
DIGEST

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HB 445 Original

2023 Regular Session

Harris

Abstract: Specifies that qualifying in a primary election is reopened the day after the secretary of state receives actual notice of the death of a candidate after qualifying and before the close of the polls on election day and closes at 4:30 pm on the third day (that is not a legal holiday) after notice is received.

Present law (R.S. 18:469) provides that when a person who qualified and had opposition dies after the close of qualifying and before the time for the closing of the polls on the day of the primary election, qualifying in a primary election is reopened the day after the death and closes at 4:30pm on the third day after the death or, if that day is a legal holiday, at 4:30 p.m. on the next day which is not a legal holiday.

Proposed law specifies that qualifying in a primary election is reopened the day after the secretary of state receives actual notice of the death of a candidate and closes at 4:30 p.m. on the third day after the secretary of state receives actual notice of the death or, if that day is a legal holiday, at 4:30 p.m. on the next day which is not a legal holiday.

Present law provides that the name of the deceased candidate shall not be printed on the primary election ballot, but if the primary election ballot has already been printed with the deceased candidate's name on it, any votes received by the deceased candidate shall be void and shall not be counted for any purpose whatsoever. Provides that if the qualifying period for candidates reopens within 30 days before a primary election and an additional candidate qualifies, all the votes cast in the primary election for that public office are void. Provides that if all the votes cast in a primary election are void because of the death of a candidate, the primary election for the office shall be held on the date of the general election. Provides that the general election shall be held on the fifth Sat. after the primary election.

Proposed law retains present law.

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

(Amends R.S. 18:469(A))