

2016 Regular Session

ACT No. 376

HOUSE BILL NO. 1147 (Substitute for House Bill No. 125 by Representative Smith)

BY REPRESENTATIVE SMITH

1 AN ACT

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

7 Be it enacted by the Legislature of Louisiana:

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

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

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

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

24 (2) A statement of the number of inhabitants residing in the unincorporated
25 area of the proposed incorporation. Such statement shall be based on the latest

1 federal decennial census or another current population report or count which is
2 verifiable.

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

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

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

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

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

17 ~~(b) All electors, whether or not they own land, shall be eligible to sign the~~
18 ~~petition.~~

19 ~~(c) The signatures of the electors must reasonably correspond with their~~
20 ~~signatures on file in the office of the registrar of voters.~~

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

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

28 B.(1)(a) Prior to entering any signatures, the chairperson shall file a copy of
29 the incorporation petition with the secretary of state who shall endorse thereon the
30 fact and date of filing. The copy of the incorporation petition shall be deemed filed

1 as of the date of endorsement by the secretary of state. The secretary of state shall
2 notify the chairperson of the endorsement date within ten business days, by certified
3 mail, return receipt requested. No signatures for incorporation shall be collected
4 until the chairperson receives notice of the endorsement date.

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

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

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

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

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

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

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

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

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

19 **(2) Prior to certification of a signed and dated petition as provided in R.S.**
20 **33:2(C) but not more than five days after a signed and dated petition is submitted for**
21 **certification pursuant to Subsection C of this Section, whichever is earlier, the**
22 **registrar of voters shall honor the written request of any elector who desires to have**
23 **his handwritten signature either stricken from or added to the signed and dated**
24 **petition. The written request of the elector shall include the name and address of the**
25 **elector, the date of birth of the elector, the signature of the elector, and the date of**
26 **the request.**

27 **E.(1) A signed and dated petition, including an elector's name, address, and**
28 **signature, shall be a public record as of the date that written notice is given by the**
29 **chairperson pursuant to Subsection C of this Section. However, the elector's day and**
30 **month of birth shall be redacted or not disclosed as provided in R.S. 18:154. The**

1 written request of the elector to have his signature stricken from or added to a
2 petition pursuant to Paragraph(D)(2) of this Section shall also be a public record,
3 except for the elector's day and month of birth as provided in R.S. 18:154.

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

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

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

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

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

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____