

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 §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 certified and declared
13 elected on 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
 17 certify the results of such election on 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 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.

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 557 Reengrossed

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, the results of the election shall be certified by the secretary of state on the general election date and the candidate shall be declared elected.

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.

The House Floor Amendments to the engrossed bill:

1. Make technical changes.