

SENATE BILL NO. 123

BY SENATOR HENRY AND REPRESENTATIVE GAROFALO

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

1 AN ACT

2 To amend and reenact R.S. 18:3(A), 1300.2(A)(2), (C)(1) and (2), and (D), 1300.3(A) and
3 (B), and 1300.5 and R.S. 44:4.1(B)(10), relative to recall elections; to provide
4 relative to recall petitions; to provide relative to public records; and to provide for
5 related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. R.S. 18:3(A), 1300.2(A)(2), (C)(1) and (2), and (D), 1300.3(A) and (B),
8 and 1300.5 are hereby amended and reenacted to read as follows:

9 §3. Petitions submitted to registrars of voters

10 A. Notwithstanding any other provision of law to the contrary, every petition
11 submitted to a registrar of voters for certification shall contain the following
12 information:

13 (1) The handwritten signature of the voter who is signing the petition;
14 however, if a person is unable to write, the incapacitated person shall affix his mark
15 to the petition and the person circulating the petition shall affix the name of the
16 incapacitated person provided he does so in the presence of two witnesses who shall
17 also sign their names as witnesses to the mark.

18 (2) The ~~date~~ **month, day, and year** the voter signed the petition.

19 (3) The signer's ~~ward, precinct, and~~ year of birth.

20 (4) The address at which the signer is registered to vote, including municipal
21 number, apartment number, rural route, and box number.

22 (5) Name of the signer either typed or legibly written.

23 (6) ~~Name~~ **The printed name** of the person who witnessed and who obtained
24 the signature **either typed or legibly written**.

25 (7) ~~Date~~ **The month, day, and year** on which the person witnessed and

1 petition submitted to him for certification unless it is submitted to him timely.

2 * * *

3 §1300.3 Certification of registrar of voters; addition or withdrawal of signatures;

4 designation as a public record; form of names

5 A. The registrar of voters of each parish in the voting area wherein a recall
6 election is sought shall certify on the recall petition, within ~~fifteen~~ twenty working
7 days after it is presented to him for that purpose, the number of names appearing
8 thereon, the number of qualified electors of the voting area within the parish whose
9 handwritten signatures appear on the petition, and also the total number of electors
10 of the voting area within the parish as of the date of the filing of the petition with the
11 secretary of state. However, if any parish wholly or partially within the voting area
12 has more than fifty thousand registered voters, the registrar of voters for each parish
13 within the voting area shall complete such certification on the recall petition within
14 ~~twenty~~ thirty working days after it is presented to him for that purpose. If the
15 petition certification deadline occurs during the time period commencing
16 forty-five days before a primary election and ending on the date of the
17 corresponding general election, the registrar of voters for each parish in the
18 voting area shall be granted an additional ten working days to complete the
19 certification or an additional twenty working days for any parish wholly or
20 partially within the voting area that has more than fifty thousand registered
21 voters. If the final day for the registrar to certify the recall petition falls on a
22 Saturday, Sunday, or legal holiday, then the next day which is not a Saturday,
23 Sunday, or legal holiday shall be deemed to be the final day for certifying the recall
24 petition. Each registrar also shall indicate on the petition the names appearing
25 thereon who are not electors of the voting area. Each person who participates in the
26 review of the names on the petition for certification by the registrar as required in
27 this Section shall initial each of those portions of the petition which he reviews for
28 certification by the registrar. The registrar of voters for each parish in the voting
29 area may request and accept the assistance of employees of the Department of
30 State and registrars and deputy registrars of voters from other parishes to

1 complete the certification of the recall petition. Each person offering such
 2 assistance shall be considered a deputy registrar of the requesting parish
 3 registrar for that purpose only.

4 B.(1) The registrar of voters shall honor the written request of any voter who
 5 either desires to have his handwritten signature stricken from the petition or desires
 6 to have his handwritten signature added to the petition at any time after receipt of the
 7 signed petition as provided in R.S. 18:1300.2(C) but prior to certification of the
 8 petition or within five days after receipt of such signed petition, whichever is earlier.
 9 If the deadline for removing or adding a signature to the petition falls on a Saturday,
 10 Sunday, or legal holiday, then the next day which is not a Saturday, Sunday, or legal
 11 holiday shall be deemed to be the deadline for removing or adding a signature to the
 12 petition. The written request of the voter shall include the name and address of the
 13 voter, the signature of the voter, the date of birth of the voter, and the date.

14 ~~(2) Upon the signature of the voter, the written request of the voter to have~~
 15 ~~his signature stricken or added to the recall petition shall be a public record. Any~~
 16 ~~person in possession of such a written request shall be the custodian thereof. The~~
 17 ~~voter or any other person who is the custodian of the written request~~ **designated by**
 18 **the voter** shall transmit the written request to the registrar of voters for each parish
 19 within the voting area by mail or directly by hand, immediately upon signature of the
 20 voter or upon receipt of the signed, written request.

21 **(3) The written request of a voter to have his signature stricken from or**
 22 **added to the recall petition shall be a public record at the time the recall**
 23 **petition becomes public record.**

24 * * *

25 §1300.5. Chairman and vice chairman designated in petition; petition designated as
 26 a public record

27 A. The recall petition shall designate a chairman to act for the signers of the
 28 petition in all matters, and a vice chairman to act on order of the chairman or in case
 29 of the death, disability, absence, or resignation of the chairman. The petition shall
 30 include the full name, signature, and residence address of the chairman and the vice

1 chairman. The chairman and vice chairman each shall be a qualified voter in the
2 voting area from which the public official whose recall is being sought is elected.

3 B. Upon **the passage of ninety days following** the signature of the first
4 elector, the recall petition, including the name, address, and signature of each elector
5 who has signed thereon, shall be a public record. The chairman, or the vice chairman
6 when acting as the chairman, shall be the custodian thereof. The petition and the
7 custodian shall be subject to all of the provisions of R.S. 44:31 et seq.

8 C. Upon the filing of the petition pursuant to R.S. 18:1300.2(C)(2), the
9 chairman, or the vice chairman when acting as chairman, shall no longer be the
10 custodian thereof.

11 Section 2. R.S. 44:4.1(B)(10) is hereby amended and reenacted to read as follows:

12 §4.1. Exceptions

13 * * *

14 B. The legislature further recognizes that there exist exceptions, exemptions,
15 and limitations to the laws pertaining to public records throughout the revised
16 statutes and codes of this state. Therefore, the following exceptions, exemptions, and
17 limitations are hereby continued in effect by incorporation into this Chapter by
18 citation:

19 * * *

20 (10) R.S. 18:43, 44, 114, 116, 154, **1300.3, 1300.5,** 1308, 1491.5, 1495.3,
21 1511.8

22 * * *

PRESIDENT OF THE SENATE

SPEAKER OF THE HOUSE OF REPRESENTATIVES

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____