

2015 Regular Session

HOUSE BILL NO. 591

BY REPRESENTATIVE BROADWATER

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

ELECTIONS: Provides relative to election dates, qualifying, and withdrawal by candidates

1 AN ACT

2 To amend and reenact R.S. 18:402(A), (C), (D), (E)(1)(a), (c), (d), and (e) and (2)(a), (c),
3 (d), and (e), and (F)(1), (3), (4), and (6), 467(1) through (4) and (6), 501, 502,
4 503(A)(1), 1256, and 1280.22(C), relative to elections; to provide for election dates
5 for certain elections; to provide for qualifying for certain elections; to provide for the
6 opening of the qualifying period for certain elections; to provide for the close of the
7 qualifying period for certain elections; to provide relative to withdrawal by a
8 candidate; to provide procedures and requirements for withdrawal; to provide for the
9 effect of a withdrawal; to provide relative to the powers, duties, and responsibilities
10 of the secretary of state relative to a withdrawal; and to provide for related matters.

11 Be it enacted by the Legislature of Louisiana:

12 Section 1. R.S. 18:402(A), (C), (D), (E)(1)(a), (c), (d), and (e) and (2)(a), (c), (d),
13 and (e), and (F)(1), (3), (4), and (6), 467(1) through (4) and (6), 501, 502, 503(A)(1), 1256,
14 and 1280.22(C) are hereby amended and reenacted to read as follows:

15 §402. Dates of primary and general elections

16 A. Gubernatorial elections. Elections for governor and officers elected at the
17 same time as the governor shall be held every four years, beginning in 1983.

18 (1) Gubernatorial primary elections shall be held on the ~~second~~ third to last
19 Saturday in October of an election year.

1 (2) Gubernatorial general elections shall be held on the ~~fourth~~ fifth Saturday
 2 after the ~~second~~ third to last Saturday in October of an election year.

3 * * *

4 C. Municipal and ward elections. In all municipalities with a population of
 5 less than three hundred thousand, elections for municipal and ward officers who are
 6 not elected at the same time as the governor or members of congress shall be held
 7 every four years.

8 (1) Primary elections for municipal and ward officers who are not elected at
 9 the same time as the governor or members of congress shall be held on the ~~first~~ last
 10 Saturday in ~~April~~ March of an election year, or on the first Saturday in March of the
 11 presidential election year.

12 (2) General elections for municipal and ward officers who are not elected at
 13 the same time as the governor or members of congress shall be held on the ~~fourth~~
 14 fifth Saturday after the ~~first~~ last Saturday in ~~April~~ March of an election year unless
 15 the primary election for such officers is held on the first Saturday in March; in such
 16 case, the general election shall be held on the ~~fourth~~ fifth Saturday after the first
 17 Saturday ~~after the first Tuesday~~ in March of an election year.

18 D. Parochial and municipal elections in a parish containing a municipality
 19 with a population of three hundred thousand or more. Elections for parochial and
 20 municipal officers in a parish containing a municipality with a population of three
 21 hundred thousand or more shall be held every four years, beginning in 2017, as
 22 follows:

23 (1) Primary elections for parochial and municipal officers shall be held on
 24 the ~~third~~ second Saturday in October of an election year.

25 (2) General elections for parochial and municipal officers shall be held on
 26 the ~~fourth~~ fifth Saturday after the ~~third~~ second Saturday in October of an election
 27 year.

28 E. Special elections to fill newly created office or vacancy in office. An
 29 election to fill a newly created office or vacancy in an existing office, except the

1 office of representative in congress, shall be held on the dates fixed by the
2 appropriate authority in the proclamation ordering a special election as follows:

3 (1) A special primary election shall be held on the first of the following days
4 that is after the date on which the proclamation calling the special primary election
5 was issued, provided that the proclamation was issued at least four weeks prior to the
6 opening of the qualifying period for the special primary election:

7 (a) The ~~second~~ third to last Saturday in October, when the special general
8 election is held on the ~~fourth~~ fifth Saturday after the ~~second~~ third to last Saturday in
9 October.

10 * * *

11 (c) The ~~first~~ last Saturday in ~~April~~ March, when the special general election
12 is held on the ~~fourth~~ fifth Saturday after the ~~first~~ last Saturday in ~~April~~ March or on
13 the first Saturday in March during the presidential election year; ~~however,~~
14 ~~commencing in 1986 and every fourth year thereafter, this date shall not be~~
15 ~~applicable in a parish containing a municipality with a population of three hundred~~
16 ~~thousand or more.~~

17 (d) The ~~third~~ second Saturday in October, when the special general election
18 is held on the ~~fourth~~ fifth Saturday after the ~~third~~ second Saturday in October of 1985
19 and every fourth year thereafter.

20 (e) The ~~third~~ second Saturday in October of an election year for parish and
21 municipal officers in a parish containing a municipality with a population of three
22 hundred thousand or more.

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

24 (a) The ~~fourth~~ fifth Saturday after the ~~second~~ third to last Saturday in
25 October of 1983 and every fourth year thereafter.

26 * * *

27 (c) The ~~fourth~~ fifth Saturday after the ~~first~~ last Saturday in ~~April~~ March of
28 any year unless the primary election is held on the first Saturday in March; in such
29 case, the general election shall be held on the ~~fourth~~ fifth Saturday after the first

1 Saturday ~~after the first Tuesday in March; however, commencing in 1986 and every~~
2 ~~fourth year thereafter, this date shall not be applicable in a parish containing a~~
3 ~~municipality with a population of three hundred thousand or more.~~

4 (d) The ~~fourth~~ fifth Saturday after the ~~third~~ second Saturday in October of
5 1985 and every fourth year thereafter.

6 (e) The ~~fourth~~ fifth Saturday after the ~~third~~ second Saturday in October in a
7 parish containing a municipality with a population of three hundred thousand or
8 more, when the special primary election in such parish and municipality is held on
9 the ~~third~~ second Saturday in October of an election year for parish and municipal
10 officers.

11 * * *

12 F. Bond, tax, or other elections. Every bond, tax, or other election at which
13 a proposition or question is to be submitted to the voters shall be held only on one
14 of the following dates:

15 (1) The ~~second~~ third to last Saturday in October or the ~~fourth~~ fifth Saturday
16 after the ~~second~~ third to last Saturday in October of 1983 and every fourth year
17 thereafter.

18 * * *

19 (3) The ~~first~~ last Saturday in ~~April~~ March or the ~~fourth~~ fifth Saturday after
20 the ~~first~~ last Saturday in ~~April~~ March of any year or on the first Saturday in March
21 or the ~~fourth~~ fifth Saturday after the first Saturday in March during the presidential
22 election year; ~~however, commencing in 1994 and every fourth year thereafter, the~~
23 ~~first Saturday in April shall not be applicable in a parish containing a municipality~~
24 ~~with a population of three hundred thousand or more.~~

25 (4) The ~~third~~ second Saturday in October or the ~~fourth~~ fifth Saturday after
26 the ~~third~~ second Saturday in October of 1985 and every fourth year thereafter.

1 (6) For a parish containing a municipality with a population of three hundred
2 thousand or more, the ~~third~~ second Saturday in October or the ~~fourth~~ fifth Saturday
3 after the ~~third~~ second Saturday in October in 2017 and every fourth year thereafter.

4 * * *

5 §467. Opening of qualifying period

6 The qualifying period for candidates in a primary election shall open:

7 (1) For candidates in a gubernatorial primary election and those in any
8 special primary election to be held at the same time, on the first Tuesday after the
9 first Monday in ~~September~~ August of the year of the election.

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

13 (3) For candidates in a primary election for municipal and ward officers who
14 are not elected at the same time as the governor or members of congress in
15 municipalities with a population of less than three hundred thousand and those in any
16 special primary election to be held at the same time, on the second Wednesday in
17 ~~February~~ January of the year of the election, unless the primary election is held on
18 the ~~third~~ first Saturday ~~after the first Tuesday~~ in March; in such case the qualifying
19 period for candidates in such primary election shall open on the first Wednesday in
20 December of the year prior to the election.

21 (4) For candidates in a primary election for parochial and municipal officers
22 in a parish containing a municipality with a population of three hundred thousand or
23 more and in which the municipal and parochial elections are held at the same time,
24 on the second Wednesday in ~~August~~ July in the year of the election.

25 * * *

26 (6) For candidates in a primary election held on the ~~third~~ second Saturday
27 in October of 1981 and every fourth year thereafter, on the second Wednesday in
28 ~~August~~ July of the year of the election.

29 * * *

1 §501. Procedure for withdrawal

2 A.(1) Prior to the close of the polls on election day, a A candidate in a
3 primary or general election may withdraw from the election by filing notice of his
4 withdrawal; with the secretary of state prior to 4:30 p.m. on the seventh day after the
5 close of the qualifying period. The notice of withdrawal shall be signed by the
6 candidate and duly acknowledged by him before an officer authorized to administer
7 oaths; with the secretary of state, who.

8 (2)(a) The secretary of state shall not accept a notice of withdrawal that does
9 not satisfy the requirements of Paragraph (1) of this Subsection. The secretary of
10 state shall endorse the date and time of receipt of such a notice of withdrawal and
11 return the notice forthwith, either personally or by registered or certified mail, to the
12 candidate. The provisions of this Subparagraph shall not apply to a notice of
13 withdrawal filed pursuant to a court order as provided in R.S. 18:494(B).

14 (b) The secretary of state shall forward a copy of ~~the~~ a notice of withdrawal
15 that satisfies the requirements of Paragraph (1) of this Subsection or was filed
16 pursuant to a court order as provided in R.S. 18:494(B) and that was filed by a local
17 or municipal candidate to the president of the board of election supervisors and the
18 clerk of court of the parish in which the candidate has qualified.

19 B.(1) A candidate in a general election may withdraw from the election by
20 filing notice of his withdrawal with the secretary of state prior to 4:30 p.m. on the
21 ninth day after the date of the primary election. The notice of withdrawal shall be
22 signed by the candidate and duly acknowledged by him before an officer authorized
23 to administer oaths.

24 (2)(a) The secretary of state shall not accept a notice of withdrawal that does
25 not satisfy the requirements of Paragraph (1) of this Subsection. The secretary of
26 state shall endorse the date and time of receipt of such a notice of withdrawal and
27 return the notice forthwith, either personally or by registered or certified mail, to the
28 candidate.

1 (b) The secretary of state shall forward a copy of a notice of withdrawal that
 2 satisfies the requirements of Paragraph (1) of this Subsection and that was filed by
 3 a local or municipal candidate to the president of the board of election supervisors
 4 and the clerk of court of the parish in which the candidate has qualified.

5 §502. Effect of withdrawal

6 A notice of withdrawal shall be effective when it is filed with the secretary
 7 of state if the notice satisfies the requirements of R.S. 18:501 or was filed pursuant
 8 to a court order as provided in R.S. 18:494(B), and the candidate who filed the notice
 9 no longer shall be qualified as a candidate in the election from which he withdrew.
 10 If the election ballot was printed with a withdrawn candidate's name on it, any votes
 11 received by the withdrawn candidate shall be null and void and shall not be counted
 12 for any purpose whatsoever.

13 §503. Notice of withdrawal and disqualification

14 A.(1) If the early voting election ballot was prepared with a withdrawn
 15 candidate's name on it ~~and the withdrawal was filed prior to the close of early voting~~
 16 ~~for the election~~, the registrar of voters of any parish where such ballot will be used
 17 shall, to the extent possible, cause notice to be posted of the withdrawal of such
 18 candidate at any location for early voting where the candidate's name appears on the
 19 ballot. Failure to post such notice of withdrawal shall not void the election.

20 * * *

21 §1256. Withdrawal of candidate

22 A.(1) Any person nominated as a candidate may withdraw his candidacy by
 23 written statement of withdrawal made, signed, and acknowledged before an officer
 24 qualified to administer oaths. The original of the statement shall be filed prior to
 25 4:30 p.m. on the seventh day after the close of the qualifying period with the
 26 secretary of state, who shall note thereon the date it was filed.

27 (2) The secretary of state shall not accept a statement of withdrawal that does
 28 not satisfy the requirements of Paragraph (1) of this Subsection. The secretary of

1 state shall endorse the date and time of receipt of such a notice of withdrawal and
2 return the notice forthwith, either personally or by registered or certified mail

3 B. The A statement of withdrawal filed in accordance with the provisions of
4 Paragraph (A)(1) of this Section shall become effective on the date of the filing.
5 ~~Once filed as herein provided, a statement of withdrawal shall not be returned to the~~
6 ~~person withdrawing.~~ The effect of ~~his~~ the withdrawal shall be as provided in R.S.
7 18:502.

8 * * *

9 §1280.22. Candidates; procedure for qualifying

10 * * *

11 C.(1)(a) Any person who qualifies as a candidate for presidential nominee
12 may withdraw his candidacy by filing a notice of his withdrawal; that is signed by
13 the candidate; and duly acknowledged before an officer authorized to administer
14 oaths. The notice of withdrawal shall be filed prior to 4:30 p.m. on the seventh day
15 after the close of the qualifying period with the secretary of state, who shall note
16 thereon the date it was filed.

17 (b) The secretary of state shall not accept a statement of withdrawal that does
18 not satisfy the requirements of Subparagraph (a) of this Paragraph. The secretary of
19 state shall endorse the date and time of receipt of such a notice of withdrawal and
20 return the notice forthwith, either personally or by registered or certified mail

21 (2) The A notice of withdrawal filed in accordance with the provisions of
22 Subparagraph (1)(a) of this Subsection shall become effective when it is filed with
23 the secretary of state. ~~Once filed as herein provided, a notice of withdrawal shall not~~
24 ~~be returned to the person withdrawing.~~ The effect of ~~his~~ the withdrawal shall be as
25 provided in R.S. 18:502.

26 Section 2. This Act shall become effective on January 1, 2016.

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

HB 591 Original

2015 Regular Session

Broadwater

Abstract: Moves the primary election date one week earlier for all regularly scheduled primary elections (except congressional primary elections and the presidential preference primary); moves the general election date one week later in certain municipal and ward elections; moves the opening of the qualifying period one month earlier for all regularly scheduled elections (except the presidential preference primary); and provides a specified period for each election during which a candidate may voluntarily withdraw.

Present law (R.S. 18:402) provides the dates for regularly scheduled primary elections (other than the presidential preference primary) and general elections. Present law (R.S. 18:467) provides for the dates for the opening of the qualifying periods for regularly scheduled primary elections (other than the presidential preference primary).

Proposed law moves the primary election date one week earlier for regularly scheduled primary elections (except congressional primary elections and the presidential preference primary), moves the general election date one week later in certain municipal and ward elections, and moves the opening of the qualifying period one month earlier for all regularly scheduled elections (except the presidential preference primary) as follows:

Elections for governor and officers elected at the same time: Moves the primary election from the second to last Sat. in Oct. to the third to last Sat. in Oct. Moves the opening of the qualifying period from the first Tues. after the first Mon. in Sept. to the first Tues. after the first Mon. in Aug.

Elections for members of congress and officers elected at the same time: Moves the opening of the qualifying period from the third Wed. in Aug. to the third Wed. in July.

Elections for municipal and ward officers who are not elected at the same time as the governor or members of congress in municipalities with a population of less than 300,000: Moves the primary election in a year other than a presidential election year from the first Sat. in April to the last Sat. in March. Moves the general election in a presidential election year from the fourth Sat. after the first Sat. after the first Tues. in March to the fifth Sat. after the first Sat. in March. Moves the opening of the qualifying period in a year other than a presidential election year from the second Wed. in Feb. to the second Wed. in Jan.

Elections for parochial and municipal officers in a parish containing a municipality with a population of 300,000 or more: Moves the primary election from the third Sat. in Oct. to the second Sat. in Oct. Moves the opening of the qualifying period from the second Wed. in Aug. to the second Wed. in July.

Proposed law makes the same changes for special elections to fill a newly created office or vacancy in an existing office and to bond, tax, or other elections at which a proposition or question is to be submitted to the voters that are provided in present law to be held on the same dates as the above elections.

Present law (R.S. 18:501, 1256, and 1280.22) allows a candidate to withdraw from an election by filing notice of his withdrawal with the secretary of state. Requires the notice

to be signed by the candidate and duly acknowledged by him before an officer authorized to administer oaths.

Proposed law retains present law.

Present law allows a candidate to withdraw from a primary or general election at any time prior to the close of the polls on the day of the election.

Proposed law limits the time period during which a candidate may withdraw from an election. Provides that for a candidate to withdraw from a primary election, the candidate must file notice of his withdrawal prior to 4:30 p.m. on the seventh day after the close of the qualifying period. Provides that for a candidate to withdraw from a general election, the candidate must file notice of his withdrawal prior to 4:30 p.m. on the ninth day after the date of the primary election.

Present law (R.S. 18:1256 and 1280.22) relative to congressional and presidential elections provides that a notice of withdrawal shall not be returned to the person withdrawing.

Proposed law repeals present law.

Proposed law provides that the secretary of state shall not accept a notice of withdrawal that does not satisfy the content requirements of present law and filing requirements of proposed law. Requires the secretary of state to endorse the date and time of receipt of such a notice of withdrawal and return the notice forthwith, either personally or by registered or certified mail, to the candidate. Relative to a candidate in a primary election, provides that proposed law does not apply to a notice of withdrawal filed pursuant to a court order as provided in present law provisions relative to certain objections to candidacy that are sustained (R.S. 18:494(B)).

Present law (R.S. 18:501) requires the secretary of state to forward a copy of a notice of withdrawal filed by a local or municipal candidate to the president of the board of election supervisors and the clerk of court of the parish in which the candidate has qualified.

Proposed law specifies that the secretary of state shall forward a copy of the notice only when the notice satisfies the content requirements of present law and filing requirements of proposed law. Otherwise retains present law.

Present law (R.S. 18:502, 1256, and 1280.22) provides that a notice of withdrawal shall be effective when it is filed with the secretary of state, and the candidate who filed the notice no longer shall be qualified as a candidate in the election from which he withdrew. Provides that if the election ballot was printed with a withdrawn candidate's name on it, any votes received by the withdrawn candidate shall be null and void and shall not be counted for any purpose whatsoever.

Proposed law specifies that present law applies to notices that satisfy the content requirements of present law and filing requirements of proposed law. Otherwise retains present law.

Effective Jan. 1, 2016.

(Amends R.S. 18:402(A), (C), (D), (E)(1)(a), (c), (d), and (e) and (2)(a), (c), (d), and (e), and (F)(1), (3), (4), and (6), 467(1)-(4) and (6), 501, 502, 503(A)(1), 1256, and 1280.22(C))