

2024 Regular Session

HOUSE BILL NO. 221

BY REPRESENTATIVE BAYHAM

1 AN ACT

2 To amend and reenact R.S. 18:3(A), 1300.2(A)(2), (C)(1) and (2), and (D), 1300.3(A) and
3 (B), and 1300.5(B) and R.S. 44:4.1(B)(10), relative to recall petitions; to provide for
4 the form requirements of a recall petition and related documents; to provide for the
5 requirements of the signatures on a recall petition; to provide for the certification of
6 recall petitions; to provide for the duties of the registrar of voters; to provide for the
7 duties of the secretary of state; to provide for the status of a recall petition as a public
8 record; to provide for effectiveness; and to provide for related matters.

9 Be it enacted by the Legislature of Louisiana:

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

12 §3. Petitions submitted to registrars of voters

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

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

21 (2) The ~~date~~ month, day, and year the voter signed the petition.

22 (3) The signer's ~~ward, precinct, and~~ year of birth.

23 (4) The address at which the signer is registered to vote, including municipal
24 number, apartment number, rural route, and box number.

1 (5) ~~Name~~ The name of the signer either typed or legibly written.

2 (6) ~~Name~~ The printed name of the person who witnessed and who obtained
3 the signature either typed or legibly written.

4 (7) ~~Date~~ The month, day, and year on which the person witnessed and
5 obtained the signature.

6 * * *

7 §1300.2. Petition for recall election; campaign finance disclosure

8 A.

9 * * *

10 (2) The secretary of state shall provide a form approved by the attorney
11 general to be used for the petition for a recall election. Such form shall include pre-
12 printed line numbers and shall be in conformity with the all other provisions of this
13 Chapter and R.S. 18:3. All recall petitions shall be on an approved form or on a form
14 which contains the same information as required by the approved form and any
15 petition not on such a form shall be invalid.

16 * * *

17 C.(1) Prior to the entering of any signatures on a petition, the chairman
18 designated to represent the petitioners shall file with the secretary of state a copy of
19 the recall petition which will be used and copies of a picture identification that
20 contain the name and signature of the chairman and vice chairman, respectively, or
21 copies of current utility bills, bank statements, government checks, paychecks, or
22 other government documents that show the name and address of the chairman and
23 vice chairman, respectively. Upon receipt of the recall petition, the secretary of state
24 shall provide to the chairman and vice chairman, respectively, a document prepared
25 by the secretary of state in conjunction with the Louisiana Registrars of Voters
26 Association, subject to approval as to content by the attorney general, providing
27 general information on petition requirements and deadlines. Upon receipt of the
28 recall petition, the secretary of state shall endorse thereon the fact and the date of
29 filing, and this unsigned copy of the recall petition shall be a public record. A copy
30 shall be transmitted by the secretary of state to the registrar of voters for each parish

1 in which the recall election is to be held. The chairman shall list on the petition
 2 every parish that is wholly or partially within the voting area where the recall
 3 election is to be held. The petition shall be considered filed when it is received in
 4 the office of the secretary of state. Upon receipt of the recall petition, the secretary
 5 of state shall produce a report of the number of qualified electors in the voting area
 6 wherein the recall election is sought effective on the date of receipt of the recall
 7 petition and shall notify the registrar of voters in each parish in the voting area of the
 8 number of qualified electors of the voting area in the parish for issuance of the
 9 certification.

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

21 (b) With the recall petition the chairman shall also submit to the registrar of
 22 voters an affidavit verifying the number of signatures submitted along with an
 23 attestation that to the best of his knowledge all documents submitted are originals
 24 and not photocopies.

25 * * *

26 D. Each elector, at the time of signing the petition, shall enter his address and
 27 the date on which he signed beside or underneath his signature; however, if a person
 28 is unable to write, as provided in R.S. 18:1300.4, the two witnesses shall date their
 29 signatures. In addition, each petition shall be in compliance with the provisions of
 30 R.S. 18:3. In determining the number of qualified electors who signed the petition

CODING: Words in ~~struck through~~ type are deletions from existing law; words underscored are additions.

1 in any parish, the registrar of voters shall not count any signature which is ~~is undated~~
 2 does not comply with all of the requirements of R.S. 18:3 or bears a date prior to the
 3 date on which the copy of the petition initially was filed with the secretary of state
 4 or after the date of the submission of the petition to the registrar except as otherwise
 5 provided in R.S. 18:1300.3(B). The registrar shall not receive or certify a petition
 6 submitted to him for certification unless it is submitted to him timely.

7 * * *

8 §1300.3. Certification of registrar of voters; addition or withdrawal of signatures;
 9 designation as a public record; form of names

10 A.(1)(a) The registrar of voters of each parish in the voting area wherein a
 11 recall election is sought shall certify on the recall petition, ~~within fifteen working~~
 12 ~~days after it is presented to him for that purpose,~~ the number of names appearing
 13 thereon, the number of qualified electors of the voting area within the parish whose
 14 handwritten signatures appear on the petition, and also the total number of electors
 15 of the voting area within the parish as of the date of the filing of the petition with the
 16 secretary of state. Each registrar shall indicate on the petition the names appearing
 17 thereon who are not electors of the voting area. Each person who participates in the
 18 review of the names on the petition for certification by the registrar as required in
 19 this Section shall initial each of those portions of the petition which he reviews for
 20 certification by the registrar.

21 (b) The registrar of voters for each parish in the voting area may request and
 22 accept the assistance of employees of the Department of State and registrars and
 23 deputy registrars of voters from other parishes to complete the certification of the
 24 recall petition. Each person offering such assistance shall be considered a deputy
 25 registrar of the requesting parish registrar for that purpose only.

26 (2)(a) The registrar of voters shall complete the certification of the recall
 27 petition within twenty working days after it is presented to him for that purpose.
 28 However, if any parish wholly or partially within the voting area has more than fifty
 29 thousand registered voters, the registrar of voters for each parish within the voting

1 area shall complete such certification ~~on the recall petition~~ within twenty thirty
2 working days after it is presented to him for that purpose.

3 (b) If the petition certification deadline occurs during the time period
4 commencing 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 voting
6 area is hereby granted an additional ten working days to complete the certification
7 or an additional twenty working days for any parish wholly or partially within the
8 voting area that has more than fifty thousand registered voters. If the final day for
9 the registrar to certify the recall petition falls on a Saturday, Sunday, or legal holiday,
10 then the next day which is not a Saturday, Sunday, or legal holiday shall be deemed
11 to be the final day for certifying the recall petition. ~~Each registrar also shall indicate~~
12 ~~on the petition the names appearing thereon who are not electors of the voting area.~~
13 ~~Each person who participates in the review of the names on the petition for~~
14 ~~certification by the registrar as required in this Section shall initial each of those~~
15 ~~portions of the petition which he reviews for certification by the registrar.~~

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

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

1 within the voting area by mail or directly by hand, immediately upon signature of the
2 voter or upon receipt of the signed, written request.

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

6 * * *

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

9 * * *

10 B. ~~Upon~~ Ninety days following the signature of the first elector, the recall
11 petition, including the name, address, and signature of each elector who has signed
12 thereon, ~~shall be~~ becomes a public record. The chairman, or the vice chairman when
13 acting as the chairman, shall be the custodian thereof. The petition and the custodian
14 shall be subject to all of the provisions of R.S. 44:31 et seq.

15 * * *

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

17 §4.1. Exceptions

18 * * *

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

24 * * *

25 (10) R.S. 18:43, 44, 114, 116, 154, 1300.3, 1300.5, 1308, 1491.5, 1495.3,
26 1511.8

27 * * *

28 Section 3. The provisions of this Act shall become effective on January 1, 2025, and
29 shall apply only to recall petitions filed with the secretary of state on or after January 1,
30 2025. Any petition filed with the secretary of state prior to January 1, 2025, shall be subject

1 to the provisions of R.S. 18:3(A) and Chapter 6-C of Title 18 of the Revised Statutes of 1950
2 as provided immediately prior to the effectiveness of this Act.

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____