

RÉSUMÉ DIGEST

ACT 334 (HB 682)

2018 Regular Session

Shadoin

Existing 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 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.

Existing law (R.S. 26:587) provides that if the petition conforms to all the provisions of existing 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 existing law (R.S. 18:402(F)).

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

New law repeals prior 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.

Existing law (R.S. 26:588) provides for the content of the ballot. Provides procedures for voting.

Prior law required the voter to make an "X" in the square to indicate a vote. New law repeals prior law.

Prior law (R.S. 26:589) provided requirements for voting machines and provided that elections were to be conducted as nearly as possible in accordance with the election laws of the state.

New law repeals prior law. Specifies that elections are conducted in accordance with the La. Election Code.

Prior law (R.S. 26:590 and 591) provided relative to effectiveness of petitions and elections that failed to comply with certain requirements. Provided that any elector qualified to vote in the election could demand a recount or contest an election. Provided a deadline for bringing suit.

New law repeals prior law. Provides instead that if a petition fails to comply with the requirements of new law and existing law, an action objecting to the calling of the election may be instituted by any elector who is qualified to vote in the election. Provides that any such action 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 existing law (Chapter 9 of the La. Election Code) shall be applicable to any such suit and that existing law (La. Election Code) shall govern recount of ballots and contest of elections.

Prior law authorized the parish board of election supervisors to supervise elections. Provided for compensation of members. Provided that the board appointed three commissioners and a clerk to preside over the election at each precinct. Provided qualifications for appointees.

New law repeals prior law.

Prior law (R.S. 26:594) provided that the governing authority calling the election was required to promulgate the result by resolution or ordinance adopted at its first regular meeting after the election and to publish the result in the official journal of the parish.

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

Effective upon signature of governor (May 15, 2018).

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