

2016 Regular Session

HOUSE BILL NO. 850

BY REPRESENTATIVE HUNTER

ELECTIONS/RECALL: Requires personal service on an official whose recall is sought

1 AN ACT

2 To amend and reenact R.S. 18:1300.2(C)(3)(b) and 1300.3(C)(3), relative to recall elections;
3 to require notice to be personally served on the public officer whose recall is sought;
4 to provide for the timing of such notice; and to provide for related matters.

5 Be it enacted by the Legislature of Louisiana:

6 Section 1. R.S. 18:1300.2(C)(3)(b) and 1300.3(C)(3) are hereby amended and
7 reenacted to read as follows:

8 §1300.2. Petition for recall election; campaign finance disclosure

9 * * *

10 C.

11 * * *

12 (3)

13 * * *

14 (b) The chairman shall provide written notice by ~~certified mail, return receipt~~
15 ~~requested, to~~ personal service on the public officer whose recall is sought on the third
16 day before the petition is submitted to the registrar.

17 * * *

18 §1300.3. Certification of registrar of voters; addition or withdrawal of signatures;
19 form of names

20 * * *

1 C.

2 * * *

3 (3) On the date the recall petition is sent to the governor, the registrar of
4 voters or person who executes the certificate as provided in Paragraph (1) of this
5 Subsection shall provide written notice of the certification to the public officer
6 whose recall is sought. The written notice required by this Paragraph shall be ~~sent~~
7 ~~by certified mail, return receipt requested, to the registration address of~~ personally
8 served on the public officer.

9 * * *

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 850 Original

2016 Regular Session

Hunter

Abstract: Requires personal service of notice on a public officer whose recall is sought instead of notice by certified mail.

Present law provides that certain public officers may be recalled. Provides procedures and requirements for recall elections. Requires the submission of a recall petition signed by a certain number of electors in the applicable voting area. Requires the chairman of the recall to file certain notice with the registrar. Requires the registrar in each parish in the voting area to certify certain information on the petition, and requires the petition to be sent to the governor. Requires the governor to issue a proclamation ordering an election if the required number of electors of the voting area sign the petition for recall.

Present law requires the chairman of the recall to provide written notice to the public officer whose recall is sought on the third day before the petition is submitted to the registrar. Additionally requires the registrar or person who executes the certificate in lieu of the registrar to provide written notice of the certification of the recall petition to the public officer whose recall is sought on the date the recall petition is sent to the governor.

Proposed law retains present law.

Present law requires notice sent to the public officer to be sent by certified mail.

Proposed law instead requires notice to be personally served on the public officer.

(Amends R.S. 18:1300.2(C)(3)(b) and 1300.3(C)(3))