

2018 Regular Session

HOUSE BILL NO. 409

BY REPRESENTATIVE GREGORY MILLER

ELECTIONS/PRECINCTS: Provides relative to limitations on certain changes to precinct boundaries during certain times

1 AN ACT

2 To amend and reenact R.S. 18:532(A) and (B)(5) and 532.1(B)(2), (C)(3), and (D)(1) and
3 (2)(a), and to repeal R.S. 18:1903, relative to precincts; to provide relative to changes
4 to precinct boundaries; to provide certain limitations on changes to precinct
5 boundaries during certain time periods; to remove certain provisions relative to
6 changes to precinct boundaries; to provide for the duties of the secretary of state
7 relative to mergers of precincts; and to provide for related matters.

8 Be it enacted by the Legislature of Louisiana:

9 Section 1. 18:532(A) and (B)(5) and 532.1(B)(2), (C)(3), and (D)(1) and (2)(a) are
10 hereby amended and reenacted to read as follows:

11 §532. Establishment of precincts

12 A. Subject to the provisions of R.S. 18:532.1 ~~and 1903~~, the governing
13 authority of each parish shall establish precincts, define the territorial limits for
14 which each precinct is established, prescribe their boundaries, and designate the
15 precincts. The governing authority of each parish shall by ordinance adopt the
16 establishment and boundaries of each precinct in accordance with the timetable as
17 set forth ~~herein~~ in this Section and in accordance with R.S. 18:532.1.

18 B.

19 * * *

1 (5) The provisions of Paragraph (4) of this Subsection shall not be effective
2 ~~from January 1, 2009, through December 31, 2013~~ during the period of time
3 established by R.S. 18:532.1(D).

4 * * *

5 §532.1. Changing boundaries

6 * * *

7 B.

8 * * *

9 (2)(a) When in order to make it more convenient for voters to vote, ~~or to~~
10 facilitate the administration of the election process, ~~or to accomplish~~
11 ~~reapportionment~~, or to comply with the provisions of R.S. 18:532(B)(1) or (4), it
12 becomes necessary to merge all or part of a precinct with adjacent precincts, a part
13 or parts may be merged but only when the parts that are joined are in the same
14 legislative, Public Service Commission, State Board of Elementary and Secondary
15 Education, state, federal, and local governing authority voting district as such
16 districts have been redistricted subsequent to the release of the latest federal
17 decennial census. However, no precinct shall be merged unless the local governing
18 authorities and the parish, city, or other local public school boards within the area
19 affected by the merger have completed redistricting and, if required, received
20 preclearance pursuant to the Voting Rights Act of 1965.

21 (b) In order to establish block boundaries for ~~the 2010~~ a subsequent federal
22 decennial census, proposed precinct ~~consolidations~~ mergers submitted for review
23 through December 31, 2008, thirty-first of any year of which the last digit is nine in
24 accordance with Subsection C of this Section, shall not be subject to the requirement
25 that the precincts or parts of the precincts shall be in the same state, local, and
26 municipal office voting district and shall not be subject to the provisions of
27 Paragraph (C)(3) of this Section; however, any ~~consolidation~~ mergers accomplished
28 pursuant to the provisions of this Subparagraph shall be effective for the following
29 purposes at the following times:

1 (i) Not later than ~~January 1, 2010~~, March thirty-first of any year of which the
2 last digit is zero for the purpose of establishing block boundaries for the ~~2010~~ federal
3 decennial census and for reapportionment and redistricting purposes following that
4 federal decennial census.

5 (ii) Not later than July 1, ~~2011~~, first of any year of which the last digit is one
6 for all purposes.

7 ~~(c) The provisions of Subparagraph (b) of this Paragraph shall not apply to~~
8 ~~consolidations required by R.S. 18:532(B)(4).~~

9 * * *

10 C.

11 * * *

12 (3)(a) In addition to the requirements of Paragraph (2) of this Subsection,
13 when the proposed precinct change involves a merger authorized by Paragraph
14 (B)(2) or Subparagraph (D)(1)(b) of this Section, prior to adoption by ordinance, the
15 parish governing authority shall submit proposed changes of the merger to the
16 secretary of state. No change in a precinct merger may be made by the parish
17 governing authority without prior review and approval by the secretary of state,
18 except as provided in this Paragraph. Such review shall consist of either a
19 determination ~~whether~~ that the proposed merger of the precincts establishes a
20 precinct or precincts where all parts of each proposed new precinct are in the same
21 state, local, and municipal office voting district or a determination that the voting
22 machine is capable of accommodating all elections that will occur in the precinct if
23 the proposed merger occurs and the proposed merger will not cause voter
24 inconvenience.

25 (b) The secretary of state shall send a report of the findings resulting from
26 the review to the parish governing authority within forty-five days after the receipt
27 of the proposed precinct changes. If the secretary of state fails to respond within
28 forty-five days after the receipt of the proposed precinct mergers, the proposed
29 mergers shall be deemed to be approved by the secretary of state. No precinct shall

1 be merged until all local governing authorities and the parish or city school board
2 within the area affected by the merger have completed redistricting and, if required,
3 such redistricting has been precleared pursuant to the Voting Rights Act of 1965.

4 D.(1)(a) Notwithstanding any other law to the contrary, no election precinct
5 shall be created, divided, abolished, or merged; or the boundaries thereof otherwise
6 changed between ~~January first of any year of which the last digit is nine and~~
7 December thirty-first of any year of which the last digit is ~~three~~ zero and January
8 first of any year of which the last digit is three.

9 (b) Notwithstanding the provisions of Subparagraph (a) of this Paragraph ~~or~~
10 ~~R.S. 18:1903~~ to the contrary, if the legislature has completed the reapportionment
11 required by Article III, Section 6 of the Constitution of Louisiana following the latest
12 federal decennial census and, if required, has received preclearance pursuant to the
13 Voting Rights Act of 1965, the parish governing authority may merge precincts upon
14 the parish governing authority's certifying in writing to the office of the secretary of
15 state that the parish governing authority and all school boards within the parish have
16 completed all redistricting that is required following the latest federal decennial
17 census ~~and~~ , if required, have received preclearance pursuant to the Voting Rights
18 Act of 1965, and have received written approval to merge the precincts from the
19 office of the secretary of state.

20 (i) A certified copy of the ordinance describing such precinct mergers, a
21 written description of proposed new precinct boundaries, and a copy of a map clearly
22 detailing the precinct boundaries within the parish shall be sent to the secretary of
23 the Senate, and the clerk of the House of Representatives, the secretary of state, the
24 clerk of court, and the registrar of voters of the parish within fifteen days after the
25 adoption of the ordinance.

26 (ii) No precinct merger shall become effective without prior review and
27 approval by the secretary of state, the secretary of the Senate, and the clerk of the
28 House of Representatives, or their designees. The secretary of state, the secretary of
29 the Senate, and the clerk of the House of Representatives, or their designees shall

1 send a report of the findings of the review to the parish governing authority within
2 forty-five days after receipt of the proposed precinct changes. If the secretary of
3 state, the secretary of the Senate, or the clerk of the House of Representatives, or
4 their designees fail to respond within forty-five days after receipt of the proposed
5 precinct changes, the proposed precinct changes shall be deemed to be approved by
6 the official or designee who failed to respond.

7 (2)(a) Notwithstanding the provisions of Paragraph (1) of this Subsection ~~or~~
8 ~~R.S. 18:1903~~ to the contrary, if after the release of the federal decennial census data
9 a parish governing authority is unable to comply with applicable law regarding
10 redistricting and reapportionment, including adherence to traditional redistricting
11 principles, in the creation of its redistricting or reapportionment plan using the whole
12 precincts submitted to the United States Bureau of the Census, the parish governing
13 authority may divide a precinct into two or more precincts; any such division shall
14 be by a visible feature which is a census tabulation boundary. Upon dividing a
15 precinct, the parish governing authority shall notify the secretary of state of such
16 precinct division in writing.

17 * * *

18 Section 2. R.S. 18:1903 is hereby repealed in its entirety.

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 409 Original 2018 Regular Session Gregory Miller

Abstract: Provides relative to limitations on changes to precinct boundaries, particularly for the purposes of establishing boundaries for the federal decennial census and for the purposes of redistricting efforts following each federal decennial census.

Present law (R.S. 18:532) provides for the establishment of precincts, definition of territorial limits for which each precinct is established, prescription of boundaries, and designation of precincts by the governing authority of each parish. Prohibits any precinct from having fewer than 300 registered voters within its boundaries except in certain circumstances, including making it more convenient for voters to vote in geographically isolated areas who would otherwise have to travel more than 10 miles or cross a public ferry to vote, when the precinct contains the entire area of an incorporated place (small municipality), when a precinct may not be merged because of different voting district boundaries, under

extraordinary and unforeseen circumstances as permitted by the secretary of state, and when a parish governing authority is responsible for all election expenses incurred in the precinct.

Present law provides that the requirement that the parish governing authority is responsible for all election expenses incurred in a small precinct that has less than 300 registered voters and does not meet one of the exceptions shall not apply from Jan. 1, 2009, through Dec. 31, 2013.

Proposed law provides instead that such requirement does not apply during the period of Dec. 31st of any year ending in zero and Jan. 1st of any year ending in three established in proposed law (see below).

Present law (R.S. 18:532.1) provides relative to changing the boundaries of precincts. Authorizes the parish governing authority to change the configuration, boundaries, or designation of an election precinct. Provides for requirements for changing precinct boundaries. Provides that no election precinct shall be created, divided, abolished, or merged, or the boundaries thereof otherwise changed between Jan. 1st of any year of which the last digit is nine and Dec. 31st of any year of which the last digit is three, unless ordered by a court of competent jurisdiction. Provides exceptions. Present law contains specific dates regarding the establishment of precincts and mergers of precincts for the 2010 federal decennial census and the redistricting efforts following said census.

Proposed law provides instead that no election precinct shall be created, divided, abolished, or merged, or the boundaries thereof otherwise changed between Dec. 31st of any year of which the last digit is zero and Jan. 1st of any year of which the last digit is three.

Proposed law removes language regarding mergers of precincts to accomplish reapportionment and removes specific language regarding the establishment of block boundaries for the 2010 federal decennial census and precinct changes during the time that redistricting efforts following said census occurred.

Proposed law provides instead that in order to establish block boundaries for a subsequent federal decennial census, precinct mergers submitted for review through Dec. 31st of any year ending in nine shall not be subject to the requirement that all parts be in the same voting districts. Further provides that such mergers shall be effective for March 31st for the federal decennial census and for reapportionment and redistricting purposes following that federal decennial census and not later than July 1st of any year the last digit is one for all purposes.

Present law further provides relative to precinct mergers that the secretary of state shall make a determination that all parts of the precinct be in same voting districts. Proposed law further allows a merger if the secretary of state makes a determination that the voting machine is capable of accommodating all elections that will occur in the precinct if the proposed merger occurs and the proposed merger will not cause voter inconvenience.

Present law (R.S. 18:1903) also prohibits an election precinct from being created, divided, abolished, or merged, or the boundaries thereof otherwise changed between Jan. 1st of any year of which the last digit is nine and Dec. 31st of any year of which the last digit is three. Proposed law removes this specific restriction.

(Amends R.S.18:532(A) and (B)(5) and 532.1(B)(2), (C)(3), and (D)(1) and (2)(a); Repeals R.S. 18:1903)