

Regular Session, 2010

HOUSE BILL NO. 292

BY REPRESENTATIVES GREENE, HENRY BURNS, CARMODY, CARTER, ELLINGTON, GUINN, HAZEL, HINES, HOFFMANN, HOWARD, LEGER, LOPINTO, LORUSSO, PONTI, PUGH, SMILEY, JANE SMITH, TALBOT, AND THIBAUT AND SENATOR THOMPSON

1 AN ACT

2 To amend and reenact R.S. 18:44(A) and (B)(5)(b), 110(B), 193(F), 197, 401(B), 402(B),
3 (C)(introductory paragraph), (E), and (G), 433(G)(1) and (H)(1)(introductory
4 paragraph), 434(A)(1), (C)(introductory paragraph), and (D)(1) and (2), 435(A)(1)
5 and (B), 436, 453(A) and (B), 467(introductory paragraph) and (2), 468(A), 481,
6 491(A) and (C), 511(A) and (B), 512(B), 535(B), 552(A)(introductory paragraph),
7 1272(A), 1278(B), 1279, 1285(B)(1)(a), 1300(C)(1), 1300.7(A), 1306(A)(4) and
8 (C)(2), 1307(A)(8) and (E), 1308(A)(2)(a), 1314(B) and (C), 1355(6), 1401(B),
9 1402(B)(1)(c), 1405(A), 1406(B), 1407, 1409(B)(1) and (2), 1432(A), and
10 1461(A)(17) and to repeal R.S. 18:1275.1 through 1275.24, relative to elections; to
11 provide for an open primary system of elections for congressional offices; to provide
12 relative to objections to candidacy and contests of elections; to provide relative to
13 changes to and challenge and cancellation of voter registration; to provide relative
14 to procedures for voting; to provide for election dates; to provide relative to courses
15 of instruction for commissioners; to provide relative to selection and replacement of
16 commissioners; to provide relative to alternate commissioners; to provide relative
17 to watchers; to provide relative to dual candidacy; to provide relative to qualification
18 of candidates; to provide relative to the election of candidates in a primary and
19 general election; to provide relative to notice of location of precincts and polling
20 places; to provide relative to election materials; to provide relative to filling
21 vacancies in federal offices; to provide relative to recall elections; to provide relative
22 to absentee by mail and early voting; to provide relative to voting machines; to
23 provide relative to election offenses; and to provide for related matters.

1 Be it enacted by the Legislature of Louisiana:

2 Section 1. R.S. 18:44(A) and (B)(5)(b), 110(B), 193(F), 197, 401(B), 402(B),
3 (C)(introductory paragraph), (E), and (G), 433(G)(1) and (H)(1)(introductory paragraph),
4 434(A)(1), (C)(introductory paragraph), and (D)(1) and (2), 435(A)(1) and (B), 436, 453(A)
5 and (B), 467(introductory paragraph) and (2), 468(A), 481, 491(A) and (C), 511(A) and (B),
6 512(B), 535(B), 552(A)(introductory paragraph), 1272(A), 1278(B), 1279, 1285(B)(1)(a),
7 1300(C)(1), 1300.7(A), 1306(A)(4) and (C)(2), 1307(A)(8) and (E), 1308(A)(2)(a), 1314(B)
8 and (C), 1355(6), 1401(B), 1402(B)(1)(c), 1405(A), 1406(B), 1407, 1409(B)(1) and (2),
9 1432(A), and 1461(A)(17) are hereby amended and reenacted to read as follows:

10 §44. Contesting election; referral for prosecution

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

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

22 * * *

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

24 * * *

25 (b) The allegation that except for substantial irregularities or error, fraud, or
26 other unlawful activities in the conduct of the election, a different candidate would
27 have qualified for a ~~second party primary election or a~~ general election or would
28 have been elected.

29 * * *

1 §110. Removal from precinct; removal from parish

2 * * *

3 B.(1) A change of registration based upon a change of residence within a
4 parish received after the closing of registration for a primary election shall become
5 effective the day after the general election or special general election when a special
6 primary election is held in conjunction with a general election except as follows:

7 (a) A person whose registration has been canceled pursuant to R.S.
8 18:193(G).

9 (b) A person whose registration has been canceled or whose address has been
10 corrected pursuant to R.S. 18:196(C).

11 ~~(2) A change of registration based upon a change of residence within a parish~~
12 ~~received after the closing of registration for a first party primary election or special~~
13 ~~first party primary election and prior to the closing of registration for the second~~
14 ~~party primary election or special second party primary election shall become~~
15 ~~effective prior to the second party primary election or special second party primary~~
16 ~~election, except as follows:~~

17 ~~(a) A person whose registration has been canceled pursuant to R.S.~~
18 ~~18:193(G).~~

19 ~~(b) A person whose registration has been canceled pursuant to R.S.~~
20 ~~18:196(C).~~

21 ~~(3)~~ (2) The change of residence of a registrant from one precinct to another
22 in the same parish does not deprive him of the right to remain as a legal registrant,
23 as to all issues upon which he was entitled to vote prior to his change of residence,
24 in the precinct from which he has removed until he changes his registration as
25 provided in Subsection A of this Section and has the right to vote in the precinct to
26 which he has moved.

27 ~~(4)~~ (3) However, in a regularly scheduled general election where the only
28 candidate's election appearing on any ballot in the parish is a special primary
29 election, then in such instance, the change shall become effective prior to the special
30 primary election. In a regularly scheduled or special general election, where the

1 change of registration does not change any issues or candidate offices upon which
2 the voter was entitled to vote prior to the change, the change shall become effective
3 prior to the regularly scheduled or special general election.

4 * * *

5 §193. Challenge and cancellation of registration; notice; procedures

6 * * *

7 F. A list of names and addresses to whom address confirmation notices are
8 sent and whether or not each person responded to the confirmation notice shall be
9 maintained for a period of two years and shall be open to inspection and copying as
10 provided in R.S. 18:154. Ninety days prior to a regularly scheduled ~~first party~~
11 federal primary election, the names and addresses of those persons on the inactive
12 list shall be published for one day in the official journal of the parish governing
13 authority or in a newspaper calculated to provide maximum notice in the parish.

14 * * *

15 §197. Registration; cancellation

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

22 * * *

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

24 * * *

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

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

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

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

* * *

§402. Dates of primary and general elections

* * *

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

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

21 ~~(2) Congressional second primary~~ Primary elections for ~~recognized political~~
 22 ~~parties and primary elections for~~ members of congress and officers elected at the
 23 same time as members of ~~Congress~~ Congress shall be held on the first ~~Saturday in~~
 24 ~~October~~ Tuesday after the first Monday in November of an election year.

25 ~~(3) Congressional general~~ (2) General elections for members of congress and
 26 ~~officers elected at the same time as members of congress~~ shall be held on the first
 27 ~~Tuesday after the first Monday in November of an election year~~ Saturday in
 28 December of an election year.

29 C. Municipal and ward elections. In all municipalities with a population of
 30 less than four hundred seventy-five thousand, elections for municipal and ward

1 officers who are not elected at the same time as the governor or members of congress
 2 shall be held every four years. ~~The primary election for municipal and ward officers~~
 3 ~~who are elected at the same time as members of Congress shall be held on the same~~
 4 ~~date as the congressional second party primary, and the general election shall be held~~
 5 ~~at the same time as the general election for congressional 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 Tuesday after the first Monday in November, when the special
 18 general election is held on the first Saturday in December.

19 ~~(b)~~(c) 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 or third
 21 Saturday in February during the presidential election year, if the statewide
 22 presidential preference primary election is scheduled on the second or third Saturday
 23 in February of the presidential election year; however, commencing in 1986 and
 24 every fourth year thereafter, this date shall not be applicable in a parish containing
 25 a municipality with a population of four hundred seventy-five thousand or more.

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

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

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

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

16 ~~(3)~~ (2) A special general election shall be held on one of the following days:

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

19 (b) ~~The first Tuesday after the first Monday in November~~ Saturday in
 20 December of even-numbered years.

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

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

29 ~~(e)~~ (i) The fourth Saturday after the first Saturday in February in a parish
 30 containing a municipality with a population of four hundred seventy-five thousand

1 or more, when the special primary election in such parish and municipality is held
2 on the first Saturday in February of an election year for parish and municipal
3 officers.

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

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

16 * * *

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

26 * * *

1 §433. Commissioners-in-charge; course of instruction; selection; commission;
2 disqualification; replacement

3 * * *

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

17 * * *

18 H. Replacement. (1) If a commissioner-in-charge fails to appear at the
19 polling place at least thirty minutes before the time when the polls are to open on
20 election day, the commissioners in attendance at the polling place shall immediately
21 notify the clerk of court of the absence. Immediately upon receipt of the notice, the
22 clerk of court shall select a replacement commissioner-in-charge for that precinct.
23 Subject to the provisions of Subsection G of this Section, a replacement
24 commissioner-in-charge selected for a primary ~~or first party primary~~ election also
25 shall serve for the ~~second party primary~~ and the general election. The replacement
26 commissioner-in-charge shall be selected from the following categories in the order
27 of priority listed:

28 * * *

1 §434. Commissioners and alternate commissioners; selection; commission;
2 disqualification; replacement

3 A. Time and place of selection. (1) The parish board of election supervisors
4 shall meet at 10:00 a.m. on the twenty-ninth day before a primary ~~or first party~~
5 primary election to select the commissioners and alternate commissioners for each
6 precinct. The meeting shall be open to the public. The board shall have previously
7 posted a notice on the front courthouse door designating the location within the
8 courthouse where the meeting is to be held.

9 * * *

10 C. Commission. Once the commissioners and alternate commissioners are
11 selected for a primary, ~~first party primary, second party primary,~~ and general
12 election, the parish board of election supervisors shall immediately:

13 * * *

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

1 list of watchers for an independent or other party slate of candidates for presidential
 2 elector shall be filed by any person so authorized by the presidential candidate
 3 supported by the slate of electors. A letter of authorization from the presidential
 4 candidate, or an authorized agent of his campaign, shall accompany the list of
 5 watchers.

6 * * *

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

27 * * *

28 §436. Election officials at certain special elections

29 A. When a special primary election to fill a vacancy or an anticipated
 30 vacancy in elective public office is called to be held at the same time as a previously

1 scheduled general election, or if a previously scheduled election is delayed for any
 2 reason, the commissioners who were selected to serve at the previously scheduled
 3 primary ~~or first party and second party primary~~ and general election also shall be the
 4 commissioners for the special primary and general elections and any such delayed
 5 primary or general election, and the compensation for each shall be only that amount
 6 provided for in R.S. 18:426.1 for a day of service as a commissioner or
 7 commissioner-in-charge. Each candidate to be voted on in the special primary
 8 election or delayed primary election may appoint one watcher for each precinct in
 9 which that candidate is to be voted on. Notwithstanding the provisions of R.S.
 10 18:427(C) or of any other law to the contrary, the watchers so appointed shall be
 11 allowed to remain in the polling place at all times.

12 B. When a special general election to fill a vacancy or an anticipated
 13 vacancy in elective public office is called to be held at the same time as a previously
 14 scheduled primary election, the commissioners who were selected to serve at the
 15 special primary election for which the special general election is to be held shall also
 16 be the commissioners for both the previously scheduled primary, ~~and including any~~
 17 ~~first party or second party primary~~ and general elections. In such case the
 18 compensation for each shall be only that amount provided for in R.S. 18:426.1 for
 19 a day of service as a commissioner or commissioner-in-charge.

20 * * *

21 §453. Dual candidacy

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

27 B. Unexpired and succeeding term of office. A person may become a
 28 candidate in a primary ~~or first or second party primary election~~ or general election

1 for the unexpired and the succeeding term of an office when both terms are to be
2 filled at the same election.

3 * * *

4 §467. Opening of qualifying period

5 The qualifying period for candidates in ~~the first party primary or a~~ primary
6 election shall open:

7 * * *

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

11 * * *

12 §468. Close of the qualifying period

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

17 * * *

18 §481. Candidates who qualify for a general election

19 ~~Except for candidates for the public office of United States senator or~~
20 ~~representative in Congress, The candidates who qualify for each office remaining to~~
21 ~~be filled in the general election are those who received the two highest numbers of~~
22 ~~votes, the four highest number of votes, and so on among those not elected in the~~
23 ~~primary election, until the maximum number of candidates for each office on the~~
24 ~~general election ballot is reached.~~

25 * * *

26 §491. Standing to object to candidacy

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

30 * * *

1 C. In addition to the persons with standing to bring an action objecting to
2 candidacy as provided in Subsections A and B of this Section:

3 (1) The Supervisory Committee on Campaign Finance Disclosure shall bring
4 or join in an action objecting to the candidacy of a person who qualified as a
5 candidate in a primary ~~or first party primary~~ election for an office on the grounds
6 provided in R.S. 18:492(A)(5).

7 (2) The Board of Ethics shall bring or join in an action objecting to the
8 candidacy of a person who qualified as a candidate in a primary ~~or first party primary~~
9 election for an office on the grounds provided in R.S. 18:492(A)(6).

10 * * *

11 §511. Election of candidates in a primary election; ~~exception, congressional~~
12 ~~candidates~~

13 A. Majority vote. A candidate, ~~other than a candidate for United States~~
14 ~~senator or representative in congress~~, who receives a majority of the votes cast for
15 an office in a primary election is elected. If there are two or more offices of the same
16 character to be filled, the number of votes necessary to constitute a majority shall be
17 greater than the result obtained by dividing the total votes cast for all of the
18 candidates by the number of offices to be filled and dividing the result so obtained
19 by two. If more candidates receive a majority than there are offices to be filled,
20 those of such candidates receiving the highest total of votes shall be elected, to the
21 number required to fill all of the offices. Any votes received by a withdrawn
22 candidate or a deceased candidate shall be void and shall not be counted for any
23 purpose whatsoever.

24 B. Election of unopposed candidates for public office. If, after the close of
25 the qualifying period for candidates in a primary election, ~~other than a primary~~
26 ~~election for United States senator or representative in congress~~, the number of
27 candidates for a public office does not exceed the number of persons to be elected
28 to the office, the candidates for that office, or those remaining after the withdrawal

1 of one or more candidates, are declared elected by the people, and their names shall
2 not appear on the ballot in either the primary or the general election.

3 * * *

4 §512. Election of candidates in a general election

5 * * *

6 B. Election of unopposed candidates. If, as a result of the death or
7 withdrawal of one or more candidates, the number of candidates for an office in a
8 general election does not exceed the number of persons to be elected to the office;
9 ~~other than the office of United States senator or representative in congress~~, the
10 remaining candidates are declared elected by the people, and their names shall not
11 appear on the ballot in the general election.

12 * * *

13 §535. Notice of location of precincts and polling places

14 * * *

15 B. Before primary elections. The parish board of election supervisors shall
16 publish the location of the polling places in the parish at least once before each
17 primary ~~or first party primary~~ election. The publication shall be in the official
18 journal of the parish during the third week before the primary ~~or first party primary~~
19 election.

20 * * *

21 §552. Election materials

22 A. Materials furnished. At least twenty-two days before a primary ~~or first~~
23 ~~party primary~~ election and as soon as possible for a ~~second party primary and a~~
24 general election:

25 * * *

26 §1272. United States senators; representatives in ~~Congress~~ congress; time of
27 electing

28 A. All general elections for representatives in ~~Congress~~ congress shall be
29 held on the first ~~Tuesday next following the first Monday in November~~ Saturday in
30 December, 1982, and every two years thereafter; in even-numbered years. The first

1 conducted and the returns shall be certified as in regular elections for United States
2 senator.

3 * * *

4 §1279. Vacancies; representatives in congress

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

23 * * *

24 §1285. Notice of election

25 * * *

26 B.(1)(a) Written notice of the election and the certificate required by
27 Subparagraph ~~(1)(b)~~ (b) of this ~~Subsection~~ Paragraph shall be transmitted to the
28 secretary of state and each clerk of court and registrar of voters in the area affected
29 by the election. If the election is to be held on a primary ~~or second party primary~~
30 election date, then such notice and certificate shall be received by the secretary of

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

* * *

§1300. Procedures; notice of election; expenses

* * *

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

* * *

§1300.7. Governor to order election; proclamation; publication

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

1 next available date specified in R.S. 18:402(F). If the election is to be held on a
 2 ~~primary or second party~~ primary election date, the proclamation shall be issued on
 3 or before the last day for candidates to qualify in the election. If the election is not
 4 to be held on a ~~primary or second party~~ primary election date, then the proclamation
 5 shall be issued on or before the forty-sixth day prior to the election.

6 * * *

7 §1306. Preparation and distribution of absentee by mail and early voting ballots

8 A.

9 * * *

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

1 chooses. The secretary of state shall also prepare instructions for use of the special
2 ballot.

3 * * *

4 C.

5 * * *

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

13 * * *

14 §1307. Application by mail

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

19 * * *

20 (8) If the person requests that a ballot for a general election ~~or the second~~
21 ~~party primary election, or both,~~ be sent in addition to a ballot for the primary ~~or first~~
22 ~~party primary,~~ he shall declare in writing to the registrar that he will be eligible to
23 vote absentee by mail in the general election ~~or the second party primary, or both,~~
24 ~~as the case may be.~~

25 * * *

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

1 will be eligible to vote absentee by mail in the general election ~~or the second party~~
2 ~~primary election, or both, as the case may be.~~

3 * * *

4 §1308. Absentee voting by mail

5 A.

6 * * *

7 (2)(a) With respect to persons on active duty in the United States military
8 service or outside the continental boundaries of the United States, these materials
9 shall be mailed as provided by the Uniformed and Overseas Citizens Absentee
10 Voting Act (39 ~~USC~~ U.S.C. 3406 and 42 ~~USC~~ U.S.C. 1973ff et seq.) and shall
11 include both the ~~primary or first party~~ primary election ballot and the special ~~ballots~~
12 ballot for the ~~general election or the second party primary election and the~~ general
13 election. The envelope mailed to the voter shall contain ~~six~~ four envelopes, ~~three~~
14 two of which shall be the ballot envelopes and ~~three~~ two of which shall be return
15 envelopes. Each return envelope shall bear the official title and mailing address of
16 the registrar, whether it contains a ~~primary, first party primary, second party primary~~
17 or general election ballot, and the name, return address, and precinct or district
18 number of the voter. The voter shall return his voted ~~primary or first party~~ primary
19 election ballot and special ~~ballots~~ ballot for the ~~general election or the second party~~
20 ~~primary and the~~ general election to the registrar in the appropriate envelopes. The
21 registrar of voters shall not mail a regular ~~general election or the second party~~
22 ~~primary and~~ general election absentee ballot to a member of the United States
23 Service or to persons residing overseas if the registrar has mailed a ~~the~~ special ballot,
24 as provided herein, to such voter. The ~~envelopes~~ envelope for the special ~~ballots~~
25 ballot shall contain language on the outside of the envelope which will clearly
26 designate which envelope is to be used for return of the ~~second primary election~~
27 ~~ballot and which envelope is to be used for return of the~~ general election ballot.

28 * * *

1 commissioners and alternate absentee by mail and early voting commissioners for
 2 the parish in the primary ~~or first party primary~~ election shall serve in the ~~second~~
 3 ~~party primary and~~ general election, unless replaced or disqualified in the manner
 4 provided by law for commissioners and alternate commissioners. The number of
 5 absentee by mail and early voting commissioners for a ~~second party primary and~~
 6 general election shall not be less than three.

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

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

27 (ii) If the list does not contain sufficient names to select the number of
 28 absentee by mail and early voting commissioners ~~or and~~ alternate absentee by mail
 29 and early voting commissioners determined by the board to be needed for the ~~second~~
 30 ~~party primary election and the~~ general election, the board shall fill any remaining

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

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

23 * * *

24 §1355. Construction and equipment of machines; requirements

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

27 * * *

28 (6) When used in a ~~first or second primary or a~~ primary election at which
 29 members of a political party committee are to be voted on, allow election officials
 30 to lock out all candidate counters except those of the party with which the voter is

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 elected.
8 The trial judge may allow the filing of amended pleadings for good cause shown and
9 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 to
22 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 may,~~
24 ~~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 the
29 affected office postponed to a Saturday specified by him which, ~~for a second party~~
30 ~~primary election~~ is at least thirty days after the date on which the trial court renders

1 judgment and which for a general election is at least thirty days after the second
2 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) in this Subsection would
12 have been sufficient to change the result had they not occurred, the judge may render
13 a final judgment declaring the election void and ordering a new ~~primary or first and~~
14 ~~second party primary or second party primary~~ or general election for all the
15 candidates, or, if the judge determines that the appropriate remedy is the calling of
16 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 as
27 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. 18:1275.1 through 1275.24 are hereby repealed in their entirety.

2 Section 3. This Act shall become effective upon January 1, 2011.

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____