DIGEST

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HB 212 Reengrossed   2023 Regular Session   Hollis

Abstract: Provides that a recall petition may not be filed within the first six months of an elected official's term of office and that the number of electors required to sign a recall petition shall be based upon 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 regularly scheduled election for an office that encompassed the voting area.

Present law provides that the secretary of state shall not accept a petition to recall an elected official for filing if less than six months remains the term of the elected official.

Proposed law retains present law and further prohibits the secretary of state from accepting a petition filed within the first six months of the official's term.

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 instead provides that if fewer than 1,000 electors voted in the most recent contest electing the public official to his office, the petition shall be signed by the same number of electors who voted in the contest. If 1,000 or more electors voted in the most recent contest electing the public official to his office, the petition shall be signed by at least 1,000 electors or 50% of the number of electors who voted in the contest, whichever is greater. Further provides that if the public official was elected in a special election or without opposition, the required number of signatures shall be based upon the number of electors in the voting area who voted in the most recent regularly scheduled 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 to 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 instead requires the secretary of state to produce a report and 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 in a special election or without opposition, the number of electors in the voting area who voted in the most recent regularly 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 retains present law except that rather than 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, the registrar of voters shall certify the total number of electors who voted in the contest electing the public official to his office, or if the public official was elected in a special election or without opposition, the number of electors in the voting area who voted in the most recent regularly scheduled election for an office that encompassed the voting area.

Present law requires the governor to 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.

(Amends R.S. 18:1300.1, 1300.2(B) and (C)(1), 1300.3(A), 1300.7(A), and 1300.8(B))

Summary of Amendments Adopted by House

The Committee Amendments Proposed by House Committee on House and Governmental Affairs to the original bill:

1.   Add a prohibition against filing a recall petition within the first six months of an elected official's term of office.

2.   Change the structure and calculations for determining the minimum signature requirements for a recall petition.

3.   Require that if the public official was elected without opposition, the election used to calculate the required number of signatures shall be a regularly scheduled election.

The House Floor Amendments to the engrossed bill:

1.   In situations when 1,000 or more electors voted in the most recent contest electing the public official to his office, increase the number of required signatures from 30% of electors who voted in the contest to 50% of the electors who voted in the contest.

2.   Restore the <u>present law</u> requirement that the registrar of voters report the number of qualified electors of the voting area within the parish whose handwritten signatures appear on the petition.