

## RÉSUMÉ DIGEST

ACT 1 (HB 17)

2024 First Extraordinary Session

Emerson

New law establishes party primary elections for selecting party nominees of certain recognized political parties 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.

Existing law provides that 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 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.

New law limits existing law to non-party primary and general elections. New law relative to party primary offices provides for party primary elections for certain recognized political parties and provides that each voter voting in such a party primary election may vote only for a candidate who is affiliated with the same recognized political party as the voter. New law further allows voters not affiliated with any political party to vote in a recognized political party primary election, but such unaffiliated voters may only vote in one party's primary election.

New law limits party primary elections to political parties recognized pursuant to the existing law provision that provides for recognition 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.

New law requires those 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.

Existing 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 for which a party primary election is held and who desires to become a candidate for a party primary office, new 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 for which a party primary election is held and who desires to become a candidate for a party primary office, new 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 the 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.

New 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.

New 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. New 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.

New 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.

New 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.

New law 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.

New law requires that party primary elections be held in March of an election year. [Note: See Act No. 640 of the 2024 R.S. regarding change in timing of party primary elections.]

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

New law increases the maximum number of days that such per diem may be paid from seven to eight for presidential or regularly scheduled congressional primary or general elections and makes this maximum also applicable to special congressional elections.

Existing law provides for fees for persons qualifying as candidates for office.

Prior law provided 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 was \$500. New law increases the qualifying fee for a slate of candidates for presidential elector who are not affiliated with a recognized political party to \$1,000.

Prior law provided that the qualifying fee for a candidate for presidential nominee was \$750.

Proposed law increases the qualifying fee for a candidate for presidential nominee to \$1,000.

Effective January 1, 2026. [Note: See Act No. 640 of the 2024 R.S. regarding effectiveness.]

(Amends R.S. 18:401(B), 423(E), 441(C)(1), 467(intro. para.), 481, 511(B), 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)