

RÉSUMÉ DIGEST

ACT 640 (HB 873)

2024 Regular Session

Emerson

New law makes various changes to the Louisiana Election Code including changes relative to party primary elections and party primary offices.

Existing law requires the Bd. of Ethics to investigate aspects of an election for statewide elected offices, U.S. House and Senate, and justice of the supreme court upon receipt of a sworn statement by a registered voter alleging error, fraud, irregularity, or other unlawful activity. Provides that if the board determines the allegations have occurred in either the qualification of a candidate for the general election or the election of a candidate to office, the board may institute suit to contest the election or intervene in a suit instituted by any other party. New law additionally includes the qualification of a candidate for a second party primary within the board's purview.

Existing law requires each registrar of voters to assign voters to each voting district in the parish from which an election is to be conducted. Prior law provided that for a general election, the deadline to complete the assignment of voters was the 51st day prior to the general election. New law changes this deadline to the 58th day prior to the general election.

Existing law provides that the registrar of voters in each parish shall conduct the annual canvass of voters in all precincts in the parish. Prior law required the canvass to be conducted no later than June 30th. New law changes this deadline to July 31st.

Existing law provides for the dates of primary and general elections as well as specified days that are prohibited election days. Generally, existing law provides for two dates, a primary and a general election, in the spring of each year and two dates, a primary and a general election, in the fall of each year. Provides that bond, tax, or other elections at which a proposition or question is to be submitted to the voters may be placed on any of those election dates in the manner provided by existing law. Existing law further provides that special elections to fill vacancies shall be held on the first available election date allowed by law that is after the date on which the proclamation calling the special primary election was issued, provided that the proclamation was issued at least four weeks prior to the opening of the qualifying period for the special primary election. Prior law generally provided that there were five weeks between a primary and a general election.

New law restructures existing law, generally provides that there are six weeks between a primary and general election, and specifies which spring elections are the party primary elections and which fall elections are the general elections for party primary offices. Further specifies that for purposes of the existing constitution (Const. Art. XIII, §1), the fall gubernatorial and congressional election dates are regularly scheduled statewide elections.

Existing law provides that when a person who qualified as a candidate and has opposition in a primary election dies after the close of qualifying and before the close of polls on primary election day, the qualifying period for the primary election is reopened. Further provides that any votes received by the deceased candidate shall be void and shall not be counted. Existing law further provides that if, as the result of the death of a candidate in a general election, the number of candidates for an office does not exceed the number to be elected, the remaining candidate is declared elected by the people.

Existing law further provides, relative to candidates in a party primary election for party primary office, that if one of the persons receiving the highest number of votes in the first party primary dies thereby leaving only one candidate from the same political party in the race, the remaining candidate who has received the highest number of votes for the office for which he was a candidate shall be declared the nominee of the party.

Existing law relative to party primary election candidates, specifies that there shall be no third party primary.

Prior law further provided that for any situation not specifically provided for in existing law, the state central committee of the recognized political party involved would provide for the selection of a nominee from the candidates and would provide notice of the selection of a

nominee to the secretary of state no later than five business days after the second party primary election.

New law provides instead that, if as the result of the death of a party primary candidate, a recognized political party has no party nominee qualified for the general election, the recognized political party in the manner provided in its bylaws shall select the party nominee who shall meet all of the qualifications for the party primary office. Requires the chairman of the party's state central committee to transmit an attestation to the secretary of state containing the name of the party nominee, the signature of the chairman, the signature of the party nominee, and any other information required on the form prescribed by the secretary of state. Requires the attestation to be filed as soon as possible, but no later than noon on the seventh day prior to the general election day. Provides that if the attestation is received by 4:30 p.m. on the seventh day after the close of the qualifying period for nonparty primary offices for the fall election, the secretary of state shall print the name of the selected party nominee on the ballot. Provides that if the attestation is filed, but the name of the selected party nominee is not placed on the ballot, there shall be a notice regarding the selected party nominee posted at each polling place and on the website of the secretary of state. Specifies that if the selected party nominee's name is not placed on the ballot, all votes cast for the party's deceased candidate shall be attributed to the selected party nominee. Further provides that if the party nominee dies after noon on the seventh day prior to general election day, there shall be no selected party nominee and no attestation shall be filed with or accepted by the secretary of state. Requires that all votes cast for the deceased party nominee shall be counted and if the deceased party nominee obtains the most votes cast for the party primary office in the general election, a vacancy in the party primary office shall be declared.

New law further provides that if a tie vote occurs in the second party primary, none of the candidates qualify as the party nominee for the general election and the party nominee shall be selected by a public drawing of lots conducted at the state capitol by the State Board of Election Supervisors from among the candidates who received the highest number of votes in the second party primary election within a week after the election results are official and after written notice to the candidates.

Prior law provided that party primary elections shall be held in March. New law provides instead that party primary elections shall be held on the spring election dates established in existing and new law (R.S. 18:402).

Existing law provides that a person shall not become a candidate in a primary or general election for more than one office unless one of the offices is membership on a political party committee, nor shall a person be a candidate at the same time for two or more different offices to be filled at separate elections.

New law further prohibits a candidate from seeking more than one office if the general election date for the office sought is to be held on the same date as the other office's primary election date unless one of the offices is membership on a political party committee.

Existing law provides relative to the opening of the qualifying period for candidates in a primary election.

New law changes the opening of qualifying for the fall primary election in a congressional election year from the third Wednesday in July to the last Wednesday in July. Further provides that the qualifying period for candidates for party primary office to be elected in the gubernatorial election year and both the nonpresidential congressional year and the presidential and congressional year is the qualifying period for the spring primary election occurring in that particular year. Changes the opening of qualifying for the spring elections in every year, other than the presidential election year, to the second Wednesday in Jan. rather than the last Wednesday in Jan. Specifies that the opening of qualifying for candidates for party primary office that qualify directly for the general election is the same as those in the party primary election in the spring of the election year.

Prior law provided that if the date of a primary election was advanced pursuant to existing law the qualifying period for candidates in the primary election was advanced the same number of weeks as the primary election. New law repeals prior law provision.

Existing law, relative to bond, debt, tax, and other proposition elections that are subject to the approval by the State Bond Commission, requires that the notice of the election that is required to be published once a week for four consecutive weeks and the certificate of approval of the proposition from the State Bond Commission be submitted to the secretary of state no later than a specified date, if the election is not held on a primary election date. Prior law provided that the deadline was on or before the 54th day prior to the election. New law changes this deadline to on or before the 61st day prior to the election.

Existing law provides that in a parish where early voting is conducted at additional locations, the registrar may fix the days it is conducted during the early voting period with the approval of the secretary of state at least 30 days prior to a primary election. Prior law provided that the deadline for a general election was at least 21 days prior to the general election. New law changes the deadline for approval to at least 30 days prior to the general election.

Existing law provides for contests of elections and authorizes a candidate who alleges that, except for substantial irregularities or error, or except for fraud or other unlawful activities in the conduct of the election, he would have qualified for a general election or would have been elected to bring an action contesting the election. Sets forth procedures and remedies.

New law further authorizes a candidate who alleges that, except for substantial irregularities or error, or except for fraud or other unlawful activities in the conduct of the election, he would have qualified for a second party primary to bring an action contesting the election in the same manner and with same remedies as provided in existing law for such election contests.

Existing law provides relative to the Campaign Finance Disclosure Act (CFDA) and provides for definitions, required disclosure reports, contribution limits, and other prohibitions and limitations.

New law includes in the definition of "candidate" a selected party nominee who takes the place of a deceased party nominee, includes "party primary" in the definition of "election", and removes language specifying that a primary and a general election constitute one election for the purposes of the CFDA; specifies that unless the context clearly indicates otherwise "primary election" means any type of primary election, including a party primary election and a second party primary election; and defines "nonparty primary candidate" as a candidate for a party primary office who qualified for the general election in the manner provided by existing law for candidates not affiliated with either of the two recognized political parties with the most affiliated voters.

Existing law provides a schedule for reporting including: (1) for major office candidates and participating political committees – no later than the 180th day prior to the primary election, which shall be complete through the 190th day prior to the primary election; (2) for major office candidates and participating political committees – no later than the 90th day prior to the primary election, which shall be complete through the 100th day prior to the primary election; (3) for all candidates and participating political committees – no later than the 30th day prior to the primary election, which shall be complete through the 40th day prior to the primary election; (4) for all candidates and participating political committees – no later than the 10th day prior to the primary election which shall be complete through the 20th day prior to the primary election; (5) for all candidates and participating political committees – no later than the 10th day prior to the general election, which shall be complete through the 20th day prior to the general election; and (6) for candidates in a general election and participating political committees – no later than the 40th day after the general election, which shall be complete through the 30th day after the general election. Existing law additionally requires special reports during the period beginning at midnight of the 20th day prior to a primary and a general election and extending through midnight of a primary and general election day for contributions received in excess of specified amounts (\$1,000 for major office; \$500 for district office; and \$250 for any other office) or certain specified expenditures in excess of \$200 which are due no later than two business days after such transaction. Existing law also requires certain supplemental reports to be filed annually in the case of candidates and committees with a deficit and provides that such reports are due no later than Feb. 15 of each year, complete through the preceding Dec. 31. Existing law further provides for annual reports for candidates and committees who have received contributions, made expenditures, or received or made loans during the reporting period and provides that such reports are due no later than Feb. 15 of each year, complete through the preceding Dec. 31.

New law excludes candidates for party primary office from the 180th day prior to the primary election and the 90th day prior to the primary election reporting requirements. Provides that those candidates and participating committees and other participating persons file reports on (1) the 30th day prior to the primary election, which shall be complete through the 40th day prior to the primary election; (2) the 10th day prior to the primary election which shall be complete through the 20th day prior to the primary election; (3) if a second party primary is held, the 10th day prior to the second party primary election which shall be complete through the 20th day prior to the second party primary election; (4) the 90th day prior to the general election for a party primary office, which shall be complete through the 100th day prior to the general election (specifies that this shall be the final report for the election for any candidate or committee which does not participate in the general election for party primary office, unless supplemental reports are required); (5) the 30th day before the general election for a party primary election, which shall be complete through the 40th day prior to the general election; and (6) pursuant to existing law, those reports required by existing law (see (5) and (6) above) prior to and after the general election. New law further specifies that the special reports for certain specified contributions or expenditures apply during the period beginning at midnight of the 20th day prior to a second party primary extending through midnight of the second party primary election day are due no later than two business days after such transaction.

Existing law relative to the application of contribution limits provides that a primary election and a general election shall constitute two separate elections.

New law specifies that for a party primary office, a primary, a second party primary, and a general election constitute three separate elections. Specifies that for candidates for a party primary office and committees that participate in a second party primary, the reporting period for the second party primary election shall be deemed to begin the day following the primary election. Clarifies that for candidates and committees that participate in a general election, the reporting period for the general election shall be deemed to begin the day following the primary election at which the candidate qualified for the general election, except that for a nonparty candidate for a party primary office, provides that the reporting period for the general election shall be deemed to begin the day the candidate becomes a candidate for a party primary office.

Prior law (Section 2 of Act No. 1 of the 2024 1st E.S. of 2024) provided that Act No. 1 of the 2024 1st E.S. was to become effective on Jan. 1, 2026. New law provides instead that Act No. 1 of the 2024 1st E.S. becomes effective solely for the purposes of qualifying for elections in 2026 and for other activities and requirements related to the conduct of elections in 2026, on Aug. 1, 2025, and for all other purposes on Jan. 1, 2026.

New law directs the La. State Law Institute in specified provisions of existing law to change citation references to remove a citation that new law repeals. Further directs the La. State Law Institute to remove a citation referenced in Act No. 390 (HB No. 677) of the 24 R.S.

Effective solely for the purposes of qualifying for elections in 2026 and for other activities and requirements related to the conduct of elections in 2026, on Aug. 1, 2025, and for all other purposes on Jan. 1, 2026.

(Amends R.S. 18:44(A) and (B)(5)(b), 58(B)(2), 192(A)(1)(a), 402, 410.6, 410.7(A) and (C), 410.10, 453(A), 467, 1285(B)(1)(a), 1309(M)(1)(a), 1401(B), 1406(B), 1407, 1409(B)(1) and (2), 1432(A)(1), 1483(8), 1491.6(B)(1), (2), and (4) and (C)(intro. para.), 1495.4(B)(1), (2), and (4) and (C)(intro. para.), 1501.1(C)(intro. para.), and 1505.2(H)(3)(a), and §2 of Act No. 1 of the 2024 1st E.S.; Adds R.S. 18:1483(3)(a)(iii), (21), and (22); Repeals R.S. 18:467.1)