 voted on without regard to the candidate's party affiliation or lack of it.

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

28 **(a) In primary elections, recognized political parties shall make all**
29 **nominations of candidates by direct primary elections held under the provisions**

1 of this Chapter. In primary elections, each qualified voter may vote only on the
 2 candidates for public office who are affiliated with the same political party with
 3 which the voter is affiliated. In primary elections, each qualified voter who is
 4 not affiliated with a recognized political party may choose to vote in one
 5 recognized political party's primary elections, except as otherwise provided in
 6 R.S. 18:1275.2 or R.S. 18:1275.21.

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

12 * * *

13 §402. Dates of primary and general elections

14 * * *

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

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

22 (b) If a second party primary election is necessary, it shall be held on the
 23 second Saturday in September of an election year under the provisions of R.S.
 24 18:1275.3.

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

28 C. Municipal and ward elections. In all municipalities with a population of
 29 less than three hundred thousand, elections for municipal and ward officers who are

1 not elected at the same time as the governor or members of congress shall be held
 2 every four years. The primary election for municipal and ward officers who are
 3 elected at the same time as members of congress shall be held on the same date
 4 as the congressional party primary, and the general election shall be held at the
 5 same time as the general election for congressional offices.

6 * * *
 7 G. * * *

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

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

14 * * *
 15 §433. Commissioners-in-charge; course of instruction; selection; commission;

16 disqualification; replacement
 17 * * *

18 G. Replacement. (1) Except as provided in Subsection H of this Section, if
 19 it becomes certain that a commissioner-in-charge will not be able to serve for a
 20 party primary or primary election, or if a commissioner-in-charge fails to attend
 21 a course of instruction held immediately prior to a party primary or primary
 22 election as provided in R.S. 18:431(B), the parish board of election supervisors shall
 23 select a replacement commissioner-in-charge who shall serve for both ~~the~~ a party
 24 primary or primary and general elections. Except as provided in Subsection H of
 25 this Section, if it becomes certain that a commissioner-in-charge will not be able to
 26 serve for a general election, or if a commissioner-in-charge fails to attend the course
 27 of instruction held prior to a general election, the parish board of election supervisors
 28 shall select a replacement commissioner-in-charge who shall serve for the general
 29 election.

1 * * *

2 H. Replacement for failing to appear. (1) If a commissioner-in-charge fails
3 to appear at the polling place at least thirty minutes before the time when the polls
4 are to open on election day, the commissioners in attendance at the polling place
5 shall immediately notify the clerk of court of the absence. Immediately upon receipt
6 of the notice, the clerk of court shall select a replacement commissioner-in-charge
7 for that precinct. Subject to the provisions of Subsection G of this Section, a
8 replacement commissioner-in-charge selected for a **party primary or** primary
9 election also shall serve for the general election. The replacement commissioner-in-
10 charge shall be selected from the following categories in the order of priority listed:

11 * * *

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

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

23 * * *

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

27 * * *

28 D. Replacement of a commissioner. (1) If prior to the day of the election a
29 commissioner notifies the parish board of election supervisors that he is unable to

1 serve as commissioner, the parish board of election supervisors shall select an
2 alternate commissioner to serve in place of the absent commissioner. An alternate
3 commissioner who replaces an absent commissioner in a **party primary or** primary
4 election shall replace the absent commissioner in the general election. If there are no
5 alternate commissioners or an insufficient number of alternate commissioners
6 available, the parish board of election supervisors shall select a person to serve as
7 commissioner from the list containing the names of persons within that ward who
8 have received certificates of instruction from the clerk of court pursuant to R.S.
9 18:431(A)(1). If no person on that list is available to serve as commissioner, the
10 parish board of election supervisors shall select any person within the parish who has
11 received a certificate of instruction from the clerk of court pursuant to R.S.
12 18:431(A)(1). If there is no such qualified person available, the parish board of
13 election supervisors shall select a watcher.

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

29 * * *

1 §435. Watchers; appointment and commission

2 A. (1)(a) Each candidate is entitled to have one watcher at every precinct on
3 election day where the office he seeks is voted on in a **any party primary**, primary,
4 or general election. The candidate or his authorized representative shall file one list
5 of watchers on a form provided by the secretary of state or on a form which contains
6 the same information as required by the form provided by the secretary of state.
7 When a candidate's list of watchers is filed by the candidate's authorized
8 representative, a letter of authorization from the candidate shall accompany the list
9 of watchers; however, the list of watchers shall be signed by the candidate.

10 * * *

11 (2) In addition to the watchers provided for in Paragraph (1), each candidate
12 may designate one watcher as a "super watcher" who shall have the qualifications,
13 powers, and duties of watchers provided for by R.S. 18:427 and who shall be
14 admitted as a watcher in every precinct in the designated parish where the office the
15 candidate seeks is on the ballot in ~~the~~ **a party primary**, primary, and general
16 election. The selection of the super watcher shall be made in the same manner as for
17 watchers set forth in this Section.

18 * * *

19 B.(1)(a) A list of watchers shall be filed with the clerk of court by hand
20 delivery, facsimile, mail, or commercial courier before 4:30 p.m. on the tenth day
21 before ~~the~~ **any** primary or general election; however, if the tenth day before ~~the~~ **any**
22 primary or general election falls on a Saturday, Sunday, or other legal holiday, the
23 list shall be filed on the next day which is not a Saturday, Sunday, or other legal
24 holiday. For purposes of this Paragraph, "commercial courier" shall have the same
25 meaning as provided in R.S. 13:3204(D). If the office that the candidate seeks is
26 voted on in more than one parish, a list of watchers shall be filed with the clerk of
27 court in each parish where the candidate will have watchers.

28 (b) A list of watchers submitted by a candidate for ~~the~~ **a party primary or**
29 primary election may be used for the general election only if the candidate notifies

1 the clerk of court in writing by 4:30 p.m. on the tenth day before the general election
2 that he wants to use the same list of watchers.

3 * * *

4 §436. Election officials at certain special elections

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

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

26 * * *

27 §453. Dual candidacy

28 A. General prohibitions. A person shall not become a candidate in ~~a~~ **any**
29 **party primary**, primary, or general election for more than one office unless one of

1 the offices is membership on a political party committee, nor shall a person be a
2 candidate at the same time for two or more different offices to be filled at separate
3 elections.

4 * * *

5 §467. Opening of qualifying period

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

8 * * *

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

12 * * *

13 §468. Close of the qualifying period

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

18 * * *

19 §481. Candidates who qualify for a general election

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

26 * * *

27 §491. Standing to object to candidacy

28 A. A registered voter may bring an action objecting to the candidacy of a
29 person who qualified as a candidate in a **party primary or** primary election for an

1 office for which the plaintiff is qualified to vote.

2 * * *

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

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

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

12 * * *

13 §493. Time for objecting to candidacy

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

22 * * *

23 §552. Election materials

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

26 * * *

27 §1272. United States senators; representatives in congress; time of electing

28 A. All general elections for representatives in congress shall be held on the
29 fifth Saturday after the first Tuesday after the first Monday in November in even-

1 numbered years. ~~The **Any party** primary election shall be held on the first Tuesday~~
2 ~~after the first Monday in November of an election year in accordance with the~~
3 provisions of Chapter 5 of this Title.

4 * * *

5 **§1275.1 Congressional party primary qualifications**

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

11 **§1275.2. Purpose and nature of congressional primary and general elections**

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

19 **B. Each qualified voter of this state who is not affiliated with a**
20 **recognized political party may choose to vote in a recognized political party's**
21 **primary elections, if the state central committee of the political party in its**
22 **bylaws or rules and regulations allows unaffiliated voters to participate in its**
23 **primary elections. If a recognized political party allows unaffiliated voters to**
24 **participate in its primary elections, the state central committee of such party**
25 **shall give written notice to the secretary of state of the allowance, including a**
26 **copy of the bylaws or rules and regulations containing such allowance, no later**
27 **than January first of the year in which regularly scheduled congressional**
28 **elections are to be held. The notice, once filed with the secretary of state, shall**
29 **be effective until the recognized political party notifies the secretary of state of**

Coding: Words which are ~~struck through~~ are deletions from existing law;
words in **boldface type and underscored** are additions.

1 a change. Any change in allowing voters who are not affiliated with a recognized
2 political party to participate in a party's primary election shall be filed with the
3 secretary of state no later than January first of the year in which the regularly
4 scheduled congressional elections are to be held to be effective in the year of the
5 regularly scheduled congressional elections. Should more than one political
6 party permit nonaffiliated voters to participate in the party primary, the
7 participating voter shall select only one party ballot to vote on in the primary
8 election.

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

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

28 E. The provisions of the Louisiana Election Code shall govern any matter
29 related to congressional elections not specifically provided for in this Part.

1 **§1275.3. Dates of congressional primary and general elections**

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

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

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

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

10 **§1275.4. Manner of qualifying for a party primary election**

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

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

25 **C. When a candidate has filed multiple notices of candidacy for election**
26 **to more than one office at the same election, which multiple candidacies would**
27 **be in violation of R.S. 18:453, the person filing multiple notices of candidacy**
28 **shall be disqualified as a candidate in a party primary election for all but the**
29 **last of the offices for which he filed notices of candidacy, and any qualifying fees**

1 for those offices paid by the candidate shall be refunded as provided in R.S.
2 18:501. The secretary of state shall include the name of the candidate on the
3 ballot for election to the last of such offices for which the candidate filed notices
4 of candidacy and to no other such office for which dual candidacy would be
5 prohibited.

6 §1275.5. Officials with whom candidates qualify

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

9 §1275.6. Notice of candidacy; qualifying fees

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

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

15 §1275.7. Nominating petitions

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

18 B. A person may be nominated as a candidate in a party primary election
19 only by persons within the same political party who are registered to vote on the
20 office he seeks who sign a nominating petition for him no more than one
21 hundred twenty days before the qualifying period opens for candidates in the
22 party primary election. In addition to his signature, each voter who signs a
23 nominating petition shall date his signature and shall provide the ward and
24 precinct in which he is registered to vote, his residence address, including the
25 municipal number, the apartment number, if any, the rural route and box
26 number, or any other physical description that will identify his actual place of
27 residence and his political party affiliation. Once a voter has signed a
28 nominating petition, he may not withdraw the nomination. The secretary of
29 state shall prepare forms which may be used by any person who seeks

1 nomination as a candidate by nominating petition. The secretary of state shall
2 furnish copies of the forms to each clerk of court, and the forms shall be
3 available, upon request, at the office of the secretary of state or at the office of
4 the clerk of court. Nothing in this Subsection shall be construed to require
5 nominating petitions to be filed only on forms prepared by the secretary of
6 state.

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

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

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

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

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

1 signers reside prior to the opening of the qualifying period.

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

20 §1275.8. Time for qualifying in a party primary election

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

24 §1275.9. Opening of qualifying period

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

29 §1275.10. Opening of qualifying period in event of change of date for a party

1 primary election

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

5 §1275.11. Close of the qualifying period

6 The qualifying period for candidates in a party primary election shall
7 close at 5:00 p.m. on the Friday after the opening of the qualifying period for
8 candidates in a party primary election or, if that Friday is a legal holiday, at
9 5:00 p.m. on the next day which is not a legal holiday.

10 §1275.12. Reopening of qualifying period; effect

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

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

1 shall not be reopened and the party shall not have a candidate on the party
2 primary election ballot for that office of party nominee.

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

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

19 §1275.13. List of candidates

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

25 §1275.14. Plurality vote required

26 The candidate receiving the most votes in a party primary election shall
27 be declared the winner. If only one candidate from a recognized political party
28 qualifies for the office, that candidate shall be declared the nominee of the
29 party. If the person receiving the highest number of votes in a party primary

1 withdraws his candidacy, dies, or is otherwise disqualified, thereby leaving no
2 candidate from the recognized political party in the race, the candidate who has
3 received the next highest number of votes for the office for which he was a
4 candidate shall be declared the nominee of the party.

5 §1275.15. Second primary; effect of the tie vote, withdrawal, or death of a
6 candidate

7 A. In the case of a tie vote for first place in the party primary of a
8 recognized political party, all candidates affiliated with the same political party
9 who received the same highest number of votes qualify for a second party
10 primary. If all the votes cast in a party primary election for a public office are
11 void because of the death of a candidate, all candidates affiliated with the same
12 political party qualify for the second party primary.

13 B. There shall be no third party primary. For any situation not
14 specifically provided for herein, the state central committee of a recognized
15 political party involved shall provide for the selection of a nominee from the
16 candidates and shall provide a notice in writing sworn to and subscribed before
17 a notary of the selection of a nominee to the secretary of state no later than 4:30
18 p.m. on the fifth business days after the second party primary election. If a
19 recognized political party fails to submit the notice of the selection of a nominee
20 to the secretary of state by the deadline provided in this Subsection, the
21 secretary of state shall draw lots to determine the party's nominee for the
22 general election.

23 §1275.16. Candidates who qualify for a general election

24 All nominations by recognized political parties for the general election
25 shall be in accordance with the provisions relative to primary elections. The
26 candidate or candidates from each recognized political party who received the
27 highest number of votes in a party or, if necessary, second party primary
28 election, or is the only candidate remaining after the death or withdrawal of a
29 candidate after a party or second party primary election, shall be the party

1 nominee and qualify for the general election.

2 §1275.17. Number of candidates who may qualify for a general election

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

6 §1275.18. Candidates not affiliated with a recognized political party; qualifying
7 for the general election

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

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

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

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

26 §1275.19. Time for objecting to candidacy

27 An action objecting to candidacy, including the candidacy of a person
28 who qualified as provided in R.S. 18:1275.4 and 1275.18, shall be commenced
29 in a court of competent jurisdiction within seven days after the close of

1 qualifications for candidates in a party primary election. The grounds for
2 objecting to the candidacy shall be as provided in R.S. 18:492. After the
3 expiration of the time period set forth in this Section, no action shall be
4 commenced objecting to candidacy based on the grounds for objections to
5 candidacy contained in R.S. 18:492. All other matters regarding objecting to
6 candidacy shall be as provided by law in this Code.

7 §1275.20. Nomination of candidates in a party primary election; general
8 election; unopposed candidate

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

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

26 §1275.21. Qualifications of voters

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

29 §1275.22. Ballots

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

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

7 (1) United States senator.

8 (2) United States representative.

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

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

1 the second party primary election, if necessary, but only the names of the
2 candidates who qualified for the election shall be printed on the ballot.

3 (2) In a general election only the names of the candidates who qualified
4 for election and who were not subsequently disqualified by a judgment rendered
5 in an action objecting to candidacy shall be printed on the ballot, and the names
6 shall be printed in the same form as they were printed on the ballot for a party
7 primary election. The names of candidates who qualified pursuant to R.S.
8 18:1275.18 shall be as they appear on the notice of candidacy. The names of the
9 candidates for each office shall be arranged alphabetically by surname, and
10 shall be listed below the title of the office, in smaller capital letters. The political
11 party designation of a candidate shall be listed on the ballot as provided in R.S.
12 18:551(D). The names of the candidates shall be given the same number
13 assigned to them on a party primary election ballot. Additional candidates who
14 qualify who were not on the party primary election ballot shall be given the
15 numbers following the number assigned to the last candidate on the ballot for
16 the party primary election.

17 §1275.23. Prerequisites to voting

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

23 §1275.24. Compilation and promulgation of returns

24 On or before the twelfth day after a party primary election or general
25 election, as the case may be, the secretary of state shall promulgate the returns
26 for candidates by publishing in the official journal of the state the names of the
27 candidates for each office in the election, and the number of votes received by
28 each candidate, shown by the returns transmitted by the clerks of court from
29 the compiled statements by the parish boards of election supervisors. In a

1 parish containing a municipality with a population of four hundred seventy-five
2 thousand or more the promulgation shall be from the returns transmitted by
3 the parish board of election supervisors.

4 §1275.25. Election of candidates in a general election

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

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

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

19 * * *

20 §1278. Vacancies; United States senator

21 * * *

22 B. If a vacancy occurs in the office of United States senator and the
23 unexpired term is more than one year, an appointment to fill the vacancy shall be
24 temporary. Any senator so appointed shall serve until his successor is elected at a
25 special election and takes office. Within ten days after receiving official notice of the
26 vacancy, the governor shall issue a proclamation for special election to fill the
27 vacancy for the unexpired term. ~~The date of the special election shall be established~~
28 ~~by the governor in accordance with the provisions of R.S. 18:402(E).~~ The party
29 primary for the special election shall be held four weeks prior to the dates for

1 special primary elections as provided in R.S. 18:402(E)(1). If a second party
 2 primary election is necessary, it shall be held on the dates as provided for
 3 special primary elections in R.S. 18:402(E)(1). The general election shall be held
 4 either on the dates as provided for special primary elections in R.S.
 5 18:402(E)(1), if a second party primary election is held on the dates as provided
 6 in R.S. 18:402(E)(2) if no second party primary election is held. The dates of the
 7 qualifying period shall be established by the governor in accordance with R.S.
 8 18:467, 467.1, and 468 **this Part**. Immediately after issuance of the proclamation,
 9 which shall include the dates of the **party** primary and general elections and the
 10 dates of the qualifying period, the governor shall publish the proclamation in the
 11 official journal of each parish in which the election is to be held. Within twenty-four
 12 hours after its issuance, the governor shall send a copy of the proclamation to the
 13 secretary of state. Within twenty-four hours after he receives the copy, the secretary
 14 of state shall notify all election officials having any duty to perform in connection
 15 with a special election to fill such vacancy, including the parish boards of election
 16 supervisors for the parish or parishes in which the vacancy occurred. The election
 17 shall be conducted and the returns shall be certified as in regular elections for United
 18 States senator.

19 * * *

20 §1279. Vacancies; representatives in congress

21 When a vacancy occurs in the office of representative in congress, the
 22 governor shall determine the dates on which the special elections shall be held and
 23 the dates of the qualifying period and shall issue a proclamation ordering a special
 24 election and specifying the dates on which ~~the~~ **a party primary election** and ~~the~~
 25 general ~~elections~~ **election** will be held and the dates of the qualifying period for the
 26 election. Immediately thereafter he shall publish the proclamation in the official
 27 journal of each parish in which the election is to be held. Within twenty-four hours
 28 after issuing the proclamation, the governor shall send a copy of the proclamation
 29 to the secretary of state, who shall within twenty-four hours of receipt of the

1 information notify all election officials having any duty to perform in connection
 2 with a special election to fill such vacancy, including the parish boards of election
 3 supervisors for the parish or parishes in which the vacancy occurred. The election
 4 shall be conducted in the same manner and at the same places and the returns shall
 5 be certified as in regular congressional elections. If at a primary or general election
 6 in a congressional district one representative in congress is to be elected for a full
 7 term and another to fill a vacancy, the ballots containing the names of the candidates
 8 shall, as a part of the title of the office, designate the term for which the candidates
 9 are respectively nominated.

10 * * *

11 §1285. Notice of election

12 * * *

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

25 * * *

26 §1300. Procedures; notice of election; expenses

27 * * *

28 C.(1) When an election is called under the provisions of this Chapter, written
 29 notice of the election shall be transmitted to the secretary of state, the commissioner

1 of elections, and each clerk of court and registrar of voters in the area affected by the
 2 election. If the election is to be held on a **party primary or** primary election date,
 3 then ~~such~~ **the** notice shall be received by the secretary of state at least four weeks
 4 prior to the opening of the qualifying period for the **party primary or** primary
 5 election. If the election is not to be held on a **party primary or** primary election
 6 date, then such notice shall be received by the secretary of state on or before the
 7 fifty-fourth day prior to the election.

8 * * *

9 §1300.7. Governor to order election; proclamation; publication

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

27 * * *

28 §1306. Preparation and distribution of absentee by mail and early voting ballots

29 A. * * *

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

22 * * *

23 C. * * *

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

1 registered voters within each parish.

2 * * *

3 §1307. Application by mail

4 * * *

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

11 * * *

12 §1308. Absentee voting by mail

13 A. * * *

14 (2)(a) With respect to members of the United States Service and persons
15 residing outside the United States who are registered to vote, these materials shall
16 be mailed as provided by the Uniformed and Overseas Citizens Absentee Voting Act
17 (39 U.S.C. 3406 and 42 U.S.C. 1973ff et seq.) and shall include ~~both~~ the **party**
18 **primary or** primary election ballot and the special ballot for the general election.
19 The registrar shall mail the materials for candidates for United States senator or
20 United States representative in congressional **party** primary and general elections,
21 candidates for presidential nominee in presidential preference primary elections, and
22 candidates in presidential elections at least forty-five days prior to the election to
23 those voters who have made application to vote absentee by mail by such time.

24 (b) Notwithstanding the provision of Subparagraph (a) of this Paragraph, with
25 respect to members of the United States Service and persons residing outside the
26 United States who are registered to vote, these materials may be electronically
27 transmitted for candidates for United States senator or United States representative
28 in congressional **party** primary and general elections and must include the special
29 ballot or ballots as provided in R.S. 18:1306(A)(4) for the congressional general

1 election. The registrar shall transmit the materials at least forty-five days prior to the
2 election to those voters who have requested electronic transmission by such time.

3 * * *

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

16 * * *

17 §1314. Parish board commissioners

18 * * *

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

29 (2) The parish board of election supervisors shall meet at 10:00 a.m. on the

1 fifth day before a **party primary or** primary election and shall select the parish
2 board commissioners and alternate parish board commissioners for the parish in the
3 manner provided by law for the selection of commissioners and alternate
4 commissioners. If there are not enough certified commissioners to select the
5 appropriate number of parish board commissioners and alternate parish board
6 commissioners, the board of election supervisors may select a qualified elector of the
7 parish to serve; however, no such elector shall serve as a parish board commissioner
8 if a certified commissioner has been selected as an alternate parish board
9 commissioner.

10 * * *

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

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

28 (2)(a) If the parish board determines that the number of parish board
29 commissioners can be reduced, it shall notify each person who served as a parish

1 board commissioner or alternate parish board commissioner in ~~the~~ **a party primary**
2 **or** primary election of its decision to reduce the number of parish board
3 commissioners and of the date and time of the meeting to select the parish board
4 commissioners for **a party primary or** the general election. The parish board shall
5 meet at 10:00 a.m. on the fifth day before a general election and shall select the
6 parish board commissioners and alternate parish board commissioners to serve in the
7 **party primary or** general election for the parish.

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

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

23 (3) If the parish board and the secretary of state or his designee determine that
24 the number of parish board commissioners should be increased, the parish board
25 shall meet at 10:00 a.m. on the fifth day before a **party primary and the** general
26 election and shall select the additional parish board commissioners and alternate
27 parish board commissioners to serve in ~~the~~ **a party primary or** general election for
28 that parish from the list of certified commissioners who have not been chosen to
29 serve in ~~the~~ **a party primary or** general election as a commissioner-in-charge,

1 commissioner, or, if applicable, parish board commissioner in the manner provided
 2 by law for the selection of commissioners and alternate commissioners. If there are
 3 not enough certified commissioners to select the appropriate number of parish board
 4 commissioners and alternate parish board commissioners, the board of election
 5 supervisors may select a qualified elector of the parish to serve; however, no such
 6 elector shall serve as a parish board commissioner if a certified commissioner has
 7 been selected as an alternate parish board commissioner.

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

15 * * *

16
 17 §1401. Objections to candidacy, contests of elections, contests of certification of
 18 recall petition; parties authorized to institute actions

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

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

26 * * *

27 §1402. Proper parties

28 * * *

29 B.(1) The following persons are the proper parties against whom election

1 contests shall be instituted:

2 * * *

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

5 * * *

6 §1406. Petition; answer; notification

7 * * *

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

18 * * *

19 §1407. Appointment of agent for service of process

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

24 * * *

25 §1409. Trial; decision; appeal

26 * * *

27 B.(1) If the action involves the contest of a party primary or primary
28 election for a major office, the trial judge, for good cause shown, may postpone the
29 date of ~~the~~ a party primary or general election for the office as to which the contest

1 was filed for a period not to exceed five weeks.

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

7 * * *

8 §1432. Remedies

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

23 * * *

24 §1461. Bribery of voters; penalties

25 A.(1) Bribery of voters is the giving or offering to give, directly or indirectly,
26 any money, or anything of apparent present or prospective value to any voter at any
27 general, **party primary,** primary, or special election, or at any convention of a
28 recognized political party, with the intent to influence the voter in the casting of his
29 ballot. The acceptance of, or the offer to accept, directly or indirectly, any money,

1 or anything of apparent present or prospective value, by any such voters under such
2 circumstances shall also constitute bribery of voters.

3 * * *

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)