

2021 Regular Session

HOUSE BILL NO. 557

BY REPRESENTATIVE IVEY

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

ELECTIONS/CONGRESSIONAL: Provides for the dates of congressional elections and for the certification of congressional candidates elected at such elections

1 AN ACT

2 To amend and reenact R.S. 18:402(B), 467(2), 511(A) and (B), 512(B), 1272(A), 1277,  
3 1285(B)(1)(a), 1300(C)(1), and 1300.7(A), relative to elections; to provide for the  
4 dates of elections for congressional offices and offices elected at the same time; to  
5 provide for qualifying for such elections; to provide for certification of results and  
6 declaration of election of congressional candidates; to provide for an effective date;  
7 and to provide for related matters.

8 Be it enacted by the Legislature of Louisiana:

9 Section 1. R.S. 18:402(B), 467(2), 511(A) and (B), 512(B), 1272(A), 1277,  
10 1285(B)(1)(a), 1300(C)(1), and 1300.7(A) are hereby amended and reenacted to read as  
11 follows:

12 §402. Dates of primary and general elections

13 \* \* \*

14 B. Congressional elections. Elections for members of congress and officers  
15 elected at the same time as members of congress shall be held every two years,  
16 beginning in 1982.

17 (1)(a) Primary elections for members of congress held in a year that is not  
18 a presidential election year and officers elected at the same time as such members  
19 of congress shall be held on the ~~first Tuesday after the first Monday in November~~  
20 last Saturday in September of an election year.

1                    (b) Primary elections for members of congress held in a presidential election  
2                    year and officers elected at the same time as such members of congress shall be held  
3                    on the first Saturday in August of an election year.

4                    (2) General elections for members of congress and officers elected at the  
5                    same time as members of congress shall be held on ~~the fifth Saturday after~~ the first  
6                    Tuesday after the first Monday in November of an election year.

7    \*           \*           \*

8                    §467. Opening of qualifying period

9                    The qualifying period for candidates in a primary election shall open:

10     \*           \*           \*

11                    (2)(a) For candidates in a congressional primary election held in a year that  
12                    is not a presidential election year and those in any special primary election to be held  
13                    at the same time, on the third Wednesday in ~~July~~ June of the year of the election.

14                    (b) For candidates in a congressional primary election in a presidential  
15                    election year and those in any special primary election to be held at the same time,  
16                    on the second Wednesday in May of the year of the election.

17     \*           \*           \*

18                    §511. Election of candidates in a primary election

19                    A.(1) Majority vote. A candidate who receives a majority of the votes cast  
20                    for an office in a primary election is elected. If there are two or more offices of the  
21                    same character to be filled, the number of votes necessary to constitute a majority  
22                    shall be greater than the result obtained by dividing the total votes cast for all of the  
23                    candidates by the number of offices to be filled and dividing the result so obtained  
24                    by two. If more candidates receive a majority than there are offices to be filled,  
25                    those of such candidates receiving the highest total of votes shall be elected, to the  
26                    number required to fill all of the offices. Any votes received by a withdrawn  
27                    candidate or a deceased candidate shall be void and shall not be counted for any  
28                    purpose whatsoever.

1           (2)(a) Notwithstanding Paragraph (1) of this Subsection, a candidate for  
 2           congressional office who receives a majority of the votes cast for the office in a  
 3           primary election held on the last Saturday in September of an election year shall not  
 4           be declared elected until the first Tuesday after the first Monday in November of an  
 5           election year.

6           (b) Notwithstanding Paragraph (1) of this Subsection, a candidate for  
 7           congressional office who receives a majority of the votes cast for the office in a  
 8           primary election held on the first Saturday in August of an election year shall not be  
 9           declared elected until the first Tuesday after the first Monday in November of an  
 10          election year.

11           B. Election of unopposed candidates for public office. (1) If, after the close  
 12          of the qualifying period for candidates in a primary election, the number of  
 13          candidates for a public office does not exceed the number of persons to be elected  
 14          to the office, the candidates for that office, or those remaining after the withdrawal  
 15          of one or more candidates, are declared elected by the people, and their names shall  
 16          not appear on the ballot in either the primary or the general election.

17           (2)(a) Notwithstanding Paragraph (1) of this Subsection, if after the close of  
 18           the qualifying period for candidates in a congressional primary election to be held  
 19           on the last Saturday in September of an election year, there is only one candidate for  
 20           a congressional office, the name of the candidate shall not appear on the ballot in  
 21           either the primary or the general election, and he shall be declared elected on the first  
 22           Tuesday after the first Monday in November of an election year.

23           (b) Notwithstanding Paragraph (1) of this Subsection, if after the close of the  
 24           qualifying period for candidates in a congressional primary election to be held on the  
 25           first Saturday in August of an election year, there is only one candidate for a  
 26           congressional office, the name of the candidate shall not appear on the ballot in  
 27           either the primary or the general election, and he shall be declared elected on the first  
 28           Tuesday after the first Monday in November of an election year.

\*       \*       \*

1 §512. Election of candidates in a general election

2 \* \* \*

3 B. Election of unopposed candidates. (1) If, as a result of the death or  
4 withdrawal of one or more candidates, the number of candidates for an office in a  
5 general election does not exceed the number of persons to be elected to the office,  
6 the remaining candidates are declared elected by the people, and their names shall  
7 not appear on the ballot in the general election.

8 (2) Notwithstanding Paragraph (1) of this Subsection, if, as a result of the  
9 death or withdrawal of one or more candidates, there is only one candidate for a  
10 congressional office in a general election that will be held on the first Tuesday after  
11 the first Monday in November of an election year, the name of the candidate shall  
12 not appear on the ballot in the general election, and he shall be declared elected on  
13 the first Tuesday after the first Monday in November of an election year.

14 \* \* \*

15 §1272. United States senators; representatives in congress; time of electing

16 A.(1) All general elections for representatives in congress shall be held on  
17 ~~the fifth Saturday after~~ the first Tuesday after the first Monday in November in even-  
18 numbered years.

19 (2)(a) The primary election held in a year that is not a presidential election  
20 year shall be held on the first Tuesday after the first Monday in November last  
21 Saturday in August of an election year.

22 (b) In a presidential election year, the primary election shall be held on the  
23 first Saturday in August of an election year.

24 \* \* \*

25 §1277. Certification of votes cast for United States senator and representative in  
26 Congress

27 A. Immediately after the results of the election for United States senator and  
28 representatives in Congress become official, the secretary of state shall separately  
29 certify the votes cast for United States senator and for each representative in

1 Congress who was elected. Each such certificate shall be signed by the governor and  
 2 by the secretary of state. Thus certifying the election of the persons determined to  
 3 have been elected, the governor shall cause the seal of the state to be affixed to each  
 4 certificate. One copy of the appropriate certificate shall be delivered to each person  
 5 elected. Another copy of the certificate of the election of the United States senator  
 6 shall be transmitted by the governor to the President of the United States Senate. A  
 7 copy of each certificate of the election of representatives in Congress shall be  
 8 transmitted by the governor to the House of Representatives of the Congress of the  
 9 United States, directed to the clerk thereof.

10 B. Notwithstanding Subsection A of this Section, if a candidate for a  
 11 congressional office receives a majority of the votes cast for the office in a primary  
 12 election held on the last Saturday in September or the first Saturday in August of an  
 13 election year or if such a candidate in a primary election to be held on either  
 14 congressional primary date of an election year or a general election held on the first  
 15 Tuesday after the first Monday in November of an election year is unopposed due  
 16 to the death or withdrawal of one or more candidates, the secretary of state shall not  
 17 certify the results of such election until the first Tuesday after the first Monday in  
 18 November of an election year.

19 \* \* \*  
 20 §1285. Notice of election

21 \* \* \*

22 B.(1)(a) Written notice of the election and the certificate required by  
 23 Subparagraph (b) of this Paragraph shall be transmitted to the secretary of state and  
 24 each clerk of court and registrar of voters in the area affected by the election. If the  
 25 election is to be held on a primary election date, then such notice and certificate shall  
 26 be received by the secretary of state at least four weeks prior to the opening of the  
 27 qualifying period for the primary election. If the election is not to be held on a  
 28 primary election date, then the notice and certificate shall be received by the  
 29 secretary of state on or before the fifty-fourth day prior to the election, except for an

1 election to be held on the first Tuesday after the first Monday in November of a  
 2 presidential election year then the notice and certificate shall be received by the  
 3 secretary of state on or before the eighty-first day prior to the election. The secretary  
 4 of state shall not accept any revisions to propositions, including but not limited to  
 5 changes in title, text, or numerical designations, after the last day for submission of  
 6 the notice and certificate to the secretary of state.

7 \* \* \*

8 §1300. Procedures; notice of election; expenses

9 \* \* \*

10 C.(1) When an election is called under the provisions of this Chapter, written  
 11 notice of the election shall be transmitted to the secretary of state, the commissioner  
 12 of elections, and each clerk of court and registrar of voters in the area affected by the  
 13 election. If the election is to be held on a primary election date, then such notice  
 14 shall be received by the secretary of state at least four weeks prior to the opening of  
 15 the qualifying period for the primary election. If the election is not to be held on a  
 16 primary election date, then such notice shall be received by the secretary of state on  
 17 or before the fifty-fourth day prior to the election, except for an election to be held  
 18 on the first Tuesday after the first Monday in November of a presidential election  
 19 year then the notice and certificate shall be received by the secretary of state on or  
 20 before the eighty-first day prior to the election.

21 \* \* \*

22 §1300.7. Governor to order election; proclamation; publication

23 A. If the required number of qualified electors of the voting area sign the  
 24 petition for recall, the governor shall issue a proclamation ordering an election to be  
 25 held for the purpose of voting on the question of the recall of the officer. The total  
 26 number of registered voters in the voting area and the total number of registered  
 27 voters in the voting area signing the petition shall be calculated from the totals on the  
 28 certificates of all of the registrars of voters received by the governor. The governor  
 29 shall issue such proclamation within fifteen days after he receives the certified

1 petitions from all of the registrars of voters in the voting area who have received  
 2 petitions for certification. If the final day for the governor to issue the proclamation  
 3 falls on a Saturday, Sunday, or legal holiday, then the next day which is not a  
 4 Saturday, Sunday, or legal holiday shall be deemed to be the final day for issuing the  
 5 proclamation. The proclamation shall order the election to be held on the next  
 6 available date specified in R.S. 18:402(F). If the election is to be held on a primary  
 7 election date, the proclamation shall be issued at least four weeks prior to the  
 8 opening of the qualifying period for the primary election. If the election is not to be  
 9 held on a primary election date, the proclamation shall be issued on or before the  
 10 fifty-fourth day prior to the election, except for an election to be held on the first  
 11 Tuesday after the first Monday in November of a presidential election year then the  
 12 notice and certificate shall be received by the secretary of state on or before the  
 13 eighty-first day prior to the election.

14 \* \* \*

15 Section 2. This Act shall become effective upon signature by the governor or, if not  
 16 signed by the governor, upon expiration of the time for bills to become law without signature  
 17 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If  
 18 vetoed by the governor and subsequently approved by the legislature, this Act shall become  
 19 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 557 Engrossed

2021 Regular Session

Ivey

**Abstract:** Changes the dates of congressional elections and provides relative to the certification of candidates elected at such elections under certain circumstances.

Present law provides that primary elections for members of congress and officers elected at the same time as members of congress are held on the first Tues. after the first Mon. in Nov. of an even-numbered year and that the general elections for such offices are held on the fifth Sat. after the primary election.

Proposed law changes the date of such primary elections held in a year that is not a presidential election year to the last Sat. in Sept. and the date of such primary elections held

in a presidential election year to the first Sat. in Aug. Also changes the date of the general elections to the first Tues. after the first Mon. in Nov.

Present law provides that qualifying for candidates in such elections opens on the third Wed. in July. Proposed law changes the date of the opening of qualifying for such elections held in a year that is not a presidential election year to the third Wed. in June and the opening of qualifying for such primary elections held in a presidential election year to the second Wed. in May.

Proposed law otherwise retains present law with respect to such elections except to provide that if a congressional candidate receives a majority of the votes in the primary election or is the only candidate due to the death or withdrawal of other candidates, he shall not be declared elected and the secretary of state shall not certify the results of the election until the general election date.

Present law provides that written notice of a proposition election called by a political subdivision shall be transmitted to the secretary of state and each clerk of court and registrar of voters in the area affected by the election. Further provides that if the election is to be held on a primary election date, then such notice and certificate shall be received by the secretary of state at least four weeks prior to the opening of the qualifying period for the primary election. 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.

Proposed law retains present law but changes the deadline for notice of an election to be held on the first Tues. after the first Mon. in Nov. in a presidential election year to the 81st day prior to the election.

Present law provides that if the required number of qualified electors of the voting area sign the petition for recall, the governor shall issue a proclamation ordering a recall election. If the election is to be held on a primary election date, the proclamation shall be issued at least four weeks prior to the opening of the qualifying period for the primary election. If the election is not to be held on a primary election date, the proclamation shall be issued on or before the 54th day prior to the election.

Proposed law retains present law but changes the deadline for the proclamation for an election not to be held on the first Tues. after the first Mon. in Nov. of a presidential election year to the 81st day prior to the election.

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

(Amends R.S. 18:402(B), 467(2), 511(A) and (B), 512(B), 1272(A), 1277, 1285(B)(1)(a), 1300(C)(1), and 1300.7(A))

#### Summary of Amendments Adopted by House

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

1. Change dates for congressional primary elections and for qualifying for such elections.
2. Distinguish dates of primary congressional elections and of qualifying held in a year that is not a presidential election year from elections held in a year that is a presidential election year.
3. Add provisions changing deadlines for notices of proposition elections and proclamations of recall elections held in Nov. of presidential election years.