





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

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

9 \* \* \*

10 (b) The first ~~Tuesday after the first Monday in November~~ Saturday in  
11 October, when the special general election is held on the ~~fifth Saturday after the first~~  
12 Tuesday after the first Monday in November.

13 \* \* \*

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

15 \* \* \*

16 (b) The ~~fifth Saturday after the~~ first Tuesday after the first Monday in  
17 November of even-numbered years.

18 \* \* \*

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

22 \* \* \*

23 (2) The first ~~Tuesday after the first Monday in November~~ Saturday in  
24 October or the ~~fifth Saturday after the~~ first Tuesday after the first Monday in  
25 November of even-numbered years.

26 \* \* \*

27 §467. Opening of qualifying period

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

29 \* \* \*

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~~ first Wednesday in  
3 August of the year of the election.

4 \* \* \*

5 §481. Candidates who qualify for a general election

6 ~~The~~ Except for candidates for United States senator or representative in  
7 congress, the candidates who qualify for each office remaining to be filled in the  
8 general election are those who received the two highest numbers of votes, the four  
9 highest number of votes, and so on among those not elected in the primary election,  
10 until the maximum number of candidates for each office on the general election  
11 ballot is reached.

12 \* \* \*

13 §511. Election of candidates in a primary election; ~~exception, congressional~~  
14 candidates

15 A. Majority vote. A candidate other than a candidate for United States  
16 senator or representative in congress who receives a majority of the votes cast for an  
17 office in a primary election is elected. If there are two or more offices of the same  
18 character to be filled, the number of votes necessary to constitute a majority shall be  
19 greater than the result obtained by dividing the total votes cast for all of the  
20 candidates by the number of offices to be filled and dividing the result so obtained  
21 by two. If more candidates receive a majority than there are offices to be filled,  
22 those of such candidates receiving the highest total of votes shall be elected, to the  
23 number required to fill all of the offices. Any votes received by a withdrawn  
24 candidate or a deceased candidate shall be void and shall not be counted for any  
25 purpose whatsoever.

26 B. Election of unopposed candidates for public office. If, after the close of  
27 the qualifying period for candidates in a primary election, other than a primary  
28 election for United States senator or representative in congress, the number of  
29 candidates for a public office does not exceed the number of persons to be elected

1 to the office, the candidates for that office, or those remaining after the withdrawal  
2 of one or more candidates, are declared elected by the people, and their names shall  
3 not appear on the ballot in either the primary or the general election.

4 \* \* \*

5 §1272. United States senators; representatives in congress; time of electing

6 A. All primary and general elections for representatives in congress shall be  
7 ~~held on the fifth Saturday after the first Tuesday after the first Monday in November~~  
8 ~~in even-numbered years. The primary election shall be held on the first Tuesday~~  
9 ~~after the first Monday in November of an election year~~ as provided in R.S.  
10 18:402(B).

11 \* \* \*

12 §1275.1. Purpose and nature of congressional primary and general elections

13 A. Nature of primary elections. All recognized political parties shall make  
14 all nominations of candidates for United States senator or representative in congress  
15 by direct primary elections held under the provisions of this Part and applicable  
16 general election law. In congressional primary elections, each qualified voter of this  
17 state may vote only on the candidates for public office who are affiliated with the  
18 same political party with which the voter is affiliated. In congressional primary  
19 elections, each qualified voter of this state who is not affiliated with a recognized  
20 political party may choose to vote in a recognized political party's primary elections,  
21 unless the state central committee of such political party in its rules and regulations  
22 prohibits unaffiliated voters from participating in its primary elections. If a  
23 recognized political party prohibits unaffiliated voters from participating in its  
24 primary elections, the state central committee of such party shall give written notice  
25 to the secretary of state of such prohibition, including a copy of the rules and  
26 regulations containing such prohibition, no later than January first of the year in  
27 which regularly scheduled congressional elections are to be held, or no later than the  
28 forty-sixth day prior to a special primary election. The notice, once filed with the  
29 secretary of state, shall be effective until the recognized political party notifies the

1 secretary of state in writing of a change. Any such notice of a change shall be filed  
2 with the secretary of state no later than January first of the year in which regularly  
3 scheduled congressional elections are to be held, or no later than the forty-sixth day  
4 prior to a special primary election. Should more than one political party not prohibit  
5 nonaffiliated voters to participate in the primary, the participating voter shall select  
6 only one party ballot to vote on in the primary election.

7 B. Nature of congressional general elections. Each qualified voter of this  
8 state may vote on candidates for United States senator and representative in congress  
9 in general elections without regard to the voter's party affiliation or lack thereof, and  
10 all candidates for such offices who qualify for a general election may be voted on  
11 without regard to the candidates' party affiliation or lack thereof.

12 C. The provisions of this Code shall govern any matter related to  
13 congressional elections not otherwise specifically provided for in this Part.

14 §1275.3. Manner of qualifying for the primary election

15 A. A person who desires to become a candidate in the primary election shall  
16 qualify as provided in Part IV of Chapter 5 of this Code except as otherwise provided  
17 in this Section.

18 B. Party affiliation required. A person who desires to become a candidate  
19 in the primary election must be affiliated with a recognized political party. A person  
20 may qualify as a candidate only in the primary election of the party with which he  
21 is affiliated as shown on his voter registration.

22 C. Qualifying official. Candidates shall qualify for the primary election with  
23 the secretary of state or a person in his office designated to receive qualifying papers.

24 D. Notice of candidacy. (1) A notice of candidacy shall be in writing and  
25 shall state the candidate's name, the office he seeks, the address of his domicile, the  
26 parish, ward, and precinct where he is registered to vote, and the political party with  
27 which he is registered as being affiliated.

1           (2) A notice of candidacy, accompanied either by the qualifying fee or by a  
2           nominating petition, is filed timely only if received by the secretary of state during  
3           the qualifying period for candidates in the primary election.

4           E. Nominating petition. (1) A nominating petition shall be filed with the  
5           official with whom the candidate qualifies and shall accompany the notice of  
6           candidacy.

7           (2) A person may only be nominated as a candidate in the primary election  
8           by persons within the same political party who are registered to vote on the office he  
9           seeks who sign a nominating petition for him no more than one hundred twenty days  
10          before the qualifying period opens for candidates in the primary election. In addition  
11          to his signature, each voter who signs a nominating petition shall date his signature  
12          and shall provide the ward and precinct in which he is registered to vote, his  
13          residence address, including the municipal number, the apartment number, if any, the  
14          rural route and box number, or any other physical description that will identify his  
15          actual place of residence and his political party affiliation. Once a voter has signed  
16          a nominating petition, he may not withdraw the nomination. The secretary of state  
17          shall prepare forms which may be used by any person who seeks to be nominated by  
18          nominating petition as a candidate for United States senator or representative in  
19          congress. The secretary of state shall furnish copies of the forms to each clerk of  
20          court, and the forms shall be available, upon request, at the office of the secretary of  
21          state or at the office of the clerk of court. Nothing in this Subsection shall be  
22          construed to require nominating petitions to be filed only on forms prepared by the  
23          secretary of state.

24          (3) The registrar for each parish shall endorse upon the nominating petitions,  
25          whether original or supplemental, the date and time of submission and shall promptly  
26          certify the nominating petitions, in the order received, by determining and certifying  
27          on each nominating petition which of the signers who provided a residence address  
28          in the parish signed the nominating petition timely, are registered with the same  
29          political party as the candidate, and are entitled to vote on the office the candidate

1 seeks. A supplemental nominating petition shall be certified in the order in which  
2 it is received, without regard to the time when the original nominating petition for  
3 that candidate was submitted. A registrar may stop certifying the signatures on a  
4 nominating petition when the total number of the signers he has certified as having  
5 signed the petition timely, as being registered to vote on the office the candidate  
6 seeks, and as affiliated with the candidate's political party equals one hundred fifteen  
7 percent of the number of qualified voters required to nominate the candidate for the  
8 office he seeks. A registrar's certification shall be conclusive as to the number of  
9 qualified voters who timely signed a nominating petition, and evidence to the  
10 contrary shall not be admitted in an action objecting to the candidacy of the  
11 candidate who filed the nominating petition.

12 §1275.5. Reopening of qualifying period; effect

13 A. When a person who qualified as a candidate in the primary election for  
14 the office of senator or representative in congress dies after the close of the  
15 qualifying period and before the time for closing the polls on the day of the general  
16 election, the qualifying period for candidates in the primary election for that office  
17 shall reopen for the party of the candidate who died on the day after the death and  
18 shall close at 5:00 p.m. on the third day after the death or, if that day is a legal  
19 holiday, at 5:00 p.m. on the next day which is not a legal holiday. The name of the  
20 deceased candidate shall not be printed on the primary election ballot. If the primary  
21 election ballot was printed with the deceased candidate's name on it, any votes  
22 received by the deceased candidate shall be void and shall not be counted for any  
23 purpose whatsoever.

24 B. When, at the close of the qualifying period, no candidate has qualified for  
25 an office, the qualifying period shall be reopened, but only for the office for which  
26 no candidates qualified, on the first Wednesday after the close of the qualifying  
27 period and shall close at 5:00 p.m. on the Friday thereafter or, if that day is a legal  
28 holiday, at 5:00 p.m. on the next day which is not a legal holiday.

1           C. Whenever the qualifying period is reopened as required by Subsections  
2           A or B of this Section, the secretary of state shall cause notice of the reopening,  
3           listing the dates and times the period shall run, to be published in the official journal  
4           of the state.

5           D. Effect on primary election. (1) If the qualifying period for candidates  
6           reopens for any recognized political party within thirty days before a primary  
7           election, all the votes cast in the primary election for that public office shall be void,  
8           unless the qualifying period for the office reopened and closed without additional  
9           candidates qualifying for the office. If additional candidates qualify for the office  
10           and the votes for the primary will be void for that reason, the secretary of state shall  
11           immediately publish in the official journal of the state a notice to the electorate that  
12           the election for that office has been voided because new candidates qualified. Such  
13           notice shall include the dates for the rescheduled primary and general elections.

14           (2) If all the votes cast in a primary election for a public office are void  
15           because of the death of a candidate, the primary election for the office shall be held  
16           on the date of the general election, and the general election for the office shall be  
17           held on the fifth Saturday after the primary election.

18           §1275.7. Nomination of candidates in a primary election; general election;  
19           unopposed candidate

20           A. If, after the close of the qualifying period for candidates in a primary  
21           election, only one candidate qualifies for nomination by a recognized political party  
22           for an office or only one candidate for nomination by a recognized political party for  
23           an office remains after the withdrawal of one or more candidates, such candidate  
24           shall be declared the nominee of the party, and his name shall be on the ballot for the  
25           general election. If the primary election ballot was printed with the name of a  
26           candidate who withdrew on it, any votes received by a candidate who withdrew shall  
27           be void and shall not be counted for any purpose whatsoever.

28           B. If, after the close of the qualifying period for candidates for the public  
29           office of United States senator or representative in congress and, if applicable, after

1 the expiration of the time period for a recognized political party to select a nominee  
2 pursuant to R.S. 18:1275.13(B) only one candidate qualifies for the primary election  
3 or general election or only one candidate remains after the withdrawal of one or more  
4 candidates, such candidate shall be declared elected by the people at the close of the  
5 polls on the day of the general election, and his name shall not appear on the ballot  
6 in a primary, if applicable, and such candidate's name shall not appear on the general  
7 election ballot.

8 §1275.9. Qualifications of voters

9 All persons who have registered to vote in this state prior to the time the  
10 registration records are closed as required in R.S. 18:135 may vote in congressional  
11 primary elections as provided in R.S. 18:1275.1.

12 §1275.11. Prerequisites to voting

13 The provisions of R.S. 18:562 shall be applicable to all congressional primary  
14 elections and congressional general elections. Additionally, any person who desires  
15 to vote in any primary election shall also give his party affiliation, if any, to a  
16 commissioner, who shall announce the applicant's name, address, and party  
17 affiliation, if any, to the persons at the polling place.

18 §1275.13. Effect of tie vote, withdrawal or death of a candidate

19 A. If one or more of the persons who qualified for the primary election  
20 withdraws his candidacy, dies, or is otherwise disqualified, thereby leaving only one  
21 candidate from the same political party in the race, the remaining candidate shall be  
22 declared the nominee of the party.

23 B.(1) The state central committee of a recognized political party may provide  
24 for the selection of a nominee in either of the following situations:

25 (a) When a candidate withdraws after the close of the qualifying period and  
26 before the time for closing the polls on the day of the primary election, thereby  
27 leaving the recognized political party with no nominee.

28 (b) When a candidate dies before the time for closing the polls on the day of  
29 the primary election, thereby leaving the recognized political party with no nominee.

1           (2) The state central committee shall provide a notarized notice of the  
2           selection of such nominee to the secretary of state, which notice shall be delivered  
3           to the secretary of state within ten days of the death or withdrawal or by 4:30 p.m.  
4           on the third calendar day after the primary election, whichever occurs first.

5           C. There shall be no second primary. In the case of a tie vote in the primary,  
6           the party's nominee for the general election shall be selected by a public drawing of  
7           lots conducted by the secretary of state.

8           §1275.15. Candidates who qualify for a general election

9           All nominations by recognized political parties for the general election shall  
10          be in accordance with the provisions relative to primary elections. The candidate  
11          from a recognized political party who receives the highest number of votes cast in  
12          the primary shall be the party nominee and qualify for the general election. If there  
13          is only one candidate remaining after the death or withdrawal of a candidate after the  
14          primary, the remaining candidate from the recognized political party shall be the  
15          party nominee and qualify for the general election. A nominee selected in  
16          accordance with R.S. 18:1275.13(B) or (C) shall qualify for the general election.

17          §1275.17. Number of candidates who may qualify for a general election

18          The number of candidates for an office who may qualify for the general  
19          election by party nomination is one candidate from each recognized political party.

20          §1275.19. Candidates not affiliated with a recognized political party; qualifying for  
21          the general election

22          A. Any person desiring to become a candidate in a general election who is  
23          not registered as being affiliated with a recognized political party shall file his notice  
24          of candidacy which shall be accompanied by either a ballot access petition or by the  
25          qualifying fee required for state candidates as provided in R.S. 18:464. The number  
26          of signatures required on a ballot access petition shall be the same as the number  
27          required for candidates seeking nomination by a nominating petition for the same  
28          office in the primary election.

1           B. The ballot access petition shall comply with all of the requirements of this  
2           Code relative to nominating petitions except as otherwise specifically provided for  
3           in this Part. No person affiliated with a recognized political party shall be eligible  
4           to sign a ballot access petition.

5           C. The notice of candidacy shall comply with all of the requirements of this  
6           Code relative to notice of candidacy except as otherwise specifically provided for in  
7           this Part.

8           D. The time of qualifying and the official with whom a candidate qualifies  
9           shall be in accordance with all of the provisions of this Code relative to qualifying  
10          for a primary election except as otherwise specifically provided for in this Part.

11          §1275.21. Objecting to candidacy of person not affiliated with a recognized political  
12          party

13          The provisions of this Code relative to objections to candidacy for candidates  
14          in a primary election shall apply to an action objecting to candidacy of a person who  
15          qualified pursuant to R.S. 18:1275.19 in the same manner as if the person had  
16          qualified for the primary election.

17          §1275.23. Ballots

18           A. Preparation. The secretary of state shall prepare and certify the absentee  
19           ballots and the ballots to be used on the voting machines in the primary and general  
20           elections in the manner provided in R.S. 18:551 except as provided in this Section.

21           B. Names and numbers of candidates. The names of the candidates in any  
22           primary or general election shall be printed on the ballot as follows:

23           (1) In any primary election only the names of candidates who qualified for  
24           election and were not subsequently disqualified by a judgment rendered in an action  
25           objecting to candidacy or who were not unopposed shall be printed on the ballot.  
26           The name of each candidate shall be printed on the ballot in the form designated by  
27           the candidate in his notice of candidacy on file with the secretary of state. The  
28           parties shall be arranged alphabetically, and under such party affiliation, the names  
29           of the candidates for each office shall be listed alphabetically by surname within

1        each party and printed below the title of the office and below the respective party  
2        designation, in smaller capital letters. The names of the candidates shall be  
3        numbered from first to last. Once the secretary of state has assigned numbers to the  
4        candidates on the primary election ballot, the numbers shall not be changed. If the  
5        qualifying period reopens because of the death of a candidate, additional candidates  
6        who qualify for the primary election shall be given the numbers following the  
7        number assigned to the last candidate on the ballot. If two or more candidates have  
8        the same surname, the word "Incumbent" shall be printed after the name of each  
9        candidate having the same surname who is an incumbent and the residence address  
10       shall be printed after the name of each candidate having the same surname who is not  
11       an incumbent.

12                (2) In a general election, only the names of the candidates who qualified for  
13        election and who were not subsequently disqualified by a judgment rendered in an  
14        action objecting to candidacy shall be printed on the ballot, and the names shall be  
15        printed in the same form as they were printed on the ballot for the primary election.  
16        The names of candidates who qualified pursuant to R.S. 18:1275.19 shall be as they  
17        appear on the notice of candidacy. The names of the candidates for each office shall  
18        be arranged alphabetically by surname, and shall be listed below the title of the  
19        office, in smaller capital letters. The political party designation of a candidate shall  
20        be listed on the ballot as provided in R.S. 18:551(D). The names of the candidates  
21        shall be given the same number assigned to them on the primary election ballot.  
22        Additional candidates who qualify who were not on the primary election ballot shall  
23        be given the numbers following the number assigned to the last candidate on the  
24        ballot for the primary election.

\* \* \*

§1355. Construction and equipment of machines; requirements

27                Each voting machine used in an election shall be so constructed and equipped  
28        as to:

\* \* \*



voters from participating in its primary elections. Provides that if a recognized political party prohibits unaffiliated voters from participating in its primary election, the state central committee of such party shall give written notice to the secretary of state of such prohibition, including a copy of the rules and regulations containing such prohibition, no later than Jan. first of the year in which regularly scheduled congressional elections are to held and no later than 46 days prior to a special primary election.

Proposed law provides that all qualified voters may vote on candidates for public office in general elections without regard to the voter's party affiliation or lack thereof, and all candidates for public office who qualify for a general election may be voted on without regard to the candidate's party affiliation or lack thereof. (Note: As provided in present law (R.S. 18:512) for a general election, the candidate with the most votes is elected.)

- (2) Present law provides that the congressional primary election for members of congress and officers elected at the same time as members of congress shall be on the first Tuesday after the first Monday in November and that the congressional general election shall be held on the fifth Saturday after the first Tuesday after the first Monday in November of each even- numbered year. Proposed law provides that the congressional primary election shall be on the first Saturday in October and the congressional general election shall be the first Tuesday after the first Monday in November of each even-numbered year and makes the same change relative to available dates for special elections and bond, tax, or other elections.
- (3) Present law provides that the qualifying period for candidates in a congressional primary election and any special primary election held at the same time opens on the third Wednesday in August of the year of the election. Proposed law changes the opening of the qualifying period to the first Wednesday in August.
- (4) Proposed law provides that a candidate in a congressional primary election shall be affiliated with a recognized political party and may qualify as a candidate only in the party primary of the party with which he is affiliated as shown on his voter registration.
- (8) Proposed law provides that the manner of qualifying for the primary election is the same as provided in present law except candidates shall qualify for the primary election with the secretary of state or a person in his office designated to receive qualifying papers and the notice of candidacy shall be in writing and shall state the candidate's name, the office he seeks, the address of his domicile, the parish, ward, and precinct where he is registered to vote, and the political party with which he is registered as being affiliated. Provides that the notice of candidacy shall be accompanied either by the qualifying fee or by a nominating petition and is filed timely only if received by the secretary of state during the qualifying period for candidates in the primary election. Requires designation of party affiliation for signers of a nominating petition for a candidate and provides that only persons in the same party as the candidate are eligible to sign the nominating petition. Provides procedures for the form and certifications of the petitions.
- (9) Proposed law provides that when qualifying is reopened due to the death of a congressional candidate in a primary election, the qualifying shall be open only for the party of the candidate who died. Specifies the time for such reopening. Further provides for rescheduling of the primary and general election in such cases.
- (10) Proposed law provides that if after the close of qualifying, the number of persons to be nominated by a recognized political party for a congressional office does not exceed the number of persons to be nominated by that party, those persons are declared nominated and their names shall appear on the general election ballot.

- Provides for the election of an unopposed candidate by declaring such candidate elected by the people at the close of polls on the day of the general election and specifies that his name shall not appear on any ballot.
- (11) Proposed law provides that in the case of a tie vote in the party primary the party's nominee for the general election shall be selected by public drawing of lots conducted by the secretary of state.
- (12) Proposed law provides that if one of the congressional candidates dies or withdraws before the close of polls on the day of the primary leaving no nominee for the party, the state central committee shall provide for the selection of a nominee of their party and shall notify the secretary of state within 10 days of the death or withdrawal or by 4:30 p.m. on the third calendar day after the primary, whichever occurs first.
- (13) Proposed law provides that a person who is not affiliated with a recognized political party may become a candidate in a general election by filing his notice of candidacy which shall be accompanied by either a ballot access petition or the qualifying fee with the same number of signatures required on a nominating petition for candidates in the primary, in the same manner and during the same time period as is provided for candidates in the primary who are affiliated with a recognized political party. Further provides that a person affiliated with a recognized political party shall not be eligible to sign a ballot access petition.
- (14) Proposed law provides that present law relative to objections to candidacy applies to congressional candidates unaffiliated with a recognized political party who qualify for the general election in the same manner as if the candidate qualified for the primary election.
- (15) Provides that the secretary of state shall prepare the ballots as provided in present law (R.S. 18:551) except that for the primary election ballot the parties shall be arranged alphabetically, and under such party affiliation, the names of the candidates for each office shall be listed alphabetically by surname within each party and printed below the title of the office and below the respective party designation, in smaller capital letters and the names of the candidates shall be numbered from first to last. For the general election, provides that additional candidates who qualify and who were not on the primary election ballot shall be given the numbers following the number assigned to the last candidate on the ballot for the primary election.
- (16) Provides that the prerequisites to voting in the elections are the same as provided in present law (R.S. 18:562), except that a voter shall also give his party affiliation, if any, to the commissioner who shall announce the applicant's name, address, and party affiliation, if any to the persons at the polling place.
- (17) Relative to voting machines, proposed law specifies that they be constructed and equipped, when used in a congressional primary election or primary election at which members of a political party committee are to be voted on, to allow election officials to lock out all candidate counters except those of the party with which the voter is affiliated or those of the party for which a voter unaffiliated with a recognized political party may vote in accordance with proposed law.

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

(Amends R.S. 18:401, 402(B), (E)(1)(b) and (2)(b), and (F)(2), 467(2), 481, 511(A) and (B), 1272(A), and 1355(6); Adds R.S. 18:1271.1-1271.23)