

Regular Session, 2014

SENATE BILL NO. 208

BY SENATOR WARD

ELECTION CODE. Prohibits a public officer who has been removed from office pursuant to a recall election from qualifying for the same office at a special election to fill the position. (8/1/14)

1 AN ACT

2 To amend and reenact R.S. 18:1300.13, relative to recall elections; to prohibit recalled
3 public officers from running in special elections to fill the vacated position; and to
4 provide for related matters.

5 Be it enacted by the Legislature of Louisiana:

6 Section 1. R.S. 18:1300.13 is hereby amended and reenacted to read as follows:

7 §1300.13. Declaration of vacancy

8 A. When the majority is in favor of the recall, the public officer is, ipso
9 facto, recalled and removed from office, and the office shall be vacated upon
10 expiration of the time period for contesting the recall election set forth in R.S.
11 18:1405(H) if an action contesting the recall election is not commenced timely or
12 when the final judgment becomes definitive if an action contesting the recall election
13 is commenced timely, and the office shall be filled as in the case of ordinary
14 vacancies and according to the constitution and laws of the state. A public officer
15 who has been recalled and removed from office shall not be appointed to succeed
16 himself in the office from which he was recalled and removed.

17 **B. A public officer recalled and removed from public office, as provided**

1 **for in Subsection A of this Section, shall be prohibited from succeeding himself**
2 **in the office from which he was recalled and removed in any special election,**
3 **called for that purpose.**

The original instrument and the following digest, which constitutes no part of the legislative instrument, were prepared by Tim Prather.

DIGEST

Ward (SB 208)

Present law provides that when a majority of voters are in favor of the recall, the public officer is, ipso facto, recalled and removed from office, and the office will be vacated upon expiration of the time period for contesting the recall election, as provided in present law, if an action contesting the recall election is not commenced timely or when the final judgment becomes definitive if an action contesting the recall election is commenced timely, and the office will be filled as in the case of ordinary vacancies and according to the constitution and laws of the state.

Present law provides that a public officer who has been recalled and removed from office will not be appointed to succeed himself in the office from which he was recalled and removed.

Proposed law retains present law and provides that a public officer recalled and removed from public office, as provided in present law, will be prohibited from succeeding himself in the office from which he was recalled and removed in any special election, called for that purpose.

Effective August 1, 2014.

(Amends R.S. 18:1300.13)