AN ACT

To amend and reenact R.S. 33:1, relative to incorporation of municipalities; to provide relative to the process of petitioning for incorporation; to establish time limits for the submission of a petition to the registrar of voters for certification; to provide that a petition becomes a public record on a certain date; to prohibit annexation during the petitioning process; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 33:1 is hereby amended and reenacted to read as follows:

§1. Petition for incorporation; contents; circulation; required signatures

A. Residents of any unincorporated area with a population in excess of two hundred inhabitants may propose the incorporation of the area as provided in this Subpart. A petition proposing the incorporation of the area shall be prepared and shall contain the following: The secretary of state shall provide a form approved by the attorney general to be used for the petition for an incorporation election. Such form shall be in conformity with the provisions of this Section and R.S. 18:3. All incorporation petitions shall be on an approved form or on a form which contains the same information as required on the approved form and any petition not on such form shall be invalid. The incorporation petition shall include the following information:

(1) A legal description of the area proposed for incorporation, a map of the area proposed for incorporation, and the statement that all lands included in the area constitute a contiguous area. The description shall also include a list of every parish in which the proposed area of incorporation is wholly or partially situated.

(2) A statement of the number of inhabitants residing in the unincorporated area of the proposed incorporation. Such statement shall be based on the latest
federal decennial census or another current population report or count which is 
verifiable.

(3) A statement of the assessed value of the real immovable property located 
in the unincorporated area.

(4) A listing of the public services the municipal corporation proposes to 
render to the area and a plan for the provision of these services.

(5) A statement of the corporate name desired for the new municipality.

(6) The names of two or more chairpersons persons, who shall be designated 
as chairperson and vice chairperson, for the petition for incorporation who shall 
serve as agents for the petitioners in all legal matters, including the receipt of notices. 
Notice will be sufficient if served on any one of the chairpersons: the chairperson or 
vice chairperson. If the chairperson is unable to carry out the duties required in this 
Section, the vice chairperson shall carry out such duties.

B.(1)(a) The signatures of twenty-five percent of the electors residing in the 
area proposed for incorporation shall be required in order to file the petition as 
provided in R.S. 33:2(A):

(b) All electors, whether or not they own land, shall be eligible to sign the 
petition:

(c) The signatures of the electors must reasonably correspond with their 
signatures on file in the office of the registrar of voters:

(d) More than one copy of the petition may be circulated and signatures of 
electors on any copy of the petition shall be counted as part of the required twenty-
five percent:

(2) Any elector may withdraw his name from the petition by filing a signed 
statement of withdrawal with the registrar of voters at any time before the registrar 
of voters certifies that twenty-five percent of the electors residing in the area 
proposed for incorporation have signed the petition as provided by R.S. 33:2(C).

B.(1)(a) Prior to entering any signatures, the chairperson shall file a copy of 
the incorporation petition with the secretary of state who shall endorse thereon the 
fact and date of filing. The copy of the incorporation petition shall be deemed filed
as of the date of endorsement by the secretary of state. The secretary of state shall notify the chairperson of the endorsement date within ten business days, by certified mail, return receipt requested. No signatures for incorporation shall be collected until the chairperson receives notice of the endorsement date.

(b) The secretary of state shall immediately transmit, by mail or electronically, a copy of the filed petition to the registrar of voters for each parish in which the proposed incorporated area is situated. Within ten business days after the date of the endorsement, the registrar of voters for each parish in which the proposed incorporated area is situated shall transmit to the chairperson and the secretary of state, by mail or electronically, a notice of the number of electors residing within the area proposed for incorporation as of the date the notice is sent to the chairperson and the secretary of state.

(c) No copy of an incorporation petition shall be filed with the secretary of state within a period beginning thirteen days prior to the date of any election through ten days after the date of that election.

C.(1) The signatures of twenty-five percent of the electors residing in the area proposed for incorporation shall be required in order to file the signed petition as provided in R.S. 33:2(A).

(2) The chairperson shall submit the signed and dated petition for certification to the registrar of voters for each parish in which the proposed incorporated area is situated. However, not less than fourteen days prior to submitting the signed and dated petition for certification, the chairperson shall provide written notice by certified mail, return receipt requested, or by hand delivery receipted on a return receipt request form to the registrar of voters for each parish of his intention to submit the petition for certification. The chairperson shall submit the signed and dated petition for certification not later than:

(a) One hundred and eighty days after the date on which he receives notice of the date of endorsement by the secretary of state, if fewer than ten thousand qualified electors reside within the area proposed for incorporation.
(b) Two hundred and seventy days after the date on which he receives notice of the date of endorsement by the secretary of state, if ten thousand or more qualified electors reside within the area proposed for incorporation.

(3)(a) The chairperson shall attach to the signed and dated petition an affidavit attesting to the fact that no signatures were obtained prior to the receipt of notice of the endorsement date.

(b) If the chairperson fails to submit the affidavit and the signed and dated petition within the time period specified in this Subsection, the registrar of voters shall not review the petition to determine whether it contains the required signatures as provided in R.S. 33:2, and no copy of a petition for incorporation that proposes to incorporate the same area shall be filed with the secretary of state for at least sixty days.

D.(1) The handwritten signatures of the electors must reasonably correspond with their signatures on file in the office of the registrar of voters. All electors residing in the area proposed for incorporation shall be eligible to sign the petition. More than one copy of the petition may be circulated but the signature of an elector shall be counted only one time in the calculation of the twenty-five percent required by R.S. 33:2.

(2) Prior to certification of a signed and dated petition as provided in R.S. 33:2(C) but not more than five days after a signed and dated petition is submitted for certification pursuant to Subsection C of this Section, whichever is earlier, the registrar of voters shall honor the written request of any elector who desires to have his handwritten signature either stricken from or added to the signed and dated petition. The written request of the elector shall include the name and address of the elector, the date of birth of the elector, the signature of the elector, and the date of the request.

E.(1) A signed and dated petition, including an elector's name, address, and signature, shall be a public record as of the date that written notice is given by the chairperson pursuant to Subsection C of this Section. However, the elector's day and month of birth shall be redacted or not disclosed as provided in R.S. 18:154. The
written request of the elector to have his signature stricken from or added to a petition pursuant to Paragraph(D)(2) of this Section shall also be a public record, except for the elector's day and month of birth as provided in R.S. 18:154.

(2)(a) Prior to submitting a signed and dated petition to the registrar of voters pursuant to Subsection C of this Section, the chairperson shall be the custodian of any such petition.

(b) Upon receipt of a signed and dated petition submitted by the chairperson pursuant to Subsection C of this Section, the registrar of voters shall be the custodian of the petition.

(c) The petition and the custodian of the petition shall be subject to all the provisions of R.S. 44:31 et seq.

F. If the final day for any action required in this Section falls on a Saturday, Sunday, or legal holiday, the deadline shall be on the next day which is not a Saturday, Sunday, or legal holiday.

G. Notwithstanding any provision of law to the contrary, during the time period granted to a chairperson to submit a petition for certification pursuant to Subsection C of this Section, no municipality shall annex any area included within an area proposed for incorporation as described in a petition which has been filed with the secretary of state. Any annexation in violation of this Subsection shall be null and void ab initio.