DIGEST

HB 682 Original   2018 Regular Session   Shadoin

Abstract: Provides relative to elections held to determine whether the sale of alcoholic beverages will be conducted and licensed in an area.

Present law (R.S. 26:581 et seq.) provides procedures and requirements for elections held to determine whether the sale of alcoholic beverages will be conducted and licensed in an area. Provides that upon petition of not less than 25% of the qualified electors residing in any ward, election district, or any incorporated municipality, the governing authority shall order a referendum election to be held to determine whether or not the business of selling alcoholic beverages shall be conducted and licensed therein. Provides for the form of the petition and requires the registrar of voters to file a verification of the petition with the governing authority responsible for calling the election.

Present law (R.S. 26:587) provides that if the petition conforms to all the provisions of present law (R.S. 26:581 et seq.), the governing authority shall order the election. Requires the ordinance or resolution of the governing authority ordering the election to be adopted at the next meeting held after the verification was filed with the governing authority by the registrar of voters. Provides that the date fixed for the election shall be the next date on which such an election may be held, as provided for in present law (R.S. 18:402(F)).

Proposed law retains present law

Present law provides additionally that the date on which the election is to be held must be more than 45 days after the date verification was filed with the governing authority by the registrar of voters.

Proposed law repeals present law. Provides that written notice of the election shall be transmitted to the secretary of state and each clerk of court and registrar of voters in the area affected by the election. Provides that if the election is to be held on a primary election date, such notice shall be received by the secretary of state at least four weeks prior to the opening of the qualifying period for the primary election. Provides that if the election is not to be held on a primary election date, then the notice shall be received by the secretary of state on or before the 54th day prior to the election. Provides that 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 to the secretary of state.

Present law (R.S. 26:588) provides for the content of the ballot. Provides procedures for voting. Proposed law retains present law.

Present law requires the voter to make an "X" in the square to indicate a vote. Proposed law repeals present law.

Present law (R.S. 26:589) provides that elections shall be conducted as nearly as possible in accordance with the election laws of the state. Provides requirements for voting machines.

Proposed law repeals present law. Provides that elections are conducted in accordance with the La. Election Code.

Present law (R.S. 26590 and 591) provide relative to effectiveness of petitions that fail to comply with present law. Provides a deadline for bringing suit. Provides that any elector qualified to vote in the election may demand a recount or contest the election.

Proposed law repeals present law. Provides that if a petition fails to comply with the requirements of proposed law and present law, an action objecting to the calling of the election shall be instituted not later than 4:30 p.m. of the 14th day after calling the election. Provides that an action contesting an election shall be instituted not later than 4:30 p.m. of the 30th day after the official promulgation of the results of the election. Specifies that present law (Chapter 9 of the La. Election Code) shall be applicable to any such suit and that present law (La. Election Code) shall govern recount of ballots and contest of elections.

Present law authorizes the parish board of election supervisors to supervise elections. Provides for compensation of members. Provides that the board appoints three commissioners and a clerk to preside over the election at each precinct. Provides qualifications for appointees.

Proposed law repeals present law.

Present law (R.S. 26:594) provides that the governing authority calling the election shall promulgate the result by resolution or ordinance adopted at its first regular meeting after the election and shall publish it in the official journal of the parish.

Proposed law repeals present law. Provides instead that the governing authority shall examine and canvass the returns and promulgate the result of the election in accordance with present law (R.S. 18:1292). Requires the governing authority calling the election to preserve a proces verbal of the canvass in accordance with present law (R.S. 18:1293).

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

(Amends R.S. 26:587(C), 588(B), 589, 590, 591, and 594; Repeals R.S. 26:592 and 593)