2018 Regular Session

HOUSE BILL NO. 54

BY REPRESENTATIVE HOLLIS

ELECTIONS/RECALL: Provides relative to recall elections

1   AN ACT

2   To amend and reenact R.S. 18:1300.2(B) and to enact R.S. 18:1300.6, relative to recall

3   elections; to provide for the number of signatures required to call a recall election;

4   to provide for the content of a recall petition; and to provide for related matters.

5   Be it enacted by the Legislature of Louisiana:

6   Section 1. R.S. 18:1300.2(B) is hereby amended and reenacted and R.S. 18:1300.6

7   is hereby enacted to read as follows:

8   §1300.2. Petition for recall election; campaign finance disclosure

9   *   *   *

10   B.(1) All signatures on recall petitions shall be handwritten. ~~This~~

11   (2) The petition shall be signed by a ~~number of the electors of the voting area~~

12   ~~as will in number equal not less than thirty-three and one-third percent of~~ percentage

13   of the total number of ~~the total~~ electors of the voting area wherein and for which a

14   recall election is petitioned~~; however, where fewer than one thousand qualified~~

15   ~~electors reside within the voting area, the petition shall be signed by not less than~~

16   ~~forty percent of said electors~~ as provided in Paragraph (3) of this Subsection.

17   (3)(a) If fewer than one thousand qualified electors reside within the voting

18   area, the petition shall be signed by at least forty percent of the electors.

1   (b) If one thousand or more but fewer than twenty-five thousand qualified

2 electors reside within the voting area, the petition shall be signed by at least thirty-

3 three and one-third percent of the electors.

4   (c) If twenty-five thousand or more but fewer than one hundred thousand

5 qualified electors reside within the voting area, the petition shall be signed by at least

6 twenty-five percent of the electors.

7   (d) If one hundred thousand or more qualified electors reside within the

8 voting area, the petition shall be signed by at least twenty percent of the electors.

9   *   *   *

10 §1300.6. Reason for recall stated in petition

11   The petition shall contain a clear statement of the reason or reasons for the

12 recall.

13   Section 2. This Act shall become effective upon signature by the governor or, if not

14 signed by the governor, upon expiration of the time for bills to become law without signature

15 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If

16 vetoed by the governor and subsequently approved by the legislature, this Act shall become

17 effective on the day following such approval.

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

HB 54 Original   2018 Regular Session   Hollis

Abstract: Requires different percentages of electors, for voting areas of differing sizes, that must sign a recall petition in order to call a recall election.

Present constitution (Art. X, §26) requires the legislature to provide by law for the recall by election of any state, district, parochial, ward, or municipal official except judges of the courts of record.

Present law (R.S. 18:1300.1 et seq.) provides procedures and requirements for recall elections. Requires a petition to be filed with signatures of qualified electors from within the voting area for the office for which the recall election is sought. The petitioner has 180 days to obtain the required number of signatures. The petition must be filed with the registrar of voters for each parish within the voting area. Requires the registrar to certify the number of valid signatures on the petition. If the required number of qualified electors of the voting area sign the recall petition, the governor must order an election to vote on the question of the recall of the official.

CODING: Words in ~~struck through~~ type are deletions from existing law; words underscored are additions.

Present law (R.S. 18:1300.2) provides that the number of signatures required to call a recall election is at least a certain minimum percentage of the number of electors in the voting area for which a recall election is petitioned.

Present law provides that the minimum percentage of electors who must sign the petition is 40% if fewer than 1,000 electors reside in the district.

Proposed law retains present law.

Present law provides that the minimum percentage of electors who must sign the petition is 33-1/3 % if 1,000 or more electors reside in the district.

Proposed law repeals present law. Provides for the following minimum percentages to call a recall election in election districts wherein 1,000 or more electors reside:

(1)   33-1/3% if 1,000 or more but fewer than 25,000 qualified electors reside within the voting area.

(2)   25% if 25,000 or more but fewer than 100,000 qualified electors reside within the voting area.

(3)   20% if 100,000 or more qualified electors reside within the voting area.

Proposed law additionally requires the petition to contain a clear statement of the reason or reasons for the recall.

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

(Amends R.S. 18:1300.2(B); Adds R.S. 18:1300.6)

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