

ACT No. 713

2024 Regular Session

HOUSE BILL NO. 596

BY REPRESENTATIVE DESHOTEL

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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; to provide for an effective date; 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 commission to prepare and propose a home rule charter or alternate charter. ~~The election of the commission shall be called by the governing authority of the municipality or parish and on the next date allowed under the provisions of R.S. 18:402 for a primary or general election, special election, or bond, tax, or other~~

1 ~~election but not less than one hundred twenty days after the petition is presented to~~
2 ~~the clerk. Any such election shall otherwise be held pursuant to and in accordance~~
3 ~~with the election law of the state.~~

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

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

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

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

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

22 D.(1) The registrar shall certify on the petition, within fifteen working days
23 after it is presented to him for that purpose, the number of names appearing thereon,
24 the number of qualified electors of the municipality or parish whose handwritten
25 signatures appear on the petition, and the total number of electors of the municipality
26 or parish as of the date of the filing of the petition with the municipality or parish.
27 If the final day for the registrar to certify the petition falls on a Saturday, Sunday, or
28 legal holiday, then the next day which is not a Saturday, Sunday, or legal holiday
29 shall be deemed to be the final day for certifying the petition. The registrar also shall

1 indicate on the petition the names appearing thereon who are not electors of the
2 municipality or parish.

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

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

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

21 Section 2. This Act shall become effective on January 1, 2025.

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____