

Regular Session, 2014

SENATE BILL NO. 271

BY SENATOR MURRAY

JUDGES. Provides relative to vacancy in the office of a judge. (See Act)

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AN ACT

To amend and reenact R.S. 18:621, relative to elections; to provide relative to vacancies in the office of a judge; to provide for the calling of elections; to provide certain terms, conditions, procedures, requirements and effects; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 18:621 is hereby amended and reenacted to read as follows:

§621. Vacancy in office of judge

A.(1) ~~Within twenty-four hours after having knowledge of a vacancy in the office of a judge, including a vacancy by reason of a newly created judgeship, the supreme court shall give written notice to the governor that the vacancy exists, the date on which it occurred, and the cause thereof~~ **The supreme court shall give written notice to the governor and legislature that a vacancy exists in the office of a judge in accordance with the provisions of Article V, Section 22(B) of the Louisiana Constitution. The notice shall include the date on which the vacancy occurred and the cause thereof.**

(2) ~~If more than twelve months of the term remain unexpired, then within ten days after being notified of the vacancy~~ **If the vacancy is a judgeship newly**

1 **created by the legislature or the supreme court determines that the vacancy**
2 **should be filled, then in accordance with the provisions of Article V, Section**
3 **22(B)**, the governor shall determine the dates on which the special elections to fill
4 the vacancy shall be held and the dates of the qualifying period and shall issue his
5 proclamation ordering a special election and specifying the dates on which the
6 primary and general elections will be held and the dates of the qualifying period for
7 the election. However, if the deadline for issuing the proclamation falls on a
8 Saturday, Sunday, or other legal holiday, then the next day which is not a Saturday,
9 Sunday, or legal holiday shall be deemed to be the final day for issuing such
10 proclamation.

11 (3) The governor shall call any special election to fill a newly created
12 judgeship or a vacancy in an existing judgeship in accordance with the dates for
13 elections set forth in R.S. 18:402, if such dates can be utilized to fill a newly created
14 judgeship or fill a vacancy in an existing judgeship within the period of time
15 prescribed in Article V, Section 22(B) of the Louisiana Constitution. In selecting the
16 dates for such special elections, the governor shall first choose a gubernatorial or
17 congressional election date; if no such date is available during the constitutionally
18 prescribed time period, the governor shall then select another election date, as
19 provided for in R.S. 18:402.

20 B. Immediately after issuance of the proclamation, the governor shall publish
21 the proclamation in the official journal of each parish in which the election is to be
22 held. Within twenty-four hours after its issuance, the governor shall send a copy of
23 the proclamation to the secretary of state. Within twenty-four hours after he receives
24 the copy, the secretary of state shall notify all election officials having any duty to
25 perform in connection with a special election to fill such vacancy, including the
26 parish boards of election supervisors for the parish or parishes in which the vacancy
27 occurred.

28 Section 2. This Act shall take effect and become operative if and when the proposed
29 amendment of Article V, Sections 15(D) and 22(B) of the Constitution of Louisiana

1 contained in the Act which originated as Senate Bill No. ___ of this 2014 Regular Session of
2 the Legislature is adopted at the statewide election to be held on November 4, 2014, and
3 becomes effective.

The original instrument and the following digest, which constitutes no part
of the legislative instrument, were prepared by Jerry G. Jones.

DIGEST

Murray (SB 271)

Present law provides procedure for elections to fill a vacancy in the office of a judge.

Present law provides that within 24 hours after having knowledge of a vacancy in the office of a judge, including a vacancy by reason of a newly created judgeship, the supreme court shall give written notice to the governor that the vacancy exists, the date on which it occurred, and the cause thereof.

Proposed law provides that the supreme court shall give written notice to the governor and legislature that a vacancy exists in the office of a judge in accordance with the provisions of Article V, Section 22(B) of the Louisiana Constitution. The notice shall include the date on which the vacancy occurred and the cause thereof.

Present law provides procedures for determining and calling special elections to fill the vacancy. Proposed law retains such procedures if the vacancy is by reason of a newly created judgeship or the supreme court has determined such vacancy should be filled.

(Amends R.S. 18:621)