

RÉSUMÉ DIGEST

SB 68

2024 Regular Session

Pressly

Present law (La. Election Code) provides procedures for objections to candidacy and election contests and challenges.

The supreme court provides general administrative rules for all La. courts including the appointment of ad hoc judges.

Proposed law would have provided that when an action is brought objecting to the candidacy of a person who qualified as a candidate for a local or municipal office, contesting an election regarding a local or municipal office, contesting a non-statewide proposition election, or contesting the certification of a recall petition of a public officer holding a local or municipal office, the supreme court shall appoint an ad hoc judge to preside over the matter. Would have provided that the ad hoc judge so appointed shall be either a judge who serves or a retired judge who served in a judicial district that is not the judicial district in which the action was instituted and not adjacent to it. Present law provides that "local candidates" are candidates for the state legislature and other district offices; parochial offices, including the office of parish judge; and ward offices and provides that "municipal candidates" are candidates for city, town, and village offices.

Would have become effective upon signature of the governor or upon lapse of time for gubernatorial action.

(Proposed to add R.S. 18:1403.1)

VETO MESSAGE:

"This bill would require the Louisiana Supreme Court to appoint an ad hoc judge in certain election matters, including objections to candidacy, election contests, and recall petitions with respect to local and municipal offices, as well as nonstatewide proposition elections. These ad hoc judges must serve or have served in judicial districts not adjacent to the district in which the action was instituted.

Current law already provides for the grounds of a recusal of a judge of a trial or appellate court. La. C.C.P. art. 151. Existing law also provides for certain disclosures by judges in a trial or appellate court.

More importantly, judges in our state are elected. La. Const. art. V, § 22. Judges should be accountable to the people, and the people expect their cases to be heard by the judges who they elected. Should any conflicts arise, existing law is sufficient to protect the parties involved. There is no need for this law to apply to every such election matter described in this bill. This would not result in judicial efficiency and would possibly cause more strain on our state's active and retired judges.

Further, I believe this bill creates a separation of powers issue, and the judiciary is in the best position to determine when such an ad hoc judge is necessary.

For these reasons, Senate Bill 68 will not become law."