

Regular Session, 2006

SENATE BILL NO. 18

BY SENATOR FIELDS

ELECTION CODE. Provides for a closed party primary election system for congressional offices with candidates and voters participating in a first and second primary according to party affiliation. (1/1/07)

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AN ACT

To amend and reenact R.S. 18:44(A) and (B)(5)(b), the introductory paragraph of 110(B)(1), 197, 401(B), 402(B), the introductory paragraph of (C), (E) and (G), 431(A)(1)(b), 433(G)(1) and the introductory paragraph of (H)(1), 434(A)(1), the introductory paragraph of (C), and (D)(1) and (2), 435(A)(1) and (B), 436, 453, the introductory paragraph of 467, 467(2), 468(A), 491(A) and (C), the introductory paragraph of 552(A), 1272(A), 1278(B), 1279, 1300(C)(1), 1300.7(A), 1306(A)(4) and (C)(2), 1307(A)(8) and (E), 1308(A)(2)(a), 1311(D)(5)(a), 1314(B)(1) and (2) and (C), 1333(D)(1)(e) and (E)(1), 1355(6), 1401(B), 1402(B)(1)(c), 1405(A), 1406(B), 1407, 1409(B)(1) and (2), 1432(A), 1461(A)(17) and to enact R.S. 18:1275.1 through 1275.24, relative to elections; to provide for a party primary system of elections for congressional offices, including provisions to provide for nomination of candidates for general elections for congressional offices by party primary elections, including a first primary election and a second primary election if no candidate receives a majority vote in the first primary election; for qualification of candidates for congressional office having no party affiliation in the general election; for election in the general election by plurality vote; for voting for congressional offices by a

1 voter registered as affiliated with the party in the party primary elections; to provide
2 for voting of unaffiliated voters in party primaries; to provide for election dates; and
3 to provide for related matters.

4 Be it enacted by the Legislature of Louisiana:

5 Section 1. R.S. 18:44(A) and (B)(5)(b), the introductory paragraph of 110(B)(1),
6 197, 401(B), 402(B), the introductory paragraph of (C), (E) and (G), 431(A)(1)(b),
7 433(G)(1) and the introductory paragraph of (H)(1), 434(A)(1), the introductory paragraph
8 of (C), and (D)(1) and (2), 435(A)(1) and (B), 436, 453, the introductory paragraph of 467,
9 467(2), 468(A), 491(A) and (C), the introductory paragraph of 552(A), 1272(A), 1278(B),
10 1279, 1300(C)(1), 1300.7(A), 1306(A)(4) and (C)(2), 1307(A)(8) and (E), 1308(A)(2)(a),
11 1311(D)(5)(a), 1314(B)(1) and (2) and (C), 1333(D)(1)(e) and (E)(1), 1355(6), 1401(B),
12 1402(B)(1)(c), 1405(A), 1406(B), 1407, 1409(B)(1) and (2), 1432(A), 1461(A)(17) are
13 hereby amended and reenacted and R.S. 18:1275.1 through 1275.24 are hereby enacted to
14 read as follows:

15 §44. Contesting election; referral for prosecution

16 A. Whenever the board determines as a result of an investigation that
17 violations of law, irregularities, error, or fraud have occurred in the conduct of an
18 election which in the judgment of the board has resulted in the apparent qualification
19 for **the second party primary election or for** the general election or the apparent
20 election of a candidate not entitled to be so qualified or elected, the board, upon the
21 favorable vote of three members, may institute suit to contest the election in order
22 to protect the interest and rights of the state in fair and honest elections. In addition,
23 for the same cause and upon the same vote, the board may intervene in any suit
24 instituted by any other party to contest an election.

25 B. In any suit instituted by the board to contest an election, the provisions
26 of Chapter 9 of Title 18 shall apply, except that:

27 * * *

28 (5) The petition shall contain, but shall not be limited to, the following:

29 * * *

1 (b) The allegation that except for substantial irregularities or error, fraud, or
 2 other unlawful activities in the conduct of the election, a different candidate would
 3 have qualified for a **second party primary election or a** general election or would
 4 have been elected.

5 * * *

6 §110. Removal from precinct; removal from parish

7 * * *

8 B.(1) A change of registration based upon a change of residence within a
 9 parish received after the closing of registration for a **primary or first party** primary
 10 election shall become effective the day after the general election or special general
 11 election when a special primary election is held in conjunction with a general
 12 election except as follows:

13 * * *

14 §197. Registration; cancellation

15 No registrar of voters shall cancel the registration of any voter in his parish
 16 between any **primary or first party** primary election and the subsequent general
 17 election occurring in that parish as a result of any of the processes authorized by this
 18 Part, except in the case of a person who has been fraudulently placed upon the
 19 registration records or in the case of a person whose registration is canceled pursuant
 20 to the annual canvass conducted by the registrar.

21 * * *

22 §401. Purpose and nature of primary and general elections

23 * * *

24 B. Nature. ~~All~~ **(1) Except for the election of persons to congress, all**
 25 qualified voters of this state may vote on candidates for public office in primary and
 26 general elections without regard to the voter's party affiliation or lack of it, and all
 27 candidates for public office who qualify for a primary or general election may be
 28 voted on without regard to the candidate's party affiliation or lack of it.

29 **(2)(a) In the election of persons to congress, the following shall apply:**

1 (i) In primary elections, recognized political parties shall make all
2 nominations of candidates by direct primary elections held under the provisions
3 of this Chapter. In primary elections, each qualified voter may vote only on the
4 candidates for public office who are affiliated with the same political party with
5 which the voter is affiliated. However, insofar as the state central committee of
6 a political party and except as limited by R.S. 18:1275.1, shall by its rules and
7 regulations choose to allow voters who are not affiliated with a recognized
8 political party to participate in the primary elections of that political party, such
9 unaffiliated voters shall be allowed to vote on candidates affiliated with that
10 political party.

11 (ii) In general elections, each qualified voter of this state may vote for
12 candidates for public office in general elections without regard to the voter's
13 party affiliation or lack thereof, and all candidates for public office who qualify
14 for a general election may be voted for without regard to the candidates' party
15 affiliation or lack thereof.

16 * * *
17 §402. Dates of primary and general elections

18 * * *
19 B. Congressional elections. Elections for members of Congress and officers
20 elected at the same time as members of Congress shall be held every two years,
21 beginning in 1982.

22 (1) Congressional first primary elections for recognized political parties
23 shall be held on the first Saturday in September of an election year.

24 ~~(1)~~(2) Congressional second primary elections for recognized political
25 parties and primary elections for officers elected at the same time as members
26 of Congress shall be held on the first Saturday in October of an election year.

27 ~~(2)~~(3) Congressional general elections shall be held on the first Tuesday after
28 the first Monday in November of an election year.

29 C. Municipal and ward elections. In all municipalities with a population of

1 less than four hundred seventy-five thousand, elections for municipal and ward
 2 officers who are not elected at the same time as the governor or members of congress
 3 shall be held every four years. **The primary election for municipal and ward**
 4 **officers who are elected at the same time as members of Congress shall be held**
 5 **on the same date as the congressional second party primary, and the general**
 6 **election shall be held at the same time as the general election for congressional**
 7 **offices.**

8 * * *

9 E. Special elections to fill newly created office or vacancy in office. An
 10 election to fill a newly created office or vacancy in an existing office, except the
 11 office of state legislator or representative in congress, shall be held on the dates fixed
 12 by the appropriate authority in the proclamation ordering a special election as
 13 follows:

14 (1) A special primary election shall be held on the first of the following days
 15 that is not less than eleven weeks after the date on which the proclamation calling the
 16 special primary election was issued:

17 (a) The second to last Saturday in October, when the special general election
 18 is held on the fourth Saturday after the second to last Saturday in October.

19 ~~(b) The first Saturday in October, when the special general election is held~~
 20 ~~on the first Tuesday after the first Monday in November.~~

21 ~~(c)~~**(b)** The first Saturday in April, when the special general election is held
 22 on the fourth Saturday after the first Saturday in April or on the second Tuesday in
 23 March during the presidential election year, if the statewide presidential preference
 24 primary election is scheduled on the second Tuesday in March of the presidential
 25 election year; however, commencing in 1986 and every fourth year thereafter, this
 26 date shall not be applicable in a parish containing a municipality with a population
 27 of four hundred seventy-five thousand or more.

28 ~~(d)~~**(c)** The third Saturday in October, when the special general election is held
 29 on the fourth Saturday after the third Saturday in October of 1985 and every fourth

1 year thereafter.

2 ~~(e)~~**(d)**(i) The first Saturday in February of an election year for parish and
3 municipal officers in a parish containing a municipality with a population of four
4 hundred seventy-five thousand or more.

5 (ii) The first Saturday in February of 1995, except in parishes and
6 municipalities where an election on bonds, taxes, and other propositions or questions
7 has been called and held in January of 1995. Notwithstanding the provisions
8 contained in R.S. 18:467 and 468, the qualifying period for primary elections held
9 on the first Saturday in February of 1995 shall open on the third Monday in
10 December of 1994 and shall close at 5:00 p.m. on the Wednesday following the third
11 Monday in December of 1994.

12 (2) **A special primary election shall be held on the first of the following**
13 **days which is not less than fifteen weeks after the date on which the**
14 **proclamation calling the special primary election was issued: the first Saturday**
15 **in October, when the special general election is held on the first Tuesday after**
16 **the first Monday in November.**

17 ~~(2)~~**(3)**A special general election shall be held on one of the following:

18 (a) The fourth Saturday after the second to last Saturday in October of 1983
19 and every fourth year thereafter.

20 (b) The first Tuesday after the first Monday in November of even-numbered
21 years.

22 (c) The fourth Saturday after the first Saturday in April of any year unless
23 the primary election is held on the second Tuesday in March; in such case the
24 general election shall be held on the third Saturday in April; however commencing
25 in 1986 and every fourth year thereafter, this date shall not be applicable in a parish
26 containing a municipality with a population of four hundred seventy-five thousand
27 or more.

28 (d) The fourth Saturday after the third Saturday in October of 1985 and every
29 fourth year thereafter.

1 (e)(i) The fourth Saturday after the first Saturday in February in a parish
2 containing a municipality with a population of four hundred seventy-five thousand
3 or more, when the special primary election in such parish and municipality is held
4 on the first Saturday in February of an election year for parish and municipal
5 officers.

6 (ii) The fourth Saturday after the first Saturday in February of 1995, when
7 the special primary election is held as authorized in R.S. 18:402(E)(1)(e)(ii) on the
8 first Saturday in February of 1995.

9 ~~(3)~~**(4)** The secretary of state shall not include the name of any candidate on
10 any ballot for a special election to fill a vacancy in any office to which this
11 Subsection is applicable unless such special election has been called in accordance
12 with the provisions of this Subsection and scheduled on one of the dates provided
13 herein. Any elector who is eligible to vote in any such special election may apply
14 for injunctive relief to prohibit the placing of the name of any candidate in an
15 improperly called election on the ballot. Venue for such application shall be in any
16 parish in which the election is called, and the secretary of state shall be the proper
17 party defendant.

18 * * *

19 G. Prohibited days. No election of any kind shall be held in this state on any
20 of the days of Rosh Hashanah, Yom Kippur, Sukkoth, Shimini Atzereth, Simchas
21 Torah, the first two days and the last two days of Passover, Shavuoth, Fast of AV,
22 **the two days preceding Labor Day** or the three days preceding Easter. If the date
23 of any election falls on any of the above named days, the election shall be held on
24 the same weekday of the preceding week. **If the date of the election for a second**
25 **party primary is advanced pursuant to this Subsection, the first party primary**
26 **shall also be advanced by the same number of weeks.**

27 * * *

28 §431. Commissioners; courses of instruction; certificates; reports; list of certified
29 persons furnished by parish board of election supervisors

1 A.(1) * * *

2 (b) The clerk shall furnish to the persons who attend the course of instruction
3 a copy of the informational pamphlet provided by the secretary of state, and he shall
4 instruct them in the use of voting machines and the duties of commissioners in
5 conducting a primary and general ~~election~~ **elections**. The clerk shall instruct the
6 commissioners that it is their duty to offer any voter who does not have picture
7 identification as provided in R.S. 18:562(A) an affidavit to sign to that effect. All
8 such instruction and materials shall be provided pursuant to minimum standards
9 issued by the secretary of state for the course of instruction.

10 * * *

11 §433. Commissioners-in-charge; course of instruction; selection; commission;
12 disqualification; replacement

13 * * *

14 G. Replacement. (1) Except as provided in Subsection H hereof, if it
15 becomes certain that a commissioner-in-charge will not be able to serve for a
16 primary **or first party primary** election, or if a commissioner-in-charge fails to
17 attend a course of instruction held immediately prior to a primary **or first party**
18 **primary** election as provided in R.S. 18:431(B), the parish board of election
19 supervisors shall select a replacement commissioner-in-charge who shall serve for
20 both the primary and general elections. Except as provided in Subsection H hereof,
21 if it becomes certain that a commissioner-in-charge will not be able to serve for a
22 **second party primary or a** general election, or if a commissioner-in-charge fails to
23 attend the course of instruction held prior to a **second party primary or a** general
24 election, the parish board of election supervisors shall select a replacement
25 commissioner-in-charge ~~for that~~ **who shall serve for both the second party**
26 **primary and the general** election.

27 * * *

28 H. Replacement. (1) If a commissioner-in-charge fails to appear at the
29 polling place at least thirty minutes before the time when the polls are to open on

1 election day, the commissioners in attendance at the polling place shall immediately
 2 notify the clerk of court of the absence. Immediately upon receipt of the notice, the
 3 clerk of court shall select a replacement commissioner-in-charge for that precinct.
 4 Subject to the provisions of Subsection G herein, a replacement commissioner-in-
 5 charge selected for a **primary or first party** primary election also shall serve for the
 6 **second party primary and the** general election. The replacement commissioner-in-
 7 charge shall be selected from the following categories in the order of priority listed:

8 * * *

9 §434. Commissioners and alternate commissioners; selection; commission;
 10 disqualification; replacement

11 A. Time and place of selection. (1) The parish board of election supervisors
 12 shall meet at 10:00 a.m. on the twenty-ninth day before a primary **or first party**
 13 **primary** election to select the commissioners and alternate commissioners for each
 14 precinct. The meeting shall be open to the public. Except ~~that~~, for purposes of the
 15 primary election scheduled on the second Tuesday in March of the presidential
 16 election year, said meeting shall be held on the twentieth day before the primary
 17 election. The board shall have previously posted a notice on the front courthouse
 18 door designating the location within the courthouse where the meeting is to be held.

19 * * *

20 C. Commission. Once the commissioners and alternate commissioners are
 21 selected for a **primary, first party** primary, **second party primary**, and general
 22 election, the parish board of election supervisors shall immediately:

23 * * *

24 D. Replacement of a commissioner. (1) If prior to the day of the election
 25 a commissioner notifies the parish board of election supervisors that he is unable to
 26 serve as commissioner, the parish board of election supervisors shall select an
 27 alternate commissioner to serve in place of the absent commissioner. An alternate
 28 commissioner who replaces an absent commissioner in a **primary or first party**
 29 primary election shall replace the absent commissioner in the **second party primary**

1 and in the general election. An alternate commissioner who replaces an absent
2 commissioner in a second party primary election shall replace the absent
3 commissioner in the general election. If there are no alternate commissioners or
4 an insufficient number of alternate commissioners available, the parish board of
5 election supervisors shall select a person to serve as commissioner from the list
6 containing the names of persons within that ward who have received certificates of
7 instruction from the clerk of court pursuant to R.S. 18:431(A)(1). If no person on
8 that list is available to serve as commissioner, the parish board of election
9 supervisors shall select any person within the parish who has received a certificate
10 of instruction from the clerk of court pursuant to R.S. 18:431(A)(1). If there is no
11 such qualified person available, the parish board of election supervisors shall select
12 a watcher.

13 (2) If a commissioner fails to appear at the polling place at least thirty
14 minutes before the time when the polls are to open on election day, or if a
15 commissioner is selected as commissioner-in-charge, the commissioner-in-charge
16 shall select an alternate commissioner to serve in place of the absent commissioner.
17 An alternate commissioner who replaces an absent commissioner in a primary or
18 first party primary election shall replace the absent commissioner in the second
19 party primary and in the general election. An alternate commissioner who
20 replaces an absent commissioner in a second party primary election shall
21 replace the absent commissioner in the general election. If there are no alternate
22 commissioners or an insufficient number of alternate commissioners available, the
23 commissioner-in-charge shall select a person to serve as commissioner from the list
24 containing the names of those who have received certificates of instruction that was
25 furnished him by the parish board of election supervisors pursuant to R.S.
26 18:431(A)(5). If no person on that list is available to serve as commissioner, the
27 commissioner-in-charge shall select any person present at the polls who possesses
28 the qualifications of a commissioner as set forth in R.S. 18:425(B). If there is no
29 such qualified person available, the commissioner-in-charge shall select a watcher.

* * *

§435. Watchers; appointment and commission

A. Right to have watchers. (1) Each candidate is entitled to have one watcher at every precinct where the office he seeks is voted on in a **any** primary or general election. The candidate or his authorized representative shall file one list of watchers on a form provided by the secretary of state or on a form which contains the same information as required by the form provided by the secretary of state. When a candidate's list of watchers is filed by the candidate's authorized representative, a letter of authorization from the candidate shall accompany the list of watchers. However, in the case of a presidential election, each slate of candidates for presidential elector is entitled to have one watcher at every precinct. The state central committee of each recognized political party shall be responsible for filing the list of watchers for its slate of candidates for presidential elector. The list of watchers for an independent or other party slate of candidates for presidential elector shall be filed by any person so authorized by the presidential candidate supported by the slate of electors. A letter of authorization from the presidential candidate, or an authorized agent of his campaign, shall accompany the list of watchers.

* * *

B. Lists of watchers. A list of watchers shall be filed with the parish board of election supervisors before 5:00 p.m. on the tenth day before ~~the~~ **any** primary or general election. However, if the tenth day before ~~the~~ **any** primary or general election falls on a Saturday, Sunday, or other legal holiday, the list shall be filed on the next day which is not a Saturday, Sunday, or other legal holiday. Except for a candidate or recognized political party filing for a slate of candidates for presidential elector, any person filing a list of watchers must attach a certified statement that the report required by R.S. 18:1486 has been filed with the supervisory committee in compliance with the Campaign Finance Disclosure Act. If any candidate submits a list for the **primary or first party** primary election and does not submit a list for the **second party primary or the** general election, the list submitted in the **primary or**

1 **first party** primary election shall be treated as his list submitted for the **second**
2 **party primary election and the** general election. **If any candidate submits a list**
3 **for the second party primary election and does not submit a list for the general**
4 **election, the list submitted in the second party primary election shall be treated**
5 **as his list submitted for the general election.** A list of watchers shall contain only
6 one watcher and one alternate watcher for each precinct where the candidate or
7 person submitting the list is entitled to have a watcher. The list shall be typed or
8 legibly written, and it shall contain the name and mailing address of each watcher
9 and a designation of the precinct where he is to serve.

10 * * *

11 §436. Election officials at certain special elections

12 A. When a special primary election to fill a vacancy or an anticipated
13 vacancy in elective public office is called to be held at the same time as a previously
14 scheduled general election, or if a previously scheduled election is delayed for any
15 reason, the commissioners who were selected to serve at the previously scheduled
16 **primary, first party and second party** primary and general ~~election~~ **elections** also
17 shall be the commissioners for the special primary and general elections and any
18 such delayed primary or general election, and the compensation for each shall be
19 only that amount provided for in R.S. 18:424 and R.S. 18:425 for a day of service as
20 a commissioner or commissioner-in-charge. Each candidate to be voted on in the
21 special primary election or delayed primary election may appoint one watcher for
22 each precinct in which that candidate is to be voted on. Notwithstanding the
23 provisions of R.S. 18:427(C) or of any other law to the contrary, the watchers so
24 appointed shall be allowed to remain in the polling place at all times.

25 B. When a special general election to fill a vacancy or an anticipated
26 vacancy in elective public office is called to be held at the same time as a previously
27 scheduled primary election, the commissioners who were selected to serve at the
28 special primary election for which the special general election is to be held shall also
29 be the commissioners for ~~both~~ the previously scheduled primary, **and including any**

1 **first party or second party primary** and general elections. In such case the
2 compensation for each shall be only that amount provided for in R.S. 18:424 and
3 R.S. 18:425 for a day of service as a commissioner or commissioner-in-charge.

4 * * *

5 §453. Dual candidacy

6 A. General prohibitions. A person shall not become a candidate in a **any**
7 **primary, first party or second party** primary or general election for more than one
8 office unless one of the offices is membership on a political party committee, nor
9 shall a person be a candidate at the same time for two or more different offices to be
10 filled at separate elections.

11 B. Unexpired and succeeding term of office. A person may become a
12 candidate in a **primary or first or second party** primary **election** or general election
13 for the unexpired and the succeeding term of an office when both terms are to be
14 filled at the same election.

15 C. Political party committees. A person may become a candidate in a **any**
16 primary or general election for membership on more than one committee of a
17 political party, but a person may only become a candidate for one position, either at-
18 large or from a political subdivision, on the same committee of a political party.

19 * * *

20 §467. Opening of qualifying period

21 The qualifying period for candidates in a **the first party primary or** primary
22 election shall open:

23 * * *

24 (2) For candidates in a **primary or** congressional **first party** primary
25 election and those in any special **primary or first party** primary election to be held
26 at the same time, on the ~~third~~ **second** Wednesday in ~~August~~ **July** of the year of the
27 election.

28 * * *

29 §468. Close of the qualifying period

1 A. The qualifying period for candidates in a **primary or first party** primary
 2 election shall close at 5:00 p.m. on the Friday after the opening of the qualifying
 3 period for candidates in the **primary or first party** primary election or, if that Friday
 4 is a legal holiday, at 5:00 p.m. on the next day which is not a legal holiday.

* * *

6 §491. Standing to object to candidacy

7 A. A registered voter may bring an action objecting to the candidacy of a
 8 person who qualified as a candidate in a primary **or first party primary** election for
 9 an office for which the plaintiff is qualified to vote.

* * *

11 C. In addition to the persons with standing to bring an action objecting to
 12 candidacy as provided in Subsections A and B of this Section, the Supervisory
 13 Committee on Campaign Finance Disclosure may bring an action objecting to the
 14 candidacy of a person who qualified as a candidate in a primary **or first party**
 15 **primary** election for an office on the grounds provided in R.S. 18:492(A)(5).

* * *

17 §552. Election materials

18 A. Materials furnished. At least twenty-two days before a **primary or first**
 19 **party** primary election and as soon as possible for **a second party primary and** a
 20 general election:

* * *

22 §1272. United States senators; representatives in Congress; time of electing

23 A. All general elections for representatives in Congress, sometimes referred
 24 to in this Title as congressional elections, shall be held on the first Tuesday next
 25 following the first Monday in November, 1982, and every two years thereafter. The
 26 **first party and second party** primary ~~election~~ **elections** shall be held ~~on the first~~
 27 ~~Saturday in October next preceding the date of the general election~~ **in accordance**
 28 **with the provisions of Chapter 5 of this Title.**

* * *

1 **§1275.1. Purpose and nature of congressional primary and general elections**

2 **A. Nature of primary elections. All recognized political parties shall**
3 **make all nominations of candidates for United States senator or United States**
4 **representative by direct primary elections held under the provisions of this Part**
5 **and applicable general election law. In congressional primary elections**
6 **including elections for the United States Senate, each qualified voter of this state**
7 **may vote only on the candidates for public office who are affiliated with the**
8 **same political party with which the voter is affiliated. However, insofar as the**
9 **state central committee of a political party shall by its rules and regulations**
10 **choose to allow voters who are not affiliated with a recognized political party**
11 **to participate in the primary elections of that political party, such unaffiliated**
12 **voters shall be allowed to vote on candidates affiliated with that political party,**
13 **provided that each such political party shall notify the secretary of state no later**
14 **than January first of the year in which regularly scheduled congressional**
15 **elections are to be held if unaffiliated voters will be allowed to vote on**
16 **candidates affiliated with such affiliated party. Should more than one political**
17 **party permit non-affiliated voters to participate in the party primary, the**
18 **participating voter shall select only one party ballot to vote on in the primary**
19 **election.**

20 **B. Nature of congressional general elections. Each qualified voter of this**
21 **state may vote on candidates for the United States Congress and Senate in**
22 **general elections without regard to the voter's party affiliation or lack thereof,**
23 **and all candidates for such offices who qualify for a general election may be**
24 **voted on without regard to the candidates' party affiliation or lack thereof.**

25 **§1275.2. Dates of congressional primary and general elections**

26 **Congressional elections. Elections for members of Congress shall be held**
27 **every two years as follows:**

28 **(1) Congressional first party primary elections shall be held on the first**
29 **Saturday in September of an election year.**

1 **(2) Congressional second party primary elections shall be held on the**
2 **first Saturday in October of an election year.**

3 **(3) Congressional general elections shall be held on the first Tuesday**
4 **after the first Monday in November of an election year.**

5 **§1275.3. Manner of qualifying for the first party primary election**

6 **A. A person who desires to become a candidate in the first party**
7 **primary election shall qualify as a candidate by timely filing notice of his**
8 **candidacy, which shall be accompanied either by a nominating petition or by**
9 **the qualifying fee and any additional fee imposed. No person, whether or not**
10 **currently registered as a voter with the registrar of voters, shall qualify to**
11 **become a candidate if he is under an order of imprisonment for conviction of**
12 **a felony. A candidate whose notice of candidacy is accompanied by a**
13 **nominating petition shall not be required to pay any qualifying fee or any**
14 **additional fee.**

15 **B. A person who desires to become a candidate in the first party**
16 **primary election must be affiliated with a recognized political party. A person**
17 **may qualify as a candidate only in the first party primary election of the party**
18 **with which he is affiliated as shown on his voter registration.**

19 **C. When a candidate has filed multiple notices of candidacy for election**
20 **to more than one office at the same election, which multiple candidacies would**
21 **be in violation of R.S. 18:453, and no action objecting to candidacy on the**
22 **grounds provided in R.S. 18:492(4) has been commenced in a court of**
23 **competent jurisdiction within the time for such objections as provided in R.S.**
24 **18:493, then, upon expiration of the time for such objections to candidacy, the**
25 **person filing such multiple notices of candidacy shall be disqualified as a**
26 **candidate in the first party primary election for all but the last of such offices**
27 **for which he filed notices of candidacy, and any qualifying fees for those offices**
28 **paid by the candidate shall be refunded as provided in R.S. 18:501. The**
29 **secretary of state shall include the name of the candidate on the ballot for**

1 election to the last of such offices for which the candidate filed notices of
2 candidacy and to no other such office for which dual candidacy would be
3 prohibited.

4 §1275.4. Officials with whom candidates qualify

5 Candidates shall qualify for the first party primary election with the
6 secretary of state or a person in his office designated to receive qualifying
7 papers.

8 §1275.5. Notice of candidacy; qualifying fees

9 A. A notice of candidacy shall be in writing and shall state the
10 candidate's name, the office he seeks, the address of his domicile, the parish,
11 ward, and precinct where he is registered to vote, and the political party with
12 which he is registered as being affiliated. No candidate shall change or add his
13 political party designation, for purposes of printing on the election ballot as
14 provided by R.S. 18:551(D) after he has qualified for the election.

15 B. Qualifying fees shall be paid as provided in this Code.

16 §1275.6. Nominating petitions

17 A. A nominating petition shall be filed with the official with whom the
18 candidate qualifies and shall accompany the notice of candidacy.

19 B. A person may only be nominated as a candidate in the first party
20 primary election by persons within the same political party who are registered
21 to vote on the office he seeks who sign a nominating petition for him no more
22 than one hundred twenty days before the qualifying period opens for candidates
23 in the first party primary election. In addition to his signature, each voter who
24 signs a nominating petition shall date his signature and shall provide the ward
25 and precinct in which he is registered to vote, his residence address, including
26 the municipal number, the apartment number, if any, the rural route and box
27 number, or any other physical description that will identify his actual place of
28 residence and his political party affiliation. Once a voter has signed a
29 nominating petition, he may not withdraw the nomination. The secretary of

1 state shall prepare forms which may be used by any person who seeks
2 nomination as a candidate by nominating petition. The secretary of state shall
3 furnish copies of the forms to each clerk of court, and the forms shall be
4 available, upon request, at the office of the secretary of state or at the office of
5 the clerk of court. Nothing in this Subsection shall be construed to require
6 nominating petitions to be filed only on forms prepared by the secretary of
7 state.

8 C. The number of qualified voters who must timely sign a nominating
9 petition is:

10 (1) For a candidate for the United States Senate - five thousand with not
11 less than five hundred being from each congressional district;

12 (2) For the United States House of Representatives - one thousand from
13 within the congressional district.

14 D. Form. Each sheet of the nominating petition shall set forth the
15 candidate's name, the address of his domicile, the office for which the signers
16 nominate him, the political party with which he is affiliated, and the date of the
17 first party primary election for which he seeks to qualify. The name of each
18 voter who signed the nominating petition shall be typed or legibly written on the
19 petition, and each signature on the nominating petition shall be dated and
20 witnessed by the candidate or the person who obtained the signature on his
21 behalf. The candidate and all persons who obtained signatures on his behalf
22 shall certify on the nominating petition that to the best of their knowledge,
23 information, and belief all of the signatures on the nominating petition are
24 genuine and all of the statements contained in the nominating petition are true
25 and correct.

26 E. Certification. (1) A nominating petition shall be submitted to the
27 registrars of voters in the parishes where the signers reside not less than thirty
28 days before the qualifying period ends for candidates in the first primary
29 election, except that in a special election the nominating petition shall be

1 submitted by the candidate to the registrars of voters in the parishes where the
2 signers reside prior to the opening of the qualifying period.

3 (2) The registrar for each parish shall endorse upon the nominating
4 petitions, whether original or supplemental, the date and time of submission
5 and shall promptly certify the nominating petitions, in the order received, by
6 determining and certifying on each nominating petition which of the signers
7 who provided a residence address in the parish signed the nominating petition
8 timely, are registered with the same political party as the candidate, and are
9 entitled to vote on the office the candidate seeks. A supplemental nominating
10 petition shall be certified in the order in which it is received, without regard to
11 the time when the original nominating petition for that candidate was
12 submitted. A registrar may stop certifying the signatures on a nominating
13 petition when the total number of the signers he has certified as having signed
14 the petition timely, as being registered to vote on the office the candidate seeks,
15 and as affiliated with the candidate's political party equals one hundred fifteen
16 percent of the number of qualified voters required to nominate the candidate
17 for the office he seeks. A registrar's certification shall be conclusive as to the
18 number of qualified voters who timely signed a nominating petition, and
19 evidence to the contrary shall not be admitted in an action objecting to the
20 candidacy of the candidate who filed the nominating petition.

21 §1275.7. Time for qualifying in a first party primary election

22 A notice of candidacy, accompanied either by the qualifying fee or by a
23 nominating petition, is filed timely only if received by the secretary of state
24 during the qualifying period for candidates in the first party primary election.

25 §1275.8. Opening of qualifying period

26 The qualifying period for candidates in the first party primary election
27 shall open for candidates in a congressional or United States Senate first party
28 primary election and those in any special first party primary election to be held
29 at the same time, on the second Wednesday in July of the year of the election.

1 §1275.9. Opening of qualifying period in event of change of date for the first
2 party primary election

3 In the event that the date for the first party primary election is advanced
4 in accordance with R.S. 18:402(G), the qualifying period for candidates in the
5 primary and first party primary election shall be advanced from the date
6 specified in R.S. 18:1275.8 the same number of weeks as the first party primary
7 election.

8 §1275.10. Close of the qualifying period

9 The qualifying period for candidates in a first party primary election
10 shall close at 5:00 p.m. on the Friday after the opening of the qualifying period
11 for candidates in the first party primary election or, if that Friday is a legal
12 holiday, at 5:00 p.m. on the next day which is not a legal holiday.

13 §1275.11. Reopening of qualifying period; effect

14 A. When a person who qualified as a candidate in a first party primary
15 election for a public office dies after the close of the qualifying period and
16 before the time for closing the polls on the day of the first party primary
17 election, the qualifying period for candidates in the first party primary election
18 for that office shall reopen for the party from which the candidate died on the
19 day after the death and shall close at 5:00 p.m. on the third day after the death
20 or, if that day is a legal holiday, at 5:00 p.m. on the next day which is not a legal
21 holiday. The name of the deceased candidate shall not be printed on the first
22 party primary election ballot. If the first party primary election ballot was
23 printed with the deceased candidate's name on it, any votes received by the
24 deceased candidate shall be void and shall not be counted for any purpose
25 whatsoever.

26 B. When, at the close of the qualifying period, no candidate has qualified
27 for an office, the qualifying period shall be reopened for candidates from the
28 recognized political party from which no candidate qualified, on the first
29 Wednesday after the close of the qualifying period and shall close at 5:00 p.m.

1 on the Friday thereafter or, if that day is a legal holiday, at 5:00 p.m. on the next
2 day which is not a legal holiday.

3 C. Whenever the qualifying period is reopened as required by
4 Subsections A or B of this Section, the secretary of state shall cause notice of the
5 reopening, listing the dates and times the period shall run, to be published in the
6 official journal of the state.

7 D. Effect on primary election. (1) If the qualifying period for
8 candidates reopens within thirty days before a first party primary election, all
9 the votes cast in the first party primary election for that public office are void,
10 unless the qualifying period for the office reopened and closed without
11 additional candidates qualifying for the office. If additional candidates qualify
12 for the office and the votes for the first party primary will be void for that
13 reason, the secretary of state shall immediately publish in the official journal of
14 the state a notice to the electorate that the election for that office has been
15 voided because new candidates qualified. Such notice shall include the dates for
16 the rescheduled first party primary, second party primary, and general
17 elections.

18 (2) If all the votes cast in a first party primary election for a public office
19 are void because of the death of a candidate, the first party primary election for
20 the office shall be held on the date of the second party primary election, the
21 second party primary election for the office shall be held on the date of the
22 general election, and the general election for the office, if necessary, shall be
23 held on the fifth Saturday after the second party primary election.

24 §1275.12. List of candidates

25 The secretary of state shall furnish the appropriate listing of candidates
26 for each of the offices to be voted on in each election to any applicable federal
27 or state official responsible for enforcement of laws regulating the conduct of
28 campaigns. All other matters regarding the disposition of notice fees and
29 actions shall be as provided in R.S. 18:470.

1 **§1275.13. Majority vote required; second primary**

2 No candidate for office shall be declared nominated to the office he seeks
3 if such candidate has received less than a majority of the votes cast in a first
4 party primary, and a second party primary shall be held for those offices for
5 which no candidate received a majority of the votes cast in the first party
6 primary. The second party primary shall be held in accordance with the
7 provisions of this Part. If only one candidate qualifies for the office, that
8 candidate shall be declared the party nominee.

9 **§1275.14. Second primary; effect of the tie vote, withdrawal or death of a**
10 candidate

11 **A. In the event that no candidate receives a majority vote in the first**
12 **party primary, the two candidates from each political party, who received the**
13 **greatest number of votes in the first party primary shall be voted on in the**
14 **second party primary.**

15 **(1) In the case of a tie vote for first place in the first party primary, all**
16 **candidates affiliated with the same political party who received the same**
17 **number of votes qualify for the second party primary.**

18 **(2) In the case of a tie vote for second place in the first party primary,**
19 **all of the candidates affiliated with the same political party who received both**
20 **the same number of votes and the highest number of votes qualify for the**
21 **second party primary.**

22 **(3) If one of the persons receiving the highest number of votes in the first**
23 **party primary withdraws his candidacy, dies, or is otherwise disqualified,**
24 **thereby leaving only one candidate from the same political party in the race, the**
25 **remaining candidate who has received the highest number of votes for the office**
26 **for which he was a candidate shall be declared the nominee of the party.**

27 **B. There shall be no third party primary. For any situation not**
28 **specifically provided for herein, the state central committee of the recognized**
29 **political party involved shall provide for the selection of a nominee from the**

1 candidates and shall provide notice of the selection of a nominee to the secretary
2 of state no later than five business days after the second party primary election.

3 §1275.15. Candidates who qualify for a general election

4 All nominations by recognized political parties for the general election
5 shall be in accordance with the provisions relative to primary elections. The
6 candidate or candidates from each recognized political party who received the
7 highest number of votes in the second party primary election, unless the
8 candidate or candidates obtained a majority in the first party primary election
9 was unopposed, or is the only candidate remaining after the death or
10 withdrawal of a candidate after the first party primary election, shall be the
11 party nominee and qualify for the general election. A candidate who received
12 a majority of the votes cast in the first party primary election shall qualify for
13 the general election.

14 §1275.16. Number of candidates who may qualify for a general election

15 The number of candidates for an office who may qualify for the general
16 election by party nomination is one candidate from each political party.

17 §1275.17. Candidates not affiliated with a recognized political party; qualifying
18 for the general election

19 A. Any person desiring to become a candidate in a general election who
20 is not registered as being affiliated with a recognized political party shall file his
21 notice of candidacy which shall be accompanied by either a ballot access
22 petition or by the qualifying fee required for state candidates as provided in
23 R.S. 18:464. The number of signatures required on a ballot access petition shall
24 be the same as the number required for candidates seeking the same office in
25 the first party primary election as set forth in this Part.

26 B. The notice of candidacy shall comply with all of the requirements of
27 this Chapter relative to notice of candidacy, except that the candidate shall
28 indicate his political party affiliation or indicate "no party" if he is not affiliated
29 with any political party.

1 **C. The ballot access petition shall comply with all of the requirements**
2 **of this Chapter relative to nominating petitions, except that no person affiliated**
3 **with a recognized political party shall be eligible to sign such ballot access**
4 **petition.**

5 **D. The time of qualifying and the official with whom a candidate**
6 **qualifies shall be in accordance with all of the provisions of this Chapter relative**
7 **to qualifying for a first party primary election.**

8 **§1275.18. Time for objecting to candidacy**

9 **An action objecting to candidacy, including the candidacy of a person**
10 **who qualified as provided in R.S. 18:1275.3 and 1275.17, shall be commenced**
11 **in a court of competent jurisdiction within seven days after the close of**
12 **qualifications for candidates in a first party primary election. The grounds for**
13 **objecting to the candidacy shall be as provided in R.S. 18:492. After the**
14 **expiration of the time period set forth in this Section, no action shall be**
15 **commenced objecting to candidacy based on the grounds for objections to**
16 **candidacy contained in R.S. 18:492. All other matters regarding objecting to**
17 **candidacy shall be as provided by law in this Code.**

18 **§1275.19. Nomination of candidates in a party primary election; general**
19 **election**

20 **If, after the close of the qualifying period for candidates in a first party**
21 **primary election, the number of candidates for a public office does not exceed**
22 **the number of persons to be nominated by a recognized political party for the**
23 **office, the candidates for that office, or those remaining after the withdrawal of**
24 **one or more candidates, are declared nominated by the people, and their names**
25 **shall not appear on the ballot in the second party primary election but shall be**
26 **on the ballot for the general election. If the first or second party primary**
27 **election ballot was printed with the name of a candidate who withdrew on it,**
28 **any votes received by a candidate who withdrew shall be void and shall not be**
29 **counted for any purpose whatsoever.**

1 **§1275.20. Qualifications of voters**

2 **All persons who have registered to vote in this state prior to the time the**
3 **registration records are closed as required in R.S. 18:135 may vote in the first**
4 **and second party primary election only for the candidates who are affiliated**
5 **with the same political party as the voter. However, insofar as the state central**
6 **committee of a political party shall by its rules and regulations choose to allow**
7 **voters who are not affiliated with a recognized political party to participate in**
8 **the primary elections of that political party, such unaffiliated voters shall be**
9 **allowed to vote on candidates affiliated with that political party provided that**
10 **each such political party shall notify the secretary of state no later than January**
11 **first of the year in which the regularly scheduled elections are to be held if**
12 **unaffiliated voters will be allowed to vote on candidates affiliated with such**
13 **party. Should more than one political party permit non-affiliated voters to**
14 **participate in the party primary, the participating voter shall select only one**
15 **party ballot to vote on in the primary election.**

16 **§1275.21. Ballots**

17 **A. Preparation. The secretary of state shall prepare and certify the**
18 **absentee ballots and the ballots to be used on the voting machines in the first**
19 **and second party primary and general elections.**

20 **B. Titles of offices. The titles of the offices to be voted on in any primary**
21 **or general election shall be printed on the ballot with capital letters in the**
22 **following order:**

23 **(1) United States senator.**

24 **(2) United States representative.**

25 **C. Names and numbers of candidates. The names of the candidates in**
26 **any primary or general election shall be printed on the ballot as follows:**

27 **(1) In any first party primary election only the names of candidates who**
28 **qualified for election and were not subsequently disqualified by a judgment**
29 **rendered in an action objecting to candidacy or who were not unopposed shall**

1 be printed on the ballot. The name of each candidate shall be printed on the
2 ballot in the form designated by the candidate in his notice of candidacy on file
3 with the secretary of state. The parties shall be arranged alphabetically, and
4 under such party affiliation, the names of the candidates for each office shall be
5 listed alphabetically by surname within each party and printed below the title
6 of the office and below the respective party designation, in smaller capital
7 letters. The names of the candidates shall be numbered from first to last. Once
8 the secretary of state has assigned numbers to the candidates on the first party
9 primary election ballot, the numbers shall not be changed. If the qualifying
10 period reopens because of the death of a candidate, additional candidates who
11 qualify for the primary election shall be given the numbers following the
12 number assigned to the last candidate on the ballot. If two or more candidates
13 have the same surname, the word "Incumbent" shall be printed after the name
14 of each candidate having the same surname who is an incumbent and the
15 residence address shall be printed after the name of each candidate having the
16 same surname who is not an incumbent. The form of the ballot shall be the same
17 for the second party primary election, but only the names of the candidates who
18 qualified for such election shall be printed on the ballot.

19 (2) In a general election only the names of the candidates who qualified
20 for election and who were not subsequently disqualified by a judgment rendered
21 in an action objecting to candidacy shall be printed on the ballot, and the names
22 shall be printed in the same form as they were printed on the ballot for the first
23 party primary election. The names of candidates who qualified pursuant to R.S.
24 18:1275.17 shall be as they appear on the notice of candidacy. The names of the
25 candidates for each office shall be arranged alphabetically by surname, and
26 shall be listed below the title of the office, in smaller capital letters. The political
27 party designation of a candidate shall be listed on the ballot as provided in R.S.
28 18:551(D). The names of the candidates shall be given the same number
29 assigned to them on the first party primary election ballot. Additional

1 candidates who qualify who were not on the first party primary election ballot
2 shall be given the numbers following the number assigned to the last candidate
3 on the ballot for the first party primary election.

4 §1275.22. Prerequisites to voting

5 The provisions of R.S. 18:562 shall be applicable to all congressional first
6 and second party primary elections and congressional general elections.
7 Additionally, any person who desires to vote in any first or second party
8 primary election shall also give his party affiliation, if any, to a commissioner,
9 who shall announce the applicant's name, address, and party affiliation, if any,
10 to the persons at the polling place.

11 §1275.23. Compilation and promulgation of returns

12 A. On or before the twelfth day after the first or second party primary
13 election or general election, as the case may be, the secretary of state shall
14 promulgate the returns for candidates by publishing in the official journal of
15 the state the names of the candidates for each office in the election, and the
16 number of votes received by each such candidate, shown by the returns
17 transmitted by the clerks of court from the compiled statements by the parish
18 boards of election supervisors. In a parish containing a municipality with a
19 population of four hundred seventy-five thousand or more the promulgation
20 shall be from the returns transmitted by the parish board of election
21 supervisors.

22 §1275.24. Election of candidates in a general election

23 A. Generally. The candidate who receives the most votes cast for an
24 office in a general election is elected.

25 B. Election of unopposed candidates. If, as a result of the death or
26 withdrawal of one or more candidates, the number of candidates for an office
27 in a general election does not exceed the number of persons to be elected to the
28 office, the remaining candidates are declared elected by the people, and their
29 names shall not appear on the ballot in the general election.

1 **C. Effect of a tie vote. If, as a result of a tie vote in a general election,**
 2 **the number of candidates who would be elected to an office exceeds the number**
 3 **of persons to be elected to the office, the candidates who received the same**
 4 **number of votes for that office in the general election are not elected. The**
 5 **election for officers thus not elected shall be returned to the people on the third**
 6 **Saturday after the date on which the results in the election at which the tie vote**
 7 **occurred were promulgated.**

8 * * *

9 §1278. Vacancies; United States senator

10 * * *

11 B. If a vacancy occurs in the office of United States senator and the
 12 unexpired term is more than one year, an appointment to fill the vacancy shall be
 13 temporary. Any senator so appointed shall serve until his successor is elected at a
 14 special election and takes office. Within ten days after receiving official notice of
 15 the vacancy, the governor shall issue his proclamation for special election to fill the
 16 vacancy for the unexpired term. The date of the special election ~~shall be established~~
 17 ~~by the governor in accordance with the provisions of R.S. 18:402(E). The~~ **and the**
 18 dates of the qualifying period shall be established by the governor in accordance with
 19 R.S. 18:467, 467.1, and 468. Immediately after issuance of the proclamation, which
 20 shall include the dates of the **first and second party** primary and general elections
 21 and the dates of the qualifying period, the governor shall publish the proclamation
 22 in the official journal of each parish in which the election is to be held. Within
 23 twenty-four hours after its issuance, the governor shall send a copy of the
 24 proclamation to the secretary of state. Within twenty-four hours after he receives the
 25 copy, the secretary of state shall notify all election officials having any duty to
 26 perform in connection with a special election to fill such vacancy, including the
 27 parish boards of election supervisors for the parish or parishes in which the vacancy
 28 occurred. The election shall be conducted and the returns shall be certified as in
 29 regular elections for United States senator.

1 * * *

2 §1279. Vacancies; representatives in Congress

3 When a vacancy occurs in the office of representatives in Congress, the
4 governor shall determine the dates on which the special elections shall be held and
5 the dates of the qualifying period and shall issue his proclamation ordering a special
6 election and specifying the dates on which the **first and second party** primary and
7 general elections will be held and the dates of the qualifying period for the election.
8 Immediately thereafter he shall publish the proclamation in the official journal of
9 each parish in which the election is to be held. Within twenty-four hours after
10 issuing the proclamation, the governor shall send a copy of the proclamation to the
11 secretary of state who shall within twenty-four hours of receipt of the information
12 notify all election officials having any duty to perform in connection with a special
13 election to fill such vacancy, including the parish boards of election supervisors for
14 the parish or parishes in which the vacancy occurred. The election shall be
15 conducted in the same manner and at the same places and the returns shall be
16 certified as in regular congressional elections. If at a **first or second party** primary
17 or general election in a congressional district one representative in Congress is to be
18 elected for a full term and another to fill a vacancy, the ballots containing the names
19 of the candidates shall, as a part of the title of the office, designate the term for which
20 the candidates are respectively nominated.

21 * * *

22 §1300. Procedures; notice of election; expenses

23 * * *

24 C.(1) When an election is called under the provisions of this Chapter, written
25 notice of the election shall be transmitted to the secretary of state, the commissioner
26 of elections, and each clerk of court and registrar of voters in the area affected by the
27 election. If the election is to be held on a **primary or second party** primary election
28 date, then such notice shall be received by the secretary of state on or before the
29 seventy-first day prior to the **primary or second party** primary election. If the

1 election is not to be held on a **primary or second party** primary election date, then
 2 such notice shall be received by the secretary of state on or before the forty-sixth day
 3 prior to the election.

4 * * *

5 §1300.7. Governor to order election; proclamation; publication

6 A. If the required number of qualified electors of the voting area sign the
 7 petition for recall, the governor shall issue a proclamation ordering an election to be
 8 held for the purpose of voting on the question of the recall of the officer. The total
 9 number of registered voters in the voting area and the total number of registered
 10 voters in the voting area signing the petition shall be calculated from the totals on the
 11 certificates of all of the registrars of voters received by the governor. The governor
 12 shall issue such proclamation within fifteen days after he receives the certified
 13 petitions from all of the registrars of voters in the voting area who have received
 14 petitions for certification. The proclamation shall order the election to be held on the
 15 next available date specified in R.S. 18:402(F). If the election is to be held on a
 16 **primary or first party** primary election date, the proclamation shall be issued on
 17 or before the last day for candidates to qualify in the election. If the election is not
 18 to be held on a **primary or first party** primary election date, then the proclamation
 19 shall be issued on or before the forty-sixth day prior to the election.

20 * * *

21 §1306. Preparation and distribution of absentee ballots

22 A. * * *

23 (4) The secretary of state shall prepare a special absentee ballot for
 24 candidates and constitutional amendments to be voted on in **second party primary**
 25 **or** general elections, subject to approval as to content by the attorney general. This
 26 special ballot shall only be for use by a qualified voter who is either a member of the
 27 United States Service or who resides outside of the United States. Such special
 28 ballot shall contain a list of the titles of all offices being contested at the primary **or**
 29 **first party primary** election and the candidates qualifying for the primary **or first**

1 party primary election for each office, and shall permit the elector to vote in the
 2 second party primary or general election by indicating his order of preference for
 3 each candidate for each office. On the special ballot shall also be printed each
 4 constitutional amendment to be voted on in the second party primary or general
 5 election. To indicate his order of preference for each candidate for each office to be
 6 voted on in the election, the voter shall put the number one next to the name of the
 7 candidate who is the voter's first choice, the number two for his second choice and
 8 so forth so that, in consecutive numerical order, a number indicating the voter's
 9 preference is written by the voter next to each candidate's name on the ballot. A
 10 space shall be provided for the voter to indicate his preference for or against each
 11 constitutional amendment contained on the ballot. The voter shall not be required
 12 to indicate his preference for more than one candidate on the ballot if the voter so
 13 chooses. The secretary of state shall also prepare instructions for use of the special
 14 ballot.

15 * * *

16 C. * * *

17 (2) At least twenty days before each primary or first party primary election
 18 the secretary of state shall deliver to the registrar in each parish in which the election
 19 is to be held the special absentee ballot for qualified voters who are either members
 20 of the United States Service or persons residing outside of the United States. The
 21 number of special ballots and other necessary paraphernalia, including instructions
 22 for the use of the special ballot, to be so delivered shall be up to one percent of the
 23 registered voters within each parish.

24 * * *

25 §1307. Application by mail

26 A. A person qualified to vote absentee by mail under this Chapter may make
 27 application therefor to the registrar by letter; over his signature or mark if the voter
 28 is unable to sign his name, signed by two witnesses who witnessed the applicant's
 29 mark; setting forth:

* * *

(8) If the person requests that a ballot for a **general election or the second party primary election and a** general election be sent in addition to a ballot for the **primary or first party** primary, he shall declare in writing to the registrar that he will be eligible to vote absentee by mail in the **general election or the second party primary election and the** general election.

* * *

E. A person entitled to vote absentee by mail may request in his application for an absentee ballot for a **primary or first party** primary election that an absentee ballot for the succeeding **general election or the second party primary election and the** general election be sent to him when such ballots become available for distribution. However, in such case, the applicant shall declare in writing to the registrar that he will be eligible to vote absentee by mail in the **general election or the second party primary election and the** general election.

* * *

§1308. Absentee voting by mail

A. * * *

(2)(a) With respect to persons on active duty in the United States military service or outside the continental boundaries of the United States, these materials shall be mailed as provided by the Uniformed and Overseas Citizens Absentee Voting Act (39 USC 3406 and 42 USC 1973ff et seq.) and shall include both the **primary or first party** primary election ballot and the special ~~ballot~~ **ballots** for the **general election or the second party primary election and the** general election. The envelope mailed to the voter shall contain ~~four~~ **six** envelopes, ~~two~~ **three** of which shall be the ballot envelopes and ~~two~~ **three** of which shall be return envelopes. Each return envelope shall bear the official title and mailing address of the registrar, whether it contains a **primary, first party primary, second party** primary or general election ballot, and the name, return address, and precinct or district number of the voter. The voter shall return his voted **primary or first party** primary

1 election ballot and special ~~ballot~~ **ballots** for the **general election or the second**
2 **party primary and the** general election to the registrar in the appropriate envelopes.

3 The registrar of voters shall not mail a regular **general election or the second party**
4 **primary and** general election absentee ballot to a member of the United States
5 Service or to persons residing overseas if the registrar has mailed ~~the a~~ special ballot,
6 as provided herein, to such voter. **The envelopes for the special ballots shall**
7 **contain language on the outside of the envelope which will clearly designate**
8 **which envelope is to be used for return of the second primary election ballot and**
9 **which envelope is to be used for return of the general election ballot.**

10 * * *

11 §1311. List of absentee voters; posting; delivery of alphabetized list to precincts;
12 supplements

13 * * *

14 D. * * *

15 (5)(a) Upon receipt of the special ballot for members of the United States
16 Service and persons residing outside of the United States, the registrar shall endorse
17 the day and hour of receipt on said ballots and place those received on the day of the
18 ~~general~~ election **for which the ballot is cast**, in an envelope separate from any other
19 mail ballot. The registrar shall include, on a separate list for this purpose, in
20 alphabetical order and by precinct, the name of each voter submitting such special
21 absentee **by mail** ballot.

22 * * *

23 §1314. Absentee commissioners

24 * * *

25 B. Selection for **a primary or first party** primary election. (1) The parish
26 board of election supervisors shall determine the number of absentee **by mail and**
27 **early voting** commissioners necessary to count the absentee **by mail and early**
28 **voting** ballots in the parish. The parish board of election supervisors shall select a
29 minimum of three such commissioners.

1 (2) The parish board of election supervisors shall meet at 10:00 a.m. on the
2 fifth day before a **primary or first party** primary election and shall select the
3 absentee **by mail and early voting** commissioners and alternate absentee **by mail**
4 **and early voting** commissioners for the parish in the manner provided by law for the
5 selection of commissioners and alternate commissioners. If there are not enough
6 certified commissioners to select the appropriate number of absentee **by mail and**
7 **early voting** commissioners and alternate absentee **by mail and early voting**
8 commissioners, the board of election supervisors may select a qualified elector of the
9 parish to serve; however, no such elector shall serve as an absentee **by mail and**
10 **early voting** commissioner if a certified commissioner has been selected as an
11 alternate absentee **by mail and early voting** commissioner.

12 * * *

13 C. Selection for **second party primary or** general election. (1)(a) The
14 parish board of election supervisors shall determine if the number of absentee **by**
15 **mail and early voting** commissioners necessary to count the absentee **by mail and**
16 **early voting** ballots in the **second party primary or** general election can be reduced
17 or should be increased from the number which counted absentee **by mail and early**
18 **voting** ballots in the **previous** primary election.

19 (b) If it determines that the number cannot be reduced or should be
20 increased, those persons who served as absentee **by mail and early voting**
21 commissioners and alternate absentee **by mail and early voting** commissioners for
22 the parish in the **primary or first party** primary election shall serve in the **second**
23 **party primary and** general election, unless replaced or disqualified in the manner
24 provided by law for commissioners and alternate commissioners. The number of
25 absentee **by mail and early voting** commissioners for a **second party primary and**
26 general election shall not be less than three.

27 (2)(a) If the parish board determines that the number of absentee **by mail**
28 **and early voting** commissioners can be reduced, it shall notify each person who
29 served as an absentee **by mail and early voting** commissioner or alternate absentee

1 by mail and early voting commissioner in the primary or first party primary
 2 election of its decision to reduce the number of absentee by mail and early voting
 3 commissioners and of the date and time of the meeting to select the absentee by mail
 4 and early voting commissioners for the second party primary or general election.
 5 The parish board shall meet at 10:00 a.m. on the fifth day before a second party
 6 primary and a general election and shall select the absentee by mail and early
 7 voting commissioners ~~and~~ or alternate absentee by mail and early voting
 8 commissioners to serve in ~~the general election~~ such elections for the parish.

9 (b)(i) The parish board shall prepare a list containing the names of all
 10 persons who served as absentee by mail and early voting commissioners in the
 11 primary or first party primary election. The absentee by mail and early voting
 12 commissioners and alternate absentee by mail and early voting commissioners for
 13 the second party primary election and for the general election shall be selected
 14 from that list in the manner provided by law for the selection of commissioners ~~and~~
 15 or absentee commissioners. The absentee commissioners so chosen shall then
 16 serve as needed for the second party primary election and the general election.

17 (ii) If the list does not contain sufficient names to select the number of
 18 absentee by mail and early voting commissioners ~~and~~ or alternate absentee by mail
 19 and early voting commissioners determined by the board to be needed for the
 20 second party primary election and the general election, the board shall fill any
 21 remaining alternate commissioner positions from a list of those persons who were
 22 selected as alternate absentee by mail and early voting commissioners for the
 23 primary or first party primary election, such list to be prepared and the selection
 24 made in the same manner provided herein for selection of absentee by mail and
 25 early voting commissioners for the second party primary election and the general
 26 election.

27 (3) If the parish board determines that the number of absentee by mail and
 28 early voting commissioners should be increased, the parish board shall meet at
 29 10:00 a.m. on the fifth day before a the second party primary election and the

1 general election and shall select the additional absentee **by mail and early voting**
 2 commissioners and alternate absentee **by mail and early voting** commissioners to
 3 serve in the **second party primary election and the** general election for that parish
 4 from the list of certified commissioners who have not been chosen to serve in the
 5 **second party primary and the** general election as a commissioner-in-charge,
 6 commissioner, or, if applicable, absentee **by mail and early voting** commissioner
 7 in the manner provided by law for the selection of commissioners and alternate
 8 commissioners. If there are not enough certified commissioners to select the
 9 appropriate number of absentee **by mail and early voting** commissioners and
 10 alternate absentee **by mail and early voting** commissioners, the board of election
 11 supervisors may select a qualified elector of the parish to serve; however, no such
 12 elector shall serve as an absentee **by mail and early voting** commissioner if a
 13 certified commissioner has been selected as an alternate absentee **by mail and early**
 14 **voting** commissioner.

* * *

16 §1333. Voting by persons confined to a nursing home

* * *

18 D.(1) A voter qualified to vote under this Section and approved for
 19 participation in the special program for handicapped voters shall make application
 20 to vote by absentee ballot to the registrar of voters by letter, over his signature,
 21 setting forth the following:

* * *

23 (e) If at the time the disabled voter requests an absentee ballot for a **primary**
 24 **or first party** primary election, he also requests an absentee ballot for the **general**
 25 **election or the second party primary and for the** general election, he shall declare
 26 in writing to the registrar that he will be eligible to vote absentee in the **general**
 27 **election or the second party primary election and in the** general election.

* * *

29 E.(1) Upon receipt of the application for an absentee ballot, the registrar

1 shall first enter the date and time of receipt thereof and ascertain to his satisfaction
 2 the accuracy of the information contained in the application. An application not
 3 timely submitted and received as required in Subsection (D) of this Section shall be
 4 immediately returned to the applicant with a brief statement citing the reasons for the
 5 return; however, if such application requested an absentee ballot for **both a primary,**
 6 **and general election or a first party primary, second party** primary, and general
 7 election, the registrar shall retain the application, notify the applicant that the request
 8 to vote by absentee ballot in the **primary or first party** primary election was not
 9 timely submitted and received, and process the application for the **general election**
 10 **or the second party primary and** general election as provided herein.

11 * * *

12 §1355. Construction and equipment of machines; requirements

13 Each voting machine used in an election shall be so constructed and equipped
 14 as to:

15 * * *

16 (6) When used in a **first or second congressional primary or a** primary
 17 election at which members of a political party committee are to be voted on, it shall
 18 be so equipped that the election officials can lock out all candidate counters except
 19 those of the party with which the voter is affiliated **or those of the party for which**
 20 **a voter unaffiliated with a recognized political party has chosen to vote if**
 21 **permitted by the state central committee of the party.**

22 * * *

23 §1401. Objections to candidacy and contests of elections; parties authorized to
 24 institute actions

25 * * *

26 B. A candidate who alleges that, except for substantial irregularities or error,
 27 or except for fraud or other unlawful activities in the conduct of the election, he
 28 would have qualified for **a second party primary election or for** a general election
 29 or would have been elected may bring an action contesting the election.

1 * * *

2 §1402. Proper parties

3 * * *

4 B.(1) The following persons are the proper parties against whom election
5 contests may be instituted:

6 * * *

7 (c) The person or persons whose eligibility to be a candidate in **a second**
8 **party primary election or in** a general election or whose election to office is
9 contested.

10 * * *

11 §1405. Time for commencement of action

12 A. An action objecting to candidacy shall be instituted not later than 4:30
13 p.m. of the seventh day after the close of qualifications for candidates in the **primary**
14 **or first party** primary election **or by not later than 4:30 p.m. of the seventh day**
15 **after the close of qualifications for candidates for Congress in a congressional**
16 **general election who are not affiliated with a recognized political party.** After
17 the expiration of the time period set forth in this Section, no further action shall be
18 commenced objecting to candidacy based on the grounds for objections to candidacy
19 contained in R.S. 18:492.

20 * * *

21 §1406. Petition; answer; notification

22 * * *

23 B. The petition shall set forth in specific detail the facts upon which the
24 objection or contest is based. If the action contests an election, the petition shall
25 allege that except for substantial irregularities or error, fraud, or other unlawful
26 activities in the conduct of the election, the petitioner would have qualified for a
27 **second party primary election or for a** general election or would have been
28 elected. The trial judge may allow the filing of amended pleadings for good cause
29 shown and in the interest of justice.

* * *

§1407. Appointment of agent for service of process

By filing notice of candidacy a candidate appoints the clerk of court for each parish in which he is to be voted on as his agent for service of process in any action objecting to his candidacy, contesting his qualification as a candidate in a **second party primary election or in a** general election, or contesting his election to office.

* * *

§1409. Trial; decision; appeal

* * *

B.(1) If the action involves the contest of a **primary or first party** primary election for a major office, the trial judge, for good cause shown, may postpone the date of the **second party primary election or the** general election for the office as to which the contest was filed for a period not to exceed five weeks. **If the action involves the contest of a second party primary for a major office, the trial judge may, for good cause shown, so postpone the general election.**

(2) Whenever the trial of an action contesting a **primary or first or second party** primary election for a major office, extends past 5:00 p.m. on the fourteenth day after the day of the election, the trial judge shall order the **second party primary election and the** general election, **or the general election, as the case may be,** for the affected office postponed to a Saturday specified by him which, **for a second party primary election** is at least thirty days after the date on which the trial court renders judgment **and which for a general election is at least thirty days after the second party primary election.**

* * *

§1432. Remedies

A. If the trial judge in an action contesting an election determines that: (1) it is impossible to determine the result of election, or (2) the number of qualified voters who were denied the right to vote by the election officials was sufficient to change the result in the election, if they had been allowed to vote, or (3) the number

1 of unqualified voters who were allowed to vote by the election officials was
 2 sufficient to change the result of the election if they had not been allowed to vote, or
 3 (4) a combination of the factors referred to in (2) and (3) ~~herein~~ **in this Subsection**
 4 would have been sufficient to change the result had they not occurred, the judge may
 5 render a final judgment declaring the election void and ordering a new **primary or**
 6 **first and second party** primary **or second party primary** or general election for all
 7 the candidates, or, if the judge determines that the appropriate remedy is the calling
 8 of a restricted election, the judge may render a final judgment ordering a restricted
 9 election, specifying the date of the election, the appropriate candidates for the
 10 election, the office or other position for which the election shall be held, and
 11 indicating which voters will be eligible to vote.

* * *

13 §1461. Election offenses; penalties

14 A. No person shall knowingly, willfully, or intentionally:

* * *

16 (17) Give or offer to give, directly or indirectly, any money or thing of
 17 present or prospective value to any person who has withdrawn or who was
 18 eliminated prior or subsequent to the **primary or first or second** primary election
 19 as a candidate for public office, for the purpose of securing or giving his political
 20 support to any remaining candidates or to candidates for public office in the **primary**
 21 **or first or second** primary or general election.

* * *

23 Section 2. This Act shall become effective on January 1, 2007.

The original instrument and the following digest, which constitutes no part
of the legislative instrument, were prepared by Diane M. Burkhart.

DIGEST

Fields (SB 18)

Present law provides that all qualified voters of this state may vote on candidates for public office in primary and general elections without regard to the voter's party affiliation or lack thereof, 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 thereof. Provides that all candidates run in a single primary, and that, unless a candidate receives a majority

vote in the primary and is elected, the top two candidates are the candidates in the general election. Establishes procedures for carrying out the provisions of such election system.

Proposed law retains present law for the election of all candidates other than congressional candidates.

Proposed law provides for a closed primary system for the election of congressional candidates, which includes first party primary, second party primary, and general elections, as follows:

- (1) Proposed law provides that all recognized political parties shall make nominations of all congressional candidates by direct party primary elections. Provides that in such party primary elections, all qualified voters of this state may vote on the candidates for public office who are affiliated with the same political party with which the voter is affiliated. However, allows voters unaffiliated with a recognized political party to vote in a party primary election of any party which chooses to allow such voters to vote by party rules and regulations, but permits such voter to cast a vote in only one such primary related to each election.

Proposed law provides that all qualified voters may vote on candidates for public office in general elections without regard to the voter's party affiliation or lack thereof, and all candidates for public office who qualify for a general election may be voted on without regard to the candidate's party affiliation or lack thereof. Specifies that in such general election, the candidate with the most votes is elected whether or not he receives a majority of the total votes cast.

- (2) Proposed law provides that congressional first party primary elections be held on the first Saturday in September and congressional second party primary elections on the first Saturday in October in even numbered years.
- (3) Proposed law retains present law general election date for congressional election of the first Tuesday after the first Monday in November.
- (4) Proposed law requires replacement commissioners-in-charge and commissioners to also serve for the congressional second party primary election, in addition to the general election.
- (5) Proposed law provides that a list of watchers submitted for a congressional first party primary election shall be treated as the candidate's list of watchers for the second party primary and general election if the candidate does not submit lists for those elections. Provides that a list of watchers submitted for a congressional second party primary election shall be treated as the candidate's list of watchers for the general election if the candidate does not submit lists for the general election.
- (6) Proposed law prohibits dual candidacy and allows a person to become a candidate in a congressional first party primary, second party primary, and general election for an unexpired and succeeding term in the same manner as provided in present law.
- (7) Proposed law provides that a candidate in a congressional first primary election must be affiliated with a recognized political party and may qualify as a candidate only in the party primary of the party with which he is affiliated as shown in his voter registration.
- (8) Proposed law provides that candidates for a congressional first party primary election qualify in the same manner required under present law. Requires designation of party affiliation for signers of a petition for nomination of a candidate and provides for such nomination only by persons in the same party as the nominee.

- (9) Proposed law provides that the period congressional candidates qualify for a first party primary election begins on the second Wednesday in July and closes at 5:00 p.m. on the following Friday.
- (10) Proposed law provides that when qualifying is reopened due to the death of a congressional candidate in a first party primary election, the reopened qualifying shall be open to all candidates from the recognized party. Further provides for rescheduling of the election to reopen qualifying.
- (11) Proposed law provides that the secretary of state shall furnish election officials responsible for enforcement of law regulating the conduct of campaigns with a listing of candidates.
- (12) Proposed law provides that a majority vote is required in the congressional first party primary election for a candidate to be nominated by his party as a congressional candidate in the general election to the office he seeks. Further provides that absent such majority vote the two candidates from the same party receiving the highest number of votes in the first party primary shall be voted on in the second party primary.

Proposed law provides that if after the close of qualifying, the number of persons to be nominated by a recognized political party for a congressional office does not exceed the number of persons to be nominated by that party, those persons are declared nominated and their names shall appear on the general election ballot, but not on the ballot in the second primary.

Proposed law provides that in the case of a tie vote in the first party primary all of the congressional candidates for the same office who received the same number of votes and highest number of votes shall qualify for the second party primary.

Proposed law provides that if one of the congressional candidates dies, withdraws, or is otherwise disqualified from the second party primary election, leaving only one candidate from the same political party in the race, said candidate shall be declared the nominee of that political party.

Proposed law provides that there shall be no third party primary and further that the state central committee shall provide for the selection of a nominee of their party in any situation not specifically provided for by statute.

- (13) Proposed law provides that the congressional candidate from each political party who received the highest number of votes in the second party primary shall qualify for the general election as well as any candidate who received a majority in the first party primary. Provides that the number of candidates that may qualify for the general election by party nomination is one candidate from each recognized political party.
- (14) Proposed law provides that a person who is not affiliated with a recognized political party may become a candidate in a general election by filing his notice of candidacy which shall be accompanied by either a ballot access petition or the qualifying fee with the same number of signatures required for candidates in the first party primary, in the same manner and during the same time period as is provided for candidates in the first party primary who are affiliated with a recognized political party. Further provides that such candidate shall indicate his party affiliation or indicate "no party" on the notice of candidacy. Further provides that a voter affiliated with a recognized political party shall not be eligible to sign such ballot access petition.
- (15) Proposed law retains present law relative to objections to candidacy and makes it applicable to the congressional candidates who qualify for the general election other

than by nomination in the party primary.

- (16) Proposed law provides that the ballot for a party primary election shall be arranged alphabetically by surname and listed below the title of the office.
- (17) Proposed law provides that lack of party affiliation shall not prevent a voter from voting at bond, debt, tax, or proposition elections. Requires voter be identified as required by present law, and requires voter to give party affiliation, if any, to the commissioner, and requires the commissioner to announce it.
- (18) Proposed law requires the secretary of state to promulgate election returns for the second party primary election on or before the 12th day after the election, as is required in present law for primary and general elections. Requires the secretary of state to promptly certify the name of a candidate elected at a special general election to the appropriate official.
- (19) Present law provides for absentee by mail and early voting for primary and general elections.

Proposed law provides for absentee by mail and early voting for primary election, congressional first and second party primary elections, and general elections.

- (20) Present law provides for a special general election ballot for military and overseas voters.

Proposed law provides that this special ballot shall extend to congressional second party primary elections as well as general elections.

- (21) Present law provides that absentee by mail and early voting commissioners may be chosen by the parish board of election supervisors for primary and general elections and further that the number of absentee by mail and early voting commissioners may not be less than three.

Proposed law provides that the number and selection of absentee by mail and early voting commissioners for a congressional second party primary election shall be the same as that for a general election and further that the same absentee by mail and early voting commissioners shall serve for the congressional second party primary election and general election.

- (22) Present law provides for absentee voting in a primary and general election by persons confined to a nursing home.

Proposed law extends this authorization and procedure to a congressional first and second party primary election.

- (23) Present law authorizes a candidate to contest an election by alleging that except for fraud, substantial irregularities or error, or other unlawful activities in the conduct of the election, he would have qualified for a general election or been elected.

Proposed law also allows such litigation in contesting a congressional second party primary election. Further provides that a proper party in an election contest suit includes a person whose eligibility to be a candidate in a congressional second party primary election is contested.

- (24) Proposed law provides an action objecting to candidacy must be brought within seven days after the closure of qualifying for congressional candidates in a general election who are not affiliated with a recognized political party.

- (25) Proposed law authorizes the trial court in an election contest of a congressional first party primary to postpone the second primary and the general election and in a contest of a second primary to postpone the general election.
- (26) Proposed law authorizes the trial court in an election contest suit to order a new congressional first and second party primary as well as a general election.

Effective Jan. 1, 2007.

(Amends R.S. 18:44(A) and (B)(5)(b), 110(B)(1)(intro para), 197, 401(B), 402(B), (C)(intro para), and (E), and (G), 431(A)(1)(b), 433(G)(1) and (H)(1)(intro para), 434(A)(1), (C)(intro para), and (D)(1) and (2), 435(A)(1) and (B), 436, 453, 467(intro para), 467(2), 468(A), 491(A) and (C), 552(A)(intro para), 1272(A), 1278(B), 1279, 1300(C)(1), 1300.7(A), 1306(A)(4) and (C)(2), 1307(A)(8) and (E), 1308(A)(2)(a), 1311(D)(5)(a), 1314(B)(1) and (2) and (C), 1333(D)(1)(e) and (E)(1), 1355(6), 1401(B), 1402(B)(1)(c), 1405(A), 1406(B), 1407, 1409(B)(1) and (2), 1432(A), 1461(A)(17); adds R.S. 18:1275.1-1275.24)