

2016 Regular Session

HOUSE BILL NO. 270

BY REPRESENTATIVE POPE

BESE: Provides relative to the notification of and special elections to fill vacancies in elective positions on the State Board of Elementary and Secondary Education

1 AN ACT

2 To amend and reenact R.S. 17:1(D) and to repeal R.S. 17:2, relative to the Board of
3 Elementary and Secondary Education; to provide relative to vacancies in elective
4 positions on the board; to provide relative to special elections to fill vacancies in
5 elective positions on the board; to remove certain redundant provisions of law
6 relative to the board; and to provide for related matters.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. R.S. 17:1(D) is hereby amended and reenacted to read as follows:

9 §1. State Board of Elementary and Secondary Education; creation; membership;
10 terms of office; vacancies

11 * * *

12 D.(1) Within twenty-four hours after being informed of a vacancy in an
13 appointed position on the board, the president of the board or the officer exercising
14 his duties shall notify the governor by certified mail of the vacancy and the effective
15 date thereof. ~~A vacancy in the office of an elected member, if the unexpired portion~~
16 ~~of the term is more than one year, shall be filled for the remainder of the term by~~
17 ~~special election to be called by the governor and to be held to coincide with the next~~
18 ~~scheduled districtwide election to be held more than ninety days and less than one~~
19 ~~year after the effective date of the vacancy. If no such election is scheduled to be~~
20 ~~held, the special election shall be held more than ninety days and less than one~~

1 ~~hundred twenty days after the effective date of the vacancy on call of the governor.~~

2 Any ~~other~~ vacancy in an appointed position on the board shall be filled for the
3 unexpired portion of the term by appointment by the governor within thirty days
4 after the effective date of the vacancy.

5 (2)(a) If a vacancy occurs in the office of an elected member of the board,
6 the governor shall be notified of the vacancy in accordance with the applicable
7 provisions of the Louisiana Election Code.

8 (b) If a vacancy occurs in the office of an elected member of the board and
9 the remaining portion of the term is more than one year, the special election to fill
10 the vacancy shall be ordered and held in accordance with the applicable provisions
11 of the Louisiana Election Code.

12 Section 2. R.S. 17:2 is hereby repealed in its entirety.

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 270 Engrossed

2016 Regular Session

Pope

Abstract: Provides that the notification of a vacancy in an elective position on BESE and if the remainder of the term is more than one year, the special election to fill the vacancy shall be as provided in the La. Election Code.

Present law (R.S. 17:1) provides for the State Board of Elementary and Secondary Education (BESE), including provisions relative to the membership, terms, and vacancies. Provides that within 24 hours after being informed of a vacancy on BESE, the president of the board or the officer exercising his duties shall notify the governor by certified mail of the vacancy and the effective date thereof. Provides that if the remainder of the unexpired term of an elected member is more than one year, the vacancy shall be filled for the remainder of the term by special election to be called by the governor and be held to coincide with the next scheduled districtwide election to be held more than 90 days and less than one year after the effective date of the vacancy. If no such election is scheduled to be held, the special election shall be held more than 90 days and less than 120 days after the effective date of the vacancy on call of the governor. Any other vacancy in an appointed position on the board shall be filled for the unexpired portion of the term by appointment by the governor within 30 days after the effective date of the vacancy. Present law (R.S. 17:2) provides substantially similar provisions. Proposed law removes these substantially similar provisions.

Proposed law further removes the specific provisions in present law (R.S. 17:1) providing relative to a vacancy in an elective position on BESE and provides instead that the notification to the governor of such a vacancy shall be as provided by present law (La. Election Code). Proposed law further provides that if the remaining portion of the term is more than one year, the special election to fill such vacancy shall be ordered and held in accordance with the applicable provisions of present law (La. Election Code).

Present law (La. Election Code) relative to notification of vacancies, provides that within 24 hours after any member of a state board or commission has knowledge of a vacancy in an elective office on that state board or commission, he shall notify the governor by certified mail of the vacancy, the date on which it occurred, and the cause thereof.

Present law (La. Election Code) relative to the calling of a special election to fill such a vacancy, provides that if the unexpired term exceeds one year, the governor, within 20 days after he is notified of the vacancy, shall order a special election to fill the vacancy, which shall specify the dates for the primary and general elections and the qualifying period all in accordance with present law (La. Election Code – R.S. 18:402, 18:467, 467.1, and 468).

(Amends R.S. 17:1(D); Repeals R.S. 17:2)

Summary of Amendments Adopted by House

The Committee Amendments Proposed by House Committee on House and Governmental Affairs to the original bill:

1. Remove reference to specific La. Election Code provision regarding the filling of vacancies in elective positions on state boards and commissions and provide instead that the notification of such a vacancy and, if the remainder of the term is more than one year, the special election shall be ordered and held in accordance with the La. Election Code.