

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 and R.S.  
4 44:4.1(B)(10), 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"

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

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

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

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

34 \* \* \*

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

46 AMENDMENT NO. 5

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

48 "§1300.3 Certification of registrar of voters; addition or withdrawal of  
 49 signatures; **designation as a public record;** form of names"

50 AMENDMENT NO. 6

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

52 AMENDMENT NO. 7

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

1 AMENDMENT NO. 8

2 On page 2, line 23, after "purpose." and before "If" insert:

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

10 AMENDMENT NO. 9

11 On page 3, line 1, after "registrar." delete the remainder of the line, delete line 2, and insert:

12 **"Except as otherwise provided by law, and in accordance with R.S. 18:61, the**  
13 **registrar of voters for each parish in the voting area may enlist the assistance**  
14 **of employees of the department of state and registrars and deputy registrars of**  
15 **voters from other parishes to complete the certification of the recall petition."**

16 AMENDMENT NO. 10

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

18 " §1300.5. Chairman and vice chairman designated in petition; petition designated as  
19 a public record

20 A. The recall petition shall designate a chairman to act for the signers of the  
21 petition in all matters, and a vice chairman to act on order of the chairman or in case  
22 of the death, disability, absence, or resignation of the chairman. The petition shall  
23 include the full name, signature, and residence address of the chairman and the vice  
24 chairman. The chairman and vice chairman each shall be a qualified voter in the  
25 voting area from which the public official whose recall is being sought is elected.

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

31 ~~C. Upon the filing of the petition pursuant to R.S. 18:1300.2(C)(2), the~~  
32 ~~chairman, or the vice chairman when acting as chairman, shall no longer be the~~  
33 ~~custodian thereof.~~

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

36 §4.1. Exceptions

37 \* \* \*

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

43 \* \* \*

44 (10) R.S. 18:43, 44, 114, 116, 154, **1300.3, 1300.5**, 1308, 1491.5, 1495.3,  
45 1511.8

46 \* \* \*"