

2024 First Extraordinary Session

HOUSE BILL NO. 17

BY REPRESENTATIVES EMERSON, AMEDEE, BAYHAM, BEAULLIEU, BILLINGS,  
CARLSON, DEVILLIER, GALLE, GLORIOSO, HORTON, MIKE JOHNSON,  
MACK, MCCORMICK, SCHAMERHORN, WILDER, AND WRIGHT

ELECTIONS: Provides for closed party primary elections for certain offices (Items #7, #8,  
and #10)

1 AN ACT

2 To amend and reenact R.S. 18:2(12), 401(B), 423(E), 441(C)(1), 467(introductory

3 paragraph), 481, 511(A) and (B), 521(A), 1254(A), 1272(A), 1278(B), 1280.22(A),

4 1401(A), 1461(A)(1) and to enact R.S. 18:2(12), (13), and (14), 401(C), Part I-A of

5 Chapter 5 of Title 18 of the Louisiana Revised Statutes of 1950, to be comprised of

6 R.S. 18:410.1 through 410.10, and Part I-B of Chapter 5 of Title 18 of the Louisiana

7 Revised Statutes of 1950, to be comprised of R.S. 18:411.1 through 411.3, relative

8 to elections; to provide for a party primary system of elections for certain offices,

9 including provisions to provide for nomination of candidates for general elections

10 by party primary elections; to provide for qualification of candidates unaffiliated

11 with a recognized political party in the general election; to provide for voting by

12 voters registered as affiliated with the party in the party primary election and for

13 voting by voters unaffiliated with a recognized political party if allowed by the party

14 central committee; to provide for election dates; to provide relative to certain

15 qualifying fees; to provide relative to the compensation of boards of elections

16 supervisors; and to provide for related matters.

17 Be it enacted by the Legislature of Louisiana:

18 Section 1. R.S. 18:401(B), 423(E), 441(C)(1), 467(introductory paragraph), 481,  
19 511(A) and (B), 521(A), 1254(A), 1272(A), 1278(B), 1280.22(A), 1401(A), 1461(A)(1) are

1 hereby amended and reenacted and R.S. 18:2(12), (13), and (14), 401(C), Part I-A of Chapter  
2 5 of Title 18 of the Louisiana Revised Statutes of 1950, comprised of R.S. 18:410.1 through  
3 410.10, and Part I-B of Chapter 5 of Title 18 of the Louisiana Revised Statutes of 1950,  
4 comprised of R.S. 18:411.1 through 411.3, are hereby enacted to read as follows:

5 §2. Definitions

6 As used in this Code, the following words and terms shall have the meanings  
7 hereinafter ascribed to each, unless the context clearly indicates another meaning:

8 \* \* \*

9 (12) "Party primary office" means an office of senator or representative in  
10 the United States Congress.

11 (13) "Primary election" means a primary election for a party primary office  
12 or an office other than a party primary office.

13 (14) "Party affiliation" and "affiliation with a political party" mean the party  
14 affiliation designated in the registrant's information on the state voter registration  
15 computer system.

16 \* \* \*

17 §401. Purpose and nature of primary and general elections

18 \* \* \*

19 B. Nature of primary elections. ~~All (1) Except for the election of persons~~  
20 to a party primary office in a party primary election, all qualified voters of this state  
21 may vote on candidates for public office in primary ~~and general~~ elections without  
22 regard to the voter's party affiliation or lack of it, and all candidates for public office  
23 who qualify for a primary ~~or general election~~ may be voted on without regard to the  
24 candidate's party affiliation or lack of it.

25 (2) Nature of party primary elections. The nature of party primary elections  
26 shall be as provided in Part I-A of Chapter 5 of this Code.

27 C. Nature of general elections. All qualified voters of this state may vote on  
28 candidates for public office in general elections without regard to the voter's party  
29 affiliation or lack of it, and all candidates for public office who qualify for a general

1 election may be voted on without regard to the candidate's party affiliation or lack  
2 of it.

3 \* \* \*

4 PART I-A. SPECIAL PROVISIONS FOR PARTY PRIMARY OFFICES

5 §410.1. Party primary elections

6 Party primary elections for party primary offices as defined in R.S. 18:2 shall  
7 be held pursuant to this Part and any provision of this Code in conflict with these  
8 provisions shall not be applicable to elections for party primary offices. Any  
9 provision of this Code that is not in conflict with these provisions shall be applicable  
10 to these elections unless the context clearly indicates otherwise. For purposes of this  
11 Part, the phrase "recognized political party" shall mean a political party recognized  
12 pursuant to R.S. 18:441(C).

13 §410.2. Party primary office; party primary qualifications

14 Recognized political parties shall make nominations of candidates for party  
15 primary office as provided in this Part. Only candidates affiliated with a recognized  
16 political party may participate in the party primary election of the political party of  
17 the candidate's party affiliation.

18 §410.3. Purpose and nature of party primary elections

19 A. For general elections political parties shall make all nominations of  
20 candidates for party primary office by direct primary elections held pursuant to this  
21 Part. In party primary elections, each voter voting in such election may vote only for  
22 a candidate who is affiliated with the same party as the voter, except that the state  
23 central committee of a recognized political party may allow in its bylaws, voters who  
24 are not affiliated with any political party to vote in the primary of such recognized  
25 political party.

26 B. The state central committee shall notify the Department of State that its  
27 bylaws allow for such voting by non-affiliated voters no later than ninety days prior  
28 to the opening of qualifying for the primary. Such notification shall be considered  
29 valid and effective for subsequent primaries unless the state central committee

1 notifies the Department of State that its bylaws no longer allow for such voting by  
2 non-affiliated voters no later than ninety days prior to the opening of qualifying for  
3 the primary.

4 §410.4. Manner of qualifying for a party primary election

5 A. A person who desires to become a candidate in a party primary election  
6 shall qualify as a candidate by timely filing notice of his candidacy, which shall be  
7 accompanied either by a nominating petition or by the qualifying fee and any  
8 additional fee imposed. A candidate whose notice of candidacy is accompanied by  
9 a nominating petition shall not be required to pay any qualifying fee or any  
10 additional fee.

11 B. A person who desires to become a candidate in a party primary election  
12 shall be affiliated with a recognized political party. A person may qualify as a  
13 candidate only in a party primary election of the party with which he is affiliated as  
14 shown on his voter registration at the time of qualifying for that office. No candidate  
15 shall change his political party affiliation after he has qualified for an election until  
16 the deadline for an election contest has passed.

17 §410.5. Nominating petitions

18 A. A person may be nominated as a candidate in a party primary election  
19 only by persons who are affiliated with the same recognized political party, who are  
20 qualified to vote on the office he seeks, and who sign a nominating petition for him  
21 no more than one hundred twenty days before the qualifying period opens for  
22 candidates in the party primary election. The registrar of voters shall reject any  
23 signature on a nominating petition not in compliance with this Section.

24 B. Except as provided in Subsection A of this Section, the provisions of R.S.  
25 18:465 apply to the nominating petition of a party primary candidate.

26 §410.6. Death of a candidate; procedure

27 When a person who qualified as a candidate in a party primary election for  
28 the office of party nominee dies after the close of the qualifying period and before  
29 the time for closing the polls on the day of that party primary election, the name of

1 the deceased candidate shall not be printed on the party primary election ballot. If  
2 the party primary election ballot was printed with the deceased candidate's name on  
3 it, any votes received by the deceased candidate shall be void and shall not be  
4 counted for any purpose whatsoever.

5 §410.7. Party candidates who qualify for a general election

6 The candidate who receives the highest numbers of votes in the party primary  
7 qualifies for the general election as the party's nominee for the office. All candidate  
8 nominations for a party primary office by recognized political parties for the general  
9 election shall be made in this manner.

10 §410.8. Candidates not affiliated with a recognized political party; qualifying for the  
11 general election

12 A. Any person who desires to become a candidate in a general election for  
13 a party primary office and who is not registered as being affiliated with a recognized  
14 political party shall file his notice of candidacy, which shall be accompanied by a  
15 nominating petition as provided in R.S. 18:465, with the appropriate qualifying  
16 official during the qualifying period established for the party primary election. The  
17 number of signatures required on such a nominating petition shall be as set forth in  
18 R.S. 18:465.

19 B. A person filing a notice of candidacy as provided in Subsection A of this  
20 Section may be nominated only by persons who are qualified to vote on the office  
21 he seeks, who sign a nominating petition for him, and who are not affiliated with a  
22 recognized political party. The registrar of voters shall reject any signature on a  
23 nominating petition not in compliance with this Subsection.

24 §410.9. Nomination of candidates in a party primary election; general election;  
25 unopposed candidate

26 A. If, after the close of the qualifying period for candidates in a party  
27 primary election, only one candidate qualified for the recognized political party or  
28 only one candidate for the recognized political party remains after the withdrawal of  
29 one or more candidates, the candidate is declared the nominee of the party, and his

1 name shall not appear on the ballot in a party primary election but shall be on the  
2 ballot for the general election. If a party primary election ballot was printed with the  
3 name of a candidate who withdrew on it, any votes received by a candidate who  
4 withdrew shall be void and shall not be counted for any purpose whatsoever.

5 B. If, after the close of the qualifying period for candidates for a party  
6 primary office, only one candidate qualified for a party primary election or the  
7 general election or only one candidate remains after the withdrawal or  
8 disqualification of one or more candidates, the candidate is declared elected by the  
9 people at the close of the polls on the day of the general election, and his name shall  
10 not appear on the ballot in a party primary and such candidate's name shall not  
11 appear on the general election ballot.

12 §410.10. Party primary elections

13 Beginning in 2025, party primary elections shall be held in March of an  
14 election year.

15 PART I-B. SPECIAL PROVISIONS FOR ELECTIONS IN 2024

16 §411.1. Applicability of Part

17 Notwithstanding R.S. 18:402 and any other conflicting provisions of this  
18 Code, the provisions of this Part shall apply to elections for members of congress and  
19 officers elected at the same time as members of congress in 2024.

20 §411.2. Election dates

21 A.(1) The party primary election for affiliated candidates for party primary  
22 offices shall be held on the third Saturday in August.

23 (2) The general election for members of congress shall be held on the first  
24 Tuesday after the first Monday in November.

25 (3) The general election for offices other than party primary offices that are  
26 to be elected at the same time as members of congress shall be the first Saturday in  
27 December.

28 B. Any proclamation calling a special election to fill a newly created office  
29 or vacancy in an existing office issued prior to the effective date of this Section shall

1 be held on the dates fixed by the appropriate authority in the proclamation ordering  
2 the special election provided the special election was called in accordance with the  
3 provisions R.S. 18:402 and scheduled on one of the dates provided therein.

4 §411.3. Qualifying period

5 The qualifying period for candidates for party primary office in a  
6 congressional primary election and those in any special primary election to be held  
7 at the same time, shall open on Wednesday, June 5, 2024, and shall close at 4:30  
8 p.m. on Friday, June 7, 2024.

9 \* \* \*

10 §423. Parish boards of election supervisors

11 \* \* \*

12 E. Compensation. Each member of the parish board of election supervisors  
13 shall receive one hundred fifty dollars for each day, not to exceed six days, actually  
14 spent in the performance of his duties in preparing for and supervising each election  
15 held in the parish, except that each member of the board may be compensated for not  
16 more than ~~seven~~ eight days for a presidential or regularly scheduled or special  
17 congressional primary or general election. In addition, each member of the board  
18 who is not a public official shall receive fifty dollars for each day spent in court as  
19 a subpoenaed witness in litigation concerning the performance of his duties as a  
20 member of the parish board of election supervisors in connection with an election.

21 \* \* \*

22 §441. Recognition

23 \* \* \*

24 C.(1)(a) A political party shall be recognized if any one candidate of the  
25 political party for presidential elector received at least five percent of the votes cast  
26 in this state for presidential electors in the last presidential election, or if any one  
27 candidate of the political party for any statewide office received at least five percent  
28 of the votes cast for the statewide office in any primary or general election.



1 persons to be elected to the office, the candidates for that office, or those remaining  
2 after the withdrawal of one or more candidates, are declared elected by the people,  
3 and their names shall not appear on the ballot in either the primary or the general  
4 election.

5 \* \* \*

6 §521. Qualifications of voters

7 A. Candidates for public office. All persons who have registered to vote in  
8 this state prior to the time the registration records are closed as required in R.S  
9 18:135 may vote in the election for any candidates except as otherwise provided in  
10 Part I-A of Chapter 5 of this Code and those seeking membership on a committee of  
11 a political party with which the voter is not registered as being affiliated.

12 \* \* \*

13 §1254. Slates of candidates not affiliated with a recognized political party;  
14 nominating petitions and qualifying by payment of qualifying fees

15 A. A slate of candidates for presidential elector who are not affiliated with  
16 a recognized political party may be nominated by nominating petition or may qualify  
17 by the payment of a qualifying fee of ~~five hundred~~ one thousand dollars. Such  
18 qualifying fee shall be paid in accordance with the provisions of R.S. 18:464(A).  
19 The period for filing such qualifying fee shall begin on the third Tuesday in July and  
20 shall end at 4:30 p.m. on the first Friday following the third Tuesday in August of  
21 each year in which a presidential election is to be held. Each qualifying fee shall be  
22 accompanied by the notice of candidacy and notarized affidavit of each candidate for  
23 elector signifying his acceptance of the nomination. A candidate for presidential  
24 elector who is not affiliated with a recognized political party may be registered to  
25 vote with or without a declaration of party affiliation.

26 \* \* \*

27 §1272. United States senators; representatives in congress; time of electing

28 A. ~~All general elections for representatives in congress shall be held on the~~  
29 ~~fifth Saturday after the first Tuesday after the first Monday in November in even-~~





1 Section 2. R.S. 18:2(12) as enacted by Section 1 of this Act is hereby amended and  
2 reenacted to read as follows:

3 §2. Definitions

4 As used in this Code, the following words and terms shall have the meanings  
5 hereinafter ascribed to each, unless the context clearly indicates another meaning:

6 \* \* \*

7 (12) "Party primary office" means a state office voted on statewide, an office  
8 of senator or representative in the United States Congress, elective office on a state  
9 board or commission, the office of member of the state House of Representatives or  
10 Senate, and the offices of justice of the supreme court, judge of a court of appeal, and  
11 judge of a district court.

12 Section 3.(A) Section 2 of this Act shall become effective January 1, 2025.

13 (B) Section 1 and this Section of this Act shall become effective upon signature of  
14 the Act by the governor or, if not signed by the governor, upon expiration of the time for  
15 bills to become law without signature by the governor, as provided by Article III, Section  
16 18 of the Constitution of Louisiana. If the Act is vetoed by the governor and subsequently  
17 approved by the legislature, Section 1 and this Section of this Act shall become effective on  
18 the day following such approval.

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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)]

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HB 17 Reengrossed                      2024 First Extraordinary Session                      Emerson

**Abstract:** Establishes a party primary election procedure for selecting candidates for certain offices; requires that candidates for such offices who are affiliated with a recognized political party be selected in a primary election restricted to registered members of that party; provides that candidates who are not affiliated with a recognized political party qualify directly for the general election by filing a notice of candidacy accompanied by a nominating petition.

Proposed law establishes a party primary election procedure for selecting candidates for party primary offices. Defines "party primary offices" to mean office of senator or representative in the U.S. congress. After Jan. 1, 2025, "party primary offices" also means a state office voted on statewide, elective office on a state board or commission, the office of member of the state House of Representatives or Senate, and the offices of justice of the supreme court, judge of a court of appeal, and judge of a district court.

Present law provides all qualified voters may vote on candidates for public office in primary and general elections without regard to the voter's party affiliation or lack of it, and all candidates for public office who qualify for a primary or general election may be voted on without regard to the candidate's party affiliation or lack of it.

Proposed law retains present law applicable to non-party primary and general elections.

Proposed law regarding party primary elections provides that each voter voting in such election may vote only for a candidate who is affiliated with the same party as the voter. However, the state central committee of a recognized political party may allow in its bylaws voters who are not affiliated with any political party to vote in the primary of such recognized political party.

Proposed law limits party primary elections to political parties recognized pursuant to the present law provision that a political party is recognized if any one candidate of the political party for presidential elector received at least 5% of the votes cast in this state for presidential electors in the last presidential election or if any one candidate of the political party for any statewide office received at least 5% of the votes cast for the statewide office in any primary or general election.

Proposed law requires recognized political parties to nominate candidates for party primary offices by party primary elections. Only candidates affiliated with the recognized political party may participate in that party's primary election.

Present law provides that a person who desires to become a candidate in a primary election shall qualify as a candidate by timely filing a notice of candidacy, which shall be accompanied either by a nominating petition or by the qualifying fee and any additional fee imposed if the notice is not accompanied by a nominating petition.

For a person who *is not* registered as being affiliated with a recognized political party and who desires to become a candidate for a party primary office, proposed law:

- (1) Removes the option to qualify by paying qualifying fees.
- (2) Provides that such a person shall qualify as a candidate in the general election rather than the primary.
- (3) Provides that only persons who are qualified to vote on the office the potential candidate seeks and who are not affiliated with a recognized political party may sign a petition for such a potential candidate.

For a person who *is* registered as being affiliated with a recognized political party and who desires to become a candidate in a party primary office, proposed law:

- (1) Allows for qualifying by filing a notice of candidacy accompanied by either a nominating petition or by the qualifying fee and any additional fee.
- (2) Provides that a person may qualify as a candidate only in a party primary election of the party with which he is affiliated.
- (3) Prohibits a candidate from changing his political party affiliation between qualifying and the deadline for an election contest.
- (4) Provides that only persons who are affiliated with same recognized political party as the potential candidate and who are qualified to vote on the office may sign a nominating petition for a potential candidate.

- (5) Requires that such signatures be acquired on the petition not more than 120 days before the qualifying period opens for candidates in the party primary election.

Proposed law provides that the candidate from each recognized political party who receives the highest number of votes in the party primary is the candidate who qualifies for the general election.

Proposed law requires that party primary elections be held in March beginning in 2025.

Proposed law provides special election dates for elections in 2024 including the following:

- (1) The party primary election shall be held on the third Sat. in Aug.
- (2) The general election for members of congress shall be held on the first Tues. after the first Mon. in Nov.
- (3) The general election for offices other than party primary offices to be elected at the same time as members of congress shall be the first Sat. in Dec.

Present law provides for a per diem of \$150 for members of parish boards of election supervisors during periods spent preparing for and supervising elections. Generally provides that such per diem may be paid for a maximum of six days. Provides for a maximum of seven days for presidential or regularly scheduled congressional primary or general elections.

Proposed law increases the maximum number of days from seven to eight for presidential or regularly scheduled congressional primary or general elections and makes this maximum applicable to special congressional elections.

Present law provides for fees for persons qualifying as candidates for office; provides that the qualifying fee for a slate of candidates for presidential elector who are not affiliated with a recognized political party and candidates for presidential nominee is \$500. Proposed law increases this fee to \$1,000.

Present law provides that the qualifying fee for a candidate for presidential nominee is \$750. Proposed law increases this fee to \$1,000.

Effective in part upon signature of governor or lapse of time for gubernatorial action; effective in part January 1, 2025.

(Amends R.S. 18:2(12), 401(B), 423(E), 441(C)(1), 467(intro. para.), 481, 511(A) and (B), 521(A), 1254(A), 1272(A), 1278(B), 1280.22(A), 1401(A), 1461(A)(1); Adds R.S. 18:2(12), (13), and (14), 401(C), 410.1-410.10, and 411.1-411.3)

#### Summary of Amendments Adopted by House

The Committee Amendments Proposed by House Committee on House and Governmental Affairs to the original bill:

1. Remove the requirement that the qualifying period for a party primary election reopen after the death of a candidate.
2. Specify that if only one candidate remains after withdrawal or disqualification after the close of the qualifying period for candidates for congressional office, the candidate is declared elected by the people at the close of polls on general election day.

3. Change the 2024 congressional party primary election date from the last Saturday in August to the third Saturday in August and the qualifying period for said election from June 26-28, 2024, to June 5-7, 2024.
4. Remove proposed restriction on dates in 2024 for proposition elections.
5. Make technical changes.

The House Floor Amendments to the engrossed bill:

1. Make technical changes including specifying that in 2024 the general election for offices to be elected at the same time as members of congress is the first Sat. in Dec.