

SENATE BILL NO. 18

BY SENATOR FIELDS AND REPRESENTATIVES GALLOT, JEFFERSON, LAFONTA
AND LANCASTER

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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), 481, 491(A) and (C), the introductory paragraph of 552(A), 1272(A), 1278(B), 1279, 1285(B)(1)(a), 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), and 1461(A)(17) and to enact R.S. 18:1275.1 through 1275.24, and to repeal R.S. 18:511(A)(2) and (B)(2) and 512(B)(2), 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; to

1 provide for the election of unopposed candidates for congressional offices; for
 2 qualification of candidates for congressional office having no party affiliation in the
 3 general election; for election in the general election by plurality vote; for voting for
 4 congressional offices by a voter registered as affiliated with the party in the party
 5 primary elections; to provide for voting of unaffiliated voters in party primaries; to
 6 provide for election dates; and to provide for related matters.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. R.S. 18:44(A) and (B)(5)(b), the introductory paragraph of 110(B)(1),
 9 197, 401(B), 402(B), the introductory paragraph of (C), (E) and (G), 431(A)(1)(b),
 10 433(G)(1) and the introductory paragraph of (H)(1), 434(A)(1), the introductory paragraph
 11 of (C), and (D)(1) and (2), 435(A)(1) and (B), 436, 453, the introductory paragraph of 467,
 12 467(2), 468(A), 481, 491(A) and (C), the introductory paragraph of 552(A), 1272(A),
 13 1278(B), 1279, 1285(B)(1)(a), 1300(C)(1), 1300.7(A), 1306(A)(4) and (C)(2), 1307(A)(8)
 14 and (E), 1308(A)(2)(a), 1311(D)(5)(a), 1314(B)(1) and (2) and (C), 1333(D)(1)(e) and
 15 (E)(1), 1355(6), 1401(B), 1402(B)(1)(c), 1405(A), 1406(B), 1407, 1409(B)(1) and (2),
 16 1432(A), and 1461(A)(17) are hereby amended and reenacted and R.S. 18:1275.1 through
 17 1275.24 are hereby enacted to read as follows:

18 §44. Contesting election; referral for prosecution

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

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

30 * * *

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

2 * * *

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

7 * * *

8 §110. Removal from precinct; removal from parish

9 * * *

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

15 * * *

16 §197. Registration; cancellation

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

23 * * *

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

25 * * *

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

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

2 **(i) In primary elections, recognized political parties shall make all**
3 **nominations of candidates by direct primary elections held under the provisions**
4 **of this Chapter. In primary elections, each qualified voter may vote only on the**
5 **candidates for public office who are affiliated with the same political party with**
6 **which the voter is affiliated. In primary elections, each qualified voter who is**
7 **not affiliated with a recognized political party may choose to vote in one**
8 **recognized political party's primary elections, except as otherwise provided by**
9 **R.S. 18:1275.1.**

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

15 * * *

16 §402. Dates of primary and general elections

17 * * *

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

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

23 ~~(1)~~**(2)** Congressional **second** primary elections **for recognized political**
24 **parties and primary elections for officers elected at the same time as members**
25 **of Congress** shall be held on the first Saturday in October of an election year.

26 ~~(2)~~**(3)** Congressional general elections shall be held on the first Tuesday after
27 the first Monday in November of an election year.

28 C. Municipal and ward elections. In all municipalities with a population of
29 less than four hundred seventy-five thousand, elections for municipal and ward
30 officers who are not elected at the same time as the governor or members of congress

1 shall be held every four years. The primary election for municipal and ward
 2 officers who are elected at the same time as members of Congress shall be held
 3 on the same date as the congressional second party primary, and the general
 4 election shall be held at the same time as the general election for congressional
 5 offices.

6 * * *

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

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

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

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

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

26 ~~(c)~~ **(c)** The third Saturday in October, when the special general election is held
 27 on the fourth Saturday after the third Saturday in October of 1985 and every fourth
 28 year thereafter.

29 ~~(d)~~ **(d)**(i) The first Saturday in February of an election year for parish and
 30 municipal officers in a parish containing a municipality with a population of four

1 hundred seventy-five thousand or more.

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

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

14 ~~(2)~~(3) A special general election shall be held on one of the following days:

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

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

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

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

27 (e)(i) The fourth Saturday after the first Saturday in February in a parish
 28 containing a municipality with a population of four hundred seventy-five thousand
 29 or more, when the special primary election in such parish and municipality is held
 30 on the first Saturday in February of an election year for parish and municipal

1 officers.

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

5 ~~(3)~~(4) The secretary of state shall not include the name of any candidate on
6 any ballot for a special election to fill a vacancy in any office to which this
7 Subsection is applicable unless such special election has been called in accordance
8 with the provisions of this Subsection and scheduled on one of the dates provided
9 herein. Any elector who is eligible to vote in any such special election may apply
10 for injunctive relief to prohibit the placing of the name of any candidate in an
11 improperly called election on the ballot. Venue for such application shall be in any
12 parish in which the election is called, and the secretary of state shall be the proper
13 party defendant.

14 * * *

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

23 * * *

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

26 A.(1) * * *

27 (b) The clerk shall furnish to the persons who attend the course of instruction
28 a copy of the informational pamphlet provided by the secretary of state, and he shall
29 instruct them in the use of voting machines and the duties of commissioners in
30 conducting a primary and general ~~election~~ **elections**. The clerk shall instruct the

1 commissioners that it is their duty to offer any voter who does not have picture
 2 identification as provided in R.S. 18:562(A) an affidavit to sign to that effect. All
 3 such instruction and materials shall be provided pursuant to minimum standards
 4 issued by the secretary of state for the course of instruction.

5 * * *

6 §433. Commissioners-in-charge; course of instruction; selection; commission;
 7 disqualification; replacement

8 * * *

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

22 * * *

23 H. Replacement. (1) If a commissioner-in-charge fails to appear at the
 24 polling place at least thirty minutes before the time when the polls are to open on
 25 election day, the commissioners in attendance at the polling place shall immediately
 26 notify the clerk of court of the absence. Immediately upon receipt of the notice, the
 27 clerk of court shall select a replacement commissioner-in-charge for that precinct.
 28 Subject to the provisions of Subsection G herein, a replacement commissioner-in-
 29 charge selected for a **primary or first party** primary election also shall serve for the
 30 **second party primary and the** general election. The replacement commissioner-in-

1 charge shall be selected from the following categories in the order of priority listed:

2 * * *

3 §434. Commissioners and alternate commissioners; selection; commission;
4 disqualification; replacement

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

13 * * *

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

17 * * *

18 D. Replacement of a commissioner. (1) If prior to the day of the election
19 a commissioner notifies the parish board of election supervisors that he is unable to
20 serve as commissioner, the parish board of election supervisors shall select an
21 alternate commissioner to serve in place of the absent commissioner. An alternate
22 commissioner who replaces an absent commissioner in a **primary or first party**
23 **primary** election shall replace the absent commissioner in the **second party primary**
24 **and in the** general election. **An alternate commissioner who replaces an absent**
25 **commissioner in a second party primary election shall replace the absent**
26 **commissioner in the general election.** If there are no alternate commissioners or
27 an insufficient number of alternate commissioners available, the parish board of
28 election supervisors shall select a person to serve as commissioner from the list
29 containing the names of persons within that ward who have received certificates of
30 instruction from the clerk of court pursuant to R.S. 18:431(A)(1). If no person on

1 that list is available to serve as commissioner, the parish board of election
 2 supervisors shall select any person within the parish who has received a certificate
 3 of instruction from the clerk of court pursuant to R.S. 18:431(A)(1). If there is no
 4 such qualified person available, the parish board of election supervisors shall select
 5 a watcher.

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

23 * * *

24 §435. Watchers; appointment and commission

25 A. Right to have watchers. (1) Each candidate is entitled to have one watcher
 26 at every precinct where the office he seeks is voted on in a **any** primary or general
 27 election. The candidate or his authorized representative shall file one list of watchers
 28 on a form provided by the secretary of state or on a form which contains the same
 29 information as required by the form provided by the secretary of state. When a
 30 candidate's list of watchers is filed by the candidate's authorized representative, a

1 letter of authorization from the candidate shall accompany the list of watchers.
 2 However, in the case of a presidential election, each slate of candidates for
 3 presidential elector is entitled to have one watcher at every precinct. The state central
 4 committee of each recognized political party shall be responsible for filing the list
 5 of watchers for its slate of candidates for presidential elector. The list of watchers for
 6 an independent or other party slate of candidates for presidential elector shall be filed
 7 by any person so authorized by the presidential candidate supported by the slate of
 8 electors. A letter of authorization from the presidential candidate, or an authorized
 9 agent of his campaign, shall accompany the list of watchers.

10 * * *

11 B. Lists of watchers. A list of watchers shall be filed with the parish board
 12 of election supervisors before 5:00 p.m. on the tenth day before ~~the~~ any primary or
 13 general election. However, if the tenth day before ~~the~~ any primary or general
 14 election falls on a Saturday, Sunday, or other legal holiday, the list shall be filed on
 15 the next day which is not a Saturday, Sunday, or other legal holiday. Except for a
 16 candidate or recognized political party filing for a slate of candidates for presidential
 17 elector, any person filing a list of watchers must attach a certified statement that the
 18 report required by R.S. 18:1486 has been filed with the supervisory committee in
 19 compliance with the Campaign Finance Disclosure Act. If any candidate submits a
 20 list for the primary or first party primary election and does not submit a list for the
 21 second party primary or the general election, the list submitted in the primary or
 22 first party primary election shall be treated as his list submitted for the second
 23 party primary election and the general election. If any candidate submits a list
 24 for the second party primary election and does not submit a list for the general
 25 election, the list submitted in the second party primary election shall be treated
 26 as his list submitted for the general election. A list of watchers shall contain only
 27 one watcher and one alternate watcher for each precinct where the candidate or
 28 person submitting the list is entitled to have a watcher. The list shall be typed or
 29 legibly written, and it shall contain the name and mailing address of each watcher
 30 and a designation of the precinct where he is to serve.

* * *

§436. Election officials at certain special elections

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

B. When a special general election to fill a vacancy or an anticipated vacancy in elective public office is called to be held at the same time as a previously scheduled primary election, the commissioners who were selected to serve at the special primary election for which the special general election is to be held shall also be the commissioners for ~~both~~ the previously scheduled primary, **and including any first party or second party primary** and general elections. In such case the compensation for each shall be only that amount provided for in R.S. 18:424 and R.S. 18:425 for a day of service as a commissioner or commissioner-in-charge.

* * *

§453. Dual candidacy

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

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

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

9 * * *

10 §467. Opening of qualifying period

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

13 * * *

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

18 * * *

19 §468. Close of the qualifying period

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

24 * * *

25 §481. Candidates who qualify for a general election

26 ~~A. Congressional general elections. The candidates who qualify for each~~
27 ~~office of United States senator or representative in congress in the general election~~
28 ~~are those who received the two highest numbers of votes in the primary election.~~

29 ~~B. Other general elections. Except as provided in Subsection A of this~~
30 ~~Section~~ **for candidates for the public office of United States senator or**

1 representative in Congress, candidates who qualify for each office remaining to be
 2 filled in the general election are those who received the two highest numbers of
 3 votes, the four highest number of votes, and so on among those not elected in the
 4 primary election, until the maximum number of candidates for each office on the
 5 general election ballot is reached.

6 * * *

7 §491. Standing to object to candidacy

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

11 * * *

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

17 * * *

18 §552. Election materials

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

22 * * *

23 §1272. United States senators; representatives in Congress; time of electing

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

30 * * *

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. In congressional primary
9 elections, including elections for United States Senate, each qualified voter of
10 this state who is not affiliated with a recognized political party may choose to
11 vote in a recognized political party's primary elections, unless the state central
12 committee of such political party in its rules and regulations prohibits
13 unaffiliated voters from participating in its primary elections. If a recognized
14 political party prohibits unaffiliated voters from participating in its primary
15 elections, the state central committee of such party shall give written notice to
16 the secretary of state of such prohibition, including a copy of the rules and
17 regulations containing such prohibition, no later than January first of the year
18 in which regularly scheduled congressional elections are to be held. Should
19 more than one political party permit non-affiliated voters to participate in the
20 party primary, the participating voter shall select only one party ballot to vote
21 on in the primary election.

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

27 C. The provisions of the Louisiana Election Code shall govern any
28 matter related to congressional elections not specifically provided for in this
29 Part.

30 §1275.2. Dates of congressional primary and general elections

1 Congressional elections. Elections for members of Congress shall be held
2 every two years as follows:

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

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

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

9 §1275.3. Manner of qualifying for the first party primary election

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

19 B. A person who desires to become a candidate in the first party
20 primary election must be affiliated with a recognized political party. A person
21 may qualify as a candidate only in the first party primary election of the party
22 with which he is affiliated as shown on his voter registration.

23 C. When a candidate has filed multiple notices of candidacy for election
24 to more than one office at the same election, which multiple candidacies would
25 be in violation of R.S. 18:453, the person filing such multiple notices of
26 candidacy shall be disqualified as a candidate in the first party primary election
27 for all but the last of such offices for which he filed notices of candidacy, and
28 any qualifying fees for those offices paid by the candidate shall be refunded as
29 provided in R.S. 18:501. The secretary of state shall include the name of the
30 candidate on the ballot for election to the last of such offices for which the

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

3 §1275.4. Officials with whom candidates qualify

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

7 §1275.5. Notice of candidacy; qualifying fees

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

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

15 §1275.6. Nominating petitions

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

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

1 furnish copies of the forms to each clerk of court, and the forms shall be
2 available, upon request, at the office of the secretary of state or at the office of
3 the clerk of court. Nothing in this Subsection shall be construed to require
4 nominating petitions to be filed only on forms prepared by the secretary of
5 state.

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

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

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

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

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

30 (2) The registrar for each parish shall endorse upon the nominating

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

18 §1275.7. Time for qualifying in a first party primary election

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

22 §1275.8. Opening of qualifying period

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

27 §1275.9. Opening of qualifying period in event of change of date for the first
28 party primary election

29 In the event that the date for the first party primary election is advanced
30 in accordance with R.S. 18:402(G), the qualifying period for candidates in the

1 primary and first party primary election shall be advanced from the date
2 specified in R.S. 18:1275.8 the same number of weeks as the first party primary
3 election.

4 §1275.10. Close of the qualifying period

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

9 §1275.11. Reopening of qualifying period; effect

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

22 B. When, at the close of the qualifying period, no candidate has qualified
23 for an office, the qualifying period shall be reopened, but only for the office for
24 which no candidates qualified, on the first Wednesday after the close of the
25 qualifying period and shall close at 5:00 p.m. on the Friday thereafter or, if that
26 day is a legal holiday, at 5:00 p.m. on the next day which is not a legal holiday.

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

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

12 (2) If all the votes cast in a first party primary election for a public office
13 are void because of the death of a candidate, the first party primary election for
14 the office shall be held on the date of the second party primary election, the
15 second party primary election for the office shall be held on the date of the
16 general election, and the general election for the office, if necessary, shall be
17 held on the fifth Saturday after the second party primary election.

18 §1275.12. List of candidates

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

24 §1275.13. Majority vote required; second primary

25 No candidate for office shall be declared nominated to the office he seeks
26 if such candidate has received less than a majority of the votes cast in a first
27 party primary, and a second party primary shall be held for those offices for
28 which no candidate received a majority of the votes cast in the first party
29 primary. The second party primary shall be held in accordance with the
30 provisions of this Part. If only one candidate from a recognized political party

1 qualifies for the office, that candidate shall be declared the nominee of such
2 party.

3 §1275.14. Second primary; effect of the tie vote, withdrawal or death of a
4 candidate

5 A. In the event that no candidate receives a majority vote in the first
6 party primary, the two candidates from each political party, who received the
7 greatest number of votes in the first party primary shall be voted on in the
8 second party primary.

9 (1) In the case of a tie vote for first place in the first party primary of a
10 recognized political party, all candidates affiliated with the same political party
11 who received the same highest number of votes qualify for the second party
12 primary.

13 (2) In the case of a tie vote for second place in the first party primary of
14 a recognized political party, all of the candidates affiliated with the same
15 political party who received the same second highest number of votes and the
16 candidate affiliated with the same political party who received the highest
17 number of votes qualify for the second party primary.

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

23 B. There shall be no third party primary. For any situation not
24 specifically provided for herein, the state central committee of the recognized
25 political party involved shall provide for the selection of a nominee from the
26 candidates and shall provide notice of the selection of a nominee to the secretary
27 of state no later than five business days after the second party primary election.

28 §1275.15. Candidates who qualify for a general election

29 All nominations by recognized political parties for the general election
30 shall be in accordance with the provisions relative to primary elections. The

1 candidate or candidates from each recognized political party who received the
2 highest number of votes in the second party primary election, unless the
3 candidate or candidates who obtained a majority in the first party primary
4 election was unopposed in the second primary, or is the only candidate
5 remaining after the death or withdrawal of a candidate after the first party
6 primary election, shall be the party nominee and qualify for the general
7 election. A candidate who received a majority of the votes cast in the first party
8 primary election shall qualify for the general election.

9 §1275.16. Number of candidates who may qualify for a general election

10 The number of candidates for an office who may qualify for the general
11 election by party nomination is one candidate from each recognized political
12 party.

13 §1275.17. Candidates not affiliated with a recognized political party; qualifying
14 for the general election

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

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

26 C. The ballot access petition shall comply with all of the requirements
27 of this Chapter relative to nominating petitions, except that no person affiliated
28 with a recognized political party shall be eligible to sign such ballot access
29 petition.

30 D. The time of qualifying and the official with whom a candidate

1 qualifies shall be in accordance with all of the provisions of this Chapter relative
2 to qualifying for a first party primary election.

3 §1275.18. Time for objecting to candidacy

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

13 §1275.19. Nomination of candidates in a party primary election; general
14 election; unopposed candidate

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

25 B. If, after the close of the qualifying period for candidates for the public
26 office of United States senator or representative in Congress, the number of
27 candidates for such public office does not exceed the number of persons to be
28 elected to the office, the candidate for that office or the candidate remaining
29 after the withdrawal of one or more candidates is declared elected by the people
30 at the close of the polls on the day of the general election, and his name shall not

1 appear on the ballot in a first party primary or second party primary, if
2 applicable, and such candidate's name shall not appear on the general election
3 ballot.

4 §1275.20. Qualifications of voters

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

19 §1275.21. Ballots

20 A. Preparation. The secretary of state shall prepare and certify the
21 absentee ballots and the ballots to be used on the voting machines in the first
22 and second party primary and general elections.

23 B. Titles of offices. The titles of the offices to be voted on in any primary
24 or general election shall be printed on the ballot with capital letters in the
25 following order:

26 (1) United States senator.

27 (2) United States representative.

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

30 (1) In any first party primary election only the names of candidates who

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

21 (2) In a general election only the names of the candidates who qualified
22 for election and who were not subsequently disqualified by a judgment rendered
23 in an action objecting to candidacy shall be printed on the ballot, and the names
24 shall be printed in the same form as they were printed on the ballot for the first
25 party primary election. The names of candidates who qualified pursuant to R.S.
26 18:1275.17 shall be as they appear on the notice of candidacy. The names of the
27 candidates for each office shall be arranged alphabetically by surname, and
28 shall be listed below the title of the office, in smaller capital letters. The political
29 party designation of a candidate shall be listed on the ballot as provided in R.S.
30 18:551(D). The names of the candidates shall be given the same number

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

5 §1275.22. Prerequisites to voting

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

12 §1275.23. Compilation and promulgation of returns

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

23 §1275.24. Election of candidates in a general election

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

26 B. Election of unopposed candidates. If, as a result of the death or
27 withdrawal of one or more candidates, the number of candidates for an office
28 in a general election does not exceed the number of persons to be elected to the
29 office, the remaining candidates are declared elected by the people, and their
30 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 special**
 18 **first primary election shall be held four weeks prior to the dates for special**
 19 **primary elections as provided in R.S. 18:402(E)(1), the special second primary**
 20 **election shall be held on the dates as provided for special primary elections in**
 21 **R.S. 18:402(E)(1), and the special general election shall be held on the dates as**
 22 **provided in R.S. 18:402(E)(2).** The dates of the qualifying period shall be
 23 established by the governor in accordance with R.S. 18:467, 467.1, and 468 **this**
 24 **Part.** Immediately after issuance of the proclamation, which shall include the dates
 25 of the **first and second party** primary and general elections and the dates of the
 26 qualifying period, the governor shall publish the proclamation in the official journal
 27 of each parish in which the election is to be held. Within twenty-four hours after its
 28 issuance, the governor shall send a copy of the proclamation to the secretary of state.
 29 Within twenty-four hours after he receives the copy, the secretary of state shall
 30 notify all election officials having any duty to perform in connection with a special

1 election to fill such vacancy, including the parish boards of election supervisors for
 2 the parish or parishes in which the vacancy occurred. The election shall be
 3 conducted and the returns shall be certified as in regular elections for United States
 4 senator.

5 * * *

6 §1279. Vacancies; representatives in Congress

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

25 * * *

26 §1285. Notice of election

27 * * *

28 B.(1)(a) Written notice of the election and the certificate required by
 29 Subparagraph (1)(b) of this Subsection shall be transmitted to the secretary of state
 30 and each clerk of court and registrar of voters in the area affected by the election.

1 If the election is to be held on a primary or second party primary election date,
2 then such notice and certificate shall be received by the secretary of state on or
3 before the seventy-first day prior to the primary or second party primary election.

4 If the election is not to be held on a primary or second party primary election date,
5 then the notice and certificate shall be received by the secretary of state on or before
6 the forty-sixth day prior to the election. The secretary of state shall not accept any
7 revisions to propositions, including but not limited to changes in title, text, or
8 numerical designations, after the last day for submission of the notice and certificate
9 to the secretary of state.

10 * * *

11 §1300. Procedures; notice of election; expenses

12 * * *

13 C.(1) When an election is called under the provisions of this Chapter, written
14 notice of the election shall be transmitted to the secretary of state, the commissioner
15 of elections, and each clerk of court and registrar of voters in the area affected by the
16 election. If the election is to be held on a primary or second party primary election
17 date, then such notice shall be received by the secretary of state on or before the
18 seventy-first day prior to the primary or second party primary election. If the
19 election is not to be held on a primary or second party primary election date, then
20 such notice shall be received by the secretary of state on or before the forty-sixth day
21 prior to the election.

22 * * *

23 §1300.7. Governor to order election; proclamation; publication

24 A. If the required number of qualified electors of the voting area sign the
25 petition for recall, the governor shall issue a proclamation ordering an election to be
26 held for the purpose of voting on the question of the recall of the officer. The total
27 number of registered voters in the voting area and the total number of registered
28 voters in the voting area signing the petition shall be calculated from the totals on the
29 certificates of all of the registrars of voters received by the governor. The governor
30 shall issue such proclamation within fifteen days after he receives the certified

1 petitions from all of the registrars of voters in the voting area who have received
 2 petitions for certification. The proclamation shall order the election to be held on the
 3 next available date specified in R.S. 18:402(F). If the election is to be held on a
 4 **primary or second party** primary election date, the proclamation shall be issued on
 5 or before the last day for candidates to qualify in the election. If the election is not
 6 to be held on a **primary or second party** primary election date, then the
 7 proclamation shall be issued on or before the forty-sixth day prior to the election.

8 * * *

9 §1306. Preparation and distribution of absentee ballots

10 A. * * *

11 (4) The secretary of state shall prepare a special absentee ballot for
 12 candidates and constitutional amendments to be voted on in **second party primary**
 13 **or** general elections, subject to approval as to content by the attorney general. This
 14 special ballot shall only be for use by a qualified voter who is either a member of the
 15 United States Service or who resides outside of the United States. Such special
 16 ballot shall contain a list of the titles of all offices being contested at the primary **or**
 17 **first party primary** election and the candidates qualifying for the primary **or first**
 18 **party primary** election for each office, and shall permit the elector to vote in the
 19 **second party primary or** general election by indicating his order of preference for
 20 each candidate for each office. On the special ballot shall also be printed each
 21 constitutional amendment to be voted on in the **second party primary or** general
 22 election. To indicate his order of preference for each candidate for each office to be
 23 voted on in the election, the voter shall put the number one next to the name of the
 24 candidate who is the voter's first choice, the number two for his second choice and
 25 so forth so that, in consecutive numerical order, a number indicating the voter's
 26 preference is written by the voter next to each candidate's name on the ballot. A
 27 space shall be provided for the voter to indicate his preference for or against each
 28 constitutional amendment contained on the ballot. The voter shall not be required
 29 to indicate his preference for more than one candidate on the ballot if the voter so
 30 chooses. The secretary of state shall also prepare instructions for use of the special

1 ballot.

2 * * *

3 C. * * *

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

11 * * *

12 §1307. Application by mail

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

17 * * *

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

23 * * *

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

1 * * *

2 §1308. Absentee voting by mail

3 A. * * *

4 (2)(a) With respect to persons on active duty in the United States military
 5 service or outside the continental boundaries of the United States, these materials
 6 shall be mailed as provided by the Uniformed and Overseas Citizens Absentee
 7 Voting Act (39 USC 3406 and 42 USC 1973ff et seq.) and shall include both the
 8 **primary or first party** primary election ballot and the special ~~ballot~~ **ballots** for the
 9 **general election or the second party primary election and the** general election.

10 The envelope mailed to the voter shall contain ~~four~~ **six** envelopes, ~~two~~ **three** of
 11 which shall be the ballot envelopes and ~~two~~ **three** of which shall be return envelopes.

12 Each return envelope shall bear the official title and mailing address of the registrar,
 13 whether it contains a **primary, first party primary, second party** primary or
 14 general election ballot, and the name, return address, and precinct or district number
 15 of the voter. The voter shall return his voted **primary or first party** primary
 16 election ballot and special ~~ballot~~ **ballots** for the **general election or the second**
 17 **party primary and the** general election to the registrar in the appropriate envelopes.

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

25 * * *

26 §1311. List of absentee voters; posting; delivery of alphabetized list to precincts;
 27 supplements

28 * * *

29 D. * * *

30 (5)(a) Upon receipt of the special ballot for members of the United States

1 Service and persons residing outside of the United States, the registrar shall endorse
 2 the day and hour of receipt on said ballots and place those received on the day of the
 3 ~~general~~ election **for which the ballot is cast**, in an envelope separate from any other
 4 mail ballot. The registrar shall include, on a separate list for this purpose, in
 5 alphabetical order and by precinct, the name of each voter submitting such special
 6 absentee **by mail** ballot.

7 * * *

8 §1314. Absentee commissioners

9 * * *

10 B. Selection for **a primary or first party** primary election. (1) The parish
 11 board of election supervisors shall determine the number of absentee **by mail and**
 12 **early voting** commissioners necessary to count the absentee **by mail and early**
 13 **voting** ballots in the parish. The parish board of election supervisors shall select a
 14 minimum of three such commissioners.

15 (2) The parish board of election supervisors shall meet at 10:00 a.m. on the
 16 fifth day before a **primary or first party** primary election and shall select the
 17 absentee **by mail and early voting** commissioners and alternate absentee **by mail**
 18 **and early voting** commissioners for the parish in the manner provided by law for the
 19 selection of commissioners and alternate commissioners. If there are not enough
 20 certified commissioners to select the appropriate number of absentee **by mail and**
 21 **early voting** commissioners and alternate absentee **by mail and early voting**
 22 commissioners, the board of election supervisors may select a qualified elector of the
 23 parish to serve; however, no such elector shall serve as an absentee **by mail and**
 24 **early voting** commissioner if a certified commissioner has been selected as an
 25 alternate absentee **by mail and early voting** commissioner.

26 * * *

27 C. Selection for **second party primary or** general election. (1)(a) The
 28 parish board of election supervisors shall determine if the number of absentee **by**
 29 **mail and early voting** commissioners necessary to count the absentee **by mail and**
 30 **early voting** ballots in the **second party primary or** general election can be reduced

1 or should be increased from the number which counted absentee **by mail and early**
 2 **voting** ballots in the **previous** primary election.

3 (b) If it determines that the number cannot be reduced or should be
 4 increased, those persons who served as absentee **by mail and early voting**
 5 commissioners and alternate absentee **by mail and early voting** commissioners for
 6 the parish in the **primary or first party** primary election shall serve in the **second**
 7 **party primary and** general election, unless replaced or disqualified in the manner
 8 provided by law for commissioners and alternate commissioners. The number of
 9 absentee **by mail and early voting** commissioners for a **second party primary and**
 10 general election shall not be less than three.

11 (2)(a) If the parish board determines that the number of absentee **by mail**
 12 **and early voting** commissioners can be reduced, it shall notify each person who
 13 served as an absentee **by mail and early voting** commissioner or alternate absentee
 14 **by mail and early voting** commissioner in the **primary or first party** primary
 15 election of its decision to reduce the number of absentee **by mail and early voting**
 16 commissioners and of the date and time of the meeting to select the absentee **by mail**
 17 **and early voting** commissioners for the **second party primary or** general election.
 18 The parish board shall meet at 10:00 a.m. on the fifth day before a **second party**
 19 **primary and a** general election and shall select the absentee **by mail and early**
 20 **voting** commissioners ~~and~~ **or** alternate absentee **by mail and early voting**
 21 commissioners to serve in ~~the general election~~ **such elections** for the parish.

22 (b)(i) The parish board shall prepare a list containing the names of all
 23 persons who served as absentee **by mail and early voting** commissioners in the
 24 **primary or first party** primary election. The absentee **by mail and early voting**
 25 commissioners and alternate absentee **by mail and early voting** commissioners for
 26 the **second party primary election and for the** general election shall be selected
 27 from that list in the manner provided by law for the selection of commissioners ~~and~~
 28 **or** absentee commissioners. **The absentee commissioners so chosen shall then**
 29 **serve as needed for the second party primary election and the general election.**

30 (ii) If the list does not contain sufficient names to select the number of

1 absentee **by mail and early voting** commissioners ~~and or~~ alternate absentee **by mail**
 2 **and early voting** commissioners determined by the board to be needed for the
 3 **second party primary election and the** general election, the board shall fill any
 4 remaining alternate commissioner positions from a list of those persons who were
 5 selected as alternate absentee **by mail and early voting** commissioners for the
 6 primary or **first party** primary election, such list to be prepared and the selection
 7 made in the same manner provided herein for selection of absentee **by mail and**
 8 **early voting** commissioners for the **second party primary election and the** general
 9 election.

10 (3) If the parish board determines that the number of absentee **by mail and**
 11 **early voting** commissioners should be increased, the parish board shall meet at
 12 10:00 a.m. on the fifth day before a **the second party primary election and the**
 13 general election and shall select the additional absentee **by mail and early voting**
 14 commissioners and alternate absentee **by mail and early voting** commissioners to
 15 serve in the **second party primary election and the** general election for that parish
 16 from the list of certified commissioners who have not been chosen to serve in the
 17 **second party primary and the** general election as a commissioner-in-charge,
 18 commissioner, or, if applicable, absentee **by mail and early voting** commissioner
 19 in the manner provided by law for the selection of commissioners and alternate
 20 commissioners. If there are not enough certified commissioners to select the
 21 appropriate number of absentee **by mail and early voting** commissioners and
 22 alternate absentee **by mail and early voting** commissioners, the board of election
 23 supervisors may select a qualified elector of the parish to serve; however, no such
 24 elector shall serve as an absentee **by mail and early voting** commissioner if a
 25 certified commissioner has been selected as an alternate absentee **by mail and early**
 26 **voting** commissioner.

27 * * *

28 §1333. Voting by persons confined to a nursing home

29 * * *

30 D.(1) A voter qualified to vote under this Section and approved for

1 participation in the special program for handicapped voters shall make application
 2 to vote by absentee ballot to the registrar of voters by letter, over his signature,
 3 setting forth the following:

4 * * *

5 (e) If at the time the disabled voter requests an absentee ballot for a **primary**
 6 **or first party** primary election, he also requests an absentee ballot for the **general**
 7 **election or the second party primary and for the** general election, he shall declare
 8 in writing to the registrar that he will be eligible to vote absentee in the **general**
 9 **election or the second party primary election and in the** general election.

10 * * *

11 E.(1) Upon receipt of the application for an absentee ballot, the registrar
 12 shall first enter the date and time of receipt thereof and ascertain to his satisfaction
 13 the accuracy of the information contained in the application. An application not
 14 timely submitted and received as required in Subsection (D) of this Section shall be
 15 immediately returned to the applicant with a brief statement citing the reasons for the
 16 return; however, if such application requested an absentee ballot for ~~both~~ a **primary,**
 17 **and general election or a first party primary, second party** primary, and general
 18 election, the registrar shall retain the application, notify the applicant that the request
 19 to vote by absentee ballot in the **primary or first party** primary election was not
 20 timely submitted and received, and process the application for the **general election**
 21 **or the second party primary and** general election as provided herein.

22 * * *

23 §1355. Construction and equipment of machines; requirements

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

26 * * *

27 (6) When used in a **first or second congressional primary or a** primary
 28 election at which members of a political party committee are to be voted on, it shall
 29 be so equipped that the election officials can lock out all candidate counters except
 30 those of the party with which the voter is affiliated **or those of the party for which**

1 a voter unaffiliated with a recognized political party has chosen to vote if
2 permitted by the state central committee of the party.

3 * * *

4 §1401. Objections to candidacy and contests of elections; parties authorized to
5 institute actions

6 * * *

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

11 * * *

12 §1402. Proper parties

13 * * *

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

16 * * *

17 (c) The person or persons whose eligibility to be a candidate in a second
18 party primary election or in a general election or whose election to office is
19 contested.

20 * * *

21 §1405. Time for commencement of action

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

30 * * *

1 §1406. Petition; answer; notification

2 * * *

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

10 * * *

11 §1407. Appointment of agent for service of process

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

16 * * *

17 §1409. Trial; decision; appeal

18 * * *

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

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

1 renders judgment **and which for a general election is at least thirty days after the**
2 **second party primary election.**

3 * * *

4 §1432. Remedies

5 A. If the trial judge in an action contesting an election determines that: (1)
6 it is impossible to determine the result of election, or (2) the number of qualified
7 voters who were denied the right to vote by the election officials was sufficient to
8 change the result in the election, if they had been allowed to vote, or (3) the number
9 of unqualified voters who were allowed to vote by the election officials was
10 sufficient to change the result of the election if they had not been allowed to vote, or
11 (4) a combination of the factors referred to in (2) and (3) **herein in this Subsection**
12 would have been sufficient to change the result had they not occurred, the judge may
13 render a final judgment declaring the election void and ordering a new **primary or**
14 **first and second party primary or second party primary** or general election for all
15 the candidates, or, if the judge determines that the appropriate remedy is the calling
16 of a restricted election, the judge may render a final judgment ordering a restricted
17 election, specifying the date of the election, the appropriate candidates for the
18 election, the office or other position for which the election shall be held, and
19 indicating which voters will be eligible to vote.

20 * * *

21 §1461. Election offenses; penalties

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

23 * * *

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

30 * * *

1 Section 2. R.S. 18:511(A)(2) and (B)(2) and 512(B)(2) are hereby repealed in their
2 entirety.

3 Section 3. This Act shall become effective on January 1, 2007.

PRESIDENT OF THE SENATE

SPEAKER OF THE HOUSE OF REPRESENTATIVES

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____