

2017 Regular Session

HOUSE BILL NO. 339

BY REPRESENTATIVE DANAHAAY

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

ELECTIONS: Provides relative to elections held to determine whether the sale of alcoholic beverages will be conducted and licensed in an area

1 AN ACT

2 To amend and reenact R.S. 26:587(C), relative to elections held to determine whether the
3 sale of alcoholic beverages will be conducted and licensed in an area; to provide
4 relative to procedures and requirements for conducting such elections; to provide for
5 the date of such elections; to provide relative to procedures for ordering an election;
6 to provide relative to a proposition ordering an election; to provide for notice of the
7 election; to provide deadlines; and to provide for related matters.

8 Be it enacted by the Legislature of Louisiana:

9 Section 1. R.S. 26:587(C) is hereby amended and reenacted to read as follows:

10 §587. Ordering of election; verification of registrar of voters; date of election

11 * * *

12 C. The date fixed for the election shall be the next date on which such an
13 election may be held, as provided for in R.S. 18:402(F), ~~which falls more than forty-~~
14 ~~five days after the date verification was filed with the governing authority by the~~
15 ~~registrar of voters.~~ Written notice of the election shall be transmitted to the secretary
16 of state and each clerk of court and registrar of voters in the area affected by the
17 election. If the election is to be held on a primary election date, then such notice
18 shall be received by the secretary of state at least four weeks prior to the opening of
19 the qualifying period for the primary election. If the election is not to be held on a
20 primary election date, then the notice shall be received by the secretary of state on

1 or before the fifty-fourth day prior to the election. The secretary of state shall not
 2 accept any revisions to propositions, including but not limited to changes in title,
 3 text, or numerical designations, after the last day for submission of the notice to the
 4 secretary of state.

5 Section 2. This Act shall become effective upon signature by the governor or, if not
 6 signed by the governor, upon expiration of the time for bills to become law without signature
 7 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If
 8 vetoed by the governor and subsequently approved by the legislature, this Act shall become
 9 effective on the day following such approval.

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 339 Original

2017 Regular Session

Danahay

Abstract: Provides relative to elections held to determine whether the sale of alcoholic beverages will be conducted and licensed in an area.

Present law (R.S. 26:581 et seq.) provides procedures and requirements for elections held to determine whether the sale of alcoholic beverages will be conducted and licensed in an area. Provides that upon petition of not less than 25% of the qualified electors residing in any ward, election district, or any incorporated municipality, the governing authority shall order a referendum election to be held to determine whether or not the business of selling alcoholic beverages shall be conducted and licensed therein. Provides for the form of the petition and requires the registrar of voters to file a verification of the petition with the governing authority responsible for calling the election.

Present law (R.S. 26:587) provides that if the petition conforms to all the provisions of present law (R.S. 26:581 et seq.), the governing authority shall order the election. Requires the ordinance or resolution of the governing authority ordering the election to be adopted at the next meeting held after the verification was filed with the governing authority by the registrar of voters. Provides that the date fixed for the election shall be the next date on which such an election may be held, as provided for in present law (R.S. 18:402(F)).

Proposed law retains present law

Present law provides additionally that the date on which the election is to be held must be more than 45 days after the date verification was filed with the governing authority by the registrar of voters.

Proposed law repeals present law. Provides that written notice of the election shall be transmitted to the secretary of state and each clerk of court and registrar of voters in the area affected by the election. Provides that if the election is to be held on a primary election date, then such notice shall be received by the secretary of state at least four weeks prior to the opening of the qualifying period for the primary election. Provides that if the election is not to be held on a primary election date, then the notice shall be received by the secretary of

state on or before the 54th day prior to the election. Provides further that the secretary of state shall not accept any revisions to propositions, including but not limited to changes in title, text, or numerical designations, after the last day for submission of the notice to the secretary of state.

Effective upon signature of governor or lapse of time for gubernatorial action.

(Amends R.S. 26:587(C))