

SENATE COMMITTEE AMENDMENTS

2023 Regular Session

Amendments proposed by Senate Committee on Senate and Governmental Affairs to Original Senate Bill No. 123 by Senator Henry

1 AMENDMENT NO. 1

2 On page 1, line 2, after "reenact" delete the remainder of the line and insert:
 3 "R.S. 18:3(A), 1300.2(A)(2),(C)(1) and (2), and (D), 1300.3(A) and (B), and 1300.5(B), R.S.
 4 44:4.1(B)(1), and to repeal R.S. 18:1300.5(C), relative to"

5 AMENDMENT NO. 2

6 On page 1, line 6, after "Section 1." and before "are" change "R.S. 18:1300.2(C)(1),
 7 1300.3(A) and (B), and 1300.5" to "R.S. 18:3(A), 1300.2(A)(2),(C)(1) and (2), and (D),
 8 1300.3(A) and (B), and 1300.5(B)"

9 AMENDMENT NO. 3

10 On page 1, between lines 7 and 8 insert:
 11 " §3. Petitions submitted to registrars of voters
 12 A. Notwithstanding any other provision of law to the contrary, every petition
 13 submitted to a registrar of voters for certification shall contain the following
 14 information:
 15 (1) The handwritten signature of the voter who is signing the petition;
 16 however, if a person is unable to write, the incapacitated person shall affix his mark
 17 to the petition and the person circulating the petition shall affix the name of the
 18 incapacitated person provided he does so in the presence of two witnesses who shall
 19 also sign their names as witnesses to the mark.
 20 (2) The ~~date~~ **month, day, and year** the voter signed the petition.
 21 (3) The signer's ~~ward, precinct, and~~ year of birth.
 22 (4) The address at which the signer is registered to vote, including municipal
 23 number, apartment number, rural route, and box number.
 24 (5) Name of the signer either typed or legibly written.
 25 (6) ~~Name~~ **The printed name** of the person who witnessed and who obtained
 26 the signature **either typed or legibly written**.
 27 (7) ~~Date~~ **The month, day, and year** on which the person witnessed and
 28 obtained the signature.
 29 * * *

30 AMENDMENT NO. 4

31 On page 1, delete lines 9-17 and on page 2 delete lines 1-10 and insert:
 32 "A. * * *
 33 (2) The secretary of state shall provide a form approved by the attorney
 34 general to be used for the petition for a recall election. Such form **shall include pre-**
 35 **printed line numbers and** shall be in conformity with ~~the~~ **all other** provisions of
 36 this Chapter and R.S. 18:3. All recall petitions shall be on an approved form or on
 37 a form which contains the same information as required by the approved form and
 38 any petition not on such a form shall be invalid.
 39 * * *
 40 C.(1) Prior to the entering of any signatures on a petition, the chairman
 41 designated to represent the petitioners shall file with the secretary of state a copy of
 42 the recall petition which will be used and copies of a picture identification that
 43 contain the name and signature of the chairman and vice chairman, respectively, or
 44 copies of current utility bills, bank statements, government checks, paychecks, or
 45 other government documents that show the name and address of the chairman and
 46 vice chairman, respectively. **Upon receipt of the recall petition, the secretary of**
 47 **state shall provide to the chairman and vice chairman, respectively, a document**

1 **prepared by the secretary of state in conjunction with the Louisiana Registrars**
2 **of Voters Association, subject to approval as to content by the attorney general,**
3 **providing general information on petition requirements and deadlines.** Upon
4 receipt of the recall petition, the secretary of state shall endorse thereon the fact and
5 the date of filing, **and this unsigned copy of the recall petition shall be a public**
6 **record.** A copy shall be transmitted by the secretary of state to the registrar of voters
7 for each parish in which the recall election is to be held. The chairman shall list on
8 the petition every parish that is wholly or partially within the voting area where the
9 recall election is to be held. The petition shall be considered filed when it is received
10 in the office of the secretary of state. Upon receipt of the recall petition, the secretary
11 of state shall produce a report of the number of qualified electors in the voting area
12 wherein the recall election is sought effective on the date of receipt of the recall
13 petition and shall notify the registrar of voters in each parish in the voting area of the
14 number of qualified electors of the voting area in the parish for issuance of the
15 certification.

16 (2)(a) The signed and dated petition shall be submitted to the registrar of
17 voters for each parish within the voting area not later than one hundred eighty days
18 after the day on which the copy of the petition was filed with the secretary of state;
19 however, where fewer than one thousand qualified electors reside within the voting
20 area, the petition shall be submitted to the registrar of voters not later than ninety
21 days after the day on which the copy of the petition is filed with the secretary of
22 state. If the final day for submitting the signed and dated petition falls on a Saturday,
23 Sunday, or legal holiday, the deadline for filing such petition shall be on the next day
24 which is not a Saturday, Sunday, or legal holiday. **Upon receipt of the petition, the**
25 **registrar of voters shall affix the date received and a page number to the front**
26 **of each page of the petition.**

27 (b) **In conjunction with the recall petition the chairman shall also submit**
28 **to the registrar of voters an affidavit verifying the number of signatures**
29 **submitted along with an attestation that to the best of his knowledge, all**
30 **documents submitted are originals and not photocopies.**

31 * * *

32 D. Each elector, at the time of signing the petition, shall enter his address and
33 the date on which he signed beside or underneath his signature; however, if a person
34 is unable to write, as provided in R.S. 18:1300.4, the two witnesses shall date their
35 signatures. In addition, each petition shall be in compliance with the provisions of
36 R.S. 18:3. In determining the number of qualified electors who signed the petition
37 in any parish, the registrar of voters shall not count any signature which is ~~undated~~
38 **does not comply with all of the requirements of R.S. 18:3** or bears a date prior to
39 the date on which the copy of the petition initially was filed with the secretary of
40 state or after the date of the submission of the petition to the registrar except as
41 otherwise provided in R.S. 18:1300.3(B). The registrar shall not receive or certify a
42 petition submitted to him for certification unless it is submitted to him timely."

43 AMENDMENT NO. 5

44 On page 2, delete lines 12 and 13 and insert:

45 "§1300.3 Certification of registrar of voters; addition or withdrawal of
46 signatures; **designation as a public record;** form of names"

47 AMENDMENT NO. 6

48 On page 2, line 15, after "within" and before "working" change "fifteen" to "~~fifteen~~ **twenty**"

49 AMENDMENT NO. 7

50 On page 2, line 22, after "within" change "twenty" to "~~twenty~~ **thirty**"

51 AMENDMENT NO. 8

1 On page 2, line 23, after "purpose." and before "If" insert: **"If the petition certification**
2 **deadline occurs during the time period commencing forty-five days before a primary**
3 **election and ending on the date of the corresponding general election, the registrar of**
4 **voters for each parish in the voting area shall be granted an additional ten working**
5 **days to complete the certification or an additional twenty working days for any parish**
6 **wholly or partially within the voting area that has more than fifty thousand registered**
7 **voters"**

8 AMENDMENT NO. 9

9 On page 3, line 1, after "registrar." delete the remainder of the line, delete line 2, and insert:
10 **"Except as otherwise provided by law, and in accordance with R.S. 18:61, the registrar**
11 **of voters for each parish in the voting area may enlist the assistance of employees of the**
12 **department of state and registrars and deputy registrars of voters from other parishes**
13 **to complete the certification of the recall petition."**

14 AMENDMENT NO. 10

15 On page 3, delete lines 24 through 29 and on page 4, delete lines 1 through 10 and insert:

16 " §1300.5. Chairman and vice chairman designated in petition; petition designated as
17 a public record

18 * * *

19 B. Upon **the passage of ninety days following** the signature of the first
20 elector, the recall petition, including the name, address, and signature of each elector
21 who has signed thereon, shall be a public record. The chairman, or the vice chairman
22 when acting as the chairman, shall be the custodian thereof. The petition and the
23 custodian shall be subject to all of the provisions of R.S. 44:31 et seq.

24 Section 2. R.S. 44:4.1(B)(10) is hereby amended and reenacted to read as
25 follows:

26 §4.1. Exceptions

27 * * *

28 B. The legislature further recognizes that there exist exceptions, exemptions,
29 and limitations to the laws pertaining to public records throughout the revised
30 statutes and codes of this state. Therefore, the following exceptions, exemptions, and
31 limitations are hereby continued in effect by incorporation into this Chapter by
32 citation:

33 * * *

34 (10) R.S. 18:43, 44, 114, 116, 154, **1300.3, 1300.5,** 1308, 1491.5, 1495.3,
35 1511.8

36 * * *

37 Section 3. R.S. 18:1300.5(C) is hereby repealed in its entirety."