

First Extraordinary Session, 2005

HOUSE BILL NO. 136

BY REPRESENTATIVE LAFONTA

ELECTIONS: Provides for parochial and municipal elections in a parish containing a municipality with a population of four hundred seventy-five thousand persons after a gubernatorial declaration of a state of emergency (Item #58)

1 AN ACT

2 To enact R.S. 18:402(H), relative to parochial and municipal elections in a parish containing
3 a municipality with a population of four hundred seventy-five thousand or more after
4 a gubernatorial declaration of a state of disaster or emergency; to provide relative to
5 application of the provision to parishes eligible for certain types of federal
6 assistance; to provide for such elections to be held concurrently with congressional
7 elections; to provide for further delay of such elections if more than twenty percent
8 of the registered voters have not yet returned to their parish of residence; to provide
9 procedures to provide for the holding of the election if it is not held concurrently
10 with the congressional elections; and to provide for related matters.

11 Be it enacted by the Legislature of Louisiana:

12 Section 1. R.S. 18:402(H) is hereby enacted to read as follows:

13 §402. Dates of primary and general elections

14 * * *

15 H. Notwithstanding the provisions of Paragraphs (D)(1) and (2) of this
16 Section, parochial and municipal elections in a parish containing a municipality with
17 a population of four hundred seventy-five thousand or more according to the most
18 recent decennial census shall be held in the year provided in Subsection D of this
19 Section but shall be held concurrently with the dates provided for congressional

1 elections in Subsection B of this Section provided that all of the following conditions
2 are met:

3 (1) The governor has declared a state of disaster or emergency in such parish
4 within one year prior to the election date provided in Paragraph (D)(1) of this
5 Section.

6 (2) Such parish has been designated under the Robert T. Stafford Disaster
7 Relief and Emergency Assistance Act as eligible for individual assistance or
8 individual assistance and public assistance.

9 (3) However, prior to the opening of qualifying for elections to be held as
10 provided in Subsection (B) of this Section, the registrar of voters of a parish provided
11 for in Paragraph (1) of this Subsection shall survey the registered voters of such
12 parish, and if he finds that more than twenty percent of the registered voters are
13 displaced from their parish of residence, he shall so certify in writing to the House
14 Committee on House and Governmental Affairs and the Senate Committee on Senate
15 and Governmental Affairs of the Legislature of Louisiana. If the registrar so certifies
16 to such committees, the parochial and municipal elections in such parish shall not be
17 held concurrently with the congressional elections, but shall be held on such date as
18 shall be established by the House Committee on House and Governmental Affairs
19 and the Senate Committee on Senate and Governmental Affairs, meeting and
20 functioning as a joint committee. Such committees shall consider when the holding
21 of such elections will no longer be impaired by the effects of the gubernatorially
22 declared state of emergency and shall establish the dates for such elections.

23 Section 2. This Act shall become effective upon signature by the governor or, if not
24 signed by the governor, upon expiration of the time for bills to become law without signature
25 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If
26 vetoed by the governor and subsequently approved by the legislature, this Act shall become
27 effective on the day following such approval.

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument.

LaFonta

HB No. 136

Abstract: Relative to holding parochial and municipal elections in a parish containing a municipality with a population of 475,000 or more, provides that such elections shall be held concurrently with the congressional elections if, following a gubernatorially declared state of emergency, such parish is eligible for certain types of federal assistance. Provides for the registrar to survey registered voters prior to qualifying and to certify if 20% of registered voters are still temporarily displaced from their parish of residence. Provides, in such case, for the House and Senate governmental affairs committees to determine when the elections may be held that would not result in the elections being impaired by the effects of the gubernatorially declared state of emergency and to set the election date.

Present law (R.S. 18:402(B)) provides relative to holding congressional elections every two years, beginning in 1982. Provides for primary elections to be held on the first Saturday in October of an election year and for general elections to be held on the first Tuesday after the first Monday in November of an election year.

Present law (R.S. 18:402(D)) provides relative to holding parochial and municipal elections in a parish containing a municipality with a population of 475,000 or more. Provides for such elections to be held every four years, beginning in 1986. Provides for primary elections for such a parish to be held on the first Saturday in February of an election year. Provides for general elections in such a parish to be held on the fourth Saturday after the first Saturday in February of an election year. However, provides for the primary and general elections for the offices of recorder of mortgages and register of conveyances for the parish of Orleans to be held at the congressional elections set forth in present law (R.S. 18:402(B)).

Proposed law (R.S. 18:402(H)) provides that notwithstanding present law (R.S. 18:402(D)(1) and (2)), parochial and municipal elections in a parish containing a municipality with a population of 475,000 or more shall be held on the dates for congressional elections set forth in present law (R.S. 18:402(B)) in the same year they would otherwise be held if:

- (1) The governor has declared a state of disaster or emergency in the parish within one year prior to the date the election would be held.
- (2) The parish has been designated under the Robert T. Stafford Disaster Relief and Emergency Assistance Act as eligible for individual assistance or individual assistance and public assistance. Provides for the registrar of voters in such parish, prior to the opening of qualifying for the congressional elections, to survey the registered voters of such parish and to certify in writing to the House and Senate governmental affairs committee if more than 20% of the registered voters are displaced from their parish of residence. Provides for the House and Senate governmental affairs committees, meeting and functioning as a joint committee, to consider when the holding of such elections will no longer be impaired by the gubernatorially declared state of emergency and establish the dates for such election.

Effective upon signature of governor or lapse of time for gubernatorial action.

(Adds R.S. 18:402(H))