

1 office of representative in congress, shall be held on the dates fixed by the
2 appropriate authority in the proclamation ordering a special election as follows:

3 (1) A special primary election shall be held on the first of the following days
4 that is after the date on which the proclamation calling the special primary election
5 was issued, provided that the proclamation was issued at least four weeks prior to the
6 opening of the qualifying period for the special primary election:

7 (a) The ~~second~~ third to last Saturday in October, when the special general
8 election is held on the ~~fourth~~ fifth Saturday after the ~~second~~ third to last Saturday in
9 October.

10 * * *

11 (c) The ~~first~~ last Saturday in ~~April~~ March, when the special general election
12 is held on the ~~fourth~~ fifth Saturday after the ~~first~~ last Saturday in ~~April~~ March or on
13 the first Saturday in March during the presidential election year; ~~however,~~
14 ~~commencing in 1986 and every fourth year thereafter, this date shall not be~~
15 ~~applicable in a parish containing a municipality with a population of three hundred~~
16 ~~thousand or more.~~

17 (d) The ~~third~~ second Saturday in October, when the special general election
18 is held on the ~~fourth~~ fifth Saturday after the ~~third~~ second Saturday in October of 1985
19 and every fourth year thereafter.

20 (e) The ~~third~~ second Saturday in October of an election year for parish and
21 municipal officers in a parish containing a municipality with a population of three
22 hundred thousand or more.

23 (2) A special general election shall be held on one of the following days:

24 (a) The ~~fourth~~ fifth Saturday after the ~~second~~ third to last Saturday in
25 October of 1983 and every fourth year thereafter.

26 * * *

27 (c) The ~~fourth~~ fifth Saturday after the ~~first~~ last Saturday in ~~April~~ March of
28 any year unless the primary election is held on the first Saturday in March; in such
29 case, the general election shall be held on the ~~fourth~~ fifth Saturday after the first

1 §501. Procedure for withdrawal

2 A.(1) Prior to the close of the polls on election day, a A candidate in a
3 primary or general election may withdraw from the election by filing notice of his
4 withdrawal; with the secretary of state prior to 4:30 p.m. on the seventh day after the
5 close of the qualifying period. The notice of withdrawal shall be signed by the
6 candidate and duly acknowledged by him before an officer authorized to administer
7 oaths; with the secretary of state, who.

8 (2)(a) The secretary of state shall not accept a notice of withdrawal that does
9 not satisfy the requirements of Paragraph (1) of this Subsection. The secretary of
10 state shall endorse the date and time of receipt of such a notice of withdrawal and
11 return the notice forthwith, either personally or by registered or certified mail, to the
12 candidate. The provisions of this Subparagraph shall not apply to a notice of
13 withdrawal filed pursuant to a court order as provided in R.S. 18:494(B).

14 (b) The secretary of state shall forward a copy of ~~the~~ a notice of withdrawal
15 that satisfies the requirements of Paragraph (1) of this Subsection or was filed
16 pursuant to a court order as provided in R.S. 18:494(B) and that was filed by a local
17 or municipal candidate to the president of the board of election supervisors and the
18 clerk of court of the parish in which the candidate has qualified.

19 B.(1) A candidate in a general election may withdraw from the election by
20 filing notice of his withdrawal with the secretary of state prior to 4:30 p.m. on the
21 ninth day after the date of the primary election. The notice of withdrawal shall be
22 signed by the candidate and duly acknowledged by him before an officer authorized
23 to administer oaths.

24 (2)(a) The secretary of state shall not accept a notice of withdrawal that does
25 not satisfy the requirements of Paragraph (1) of this Subsection. The secretary of
26 state shall endorse the date and time of receipt of such a notice of withdrawal and
27 return the notice forthwith, either personally or by registered or certified mail, to the
28 candidate.

1 state shall endorse the date and time of receipt of such a notice of withdrawal and
2 return the notice forthwith, either personally or by registered or certified mail.

3 B. The A statement of withdrawal filed in accordance with the provisions of
4 Paragraph (A)(1) of this Section shall become effective on the date of the filing.
5 ~~Once filed as herein provided, a statement of withdrawal shall not be returned to the~~
6 ~~person withdrawing.~~ The effect of his the withdrawal shall be as provided in R.S.
7 18:502.

8 * * *

9 §1280.22. Candidates; procedure for qualifying

10 * * *

11 C.(1)(a) Any person who qualifies as a candidate for presidential nominee
12 may withdraw his candidacy by filing a notice of his withdrawal; that is signed by
13 the candidate; and duly acknowledged before an officer authorized to administer
14 oaths. The notice of withdrawal shall be filed prior to 4:30 p.m. on the seventh day
15 after the close of the qualifying period with the secretary of state, who shall note
16 thereon the date it was filed.

17 (b) The secretary of state shall not accept a statement of withdrawal that does
18 not satisfy the requirements of Subparagraph (a) of this Paragraph. The secretary of
19 state shall endorse the date and time of receipt of such a notice of withdrawal and
20 return the notice forthwith, either personally or by registered or certified mail.

21 (2) The A notice of withdrawal filed in accordance with the provisions of
22 Subparagraph (1)(a) of this Subsection shall become effective when it is filed with
23 the secretary of state. ~~Once filed as herein provided, a notice of withdrawal shall not~~
24 ~~be returned to the person withdrawing.~~ The effect of his the withdrawal shall be as
25 provided in R.S. 18:502.

26 Section 2. This Act shall become effective on January 1, 2016.

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

HB 591 Engrossed

2015 Regular Session

Broadwater

Abstract: Moves the primary election date one week earlier for all regularly scheduled primary elections (except congressional primary elections and the presidential preference primary); moves the general election date one week later in certain municipal and ward elections; moves the opening of the qualifying period one month earlier for all regularly scheduled elections (except the presidential preference primary); and provides a specified period for each election during which a candidate may voluntarily withdraw.

Present law (R.S. 18:402) provides the dates for regularly scheduled primary elections (other than the presidential preference primary) and general elections. Present law (R.S. 18:467) provides for the dates for the opening of the qualifying periods for regularly scheduled primary elections (other than the presidential preference primary).

Proposed law moves the primary election date one week earlier for regularly scheduled primary elections (except congressional primary elections and the presidential preference primary), moves the general election date one week later in certain municipal and ward elections, and moves the opening of the qualifying period one month earlier for all regularly scheduled elections (except the presidential preference primary) as follows:

Elections for governor and officers elected at the same time: Moves the primary election from the second to last Sat. in Oct. to the third to last Sat. in Oct. Moves the opening of the qualifying period from the first Tues. after the first Mon. in Sept. to the first Tues. after the first Mon. in Aug.

Elections for members of congress and officers elected at the same time: Moves the opening of the qualifying period from the third Wed. in Aug. to the third Wed. in July.

Elections for municipal and ward officers who are not elected at the same time as the governor or members of congress in municipalities with a population of less than 300,000: Moves the primary election in a year other than a presidential election year from the first Sat. in April to the last Sat. in March. Moves the general election in a presidential election year from the fourth Sat. after the first Sat. after the first Tues. in March to the fifth Sat. after the first Sat. in March. Moves the opening of the qualifying period in a year other than a presidential election year from the second Wed. in Feb. to the second Wed. in Jan.

Elections for parochial and municipal officers in a parish containing a municipality with a population of 300,000 or more: Moves the primary election from the third Sat. in Oct. to the second Sat. in Oct. Moves the opening of the qualifying period from the second Wed. in Aug. to the second Wed. in July.

Proposed law makes the same changes for special elections to fill a newly created office or vacancy in an existing office and to bond, tax, or other elections at which a proposition or question is to be submitted to the voters that are provided in present law to be held on the same dates as the above elections.

Present law (R.S. 18:501, 1256, and 1280.22) allows a candidate to withdraw from an election by filing notice of his withdrawal with the secretary of state. Requires the notice

to be signed by the candidate and duly acknowledged by him before an officer authorized to administer oaths.

Proposed law retains present law.

Present law allows a candidate to withdraw from a primary or general election at any time prior to the close of the polls on the day of the election.

Proposed law limits the time period during which a candidate may withdraw from an election. Provides that for a candidate to withdraw from a primary election, the candidate must file notice of his withdrawal prior to 4:30 p.m. on the seventh day after the close of the qualifying period. Provides that for a candidate to withdraw from a general election, the candidate must file notice of his withdrawal prior to 4:30 p.m. on the ninth day after the date of the primary election.

Present law (R.S. 18:1256 and 1280.22) relative to congressional and presidential elections provides that a notice of withdrawal shall not be returned to the person withdrawing.

Proposed law repeals present law.

Proposed law provides that the secretary of state shall not accept a notice of withdrawal that does not satisfy the content requirements of present law and filing requirements of proposed law. Requires the secretary of state to endorse the date and time of receipt of such a notice of withdrawal and return the notice forthwith, either personally or by registered or certified mail, to the candidate. Relative to a candidate in a primary election, provides that proposed law does not apply to a notice of withdrawal filed pursuant to a court order as provided in present law provisions relative to certain objections to candidacy that are sustained (R.S. 18:494(B)).

Present law (R.S. 18:501) requires the secretary of state to forward a copy of a notice of withdrawal filed by a local or municipal candidate to the president of the board of election supervisors and the clerk of court of the parish in which the candidate has qualified.

Proposed law specifies that the secretary of state shall forward a copy of the notice only when the notice satisfies the content requirements of present law and filing requirements of proposed law. Otherwise retains present law.

Present law (R.S. 18:502, 1256, and 1280.22) provides that a notice of withdrawal shall be effective when it is filed with the secretary of state, and the candidate who filed the notice no longer shall be qualified as a candidate in the election from which he withdrew. Provides that if the election ballot was printed with a withdrawn candidate's name on it, any votes received by the withdrawn candidate shall be null and void and shall not be counted for any purpose whatsoever.

Proposed law specifies that present law applies to notices that satisfy the content requirements of present law and filing requirements of proposed law. Otherwise retains present law.

Effective Jan. 1, 2016.

(Amends R.S. 18:402(A), (C), (D), (E)(1)(a), (c), (d), and (e) and (2)(a), (c), (d), and (e), and (F)(1), (3), (4), and (6), 467(1)-(4) and (6), 501, 502, 503(A)(1), 1256, and 1280.22(C))