
DIGEST

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Broadwater

HB No. 857

Abstract: Provides relative to the filling of vacancies for certain local and municipal offices.

Present law (R.S. 18:602(A)) provides that when a vacancy occurs in the office of a member of a parish or municipal governing authority or a combination thereof, a mayor, or any other local or municipal office, except an office covered by present law (R.S. 18:602(B) and (C)) and except the office of judge, state legislator, or marshal of a city or municipal court, and the office is filled by election wholly within the boundaries of a local governmental subdivision, the governing authority of the local governmental subdivision where the vacancy occurs shall within 20 days appoint a person to fill the vacancy who meets the qualifications of the office.

Proposed law retains present law.

Present law provides that if the unexpired term of an office covered by present law is one year or less, the person appointed to fill the vacancy or designated to assume the duties of the office shall serve for the remainder of the unexpired term.

Proposed law provides that the appointed or designated person serves the remainder of the term if the unexpired term of the office is 18 months or less, instead of one year or less.

Present law provides for calling a special election to fill a vacancy in an office covered by present law (R.S. 18:602(A)) when the unexpired term exceeds one year. Provides procedures and requirements for selecting the election date. Provides for the selection of certain election dates when they occur within one year of the occurrence of the vacancy.

Present law provides for calling a special election to fill the vacancy when the unexpired term exceeds 18 months, instead of when the term exceeds one year. Provides for the selection of certain election dates provided in present law when those dates occur within 18 months of the occurrence of the vacancy. Otherwise retains present law.

Present law (R.S. 13:2583) provides relative to officers of justice of the peace courts. Provides that when a vacancy occurs in the office of constable or marshal and the unexpired term of the office is one year or less, the chief deputy shall assume such position and duties and shall serve for the remainder of the unexpired term. Provides, however, that in those cases where there is no such person to assume the duties when the vacancy occurs, the appropriate governing authority shall within 10 days, appoint a person having the qualifications of the office to assume the duties of the office for the remainder of the unexpired term. Provides that if the unexpired term exceeds

one year, the chief deputy or, if no such person, the person appointed, shall assume such duties and position and shall serve until the successor is elected and takes office.

Proposed law repeals present law.

Present law (R.S. 42:373) provides that when a vacancy is caused by death, resignation, or removal, or otherwise of any officer of the state of La., of any parish, district or any sub-division of the state, it shall be filled by election, provided that the said office is, by law, made elective by the people, and further provided that the unexpired term is for a longer period than one year. Provides that the election to fill the vacancy shall be ordered by the proper legal authority within the least possible delay under the general election laws of the state.

Proposed law repeals present law.

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

(Amends R.S. 18:602(E)(1), (2)(a), and (4); Repeals R.S. 13:2583(F) and R.S. 42:373)