

**(KEYWORD, SUMMARY, AND DIGEST as amended by Senate committee amendments)**

**ELECTIONS. Provides for an open primary system of elections for congressional offices.**



DIGEST

Present law provides for a closed primary system for the election of members of congress, which includes first party primary, second party primary, and general elections.

Present 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 the state may vote on the candidates for public office who are affiliated with the same political party with which the voter is affiliated; however, present law allows voters unaffiliated with a recognized political party to vote in a party primary election of a party which chooses to allow such voters to vote by party rules and regulations, but permits such a voter to cast a vote in only one such primary related to each election.

Present 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.

Present 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.

Present 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.

Present law provides relative to tie votes in the first party primary and death, withdrawal, and disqualification of a candidate. Provides further 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.

Present 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.

Present 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 the qualifying fee or a ballot access petition 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.

Present 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. Present law specifies that in a

general election, the candidate with the most votes is elected whether or not he receives a majority of the total votes cast.

Present law provides that congressional first party primary elections be held on the first Saturday in Sept. and congressional second party primary elections and primary elections for officers elected at the same time as members of congress on the first Saturday in Oct. in even-numbered years.

Present law provides that the general election date for members of congress and officers elected at the same time as members of congress is the first Tuesday after the first Monday in Nov.

Present law requires a special primary election to be held on the first Saturday in February of 1995, except in parishes and municipalities where an election on bonds, taxes, and other propositions or questions has been called and held in January of 1995. Further requires that the qualifying period for primary elections held on the first Saturday of February of 1995 open on the third Monday in December of 1994 and close on the Wednesday following the third Monday in December of 1994. Proposed law deletes this requirement.

Present law requires a special primary election to be held on the fourth Saturday after the first Saturday in February of 1995, when the special primary election is authorized in present law. Proposed law deletes this requirement.

Proposed law repeals present law. Provides that all qualified voters of this state may vote on candidates for public office in both primary and general elections, including congressional elections, without regard to the voter's party affiliation or lack thereof, and that 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.

Proposed law provides that all candidates, including congressional candidates, run in a single primary, and that, unless a candidate receives a majority vote in the primary and is elected, the top two candidates are the candidates in the general election.

Proposed law provides that a candidate, including a congressional candidate, who receives a majority of the votes cast for an office in a primary election is elected.

Proposed law provides that the candidate who receives the most votes cast for an office in a general election is elected.

Proposed law provides that primary elections for members of congress and for officers elected at the same time as members of congress shall be held on the first Tuesday after the first Monday in Nov. of an election year. Provides that general elections for members of congress and for officers elected at the same time as members of congress shall be held on the first Saturday in Dec. of an election year.

Proposed law establishes procedures for carrying out the provisions of the election system established by proposed law.

Proposed law deletes all provisions relative to a closed primary system for congressional candidates, and deletes from present law all references and provisions applicable to the closed primary system for congressional elections contained in present law, including references to first party primary and second party primary.

Proposed law otherwise retains present law.

Effective upon signature of the governor or lapse of time for gubernatorial action.

(Amends R.S. 18:44(A) and (B)(5)(b), 110(B), 193(F), 197, 401(B), 402(B), (C)(intro. para.), (E), and (G), 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(A) and (B), 467(intro. para.) and (2), 468(A), 481, 491(A) and (C), 511(A) and (B), 512(B), 535(B), 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), 1314(B) and (C), 1355(6), 1401(B), 1402(B)(1)(c), 1405(A), 1406(B), 1407, 1409(B)(1) and (2), 1432(A), and 1461(A)(17); repeals R.S. 18:1275.1-1275.24)

Summary of Amendments Adopted by Senate

Floor Amendments Proposed by Senate to the engrossed bill.

1. Deletes specific special election dates in 1995 contained in present law.
2. Changes effective date from Jan. 1, 2011 to effective upon signature of the governor.