

2024 Regular Session

HOUSE BILL NO. 221

BY REPRESENTATIVE BAYHAM

ELECTIONS/RECALL: Provides relative to recall petitions

1 AN ACT

2 To amend and reenact R.S. 18:3(A), 1300.2(A)(2), (C)(1) and (2), and (D), 1300.3(A) and
3 (B), and 1300.5(B) and R.S. 44:4.1(B)(10), relative to recall petitions; to provide for
4 the form requirements of a recall petition and related documents; to provide for the
5 requirements of the signatures on a recall petition; to provide for the certification of
6 recall petitions; to provide for the duties of the registrar of voters; to provide for the
7 duties of the secretary of state; to provide for the status of a recall petition as a public
8 record; to provide for effectiveness; and to provide for related matters.

9 Be it enacted by the Legislature of Louisiana:

10 Section 1. R.S. 18:3(A), 1300.2(A)(2), (C)(1) and (2), and (D), 1300.3(A) and (B),
11 and 1300.5(B) are hereby amended and reenacted to read as follows:

12 §3. Petitions submitted to registrars of voters

13 A. Notwithstanding any other provision of law to the contrary, every petition
14 submitted to a registrar of voters for certification shall contain the following
15 information:

16 (1) The handwritten signature of the voter who is signing the petition;
17 however, if a person is unable to write, the incapacitated person shall affix his mark
18 to the petition and the person circulating the petition shall affix the name of the
19 incapacitated person provided he does so in the presence of two witnesses who shall
20 also sign their names as witnesses to the mark.

21 (2) The ~~date~~ month, day, and year the voter signed the petition.

22 (3) The signer's ~~ward, precinct, and~~ year of birth.

1 (4) The address at which the signer is registered to vote, including municipal
2 number, apartment number, rural route, and box number.

3 (5) ~~Name~~ The name of the signer either typed or legibly written.

4 (6) ~~Name~~ The printed name of the person who witnessed and who obtained
5 the signature either typed or legibly written.

6 (7) ~~Date~~ The month, day, and year on which the person witnessed and
7 obtained the signature.

8 * * *

9 §1300.2. Petition for recall election; campaign finance disclosure

10 A.

11 * * *

12 (2) The secretary of state shall provide a form approved by the attorney
13 general to be used for the petition for a recall election. Such form shall include pre-
14 printed line numbers and shall be in conformity with ~~the~~ all other provisions of this
15 Chapter and R.S. 18:3. All recall petitions shall be on an approved form or on a form
16 which contains the same information as required by the approved form and any
17 petition not on such a form shall be invalid.

18 * * *

19 C.(1) Prior to the entering of any signatures on a petition, the chairman
20 designated to represent the petitioners shall file with the secretary of state a copy of
21 the recall petition which will be used and copies of a picture identification that
22 contain the name and signature of the chairman and vice chairman, respectively, or
23 copies of current utility bills, bank statements, government checks, paychecks, or
24 other government documents that show the name and address of the chairman and
25 vice chairman, respectively. Upon receipt of the recall petition, the secretary of state
26 shall provide to the chairman and vice chairman, respectively, a document prepared
27 by the secretary of state in conjunction with the Louisiana Registrars of Voters
28 Association, subject to approval as to content by the attorney general, providing
29 general information on petition requirements and deadlines. Upon receipt of the

1 recall petition, the secretary of state shall endorse thereon the fact and the date of
2 filing, and this unsigned copy of the recall petition shall be a public record. A copy
3 shall be transmitted by the secretary of state to the registrar of voters for each parish
4 in which the recall election is to be held. The chairman shall list on the petition
5 every parish that is wholly or partially within the voting area where the recall
6 election is to be held. The petition shall be considered filed when it is received in
7 the office of the secretary of state. Upon receipt of the recall petition, the secretary
8 of state shall produce a report of the number of qualified electors in the voting area
9 wherein the recall election is sought effective on the date of receipt of the recall
10 petition and shall notify the registrar of voters in each parish in the voting area of the
11 number of qualified electors of the voting area in the parish for issuance of the
12 certification.

13 (2)(a) The signed and dated petition shall be submitted to the registrar of
14 voters for each parish within the voting area not later than one hundred eighty days
15 after the day on which the copy of the petition was filed with the secretary of state;
16 however, where fewer than one thousand qualified electors reside within the voting
17 area, the petition shall be submitted to the registrar of voters not later than ninety
18 days after the day on which the copy of the petition is filed with the secretary of
19 state. If the final day for submitting the signed and dated petition falls on a Saturday,
20 Sunday, or legal holiday, the deadline for filing such petition shall be on the next day
21 which is not a Saturday, Sunday, or legal holiday. Upon receipt of the signed and
22 dated petition, the registrar of voters shall affix the date received and a page number
23 to the front of each page of the petition.

24 (b) With the recall petition the chairman shall also submit to the registrar of
25 voters an affidavit verifying the number of signatures submitted along with an
26 attestation that to the best of his knowledge all documents submitted are originals
27 and not photocopies.

28 * * *

1 D. Each elector, at the time of signing the petition, shall enter his address and
 2 the date on which he signed beside or underneath his signature; however, if a person
 3 is unable to write, as provided in R.S. 18:1300.4, the two witnesses shall date their
 4 signatures. In addition, each petition shall be in compliance with the provisions of
 5 R.S. 18:3. In determining the number of qualified electors who signed the petition
 6 in any parish, the registrar of voters shall not count any signature which is ~~undated~~
 7 does not comply with all of the requirements of R.S. 18:3 or bears a date prior to the
 8 date on which the copy of the petition initially was filed with the secretary of state
 9 or after the date of the submission of the petition to the registrar except as otherwise
 10 provided in R.S. 18:1300.3(B). The registrar shall not receive or certify a petition
 11 submitted to him for certification unless it is submitted to him timely.

12 * * *

13 §1300.3. Certification of registrar of voters; addition or withdrawal of signatures;
 14 designation as a public record; form of names

15 A.(1)(a) The registrar of voters of each parish in the voting area wherein a
 16 recall election is sought shall certify on the recall petition, ~~within fifteen working~~
 17 ~~days after it is presented to him for that purpose~~, the number of names appearing
 18 thereon, the number of qualified electors of the voting area within the parish whose
 19 handwritten signatures appear on the petition, and also the total number of electors
 20 of the voting area within the parish as of the date of the filing of the petition with the
 21 secretary of state. Each registrar shall indicate on the petition the names appearing
 22 thereon who are not electors of the voting area. Each person who participates in the
 23 review of the names on the petition for certification by the registrar as required in
 24 this Section shall initial each of those portions of the petition which he reviews for
 25 certification by the registrar.

26 (b) The registrar of voters for each parish in the voting area may request and
 27 accept the assistance of employees of the Department of State and registrars and
 28 deputy registrars of voters from other parishes to complete the certification of the

1 recall petition. Each person offering such assistance shall be considered a deputy
2 registrar of the requesting parish registrar for that purpose only.

3 (2)(a) The registrar of voters shall complete the certification of the recall
4 petition within twenty working days after it is presented to him for that purpose.

5 However, if any parish wholly or partially within the voting area has more than fifty
6 thousand registered voters, the registrar of voters for each parish within the voting
7 area shall complete such certification ~~on the recall petition~~ within ~~twenty~~ thirty
8 working days after it is presented to him for that purpose.

9 (b) If the petition certification deadline occurs during the time period
10 commencing forty-five days before a primary election and ending on the date of the
11 corresponding general election, the registrar of voters for each parish in the voting
12 area is hereby granted an additional ten working days to complete the certification
13 or an additional twenty working days for any parish wholly or partially within the
14 voting area that has more than fifty thousand registered voters. If the final day for
15 the registrar to certify the recall petition falls on a Saturday, Sunday, or legal holiday,
16 then the next day which is not a Saturday, Sunday, or legal holiday shall be deemed
17 to be the final day for certifying the recall petition. ~~Each registrar also shall indicate~~
18 ~~on the petition the names appearing thereon who are not electors of the voting area.~~
19 ~~Each person who participates in the review of the names on the petition for~~
20 ~~certification by the registrar as required in this Section shall initial each of those~~
21 ~~portions of the petition which he reviews for certification by the registrar.~~

22 B.(1) The registrar of voters shall honor the written request of any voter who
23 either desires to have his handwritten signature stricken from the petition or desires
24 to have his handwritten signature added to the petition at any time after receipt of the
25 signed petition as provided in R.S. 18:1300.2(C) but prior to certification of the
26 petition or within five days after receipt of such signed petition, whichever is earlier.
27 If the deadline for removing or adding a signature to the petition falls on a Saturday,
28 Sunday, or legal holiday, then the next day which is not a Saturday, Sunday, or legal
29 holiday shall be deemed to be the deadline for removing or adding a signature to the

1 petition. The written request of the voter shall include the name and address of the
2 voter, the signature of the voter, the date of birth of the voter, and the date.

3 (2) ~~Upon the signature of the voter, the written request of the voter to have~~
4 ~~his signature stricken or added to the recall petition shall be a public record. Any~~
5 ~~person in possession of such a written request shall be the custodian thereof. The~~
6 ~~voter or any other person who is the custodian of the written request~~ designated by
7 the voter shall transmit the written request to the registrar of voters for each parish
8 within the voting area by mail or directly by hand, immediately upon signature of the
9 voter or upon receipt of the signed, written request.

10 (3) The written request of a voter to have his signature stricken from or
11 added to the recall petition shall be a public record at the time the recall petition
12 becomes public record.

13 * * *

14 §1300.5. Chairman and vice chairman designated in petition; petition designated as
15 a public record

16 * * *

17 B. ~~Upon~~ Ninety days following the signature of the first elector, the recall
18 petition, including the name, address, and signature of each elector who has signed
19 thereon, ~~shall be~~ becomes a public record. The chairman, or the vice chairman when
20 acting as the chairman, shall be the custodian thereof. The petition and the custodian
21 shall be subject to all of the provisions of R.S. 44:31 et seq.

22 * * *

23 Section 2. R.S. 44:4.1(B)(10) is hereby amended and reenacted to read as follows:

24 §4.1. Exceptions

25 * * *

26 B. The legislature further recognizes that there exist exceptions, exemptions,
27 and limitations to the laws pertaining to public records throughout the revised
28 statutes and codes of this state. Therefore, the following exceptions, exemptions, and

1 limitations are hereby continued in effect by incorporation into this Chapter by
2 citation:

3 * * *

4 (10) R.S. 18:43, 44, 114, 116, 154, 1300.3, 1300.5, 1308, 1491.5, 1495.3,
5 1511.8

6 * * *

7 Section 3. The provisions of this Act shall become effective on January 1, 2025, and
8 shall apply only to recall petitions filed with the secretary of state on or after January 1,
9 2025. Any petition filed with the secretary of state prior to January 1, 2025, shall be subject
10 to the provisions of R.S. 18:3(A) and Chapter 6-C of Title 18 of the Revised Statutes of 1950
11 as provided immediately prior to the effectiveness of this Act.

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 221 Reengrossed 2024 Regular Session Bayham

Abstract: Provides for the form and substance of a recall petition, provides for the amount of time afforded to the registrar of voters and the use of additional personnel to complete certification of a recall petition, and provides for the public record status of the petition and the signatures thereon.

Present law requires that recall petitions contain certain information, including the date the voter signed the petition, the name of the person who witnessed the signature, and the date on which the witness saw the voter sign the petition.

Proposed law retains present law and further requires inclusion of the month, day, and year the voter signed the petition, the typed or legibly written name of the witness, and the month, day, and year the witness saw the voter sign the petition.

Present law requires recall petitions to include the signer's ward and precinct.

Proposed law repeals present law.

Present law requires the secretary of state to provide a form approved by the attorney general to be used for the petition in a recall election.

Proposed law retains present law and further requires that the form include preprinted line numbers.

Proposed law requires, upon receipt of a recall petition, the secretary of state to provide a document including general information on petition requirements and deadlines to the chairman and vice chairman designated to represent the petitioners. Further requires the

document to be prepared by the secretary of state in conjunction with the La. Registrars of Voters Assoc. and approved by the attorney general.

Proposed law provides that the unsigned petition becomes a public record when filed with the secretary of state.

Proposed law requires the registrar of voters to affix the date received and a page number to the front of each page of a signed and dated recall petition.

Proposed law requires a chairman to submit to the registrar of voters with a recall petition an affidavit verifying the number of signatures submitted along with an attestation that all documents submitted are originals and not photocopies.

Present law prohibits the registrar of voters from counting any signature that is undated. Proposed law additionally prohibits the registrar of voters from counting any signature that does not conform with the additional form requirements provided for in proposed law.

Present law requires each registrar to indicate on the petition the names appearing thereon who are not electors of the voting area. Further provides that each person who participates in the review of the names on the petition for certification by the registrar shall initial each of those portions of the petition which he reviews. Proposed law retains present law.

Present law generally requires a registrar of voters to certify a recall petition within 15 working days after its submission. Further requires the certification to occur within 20 working days if any parish wholly or partially within the voting area has more than 50,000 registered voters.

Proposed law instead requires a registrar of voters to certify a recall petition within 20 working days after its submission, rather than 15. Further requires the certification to occur within 30 working days, rather than 20, if any parish wholly or partially within the voting area has more than 50,000 registered voters.

Proposed law grants a registrar of voters an additional 10 working days to complete the recall petition certification if the deadline would occur during the time period commencing 45 days before a primary election and ending on the date of the corresponding general election. Further grants an additional 20 working days in any parish that is wholly or partially within the voting area and that has more than 50,000 registered voters.

Proposed law authorizes the registrar of voters to request and accept the assistance of employees of the Dept. of State and registrars and deputy registrars of other parishes for the purpose of completing the certification of the recall petition. Provides that persons offering assistance are to be considered deputy registrars for that purpose only.

Present law provides that a recall petition, including the name, address, and signature of each elector who has signed the petition, becomes a public record upon the signature of the first elector.

Proposed law instead provides that the recall petition and the name, address, and signature of each elector who signed the petition becomes a public record 90 days after the signature of the first elector.

Present law allows any voter to make a written request to have his signature stricken from or added to a recall petition within a certain time period after the registrar receives the petition. Provides that a written request to strike or add a name is a public record.

Proposed law retains existing law allowing a voter to request to strike or add his name but makes the request a public record upon the passage of 90 days after the signature of the first elector.

Effective January 1, 2025. Applies only to recall petitions filed with the secretary of state on or after January 1, 2025.

(Amends R.S. 18:3(A), 1300.2(A)(2), (C)(1) and (2), and (D), 1300.3(A) and (B), and 1300.5(B) and R.S. 44:4.1(B)(10))

Summary of Amendments Adopted by House

The House Floor Amendments to the engrossed bill:

1. Provide an effective date.