
The original instrument and the following digest, which constitutes no part of the legislative instrument, were prepared by Matt DeVille.

DIGEST

SB 123 Engrossed

2023 Regular Session

Henry

Present law provides recall petitions must contain certain information, including the date the voter signed the petition, the name of the person who witnessed the signature, and the date on which the witness saw the voter sign the petition.

Proposed law retains present law and further requires the month, day, and year the voter signed the petition to be included, the typed or legibly written printed name of the witness, and the month, day, and year the witness saw the voter sign the petition.

Present law requires the secretary of state to provide a form approved by the attorney general to be used for the petition in a recall election.

Proposed law retains present law and further requires that the form must include pre-printed line numbers.

Proposed law requires the secretary of state to provide a document providing general information on petition requirements and deadlines to the chairman and vice chairman upon receipt of a recall petition. Further requires the document to be prepared by the secretary of state in conjunction with the La. Registrars of Voters Association and approved by the attorney general.

Proposed law requires the registrar of voters to affix the date received and a page number to the front of each page of a recall petition upon receipt.

Proposed law requires a chairman to submit to the registrar of voters in conjunction with a recall petition an affidavit verifying the number of signatures submitted along with an attestation that to the best of his knowledge all documents submitted are originals and not photocopies.

Present law provides for recall elections. Provides for the filing of recall petitions with the secretary of state. Requires the secretary of state to notify the registrar of voters in each parish in the voting area where the recall election would be held. Provides for submission of the signed and dated recall petition to the registrar of voters and notification of the public officer who is the subject of the recall petition. Requires the registrar to certify the signed petition.

Proposed law retains present law.

Present law provides that a recall petition, including the name, address, and signature of each elector who has signed the petition, becomes a public record upon the signature of the first elector.

Proposed law provides that the recall petition and the name, address, and signature of each elector

who has signed the petition becomes a public record upon the passage of ninety days after the signature of the first elector. Provides that the unsigned petition becomes a public record when it is filed with the secretary of state.

Present law allows any voter to make a written request to have his signature stricken from or added to a recall petition at any time after the registrar of voters receives the signed petition, but prior to certification of the petition or within five days after receipt of the signed petition, whichever is earlier. Provides that a written request to strike or add a name is a public record.

Proposed law retains present law allowing a voter to request to strike or add his name but makes only a request to add a name to public record.

Present law generally requires a registrar of voters to certify a recall petition within fifteen working days after its submission. Further requires the certification to occur within twenty working days if any parish wholly or partially within the voting area has more than fifty thousand registered voters.

Proposed law generally requires a registrar of voters to certify a recall petition within twenty working days after its submission. Further requires the certification to occur within thirty working days if any parish wholly or partially within the voting area has more than fifty thousand registered voters.

Proposed law generally grants a registrar of voters an additional ten working days to complete the recall petition certification if the deadline occurs during the time period commencing forty-five days before a primary election and ending on the date of the corresponding general election. Further grants an additional twenty working days if any parish wholly or partially within the voting area has more than fifty thousand registered voters.

Present law lists exceptions to the Public Records Law contained in Title 18.

Proposed law retains present law and adds additional exceptions created by proposed law.

Effective August 1, 2023.

(Amends R.S. 18:3(A), 1300.2(C)(1) and (2) and (D), 1300.3(A) and (B), and 1300.5 and R.S. 44:4.1(B)(10))

Summary of Amendments Adopted by Senate

Committee Amendments Proposed by Senate Committee on Senate and Governmental Affairs to the original bill

1. Make technical corrections.
2. Modify the information required to be included on a recall petition submitted to a registrar of voters for certification.

3. Provide for petition form requirements.
4. Require information on petition requirements and deadlines to be provided by the secretary of state to the chairman and vice chairman upon receipt.
5. Require the registrar of voters to affix the date received and a page number to each page of a submitted recall petition.
6. Require a recall petition chairman and vice chairman to submit an affidavit verifying the number of signatures submitted to a registrar of voters along with the petition.
7. Determine when a recall petition becomes a public record.
8. Allow extra working days for a registrar of voters to certify a recall petition if the certification deadline falls within forty-five days before a primary election.
9. Allow a registrar of voters to enlist assistance of employees of the department of state and other registrars of voters to complete recall petition certification.
10. Adds exception to the Public Records Law.