

Prior law provided 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. Provided that all candidates run in a single primary, and that, unless a candidate received a majority vote in the primary and was elected, the top two candidates were the candidates in the general election. Established procedures for carrying out the provisions of such election system.

New law retains prior law for the election of all candidates other than congressional candidates.

New 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) New 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. Provides for qualified voters not affiliated with a recognized political party to choose to vote in one recognized political party's primary election. Further provides that in congressional primary elections, including elections for U. S. Senate, each qualified voter who is not affiliated with a recognized political party may choose to vote in a recognized political party's primary elections, unless the state central committee of such political party in its rules and regulations prohibits unaffiliated voters from participating in its primary elections. Provides that if a recognized political party prohibits unaffiliated voters from participating in its primary elections, the state central committee of such party shall give written notice to the secretary of state of such prohibition, including a copy of the rules and regulations containing such prohibition, no later than January first of the year in which regularly scheduled congressional elections are to held.

New 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. Specifies that the election code governs congressional elections in any matter not covered by new law.

- (2) New 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) New law retains prior law general election date for congressional election of the first Tuesday after the first Monday in November.
- (4) New 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) New 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) New 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 prior law.

- (7) New 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) New law provides that candidates for a congressional first party primary election qualify in the same manner required under prior 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) New 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) New law provides that when qualifying is reopened due to the death of a congressional candidate in a first party primary election, the qualifying shall be open only for the office for which no candidates qualified. Further provides for rescheduling of the election to reopen qualifying.
- (11) New 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) New 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.

New 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. Provides for the election of an unopposed candidate by declaring such candidate elected by the people at the close of polls on the day of the general election and specifies that his name shall not appear on any ballot.

New 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.

New 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.

New 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.

Prior law provided that if a vacancy occurred in the office of U.S. senator and the unexpired term is more than one year, an appointment to fill the vacancy is temporary and that within ten days after receiving official notice of the vacancy, the governor shall issue his proclamation for a special election to fill the vacancy. Provided that the date of the special election and the dates of the qualifying period were to be established by the governor in accordance with the provisions of prior law. New law provides that the special first primary election shall be held four weeks prior to the dates for special primary elections as provided by existing law as amended by new law, that the special second primary election shall be held on the dates for special second primary elections as provided by existing law as amended by new law, and that the special general election shall be held on the dates as provided by existing law as amended by new law.

- (13) New 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) New 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) New law retains prior 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) New 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) New 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 prior law, and requires voter to give party affiliation, if any, to the commissioner, and requires the commissioner to announce it.
- (18) New 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 prior 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) Prior law provided for absentee by mail and early voting for primary and general elections.
- New law provides for absentee by mail and early voting for primary election, congressional first and second party primary elections, and general elections.
- (20) Prior law provided for a special general election ballot for military and overseas voters.
- New law provides that this special ballot shall extend to congressional second party primary elections as well as general elections.
- (21) Prior law provided 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.
- New 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) Prior law provided for absentee voting in a primary and general election by persons confined to a nursing home.
- New law extends this authorization and procedure to a congressional first and second party primary election.

- (23) Prior law authorized 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.

New 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) New 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) New 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) New 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), 481, 491(A) and (C), 552(A)(intro para), 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); adds R.S. 18:1275.1-1275.24; repeals R.S. 18:511(A)(2) and (b)(2) and 512(B)(2))