

2016 Regular Session

HOUSE BILL NO. 583

BY REPRESENTATIVE BROADWATER

ELECTIONS/CANDIDATES: Provides relative to withdrawal of candidates

1 AN ACT

2 To amend and reenact R.S. 18:501, 503(A)(1), 1256, and 1280.22(C), relative to withdrawal
3 of candidates; to provide relative to the procedures and requirements for withdrawal;
4 to provide relative to the effect of a withdrawal; to provide relative to the powers,
5 duties, and responsibilities of the secretary of state relative to withdrawal; to repeal
6 deadlines for withdrawal; and to provide for related matters.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. R.S. 18:501, 503(A)(1), 1256, and 1280.22(C) are hereby amended and
9 reenacted to read as follows:

10 §501. Procedure for withdrawal

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

17 ~~(2)(a)~~ The secretary of state shall not accept a notice of withdrawal that does
18 not satisfy the requirements of Paragraph (1) of this Subsection. 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, to the
21 candidate. The provisions of this Subparagraph shall not apply to a notice of
22 withdrawal filed pursuant to a court order as provided in R.S. 18:494(B).

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

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

11 ~~(2)(a) The secretary of state shall not accept a notice of withdrawal that does~~
12 ~~not satisfy the requirements of Paragraph (1) of this Subsection. The secretary of~~
13 ~~state shall endorse the date and time of receipt of such a notice of withdrawal and~~
14 ~~return the notice forthwith, either personally or by registered or certified mail, to the~~
15 ~~candidate.~~

16 **(b)** ~~The secretary of state shall forward a copy of a notice of withdrawal that~~
17 ~~satisfies the requirements of Paragraph (1) of this Subsection and that was filed by~~
18 ~~a local or municipal candidate to the president of the board of election supervisors~~
19 ~~and the clerk of court of the parish in which the candidate has qualified.~~

20 * * *

21 §503. Notice of withdrawal and disqualification

22 A.(1) If the early voting election ballot was prepared with a withdrawn
23 candidate's name on it and the withdrawal was filed prior to the close of early voting
24 for the election, the registrar of voters of any parish where such ballot will be used
25 shall, to the extent possible, cause notice to be posted of the withdrawal of such
26 candidate at any location for early voting where the candidate's name appears on the
27 ballot. Failure to post such notice of withdrawal shall not void the election.

28 * * *

1 §1256. Withdrawal of candidate

2 ~~A.(1)~~ Any person nominated as a candidate may withdraw his candidacy by
3 written statement of withdrawal made, signed, and acknowledged before an officer
4 qualified to administer oaths. The original of the statement shall be filed prior to
5 ~~4:30 p.m. on the seventh day after the close of the qualifying period~~ with the
6 secretary of state, who shall note thereon the date it was filed.

7 ~~(2) The secretary of state shall not accept a statement of withdrawal that does~~
8 ~~not satisfy the requirements of Paragraph (1) of this Subsection. The secretary of~~
9 ~~state shall endorse the date and time of receipt of such a notice of withdrawal and~~
10 ~~return the notice forthwith, either personally or by registered or certified mail.~~

11 B: A statement of withdrawal filed in accordance with the provisions of
12 ~~Paragraph (A)(1) of this Section shall become effective on the date of the filing and~~
13 once filed, shall not be returned to the person withdrawing. The effect of the
14 withdrawal shall be as provided in R.S. 18:502.

15 * * *

16 §1280.22. Candidates; procedure for qualifying

17 * * *

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

24 ~~(b) The secretary of state shall not accept a statement of withdrawal that does~~
25 ~~not satisfy the requirements of Subparagraph (a) of this Paragraph. 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.~~

28 (2) A notice of withdrawal filed in accordance with the provisions of
29 Subparagraph (1)~~(a)~~ of this Subsection shall become effective when it is filed with

- 1 the secretary of state and, once filed, shall not be returned to the person withdrawing.
- 2 The effect of the withdrawal shall be as provided in R.S. 18:502.
- 3 Section 2. This Act shall become effective January 1, 2017.

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 583 Reengrossed

2016 Regular Session

Broadwater

Abstract: Repeals the deadlines for a candidate to withdraw from an election.

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. 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 qualified.

Present law provides that a notice of withdrawal shall be effective when it is filed with the secretary of state if the notice satisfies the requirements of present law or was filed pursuant to a court order as provided in present law (R.S. 18:494(B)), 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 retains present law.

Present law limits the time period during which a candidate may withdraw from an election. Provides that 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 to withdraw from a primary and prior to 4:30 p.m. on the ninth day after the date of the primary election to withdraw from a general election.

Proposed law repeals present law.

Proposed law relative to presidential elections provides that a notice of withdrawal shall not be returned to the person withdrawing.

Effective January 1, 2017.

(Amends R.S. 18:501, 503(A)(1), 1256, and 1280.22(C))

Summary of Amendments Adopted by House

The House Floor Amendments to the engrossed bill:

1. Add an effective date of Jan. 1, 2017.