

RÉSUMÉ DIGEST

ACT 313 (HB 796)

2016 Regular Session

Bishop

Existing law requires a municipal governing authority in any municipality with a population of not more than 2,500 persons to call an election for the purpose of determining whether the municipality should be dissolved if presented with a petition. Prior law required that the petition be signed by a majority in number and amount of the property taxpayers of the municipality.

New law instead requires that the petition be signed by a majority of the qualified electors of the municipality. Requires that the petition be limited to a request that an election be called and held in the municipality. Additionally requires that the petition be in compliance with existing law (R.S. 18:3) relative to the content of petitions submitted to a registrar of voters for certification.

Prior law required that a notice of the election be published for 30 days in a newspaper published in the municipality. Required the notice to state the proposition to be submitted and the date of the election. New law instead requires that the procedures for the election and notice of the election be in compliance with the provisions of existing law (the La. Election Code).

Prior law required the registrar of voters to furnish the election commissioners a list of taxpayers entitled to vote at the election, together with the valuation of each taxpayer's property, as shown by the last assessment roll filed prior to the election. Required the municipal governing authority to designate the polling place, provide the ballot box, ballots, and the valuations of property and compiled statement of voters in number and amount. New law removes prior law.

Prior law, relative to the content of the ballot, required that a statement of the taxable valuation of a voter's property be included. New law removes prior law.

Prior law required that commissioners and clerks, before the polls open, be sworn to perform all the duties incumbent on them. New law instead requires commissioners-in-charge and commissioners to take the oath or affirmation as provided in existing law (the La. Election Code).

Prior law provided for the appointment of substitute commissioners and clerks if any commissioner or clerk was unable, failed, or neglected to attend or serve at the polling place designated. Required the commissioners present, or if none present, the voters to make the appointments. New law instead requires the commissioner-in-charge and the commissioners to be present at the polling place at least 30 minutes prior to the time the polls are to open. Provides that if a commissioner-in-charge fails to appear, he must be replaced. Provides that if any commissioner fails to appear, or if the number present is less than the number necessary to conduct the election, the commissioner-in-charge must appoint the necessary number of commissioners all in accordance with existing law (the La. Election Code).

Prior law required that the polls open on the day appointed at 7 o'clock a.m., and remain open until 6 o'clock p.m. Provided that no election could be vitiated by a failure to open the polls at the time prescribed or by closing them before the time prescribed, unless it was established that the voters were deprived of votes sufficient in number and amount to have changed the result of the election. New law removes prior law.

Prior law required that each voter's name be written on his ballot. Required the commissioners to check his name on the list of voters furnished by the registrar as having voted, enter and number his name on the list of taxpayers voting, and immediately deposit his ballot in the ballot box. New law removes prior law and provides that the election laws of this state applicable to other elections shall govern elections regarding dissolution of municipalities.

Prior law provided that if the vote of any taxpayer was challenged, the commissioners were required to permit him to vote and receive in writing the ground of challenge signed by the challenger, together with the challenged taxpayer's statement of his asserted right to vote. New law removes prior law.

Prior law required the commissioners, immediately after the closing of polls and in the presence of bystanders, to open the ballot box, count the ballots, check with the list of voters, and count the ballots in number and amount. New law removes prior law.

Prior law required the municipal governing authority, on the date and at the hour and place of the election, to, in public session, open each ballot box, examine and count the ballots in number and amount, examine and canvass the returns and declare the result of the election. New law instead only requires the municipal governing authority to examine and canvass the returns and declare the result of the election.

Existing law requires that the results be promulgated by publication in one issue of a newspaper published in the municipality, or, if there is none, in a newspaper published in the parish in which the municipality is situated, or in an adjoining parish if no newspaper is published in the parish. New law requires that the newspaper be one with general circulation.

Existing law further requires the municipal governing authority to keep a proces verbal of the canvass of the election returns and to forward one copy to the secretary of state and one to the clerk of the district court. Prior law also required that one copy be sent to the governor. New law removes prior law and specifies that in Orleans Parish, a copy must be sent to the clerk of the civil district court and requires all municipal governing authorities to retain a copy in their archives.

Effective upon signature of governor (June 2, 2016).

(Amends R.S. 33:251-261)