

**ACT No. 202**

Regular Session, 2014

HOUSE BILL NO. 857

BY REPRESENTATIVE BROADWATER

1 AN ACT

2 To amend and reenact R.S. 18:602(E)(1), (2)(a), and (4) and to repeal R.S. 13:2583(F) and  
3 R.S. 42:373, relative to vacancies in certain local and municipal offices; to provide  
4 for the filling of such vacancies; to provide relative to the appointment of a person  
5 to fill such a vacancy under certain circumstances; to provide relative to the election  
6 of a person to fill such a vacancy under certain circumstances; and to provide for  
7 related matters.

8 Be it enacted by the Legislature of Louisiana:

9 Section 1. R.S. 18:602(E)(1), (2)(a), and (4) are hereby amended and reenacted to  
10 read as follows:

11 §602. Vacancies in certain local and municipal offices; exceptions

12 \* \* \*

13 E.(1)(a) If the unexpired term of an office covered by Subsection A of this  
14 Section is eighteen months or less, the person appointed to fill the vacancy or  
15 designated to assume the duties of the office shall serve for the remainder of the  
16 unexpired term.

17 (b) If the unexpired term of an office covered by Subsection ~~A~~, B; or C of  
18 this Section is one year or less, the person appointed to fill the vacancy or designated  
19 to assume the duties of the office shall serve for the remainder of the unexpired term.

20 ~~(b)~~(c) If any member of a parish or city school board is removed or  
21 suspended from office pursuant to the provisions of R.S. 42:1411, except in the  
22 parish of Jefferson, the person appointed to fill the vacancy or to perform the official  
23 acts, duties, and functions of that office during the period of suspension shall be  
24 eligible in the next election as a candidate for the office to which he is appointed.

1           ~~(e)~~(d) If a sheriff is removed or suspended from office pursuant to the  
2 provisions of R.S. 42:1411 or 1412 and a person is appointed to assume the duties  
3 of the office pursuant to Subparagraph (C)(2)(b) of this Section, the person so  
4 appointed shall be eligible in the next election as a candidate for the office to which  
5 he is appointed.

6           (2)(a) If the unexpired term of an office covered by Subsection A of this  
7 Section exceeds eighteen months or the unexpired term of an office covered by  
8 Subsection B or C of this Section exceeds one year, the governing authority of the  
9 local governmental subdivision in which the vacancy occurs, or the school board  
10 when the vacancy occurs in its membership, or the governor when a vacancy occurs  
11 in the office of district attorney or in an office for which there is not a single  
12 governing authority or as provided in Subsection F of this Section, within twenty  
13 days after the vacancy occurs, shall issue a proclamation ordering a special election  
14 to fill the vacancy and shall specify in the proclamation, in accordance with R.S.  
15 18:402, the dates on which the primary and general elections shall be held and, in  
16 accordance with R.S. 18:467, 467.1, and 468, the dates of the qualifying period for  
17 candidates in the special election. However, if the deadline for issuing the  
18 proclamation falls on a Saturday, Sunday, or other legal holiday, then the next day  
19 which is not a Saturday, Sunday, or legal holiday shall be deemed to be the final day  
20 for issuing such proclamation. In selecting the dates for such special elections, the  
21 governing authority or school board as the case may be, may choose a gubernatorial  
22 or congressional election date, if such date is available within eighteen months of the  
23 occurrence of the vacancy for an office covered by Subsection A of this Section or  
24 within a year of the occurrence of the vacancy for an office covered by Subsection  
25 B or C of this Section or may select an election date in accordance with R.S. 18:402.  
26 In the cases in which the governor has the authority to select the date for such special  
27 elections, the governor shall first choose a gubernatorial or congressional election  
28 date. If no such date is available within eighteen months of the occurrence of the  
29 vacancy for an office covered by Subsection A of this Section or within a year of the  
30 occurrence of the vacancy for an office covered by Subsection B or C of this Section,

1 the governor shall then select an election date in accordance with R.S. 18:402. If the  
2 governing authority or school board fails to issue the proclamation within twenty  
3 days after the vacancy occurs, the governor shall issue the proclamation.

4 \* \* \*

5 (4) If the unexpired term of a parish or municipal office covered by  
6 Subsection A of this Section is ~~one year~~ eighteen months or more, but the vacancy  
7 occurs within ~~one year~~ eighteen months of the regularly scheduled primary election  
8 for that office, no special election will be called, and the appointee shall serve for the  
9 remainder of the term of office.

10 \* \* \*

11 Section 2. R.S. 13:2583(F) and R.S. 42:373 are hereby repealed in their entirety.

12 Section 3. This Act shall become effective upon signature by the governor or, if not  
13 signed by the governor, upon expiration of the time for bills to become law without signature  
14 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If  
15 vetoed by the governor and subsequently approved by the legislature, this Act shall become  
16 effective on the day following such approval.

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SPEAKER OF THE HOUSE OF REPRESENTATIVES

\_\_\_\_\_  
PRESIDENT OF THE SENATE

\_\_\_\_\_  
GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: \_\_\_\_\_