

GREEN SHEET REDIGEST

HB 591

2015 Regular Session

Broadwater

(KEYWORD, SUMMARY, AND DIGEST as amended by Senate committee amendments)

ELECTIONS. Provides relative to election dates, qualifying, and withdrawal by candidates.

DIGEST

HB 591 Engrossed

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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.

Proposed law provides that a ballot for municipal incorporation also include a proposition authorizing the transfer of sales and use taxes levied in the unincorporated area to the municipality upon appointment of the officers of the newly incorporated municipality.

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); adds R.S. 18:1299.2)

Summary of Amendments Adopted by Senate

Committee Amendments Proposed by Senate Committee on Senate and Governmental Affairs to the engrossed bill

1. Requires a ballot for municipal incorporation also include a proposition regarding the sales and use taxes of the newly incorporated municipality.