

2024 Regular Session

HOUSE BILL NO. 596

BY REPRESENTATIVE DESHOTEL

LOCAL GOVERNMENT: Provides relative to the election of home rule charter commissions

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AN ACT

To amend and reenact R.S. 33:1395(B) and to enact R.S. 33:1395(C), (D), and (E), relative to home rule charter commissions; to provide relative to the election of such commissions; to provide relative to the time period for calling the election; to provide relative to a petition submitted to the respective parish or municipality requesting the election; to provide relative to the requirements of the petition; to provide relative to the powers and duties of the parish registrar of voters with respect to the petition; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 33:1395(B) is hereby amended and reenacted and R.S. 33:1395(C), (D), and (E) are hereby enacted to read as follows:

§1395. Method of proposing home rule charter

* * *

B. A charter commission must be elected when the clerk of a municipality or parish is presented with a petition for the election of a home rule charter commission as provided in Article VI, Section 5(B) of the ~~Louisiana Constitution of 1974~~ Constitution of Louisiana signed by not less than ten percent of the electors or ten thousand electors, whichever is fewer, who live within the boundaries of the affected municipality or parish as certified by the registrar of voters, and the governing authority of the municipality or parish shall call an election to elect a

1 commission to prepare and propose a home rule charter or alternate charter. ~~The~~
2 ~~election of the commission shall be called by the governing authority of the~~
3 ~~municipality or parish and on the next date allowed under the provisions of R.S.~~
4 ~~18:402 for a primary or general election, special election, or bond, tax, or other~~
5 ~~election but not less than one hundred twenty days after the petition is presented to~~
6 ~~the clerk. Any such election shall otherwise be held pursuant to and in accordance~~
7 ~~with the election law of the state.~~

8 C. A petition presented to a governing authority pursuant to Article VI,
9 Section 5(B) of the Constitution of Louisiana shall comply with the following:

10 (1) The secretary of state shall provide a form approved by the attorney
11 general to be used for the petition. Any such petition shall be on an approved form
12 or on a form which contains the same information as required by the approved form,
13 and any petition not on such a form is invalid.

14 (2) The petition shall contain the following for each signer: a written
15 signature, printed first and last name, the printed address at which the signer is
16 registered to vote, and the date of signing.

17 (3) The petition shall set forth all of the following with respect to home rule
18 charter commissioners: the number of commissioners to be elected, the number to
19 be elected at large from the municipality or parish, the number to be elected from
20 each single- or multiple-member district, and the precincts that will be included in
21 each commissioner district. The precincts to be used in each district may be
22 specified by reference to other election districts established by law or local
23 ordinance.

24 (4) The petition shall be submitted to the parish registrar of voters within one
25 hundred eighty days of the date of the first signature.

26 D.(1) The registrar shall certify on the petition, within fifteen working days
27 after it is presented to him for that purpose, the number of names appearing thereon,
28 the number of qualified electors of the municipality or parish whose handwritten
29 signatures appear on the petition, and the total number of electors of the municipality

1 or parish as of the date of the filing of the petition with the municipality or parish.
2 If the final day for the registrar to certify the petition falls on a Saturday, Sunday, or
3 legal holiday, then the next day which is not a Saturday, Sunday, or legal holiday
4 shall be deemed to be the final day for certifying the petition. The registrar also shall
5 indicate on the petition the names appearing thereon who are not electors of the
6 municipality or parish.

7 (2) The registrar's certification of the petition creates a legal presumption
8 that the petition meets the requirements of this Section and contains the requisite
9 number of signatures.

10 (3) Any qualified elector of the municipality or parish may challenge the
11 registrar's certification or failure to certify by filing a suit in the district court of the
12 parish in which the registrar of voters serves. Such a suit shall be filed within fifteen
13 days of the registrar's certification or failure to certify within the time limit
14 established by Paragraph (1) of this Subsection. Such a suit shall be tried summarily,
15 without a jury, and in open court beginning no sooner than ten and no later than
16 fourteen days after the suit is filed.

17 E. When certification of the petition is definitively established in accordance
18 with Subsection D of this Section, the offices of home rule charter commissioner are
19 at that time established and vacant. The governing authority of the municipality or
20 parish shall call an election to fill the commissioner offices within thirty days. The
21 election shall be held on the next date allowed under the provisions of R.S. 18:402
22 for a primary or general election, special election, or bond, tax, or other election.
23 Any such election shall otherwise be held pursuant to and in accordance with the
24 Louisiana Election Code.

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

HB 596 Reengrossed

2024 Regular Session

Deshotel

Abstract: Provides procedures regarding the method of electing home rule charter commissions.

Present constitution authorizes parishes and municipalities to draft, adopt, or amend a home rule charter. Authorizes the respective governing authority to appoint a commission to prepare and propose a charter or an alternate charter, or to call an election to elect a commission. Requires the governing authority to call an election to elect a commission when presented with a petition signed by not less than 10% of the electors or 10,000 of the electors, whichever is fewer, who live within the boundaries of the affected subdivision, as certified by the registrar of voters.

Proposed law retains present constitution.

Present law requires that a charter commission be elected when the clerk of a municipality or parish is presented with a petition for the election of a home rule charter commission as provided in present constitution.

Proposed law retains present law and additionally provides relative to the contents of the petition presented to the clerk of the municipality or parish. Requires the secretary of state to provide a form approved by the attorney general to be used for the petition. Requires that the petition contain the following for each signer: a written signature, printed first and last name, the printed address at which the signer is registered to vote, and the date of signing. Provides further with respect to the content requirements of the petition, including the number of commissioners to be elected, the number to be elected at large from the municipality or parish, and the number to be elected from each single- or multiple-member district.

Proposed law requires that the petition be submitted to the parish registrar of voters within 180 days of the date of the first signature. Requires the registrar to certify certain information on the petition within 15 working days after it is presented to him, including the number of names on the petition and the number of qualified electors of the municipality or parish whose handwritten signatures appear on the petition. Provides that the registrar's certification of the petition creates a legal presumption that the petition meets the requirements of present and proposed law.

Proposed law provides that any qualified elector of the municipality or parish may challenge the registrar's certification or failure to certify by filing a suit in the district court of the parish in which the registrar of voters serves. Requires that the suit be filed within 15 days of the registrar's certification or failure to certify within the time limit established by proposed law. Further requires that the suit be tried summarily, without a jury, and in open court beginning no sooner than 10 and no later than 14 days after the suit is filed.

Present law requires that the election be called by the governing authority of the municipality or parish on the next date allowed under the provisions of present law (R.S. 18:402) for a primary or general election, special election, or bond, tax, or other election. Proposed law retains present law.

Present law requires that the election be called not less than 120 days after the petition is presented to the clerk. Proposed law provides that the offices of home rule charter

commissioner are established and vacant when certification of the petition is definitively established in accordance with proposed law. Requires the respective governing authority to call an election to fill the commissioner offices within 30 days.

(Amends R.S. 33:1395(B); Adds R.S. 33:1395(C), (D), and (E))