2023 Regular Session

HOUSE BILL NO. 212

BY REPRESENTATIVE HOLLIS

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

ELECTIONS/RECALL: Provides for the signatures required on a recall petition

1   AN ACT

2   To amend and reenact R.S. 18:1300.2(B) and (C)(1), 1300.3(A), 1300.7(A), and 1300.8(B),

3   relative to recall elections; to provide for the number of signatures required on a

4   petition for a recall election; to provide for the duties of the governor; to provide for

5   the duties of the secretary of state; to provide for the duties of the registrar of voters;

6   and to provide for related matters.

7   Be it enacted by the Legislature of Louisiana:

8   Section 1. R.S. 18:1300.2(B) and (C)(1), 1300.3(A), 1300.7(A), and 1300.8(B) is

9   hereby amended and reenacted to read as follows:

10   §1300.2. Petition for recall election; campaign finance disclosure

11   *   *   *

12   B.(1) All signatures on recall petitions shall be handwritten.

13   (2)   The petition shall be signed by a percentage of the total number of

14   electors of the voting area wherein and for which a recall election is petitioned as

15   provided in Paragraph (3) of this Subsection.

16   (3)(a) If fewer than one thousand qualified electors reside within the voting

17   area, the petition shall be signed by at least forty percent of the number of electors

18   who voted in the contest electing the public official to his office.

19   (b) If one thousand or more but fewer than twenty-five thousand qualified

20   electors reside within the voting area, the petition shall be signed by at least thirty-

1   three and one-third percent of the <u>number of</u> electors <u>who voted in the contest</u>

2   <u>electing the public official to his office</u>.

3   (c) If twenty-five thousand or more but fewer than one hundred thousand

4   qualified electors reside within the voting area, the petition shall be signed by at least

5   twenty-five percent of the <u>number of</u> electors <u>who voted in the contest electing the</u>

6   <u>public official to his office</u>.

7   (d) If one hundred thousand or more qualified electors reside within the

8   voting area, the petition shall be signed by at least twenty percent of the <u>number of</u>

9   electors <u>who voted in the contest electing the public official to his office</u>.

10   (e) If the public official was elected without opposition, the petition shall be

11   <u>signed by the appropriate percentage, as provided in Subparagraphs (a) through (d)</u>

12   <u>of this Paragraph, of the number of electors in the voting area who voted in the most</u>

13   <u>recent election for an office that encompassed the voting area.</u>

14   C.(1) Prior to the entering of any signatures on a petition, the chairman

15   designated to represent the petitioners shall file with the secretary of state a copy of

16   the recall petition which will be used and copies of a picture identification that

17   contain the name and signature of the chairman and vice chairman, respectively, or

18   copies of current utility bills, bank statements, government checks, paychecks, or

19   other government documents that show the name and address of the chairman and

20   vice chairman, respectively. Upon receipt of the recall petition, the secretary of state

21   shall endorse thereon the fact and the date of filing. A copy shall be transmitted by

22   the secretary of state to the registrar of voters for each parish in which the recall

23   election is to be held. The chairman shall list on the petition every parish that is

24   wholly or partially within the voting area where the recall election is to be held. The

25   petition shall be considered filed when it is received in the office of the secretary of

26   state. Upon receipt of the recall petition, the secretary of state shall produce a report

27   of <u>the following information and send notification of the same to the registrar of</u>

28   <u>voters in each parish in the voting area for issuance of the certification:</u>

1   (a) The ~~the~~ number of qualified electors in the voting area wherein the recall

2   election is sought effective on the date of receipt of the recall petition.

3   (b) The number of electors who voted in the contest electing the public

4   official to his office, or if the public official was elected without opposition, the

5   number of electors in the voting area who voted in the most recent election for an

6   office that encompassed the voting area. ~~and shall notify the registrar of voters in~~

7   ~~each parish in the voting area of the number of qualified electors of the voting area~~

8   ~~in the parish for issuance of the certification.~~

9   *   *   *

10   §1300.3. Certification of registrar of voters; addition or withdrawal of signatures;

11   form of names

12   A. The registrar of voters of each parish in the voting area wherein a recall

13   election is sought shall certify on the recall petition, within fifteen working days after

14   it is presented to him for that purpose, the number of names appearing thereon, the

15   number of qualified electors of the voting area within the parish whose handwritten

16   signatures appear on the petition, and also the total number of electors ~~of the voting~~

17   ~~area within the parish as of the date of the filing of the petition with the secretary of~~

18   ~~state~~ who voted in the contest electing the public official to his office, or if the public

19   official was elected without opposition, the total number of electors in the voting

20   area who voted in the most recent election for an office that encompassed the voting

21   area. However, if any parish wholly or partially within the voting area has more than

22   fifty thousand registered voters, the registrar of voters for each parish within the

23   voting area shall complete such certification on the recall petition within twenty

24   working days after it is presented to him for that purpose. If the final day for the

25   registrar to certify the recall petition falls on a Saturday, Sunday, or legal holiday,

26   then the next day which is not a Saturday, Sunday, or legal holiday shall be deemed

27   to be the final day for certifying the recall petition. Each registrar also shall indicate

28   on the petition the names appearing thereon who are not electors of the voting area.

29   Each person who participates in the review of the names on the petition for

1   certification by the registrar as required in this Section shall initial each of those

2   portions of the petition which he reviews for certification by the registrar.

3   *   *   *

4   §1300.7. Governor to order election; proclamation; publication

5   A. If the required number of qualified electors of the voting area sign the

6   petition for recall, the governor shall issue a proclamation ordering an election to be

7   held for the purpose of voting on the question of the recall of the officer. The total

8   number of ~~registered voters in the voting area~~ electors who voted in the contest

9   electing the public official to his office, or if the public official was elected without

10   opposition, the total number of electors in the voting area who voted in the most

11   recent election for an office that encompassed the voting area and the total number

12   of registered voters in the voting area signing the petition shall be calculated from

13   the totals on the certificates of all of the registrars of voters received by the governor.

14   The governor shall issue such proclamation within fifteen days after he receives the

15   certified petitions from all of the registrars of voters in the voting area who have

16   received petitions for certification. If the final day for the governor to issue the

17   proclamation falls on a Saturday, Sunday, or legal holiday, then the next day which

18   is not a Saturday, Sunday, or legal holiday shall be deemed to be the final day for

19   issuing the proclamation. The proclamation shall order the election to be held on the

20   next available date specified in R.S. 18:402(F). If the election is to be held on a

21   primary election date, the proclamation shall be issued at least four weeks prior to

22   the opening of the qualifying period for the primary election. If the election is not

23   to be held on a primary election date, the proclamation shall be issued on or before

24   the fifty-fourth day prior to the election.

25   *   *   *

26   §1300.8. Voting area

27   *   *   *

28   B. This area is the basis on which to determine whether the handwritten

29   signatures to the recall petition are sufficient and proper; the number of handwritten

1   signatures required is determined by calculation of the number of electors ~~of the~~

2   ~~voting area~~ as set forth in R.S. 18:1300.2.

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part
of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute
part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

HB 212 Original   2023 Regular Session   Hollis

Abstract: Provides that the number of electors required to sign a recall petition shall be a
    percentage of the number of electors who voted in the contest electing the public
    official to his office, or if the public official was elected without opposition, the
    number of electors in the voting area who voted in the most recent election for an
    office that encompassed the voting area.

Present law provides that a petition to recall an elected official shall be signed by a
percentage of the total number of electors of the voting area wherein and for which a recall
election is petitioned.

Present law further provides that if fewer than 1,000 qualified electors reside within the
voting area, the petition shall be signed by at least 40% of the electors. If 1,000 or more but
fewer than 25,000 qualified electors reside within the voting area, the petition shall be signed
by at least 33 1/3% percent of the electors. If 25,000 or more but fewer than 100,000
qualified electors reside within the voting area, the petition shall be signed by at least 25%
of the electors. If 100,000 or more qualified electors reside within the voting area, the
petition shall be signed by at least 20% of the electors.

Proposed law retains the present law percentages in each population range, but changes the
number the percentage is based upon from the number of qualified electors in the voting area
to the number of electors who voted in the contest electing the public official to his office.
Further provides that if the public official was elected without opposition, the percentage
shall be based upon the number of electors in the voting area who voted in the most recent
election for an office that encompassed the voting area.

Present law requires the secretary of state to produce a report of the number of qualified
electors in the voting area wherein the recall election is sought effective on the date of
receipt of the recall petition and shall notify the registrar of voters in each parish in the
voting area of the number of qualified electors of the voting area in the parish for issuance
of the certification.

Proposed law retains present law and additionally requires the secretary of state to notify the
registrar of voters of the number of electors who voted in the contest electing the public
official to his office, or if the public official was elected without opposition, the number of
electors in the voting area who voted in the most recent election for an office that
encompassed the voting area.

Present law requires the registrar of voters of each parish in the voting area wherein a recall
election is sought to certify on the recall petition the number of names appearing thereon,
the number of qualified electors of the voting area within the parish whose handwritten
signatures appear on the petition, and also the total number of electors of the voting area
within the parish as of the date of the filing of the petition with the secretary of state.

Proposed law instead requires the registrar of voters to certify the number of names
appearing on the petition, the number of qualified electors of the voting area within the

parish whose handwritten signatures appear on the petition, and the total number of electors who voted in the contest electing the public official to his office, or if the public official was elected without opposition, the number of electors in the voting area who voted in the most recent election for an office that encompassed the voting area.

Present law requires the governor issue a proclamation ordering an election to be held for the purpose of voting on the question of the recall of the officer if the required number of qualified electors of the voting area sign the petition for recall. Proposed law retains present law.

Present law further requires that the total number of registered voters in the voting area and the total number of registered voters in the voting area signing the petition be calculated from the totals on the certificates of all of the registrars of voters received by the governor.

Proposed law instead requires that the totals calculated from the certificates received by the governor shall reflect the total number of registered voters in the voting area, the total number of registered voters in the voting area signing the petition, and the number of electors who voted in the contest electing the public official to his office, or if the public official was elected without opposition, the number of electors in the voting area who voted in the most recent election for an office that encompassed the voting area.

(Amends R.S. 18:1300.2(B) and (C)(1), 1300.3(A), 1300.7(A), and 1300.8(B))