

First Extraordinary Session, 2005

HOUSE BILL NO. 138

BY REPRESENTATIVE JEFFERSON

ELECTIONS/DATES: 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 the dates for the holding of parochial and municipal
3 elections in a parish containing a municipality with a population of four hundred
4 seventy-five thousand or more after a gubernatorial declaration of a state of disaster
5 or emergency; to provide relative to application of the provision to parishes eligible
6 for certain types of federal assistance; to provide for such elections to be held
7 concurrently with congressional elections; and to provide for related matters.

8 Be it enacted by the Legislature of Louisiana:

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

10 §402. Dates of primary and general elections

11 * * *

12 H. Notwithstanding the provisions of Paragraphs (D)(1) and (2) of this
13 Section, parochial and municipal elections in a parish containing a municipality with
14 a population of four hundred seventy-five thousand or more according to the latest
15 decennial census shall be held in the year provided in Subsection D of this Section
16 but shall be held concurrently with the dates provided for congressional elections in
17 Subsection B of this Section provided that all of the following conditions are met:

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

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

7 Section 2. This Act shall become effective upon signature by the governor or, if not
8 signed by the governor, upon expiration of the time for bills to become law without signature
9 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If
10 vetoed by the governor and subsequently approved by the legislature, this Act shall become
11 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.

Jefferson

HB No. 138

Abstract: Provides for parochial and municipal elections in a parish containing a municipality with a population of 475,000 or more to be held concurrently with congressional elections if, following a gubernatorially declared state of emergency, such parish is eligible for certain types of federal assistance.

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 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 that 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.

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

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