

ACT No. 410

2015 Regular Session

HOUSE BILL NO. 591

BY REPRESENTATIVE BROADWATER

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AN ACT

To amend and reenact 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) through (4) and (6), 501, 502, 503(A)(1), 1256, and 1280.22(C), relative to elections; to provide for election dates for certain elections; to provide for qualifying for certain elections; to provide for the opening of the qualifying period for certain elections; to provide for the close of the qualifying period for certain elections; to provide relative to withdrawal by a candidate; to provide procedures and requirements for withdrawal; to provide for the effect of a withdrawal; to provide relative to the powers, duties, and responsibilities of the secretary of state relative to a withdrawal; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. 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) through (4) and (6), 501, 502, 503(A)(1), 1256, and 1280.22(C) are hereby amended and reenacted to read as follows:

§402. Dates of primary and general elections

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

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

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

* * *

C. Municipal and ward elections. In all municipalities with a population of less than three hundred thousand, elections for municipal and ward officers who are

1 not elected at the same time as the governor or members of congress shall be held
 2 every four years.

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

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

13 D. Parochial and municipal elections in a parish containing a municipality
 14 with a population of three hundred thousand or more. Elections for parochial and
 15 municipal officers in a parish containing a municipality with a population of three
 16 hundred thousand or more shall be held every four years, beginning in 2017, as
 17 follows:

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

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

23 E. Special elections to fill newly created office or vacancy in office. An
 24 election to fill a newly created office or vacancy in an existing office, except the
 25 office of representative in congress, shall be held on the dates fixed by the
 26 appropriate authority in the proclamation ordering a special election as follows:

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

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

4 * * *

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

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

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

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

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

20 * * *

21 (c) The ~~fourth~~ fifth Saturday after the ~~first last~~ Saturday in ~~April~~ March of
22 any year unless the primary election is held on the first Saturday in March; in such
23 case, the general election shall be held on the ~~fourth~~ fifth Saturday after the first
24 Saturday ~~after the first Tuesday~~ in March; ~~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 three hundred thousand or more.~~

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

29 (e) The ~~fourth~~ fifth Saturday after the ~~third~~ second Saturday in October in a
30 parish containing a municipality with a population of three hundred thousand or

1 more, when the special primary election in such parish and municipality is held on
2 the ~~third~~ second Saturday in October of an election year for parish and municipal
3 officers.

4 * * *

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

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

11 * * *

12 (3) The ~~first~~ last Saturday in ~~April~~ March or the ~~fourth~~ fifth Saturday after
13 the ~~first~~ last Saturday in ~~April~~ March of any year or on the first Saturday in March
14 or the ~~fourth~~ fifth Saturday after the first Saturday in March during the presidential
15 election year; ~~however, commencing in 1994 and every fourth year thereafter, the~~
16 ~~first Saturday in April shall not be applicable in a parish containing a municipality~~
17 ~~with a population of three hundred thousand or more.~~

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

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

23 * * *

24 §467. Opening of qualifying period

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

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

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

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

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

16 * * *

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

20 * * *

21 §501. Procedure for withdrawal

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

28 (2)(a) The secretary of state shall not accept a notice of withdrawal that does
29 not satisfy the requirements of Paragraph (1) of this Subsection. The secretary of
30 state shall endorse the date and time of receipt of such a notice of withdrawal and

1 return the notice forthwith, either personally or by registered or certified mail, to the
 2 candidate. The provisions of this Subparagraph shall not apply to a notice of
 3 withdrawal filed pursuant to a court order as provided in R.S. 18:494(B).

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

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

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

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

23 §502. Effect of withdrawal

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

1 §503. Notice of withdrawal and disqualification

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

8 * * *

9 §1256. Withdrawal of candidate

10 A.(1) Any person nominated as a candidate may withdraw his candidacy by
11 written statement of withdrawal made, signed, and acknowledged before an officer
12 qualified to administer oaths. The original of the statement shall be filed prior to
13 4:30 p.m. on the seventh day after the close of the qualifying period with the
14 secretary of state, who shall note thereon the date it was filed.

15 (2) The secretary of state shall not accept a statement of withdrawal that does
16 not satisfy the requirements of Paragraph (1) of this Subsection. The secretary of
17 state shall endorse the date and time of receipt of such a notice of withdrawal and
18 return the notice forthwith, either personally or by registered or certified mail.

19 B. ~~The~~ A statement of withdrawal filed in accordance with the provisions of
20 Paragraph (A)(1) of this Section shall become effective on the date of the filing.
21 ~~Once filed as herein provided, a statement of withdrawal shall not be returned to the~~
22 ~~person withdrawing.~~ The effect of ~~his~~ the withdrawal shall be as provided in R.S.
23 18:502.

24 * * *

25 §1280.22. Candidates; procedure for qualifying

26 * * *

27 C.(1)(a) Any person who qualifies as a candidate for presidential nominee
28 may withdraw his candidacy by filing a notice of his withdrawal; that is signed by
29 the candidate; and duly acknowledged before an officer authorized to administer
30 oaths. The notice of withdrawal shall be filed prior to 4:30 p.m. on the seventh day

1 after the close of the qualifying period with the secretary of state, who shall note
2 thereon the date it was filed.

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

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

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

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____