HOUSE SUMMARY OF SENATE AMENDMENTS

HB 17 **2024 First Extraordinary Session** **Emerson**

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

Synopsis of Senate Amendments

1. Limit the application of party primary elections to the offices of U.S. Senator, U.S. House of Representatives, justice of the supreme court, Public Service Commission, and State Board of Elementary and Secondary Education.

2. Change the effective date of all of the proposed provisions for party primary elections to January 1, 2026, and remove special provisions for the 2024 elections, and for 2025 party primary elections in March.

3. Remove the provision allowing the state central committee of a recognized political party in its bylaws to determine whether unaffiliated voters may vote in its primary.

4. Provides that voters unaffiliated with a party may vote in a recognized party primary, but such a voter may only vote in one recognized party primary.

5. Provide that the candidate who receives a majority of the votes in the party primary qualifies as the party's nominee for the office and provides for a second party primary in the event that no candidate receives the majority of votes in the first party primary and specifies procedures in the case of tie votes in the first party primary.

6. Provides that there shall be no third party primary, and that for circumstances not provided for in proposed law , the state central committee of the recognized political party involved shall provide for the selection of a nominee from its candidates and give notice thereof to the secretary of state.

Digest of Bill as Finally Passed by Senate

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 and office of justice of the supreme court, the state Board of Elementary and Secondary Education, and the Public Service Commission.

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. Further provides that voters not affiliated with a political party may voter in a recognized party primary, but may only vote in one party's primary.

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 majority of votes in the party primary is the candidate who qualifies for the general election. Proposed law provides that in the event no candidate receives a majority vote in the party primary, the two candidates from each political party that received the greatest number of votes will be voted on in a second party primary election. Proposed law provides that in the event of a tie vote for first place in a party primary all candidates affiliated with that party who received the same highest number of votes qualify for the second party primary election. Proposed law provides that in the case of a tie vote for second place in a party primary election, all candidates affiliated with that party who received the same second highest number of votes and the first place candidate will qualify for the second party primary election.

Proposed law provides that if one of the candidates in a party primary election withdraws from the race, dies, or is otherwise disqualified and only one candidate remains, that candidate will be declared the winner.

<u>Proposed law</u> provides that there will be no third party primary and that the state central committee of a recognized political party will provide for the selection of a nominee from the candidates and provide notice of the nominee to the secretary of state no later than five business days after the second party primary election.

<u>Proposed law</u> requires that party primary elections be held in March of an election year.

<u>Present law</u> 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.

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

<u>Present law</u> 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. <u>Proposed law</u> increases this fee to $1,000.

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

Effective January 1, 2026.

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