

2022 Regular Session

SENATE BILL NO. 193

BY SENATOR HEWITT

REDISTRICTING. Provides for the reapportionment plans of school boards. (gov sig)

1 AN ACT

2 To amend and reenact R.S. 17:71.3(E)(2)(b), relative to school board apportionment plans;
3 to provide for review; to provide for challenges; and to provide for related matters.

4 Be it enacted by the Legislature of Louisiana:

5 Section 1. R.S. 17:71.3(E)(2)(b) is hereby amended and reenacted to read as follows:

6 §71.3. Procedure for accomplishing reapportionment, special election districts;
7 effective date of same

8 * * *

9 E. * * *

10 (2) * * *

11 (b) Any plan adopted by a school board in contravention of this Subsection
12 shall be null and void **by operation of law**, and no election shall be conducted using
13 any ballot based on such a null and void plan. ~~Any declaration of nullity of a plan~~
14 ~~pursuant to this Subparagraph shall be by a court~~ **The secretary of state shall**
15 **promptly notify the school board that the plan is null and void by operation of**
16 **law. Any plan that is null and void under this Subsection may be declared valid**
17 **by a court** of competent jurisdiction **upon petition of the school board**. In the event

1 a plan is declared null, such declaration shall not affect the validity or legality of any
 2 actions taken by, ordinances or regulations adopted by, or contracts entered into by
 3 the school board elected pursuant to the null plan.

4 * * *

5 Section 2. This Act shall become effective upon signature by the governor or, if not
 6 signed by the governor, upon expiration of the time for bills to become law without signature
 7 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If
 8 vetoed by the governor and subsequently approved by the legislature, this Act shall become
 9 effective on the day following such approval.

The original instrument and the following digest, which constitutes no part
 of the legislative instrument, were prepared by Matt DeVille.

DIGEST

SB 193 Engrossed

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Hewitt

Present law provides that any reapportionment plan adopted by a school board that does not comply with applicable present law regarding redistricting and reapportionment will be null and void and no election will be held using any ballot based on such a plan.

Present law further provides that a court of competent jurisdiction will issue a declaration of nullity if a reapportionment plan fails to comply with applicable present law regarding redistricting and reapportionment.

Proposed law provides that the secretary of state shall notify a school board that has adopted a reapportionment plan that does not comply with applicable present law regarding redistricting and reapportionment of the nullity.

Proposed law further provides that any declaration of nullity of a reapportionment plan may be reversed by a court of competent jurisdiction upon the petition of the school board.

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

(Amends R.S. 17:71.3(E)(2)(b))

Summary of Amendments Adopted by Senate

Committee Amendments Proposed by Senate Committee on Senate and Governmental Affairs to the original bill

1. Specify that any redistricting plan adopted by a school board that fails to comply with applicable statutory requirements is null and void.
2. Require the secretary of state to notify any school board that submits a plan declared null and void due to failure to comply with applicable statutory requirements of the nullity.

3. Clarify that any redistricting plan declared null and void due to failure to comply with applicable statutory requirements may be declared valid by a court of competent jurisdiction upon petition of the school board.