
DIGEST

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HB 596 Engrossed

2024 Regular Session

Deshotel

Abstract: Provides procedures regarding the method of electing home rule charter commissions.

Present constitution authorizes parishes and municipalities to draft, adopt, or amend a home rule charter. Authorizes the respective governing authority to appoint a commission to prepare and propose a charter or an alternate charter, or to call an election to elect a commission. Requires the governing authority to call an election to elect a commission when presented with a petition signed by not less than 10% of the electors or 10,000 of the electors, whichever is fewer, who live within the boundaries of the affected subdivision, as certified by the registrar of voters.

Proposed law retains present constitution.

Present law requires that a charter commission be elected when the clerk of a municipality or parish is presented with a petition for the election of a home rule charter commission as provided in present constitution.

Proposed law retains present law and additionally provides relative to the contents of the petition presented to the clerk of the municipality or parish. Requires the secretary of state to provide a form approved by the attorney general to be used for the petition. Requires that the petition contain the following for each signer: a written signature, printed first and last name, the printed address at which the signer is registered to vote, and the date of signing. Provides further with respect to the content requirements of the petition, including the number of commissioners to be elected, the number to be elected at large from the municipality or parish, and the number to be elected from each single- or multiple-member district.

Proposed law requires that the petition be submitted to the parish registrar of voters within 180 days of the date of the first signature. Requires the registrar to certify certain information on the petition within 15 working days after it is presented to him, including the number of names on the petition and the number of qualified electors of the municipality or parish whose handwritten signatures appear on the petition. Provides that the registrar's certification of the petition creates a legal presumption that the petition meets the requirements of present and proposed law.

Proposed law provides that any qualified elector of the municipality or parish may challenge the registrar's certification or failure to certify by filing a suit in the district court of the parish in which the registrar of voters serves. Requires that the suit be filed within 15 days of the registrar's certification or failure to certify within the time limit established by proposed law. Further requires that the suit be tried summarily, without a jury, and in open court beginning no sooner than 10 and

no later than 14 days after the suit is filed.

Present law requires that the election be called by the governing authority of the municipality or parish on the next date allowed under the provisions of present law (R.S. 18:402) for a primary or general election, special election, or bond, tax, or other election. Proposed law retains present law.

Present law requires that the election be called not less than 120 days after the petition is presented to the clerk. Proposed law provides that the offices of home rule charter commissioner are established and vacant when certification of the petition is definitively established in accordance with proposed law. Requires the respective governing authority to call an election to fill the commissioner offices within 30 days.

(Amends R.S. 33:1395(B); Adds R.S. 33:1395(C), (D), and (E))