

Regular Session, 2011

SENATE BILL NO. 108

BY SENATOR RISER

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

ELECTION DAYS. Provides that local tax elections can be held only at the same time as statewide or congressional elections. (gov sig)

1 AN ACT

2 To amend and reenact R.S. 18:402(F), relative to the Louisiana Election Code; to provide
3 that local tax elections can only be held at the same time as statewide and
4 congressional primary elections; to provide a limitation on the number of emergency
5 tax elections that can be held; and to provide for related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. R.S. 18:402(F) is hereby amended and reenacted to read as follows:

8 §402. Dates of primary and general elections

9 * * *

10 F. Bond, tax, or other elections. Every ~~bond, tax, or~~ **bond or tax election**
11 **shall be held only on the same date as a primary election for statewide or**
12 **congressional office, excluding any date on which a special election is held to fill**
13 **a vacancy in a statewide or congressional office. Any** other election at which a
14 proposition or question is to be submitted to the voters shall be held only on one of
15 the following dates:

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

1 (2) The first Saturday in October or the first Tuesday after the first Monday
2 in November of even-numbered years.

3 (3) The first Saturday in April or the fourth Saturday after the first Saturday
4 in April of any year or on the second or third Saturday in February or fourth Saturday
5 after the second or third Saturday in February, as the case may be, during the
6 presidential election year, if the statewide presidential preference primary election
7 is scheduled on the second or third Saturday in February of the presidential election
8 year; however, commencing in 1994 and every fourth year thereafter, the first
9 Saturday in April shall not be applicable in a parish containing a municipality with
10 a population of four hundred seventy-five thousand or more.

11 (4) The third Saturday in October or the fourth Saturday after the third
12 Saturday in October of 1985 and every fourth year thereafter.

13 (5) Repealed by Acts 2008, No. 134, §1, eff. August 15, 2008.

14 (6) For a parish containing a municipality with a population of four hundred
15 seventy-five thousand or more, the first Saturday in February or the fourth Saturday
16 after the first Saturday in February in 1986 and every fourth year thereafter.

17 (7) In case of an emergency, upon application to and approval by the State
18 Bond Commission by two-thirds vote of its total membership, and with approval of
19 the governor, the governing authority of a parish, of a municipality, or of a parish or
20 city school board may conduct a bond or tax election on a Saturday which is not
21 provided for in this Subsection. **However, the taxing authority is limited to**
22 **holding one emergency bond or tax election per calendar year.**

23 * * *

24 Section 2. This Act shall become effective upon signature by the governor or, if not
25 signed by the governor, upon expiration of the time for bills to become law without signature
26 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If
27 vetoed by the governor and subsequently approved by the legislature, this Act shall become
28 effective on the day following such approval.

The original instrument and the following digest, which constitutes no part of the legislative instrument, were prepared by Alden A. Clement, Jr.

DIGEST

Present law provides that every bond, tax, or other election at which a proposition or question is to be submitted to the voters must be held on one of the following dates:

- (1) The second to last Saturday in October or the fourth Saturday after the second to last Saturday in October of 1983 and every fourth year thereafter.
- (2) The first Saturday in October or the first Tuesday after the first Monday in November of even-numbered years.
- (3) The first Saturday in April or the fourth Saturday after the first Saturday in April of any year or on the second or third Saturday in February or fourth Saturday after the second or third Saturday in February, as the case may be, during the presidential election year, if the statewide presidential preference primary election is scheduled on the second or third Saturday in February of the presidential election year; however, commencing in 1994 and every fourth year thereafter, the first Saturday in April shall not be applicable in a parish containing a municipality with a population of 475,000 or more.
- (4) The third Saturday in October or the fourth Saturday after the third Saturday in October of 1985 and every fourth year thereafter.
- (5) For a parish containing a municipality with a population of 475,000 or more, the first Saturday in February or the fourth Saturday after the first Saturday in February in 1986 and every fourth year thereafter.

Proposed law deletes the applicability of present law to bond and tax elections, and further provides that every bond or tax election must be held on the same date as a primary election for statewide or congressional office, excluding any date on which a special election is held to fill a vacancy in a statewide or congressional office.

Proposed law otherwise retains present law.

Present law provides that in case of an emergency, upon application to and approval by the State Bond Commission by two-thirds vote of its total membership, and with approval of the governor, the governing authority of a parish, of a municipality, or of a parish or city school board may conduct a bond or tax election on a Saturday that is not otherwise provided for in present law.

Proposed law retains present law and adds that the taxing authority is limited to holding one emergency bond or tax election per calendar year.

Effective upon signature of the governor or lapse of time for gubernatorial action.

(Amends R.S. 18:402(F))