

RÉSUMÉ DIGEST

ACT 106 (HB 270)

2016 Regular Session

Pope

Existing law (R.S. 17:1) provides for the State Bd. of Elementary and Secondary Education (BESE), including provisions relative to the membership, terms, and vacancies.

Existing law provides that within 24 hours after being informed of a vacancy on BESE, the president of the board or the officer exercising his duties shall notify the governor of the vacancy and the effective date thereof. New law limits this provision to a vacancy in an appointed position on BESE.

Prior law provided that if the remainder of the unexpired term of an elected member was more than one year, the vacancy would be filled for the remainder of the term by special election called by the governor and held to coincide with the next scheduled districtwide election to be held more than 90 days and less than one year after the effective date of the vacancy. Provided that if no such election was scheduled to be held, the special election would be held more than 90 days and less than 120 days after the effective date of the vacancy on call of the governor. New law removes these provisions.

Existing law provides that any vacancy in an appointed position on the board shall be filled for the unexpired portion of the term by appointment by the governor within 30 days after the effective date of the vacancy.

Prior law (R.S. 17:2) provided substantially similar provisions to the existing and prior law provisions above. New law removes these substantially similar provisions.

New law (R.S. 17:1) relative to a vacancy in an elective position on BESE, provides that the notification to the governor of such a vacancy shall be as provided by existing law (La. Election Code). New law further provides that if the remaining portion of the term is more than one year, the special election to fill such vacancy shall be ordered and held in accordance with the applicable provisions of existing law (La. Election Code).

Existing law (La. Election Code) relative to notification of a vacancy in an elective office on a state board or commission, provides that within 24 hours after any member of the board or commission has knowledge of the vacancy, he shall notify the governor by certified mail of the vacancy, the date on which it occurred, and the cause thereof.

Existing law (La. Election Code) relative to the calling of a special election to fill such a vacancy, provides that if the unexpired term exceeds one year, the governor, within 20 days after he is notified of the vacancy, shall order a special election to fill the vacancy, which shall specify the dates for the primary and general elections and the qualifying period all in accordance with existing law (La. Election Code – R.S. 18:402, 18:467, 467.1, and 468).

Effective August 1, 2016.

(Amends R.S. 17:1(D); Repeals R.S. 17:2)