

2024 Regular Session

HOUSE BILL NO. 596

BY REPRESENTATIVE DESHOTEL

1 AN ACT

2 To amend and reenact R.S. 33:1395(B) and to enact R.S. 33:1395(C), (D), and (E), relative  
3 to home rule charter commissions; to provide relative to the election of such  
4 commissions; to provide relative to the time period for calling the election; to  
5 provide relative to a petition submitted to the respective parish or municipality  
6 requesting the election; to provide relative to the requirements of the petition; to  
7 provide relative to the powers and duties of the parish registrar of voters with respect  
8 to the petition; to provide for an effective date; and to provide for related matters.

9 Be it enacted by the Legislature of Louisiana:

10 Section 1. R.S. 33:1395(B) is hereby amended and reenacted and R.S. 33:1395(C),  
11 (D), and (E) are hereby enacted to read as follows:

12 §1395. Method of proposing home rule charter

13 \* \* \*

14 B. A charter commission must be elected when the clerk of a municipality  
15 or parish is presented with a petition for the election of a home rule charter  
16 commission as provided in Article VI, Section 5(B) of the ~~Louisiana Constitution of~~  
17 ~~1974~~ Constitution of Louisiana signed by not less than ten percent of the electors or  
18 ten thousand electors, whichever is fewer, who live within the boundaries of the  
19 affected municipality or parish as certified by the registrar of voters, and the  
20 governing authority of the municipality or parish shall call an election to elect a  
21 commission to prepare and propose a home rule charter or alternate charter. ~~The~~  
22 ~~election of the commission shall be called by the governing authority of the~~  
23 ~~municipality or parish and on the next date allowed under the provisions of R.S.~~  
24 ~~18:402 for a primary or general election, special election, or bond, tax, or other~~

1 ~~election but not less than one hundred twenty days after the petition is presented to~~  
2 ~~the clerk. Any such election shall otherwise be held pursuant to and in accordance~~  
3 ~~with the election law of the state.~~

4 C. A petition presented to a governing authority pursuant to Article VI,  
5 Section 5(B) of the Constitution of Louisiana shall comply with the following:

6 (1) The secretary of state shall provide a form approved by the attorney  
7 general to be used for the petition. Any such petition shall be on an approved form  
8 or on a form which contains the same information as required by the approved form,  
9 and any petition not on such a form is invalid.

10 (2) The petition shall contain the following for each signer: a written  
11 signature, printed first and last name, the printed address at which the signer is  
12 registered to vote, and the date of signing.

13 (3) The petition shall set forth all of the following with respect to home rule  
14 charter commissioners: the number of commissioners to be elected, the number to  
15 be elected at large from the municipality or parish, the number to be elected from  
16 each single- or multiple-member district, and the precincts that will be included in  
17 each commissioner district. The precincts to be used in each district may be  
18 specified by reference to other election districts established by law or local  
19 ordinance.

20 (4) The petition shall be submitted to the parish registrar of voters within one  
21 hundred eighty days of the date of the first signature.

22 D.(1) The registrar shall certify on the petition, within fifteen working days  
23 after it is presented to him for that purpose, the number of names appearing thereon,  
24 the number of qualified electors of the municipality or parish whose handwritten  
25 signatures appear on the petition, and the total number of electors of the municipality  
26 or parish as of the date of the filing of the petition with the municipality or parish.  
27 If the final day for the registrar to certify the petition falls on a Saturday, Sunday, or  
28 legal holiday, then the next day which is not a Saturday, Sunday, or legal holiday  
29 shall be deemed to be the final day for certifying the petition. The registrar also shall

1 indicate on the petition the names appearing thereon who are not electors of the  
2 municipality or parish.

3 (2) The registrar's certification of the petition creates a legal presumption  
4 that the petition meets the requirements of this Section and contains the requisite  
5 number of signatures.

6 (3) Any qualified elector of the municipality or parish may challenge the  
7 registrar's certification or failure to certify by filing a suit in the district court of the  
8 parish in which the registrar of voters serves. Such a suit shall be filed within fifteen  
9 days of the registrar's certification or failure to certify within the time limit  
10 established by Paragraph (1) of this Subsection. Such a suit shall be tried summarily,  
11 without a jury, and in open court beginning no sooner than ten and no later than  
12 fourteen days after the suit is filed.

13 E. When certification of the petition is definitively established in accordance  
14 with Subsection D of this Section, the offices of home rule charter commissioner are  
15 at that time established and vacant. The governing authority of the municipality or  
16 parish shall call an election to fill the commissioner offices within thirty days. The  
17 election shall be held on the next date allowed under the provisions of R.S. 18:402  
18 for a primary or general election, special election, or bond, tax, or other election.  
19 Any such election shall otherwise be held pursuant to and in accordance with the  
20 Louisiana Election Code.

21 Section 2. This Act shall become effective on January 1, 2025.

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SPEAKER OF THE HOUSE OF REPRESENTATIVES

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PRESIDENT OF THE SENATE

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GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: \_\_\_\_\_