

2023 Regular Session

SENATE BILL NO. 123

BY SENATOR HENRY

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

ELECTION CODE. Provides relative to recall petitions. (8/1/23)

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AN ACT

To amend and reenact 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. 44:4.1(B)(10), relative to recall elections; to provide relative to recall petitions; to provide relative to public records; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 18:3(A), 1300.2(A)(2), (C)(1) and (2), and (D), 1300.3(A) and (B), and 1300.5 are hereby amended and reenacted to read as follows:

§3. Petitions submitted to registrars of voters

A. Notwithstanding any other provision of law to the contrary, every petition submitted to a registrar of voters for certification shall contain the following information:

(1) The handwritten signature of the voter who is signing the petition; however, if a person is unable to write, the incapacitated person shall affix his mark to the petition and the person circulating the petition shall affix the name of the incapacitated person provided he does so in the presence of two witnesses who shall also sign their names as witnesses to the mark.



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

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

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

29            \*        \*        \*

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

12 \* \* \*

13 §1300.3 Certification of registrar of voters; addition or withdrawal of signatures;  
 14 **designation as a public record;** form of names

15 A. The registrar of voters of each parish in the voting area wherein a recall  
 16 election is sought shall certify on the recall petition, within ~~fifteen~~ **twenty** working  
 17 days after it is presented to him for that purpose, the number of names appearing  
 18 thereon, the number of qualified electors of the voting area within the parish whose  
 19 handwritten signatures appear on the petition, and also the total number of electors  
 20 of the voting area within the parish as of the date of the filing of the petition with the  
 21 secretary of state. However, if any parish wholly or partially within the voting area  
 22 has more than fifty thousand registered voters, the registrar of voters for each parish  
 23 within the voting area shall complete such certification on the recall petition within  
 24 ~~twenty~~ **thirty** working days after it is presented to him for that purpose. **If the**  
 25 **petition certification deadline occurs during the time period commencing**  
 26 **forty-five days before a primary election and ending on the date of the**  
 27 **corresponding general election, the registrar of voters for each parish in the**  
 28 **voting area shall be granted an additional ten working days to complete the**  
 29 **certification or an additional twenty working days for any parish wholly or**

1 partially within the voting area that has more than fifty thousand registered  
2 voters. If the final day for the registrar to certify the recall petition falls on a  
3 Saturday, Sunday, or legal holiday, then the next day which is not a Saturday,  
4 Sunday, or legal holiday shall be deemed to be the final day for certifying the recall  
5 petition. Each registrar also shall indicate on the petition the names appearing  
6 thereon who are not electors of the voting area. Each person who participates in the  
7 review of the names on the petition for certification by the registrar as required in  
8 this Section shall initial each of those portions of the petition which he reviews for  
9 certification by the registrar. Except as otherwise provided by law, and in  
10 accordance with R.S. 18:61, the registrar of voters for each parish in the voting  
11 area may enlist the assistance of employees of the department of state and  
12 registrars and deputy registrars of voters from other parishes to complete the  
13 certification of the recall petition.

14 B.(1) The registrar of voters shall honor the written request of any voter who  
15 either desires to have his handwritten signature stricken from the petition or desires  
16 to have his handwritten signature added to the petition at any time after receipt of the  
17 signed petition as provided in R.S. 18:1300.2(C) but prior to certification of the  
18 petition or within five days after receipt of such signed petition, whichever is earlier.  
19 If the deadline for removing or adding a signature to the petition falls on a Saturday,  
20 Sunday, or legal holiday, then the next day which is not a Saturday, Sunday, or legal  
21 holiday shall be deemed to be the deadline for removing or adding a signature to the  
22 petition. The written request of the voter shall include the name and address of the  
23 voter, the signature of the voter, the date of birth of the voter, and the date.

24 ~~(2) Upon the signature of the voter, the written request of the voter to have~~  
25 ~~his signature stricken or added to the recall petition shall be a public record. Any~~  
26 ~~person in possession of such a written request shall be the custodian thereof. The~~  
27 ~~voter or any other person who is the custodian of the written request~~ designated by  
28 the voter shall transmit the written request to the registrar of voters for each parish  
29 within the voting area by mail or directly by hand, immediately upon signature of the

1 voter or upon receipt of the signed, written request.

2 **(3) The written request of a voter to have his signature added to the**  
3 **recall petition shall be a public record at the time the recall petition becomes**  
4 **public record.**

5 \* \* \*

6 §1300.5. Chairman and vice chairman designated in petition; petition designated as  
7 a public record

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

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

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

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

23 §4.1. Exceptions

24 \* \* \*

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



after the signature of the first elector. Provides that the unsigned petition becomes a public record when it is filed with the secretary of state.

Present law allows any voter to make a written request to have his signature stricken from or added to a recall petition at any time after the registrar of voters receives the signed petition, but prior to certification of the petition or within five days after receipt of the signed petition, whichever is earlier. Provides that a written request to strike or add a name is a public record.

Proposed law retains present law allowing a voter to request to strike or add his name but makes only a request to add a name to public record.

Present law generally requires a registrar of voters to certify a recall petition within fifteen working days after its submission. Further requires the certification to occur within twenty working days if any parish wholly or partially within the voting area has more than fifty thousand registered voters.

Proposed law generally requires a registrar of voters to certify a recall petition within twenty working days after its submission. Further requires the certification to occur within thirty working days if any parish wholly or partially within the voting area has more than fifty thousand registered voters.

Proposed law generally grants a registrar of voters an additional ten working days to complete the recall petition certification if the deadline occurs during the time period commencing forty-five days before a primary election and ending on the date of the corresponding general election. Further grants an additional twenty working days if any parish wholly or partially within the voting area has more than fifty thousand registered voters.

Present law lists exceptions to the Public Records Law contained in Title 18.

Proposed law retains present law and adds additional exceptions created by proposed law.

Effective August 1, 2023.

(Amends R.S. 18:3(A), 1300.2(C)(1) and (2) and (D), 1300.3(A) and (B), and 1300.5 and R.S. 44:4.1(B)(10))

#### Summary of Amendments Adopted by Senate

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

1. Make technical corrections.
2. Modify the information required to be included on a recall petition submitted to a registrar of voters for certification.
3. Provide for petition form requirements.
4. Require information on petition requirements and deadlines to be provided by the secretary of state to the chairman and vice chairman upon receipt.
5. Require the registrar of voters to affix the date received and a page number to each page of a submitted recall petition.
6. Require a recall petition chairman and vice chairman to submit an affidavit verifying the number of signatures submitted to a registrar of voters along

with the petition.

7. Determine when a recall petition becomes a public record.
8. Allow extra working days for a registrar of voters to certify a recall petition if the certification deadline falls within forty-five days before a primary election.
9. Allow a registrar of voters to enlist assistance of employees of the department of state and other registrars of voters to complete recall petition certification.
10. Adds exception to the Public Records Law.