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.

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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 <u>held in a year that</u>	
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 be		
4	certified and declared elected on the first Tuesday after the first Monday in		
5	November of an 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 be		
9	certified and declared elected on the first Tuesday after the first Monday in		
10	November of an 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 certified and declared		
22	elected on the first 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 certified and declared		
28	elected on the first Tuesday after the first Monday in November of an election year.		
29	* * *		

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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 <u>held in a year that is not a presidential election</u>		
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	\underline{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 elected. Another copy of the certificate of the election of the United States senator 5 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

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- 20 §1285. Notice of election
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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 election is to be held on a primary election date, then such notice and certificate shall 25 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		

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

<u>Present law</u> 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.

<u>Proposed law</u> 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.

<u>Present law</u> provides that qualifying for candidates in such elections opens on the third Wed. in July. <u>Proposed law</u> 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.

<u>Proposed law</u> otherwise retains <u>present law</u> 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.

<u>Present law</u> 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.

<u>Proposed law</u> retains <u>present law</u> 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.

<u>Present law</u> 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.

<u>Proposed law</u> retains <u>present law</u> 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 <u>House Committee on House and</u> <u>Governmental Affairs</u> to the <u>original</u> 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.