

## RÉSUMÉ DIGEST

SB 123

2023 Regular Session

Henry

Existing 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 would have retained existing law and further required inclusion of the month, day, and year the voter signed the petition, the typed or legibly written name of the witness, and the month, day, and year the witness saw the voter sign the petition.

Existing law requires recall petitions to include the signer's ward and precinct.

Proposed law would have repealed existing law.

Existing 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 would have retained existing law and further required that the form include preprinted line numbers.

Proposed law would have required that upon receipt of a recall petition, the secretary of state provide a document providing general information on petition requirements and deadlines to the chairman and vice chairman designated to represent the petitioners. Further would have required the document to be prepared by the secretary of state in conjunction with the La. Registrars of Voters Assoc. and approved by the attorney general.

Proposed law would have provided that the unsigned petition could become a public record when it filed with the secretary of state.

Proposed law would have required the registrar of voters to affix the date received and a page number to the front of each page of a signed and dated recall petition.

Proposed law would have required 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 the best of his knowledge all documents submitted are originals and not photocopies.

Existing law 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 would have retained existing law.

Existing 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 would have instead provided that the recall petition and the name, address, and signature of each elector who signed the petition would become a public record upon the passage of 90 days after the signature of the first elector.

Existing law allows any voter to make a written request to have his signature stricken from or added to a recall petition within a certain time period. Provides that a written request to strike or add a name is a public record.

Proposed law would have retained existing law allowing a voter to request to strike or add his name but would have made the request a public record upon the passage of 90 days after the signature of the first elector.

Existing law generally requires a registrar of voters to certify a recall petition within 15 working days after its submission. Further requires the certification to occur within 20

working days if any parish wholly or partially within the voting area has more than 50,000 registered voters.

Proposed law would have generally required a registrar of voters to certify a recall petition within 20 working days after its submission, rather than 15. Further would have required the certification to occur within 30 working days, rather than 20, if any parish wholly or partially within the voting area has more than 50,000 registered voters.

Proposed law would have generally granted a registrar of voters an additional 10 working days to complete the recall petition certification if the deadline would occur during the time period commencing 45 days before a primary election and ending on the date of the corresponding general election. Further would have granted an additional 20 working days if any parish wholly or partially within the voting area had more than 50,000 registered voters.

Proposed law would have authorized the registrar of voters to request and accept the assistance of employees of the Dept. of State and registrars and deputy registrars of other parishes for the purpose of completing the certification of the recall petition. Provided that persons offering assistance were to be considered deputy registrars for that purpose only.

Would have become effective August 1, 2023.

(Proposed to amend 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))

**VETO MESSAGE:**

"Please be advised that I have vetoed Senate Bill 123 of the Regular Session of 2023.

The Bill as passed does not accomplish its intent and presents potential integrity issues for the recall petition process despite containing worthwhile provisions and the author's efforts to achieve compromise. Senate Bill No. 123 makes several changes to the recall petition process, most at the request of the Louisiana Registrars of Voters Association to make the recall petition process operate more smoothly for registrars of voters. However, a provision in the bill included by the author would shield signatures from the recall petition from public record for 90 days from the first signature.

This provision is problematic for several reasons. First, the author's intent as stated in the Senate House and Governmental Affairs Committee was to allow signatures to be made public "halfway through" the recall petition process. In current law, voters have up to 180 days to add their names to a recall petition before it must be submitted for certification to the registrar of voters, and the bill provides that signatures would be shielded from public record for 90 days after the first signature. While it is true that 90 is half of 180, it is not necessary that those initiating the recall petition use the full 180 days before submitting the petition for certification. For example, should the petition be submitted to the registrar after 45 days, the signatures would be shielded from public record until after the registrar completes certification, not halfway through the process.

Furthermore, the possibility that signatures on the petition would be shielded from public record until after certification by a registrar presents potential integrity issues. A voter would have no sure way of knowing if their name had been added fraudulently to a recall petition until after it had been certified. The bill as passed creates a confusing standard for when recall petition signatures become public record and increases the likelihood of fraud, and, therefore, Senate Bill 123 will not become law."