

2018 Regular Session

HOUSE BILL NO. 682

BY REPRESENTATIVE SHADOIN

ELECTIONS: Provides relative to elections of alcoholic beverages propositions

1 AN ACT

2 To amend and reenact R.S. 26:587(C), 588(B), 589, 590, 591, and 594 and to repeal R.S.  
3 26:592 and 593, relative to elections held to determine whether the sale of alcoholic  
4 beverages will be conducted and licensed in an area; to provide relative to  
5 procedures and requirements for conducting such elections; to provide for the date  
6 of such elections; to provide relative to procedures for ordering an election; to  
7 provide relative to a proposition ordering an election; to provide for notice of the  
8 election; to provide for the ballot in such elections; to provide for actions objecting  
9 to calling an election or contesting an election; to provide deadlines; to provide  
10 relative to recounts; to provide relative to the duties and authority of the parish board  
11 of election supervisors concerning such elections; to provide relative to the duties  
12 and authority of the governing authority concerning such elections; to require such  
13 elections to be conducted in accordance with the Louisiana Election Code; and to  
14 provide for related matters.

15 Be it enacted by the Legislature of Louisiana:

16 Section 1. R.S. 26:587(C), 588(B), 589, 590, 591, and 594 are hereby amended and  
17 reenacted to read as follows:

18 §587. Ordering of election; verification of registrar of voters; date of election;  
19 notice of election

20 \* \* \*

1           C. The date fixed for the election shall be the next date on which such an  
 2           election may be held, as provided for in R.S. 18:402(F) ~~; which falls more than forty-~~  
 3           ~~five days after the date verification was filed with the governing authority by the~~  
 4           ~~registrar of voters.~~ Written notice of the election shall be transmitted to the secretary  
 5           of state and each clerk of court and registrar of voters in the area affected by the  
 6           election. If the election is to be held on a primary election date, then such notice  
 7           shall be received by the secretary of state at least four weeks prior to the opening of  
 8           the qualifying period for the primary election. If the election is not to be held on a  
 9           primary election date, then the notice shall be received by the secretary of state on  
 10           or before the fifty-fourth day prior to the election. The secretary of state shall not  
 11           accept any revisions to propositions, including but not limited to changes in title,  
 12           text, or numerical designations, after the last day for submission of the notice to the  
 13           secretary of state.

14           §588. Ballot; majority determination of issues; separation of results

15   \*       \*       \*

16           B. If the voter desires to vote "YES" on any or all of these propositions he  
 17           shall make an "X" a mark ~~in the square~~ opposite the word "YES". To vote "NO" he  
 18           shall make an "X" a mark ~~in the square~~ opposite the word "NO". ~~The vote of the~~  
 19           ~~voter on each proposition shall be valid and shall be counted, and failure~~ Failure  
 20           to  
 21           vote on all the five propositions shall not invalidate the ballot as to those  
 22           propositions on which a vote was cast.

22   \*       \*       \*

23           §589. Conduct of election ~~; voting machines or ballot boxes~~

24           A. ~~The elections shall be by secret ballot and shall be conducted as nearly~~  
 25           ~~as possible~~ in accordance with the ~~election laws of the state~~ Louisiana Election Code.  
 26           ~~Where not otherwise provided by this Chapter, or by any other law, the authority~~  
 27           ~~calling the election shall provide in the call for the manner in which the election shall~~  
 28           ~~be conducted and the result thereof promulgated.~~

1           ~~B. Voting machines may be used in political subdivisions which have~~  
2           ~~adopted them for use in general elections. If machines are used, the propositions~~  
3           ~~stipulated in R.S. 26:588 to be printed on the ballot shall be shown on the mechanism~~  
4           ~~of the machine. Otherwise, ordinary ballot boxes shall be used and suitable ballots~~  
5           ~~printed for use in the election.~~

6           §590. ~~Violation of standards for petition or election; nullity of election~~ Action  
7           contesting calling of election; action contesting election; time for  
8           commencement; applicable provisions

9           A. If the petition fails to ~~substantially~~ comply with the requirements  
10          provided in this Chapter or if the other requirements specified in this Chapter for the  
11          calling ~~or conduct~~ of the election are not ~~substantially~~ complied with, ~~the election is~~  
12          ~~illegal and ineffective and may be declared null and void by any court of competent~~  
13          ~~jurisdiction at the suit of any elector who was qualified to vote in the election. This~~  
14          ~~suit shall be brought within thirty days of the promulgation of the results of the~~  
15          ~~election.~~ any elector who is qualified to vote in the election may bring an action  
16          objecting to the calling of the election. Such action shall be instituted not later than  
17          4:30 p.m. of the fourteenth day after calling the election.

18          B. An action contesting an election provided for in this Chapter shall be  
19          instituted not later than 4:30 p.m. of the thirtieth day after the official promulgation  
20          of the results of the election.

21          C. The provisions of Chapter 9 of the Louisiana Election Code shall be  
22          applicable to any suit instituted pursuant to the provisions of this Section.

23          §591. Recount of ballots or contest of elections

24          ~~Any elector who was qualified to vote in the election may demand a recount~~  
25          ~~of the ballots or contest the election in the same manner and under the same~~  
26          ~~conditions as is provided by law for the recount of ballots or contest of elections~~  
27          ~~under the general and special laws of this state.~~ Recount of ballots or contest of  
28          elections shall be conducted in accordance with the Louisiana Election Code.

1 §594. Promulgation of election results; proces verbal

2 A. The governing authority calling the election shall ~~promulgate the result~~  
 3 ~~by resolution or ordinance adopted at its first regular meeting after the election and~~  
 4 ~~shall publish it in the official journal of the parish.~~ examine and canvass the returns  
 5 and promulgate the result of the election in accordance with R.S. 18:1292.

6 B. The governing authority calling the election shall preserve a proces verbal  
 7 of the canvass in accordance with R.S. 18:1293.

8 Section 2. R.S. 26:592 and 593 are hereby repealed in their entirety.

9 Section 3. This Act shall become effective upon signature by the governor or, if not  
 10 signed by the governor, upon expiration of the time for bills to become law without signature  
 11 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If  
 12 vetoed by the governor and subsequently approved by the legislature, this Act shall become  
 13 effective on the day following such approval.

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#### 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)]

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HB 682 Reengrossed

2018 Regular Session

Shadoin

**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, 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 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.

Present law (R.S. 26:588) provides for the content of the ballot. Provides procedures for voting. Proposed law retains present law.

Present law requires the voter to make an "X" in the square to indicate a vote. Proposed law repeals present law.

Present law (R.S. 26:589) provides that elections shall be conducted as nearly as possible in accordance with the election laws of the state. Provides requirements for voting machines.

Proposed law repeals present law. Provides that elections are conducted in accordance with the La. Election Code.

Present law (R.S. 26:590 and 591) provide relative to effectiveness of petitions that fail to comply with present law and conducting elections pursuant to present law. Provides a deadline for bringing suit. Provides that any elector qualified to vote in the election may demand a recount or contest the election.

Proposed law repeals present law. Provides instead that if a petition fails to comply with the requirements of proposed law and present law, an action objecting to the calling of the election may be instituted by any elector who is qualified to vote in the election. Provides that any such action shall be instituted not later than 4:30 p.m. of the 14th day after calling the election. Provides that an action contesting an election shall be instituted not later than 4:30 p.m. of the 30th day after the official promulgation of the results of the election. Specifies that present law (Chapter 9 of the La. Election Code) shall be applicable to any such suit and that present law (La. Election Code) shall govern recount of ballots and contest of elections.

Present law authorizes the parish board of election supervisors to supervise elections. Provides for compensation of members. Provides that the board appoints three commissioners and a clerk to preside over the election at each precinct. Provides qualifications for appointees.

Proposed law repeals present law.

Present law (R.S. 26:594) provides that the governing authority calling the election shall promulgate the result by resolution or ordinance adopted at its first regular meeting after the election and shall publish it in the official journal of the parish.

Proposed law repeals present law. Provides instead that the governing authority shall examine and canvass the returns and promulgate the result of the election in accordance with present law (R.S. 18:1292). Requires the governing authority calling the election to preserve a proces verbal of the canvass in accordance with present law (R.S. 18:1293).

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

(Amends R.S. 26:587(C), 588(B), 589, 590, 591, and 594; Repeals R.S. 26:592 and 593)

Summary of Amendments Adopted by House

The Committee Amendments Proposed by House Committee on House and Governmental Affairs to the original bill:

1. Make technical changes.

The House Floor Amendments to the engrossed bill:

1. Specify that any elector who is qualified to vote in the election may bring an action objecting to the calling of the election.