

2017 Regular Session

SENATE BILL NO. 201

BY SENATOR DONAHUE

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

ELECTION CODE. Provides that the election of members to Congress shall occur at the same time as other members of Congress. (3/1/18)

AN ACT

To amend and reenact R.S. 18:402(B), (E)(1) and (2)(b) and (F)(2), 467, 481, 511, 512, 1253(E), 1254(A), 1272(A), and 1285(B)(1)(a), relative to elections; to provide for election dates for certain elections; to provide for qualifying for certain elections; to provide for the opening of the qualifying period for certain elections; to provide for the close of the qualifying period for certain elections; to provide for the nomination by political parties; to provide relative to the powers, duties, and responsibilities of the secretary of state relative to notice of elections; to provide an effective date; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 18:402(B), (E)(1) and (2)(b) and (F)(2), 467, 481, 511, 512, 1253(E), 1254(A), 1272(A), and 1285(B)(1)(a) are hereby amended and reenacted to read as follows:

§402. Dates of primary and general elections

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B. Congressional elections. Elections for members of congress and officers elected at the same time as members of congress shall be held every two years, beginning in 1982.

(1) Primary elections for members of congress and officers elected at the same time as members of congress, **except in presidential election years,** shall be held on the ~~first Tuesday after the first Monday in November~~ **last Saturday in September** of an election year.

(2) **Primary elections for members of congress and officers elected at the same time as members of congress in presidential election years shall be held on the first Saturday in August of an election year.**

(3) General elections for members of congress and officers elected at the same time as members of congress shall be held on the ~~fifth Saturday after the first Tuesday after the first Monday in November~~ of an election year.

* * *

E. Special elections to fill newly created office or vacancy in office. An election to fill a newly created office or vacancy in an existing office, except the office of representative in congress, shall be held on the dates fixed by the appropriate authority in the proclamation ordering a special election as follows:

(1) A special primary election shall be held on the first of the following days that is after the date on which the proclamation calling the special primary election was issued, provided that the proclamation was issued at least four weeks prior to the opening of the qualifying period for the special primary election:

(a) The third to last Saturday in October, when the special general election is held on the fifth Saturday after the third to last Saturday in October.

(b) ~~The first Tuesday after the first Monday in November~~ **last Saturday in September, except in presidential election years,** when the special general election is held on the ~~fifth Saturday after the first Tuesday after the first Monday in November.~~

(c) **The first Saturday in August in presidential election years, when the special general election is held on the first Tuesday after the first Monday in November.**

(d) The last Saturday in March, when the special general election is held on

the fifth Saturday after the last Saturday in March or on the first Saturday in March during the presidential election year.

~~(d)~~**(e)** The second Saturday in October, when the special general election is held on the fifth Saturday after the second Saturday in October of 1985 and every fourth year thereafter.

~~(e)~~**(f)** The second Saturday in October of an election year for parish and municipal officers in a parish containing a municipality with a population of three hundred thousand or more.

(2) A special general election shall be held on one of the following days:

* * *

~~(b) The fifth Saturday after the first Tuesday after the first Monday in November of even-numbered years.~~

* * *

F. Bond, tax, or other elections. Every bond, tax, or other election at which a proposition or question is to be submitted to the voters shall be held only on one of the following dates:

* * *

~~(2)(a) The first Tuesday after the first Monday in November or the fifth Saturday after the first Tuesday after the first Monday in November of even-numbered years~~ **last Saturday in September of even-numbered years, except in presidential election years.**

~~(b) Notwithstanding the provisions of Subparagraph (a) of this Paragraph, the fifth Saturday after the first Tuesday after the first Monday in November shall not be applicable in a parish containing a municipality with a population of three hundred thousand or more for an election relative to a parcel fee imposed within a security or neighborhood improvement district. For purposes of this Subparagraph, "security or neighborhood improvement district" means a special district one of the primary purposes of which is aiding in crime prevention and adding to the security of district residents by providing for an increased presence of law enforcement~~

~~personnel in the district or otherwise promoting and encouraging security in the district.~~ **The first Saturday in August of even-numbered years in presidential election years.**

(c) The first Tuesday after the first Monday in November of even-numbered years.

* * *

§467. Opening of qualifying period

The qualifying period for candidates in a primary election shall open:

(1) For candidates in a gubernatorial primary election and those in any special primary election to be held at the same time, on the first Tuesday after the first Monday in August of the year of the election.

(2) For candidates in a congressional primary election and those in any special primary election to be held at the same time, **except in presidential election years,** on the ~~third last~~ **Wednesday in July June** of the year of the election.

(3) **For candidates in a congressional primary election and those in any special primary election to be held at the same time in presidential election years, on the second Wednesday in May of the year of the election.**

~~(4)~~ For candidates in a primary election for municipal and ward officers who are not elected at the same time as the governor or members of congress in municipalities with a population of less than three hundred thousand and those in any special primary election to be held at the same time, on the second Wednesday in January of the year of the election, unless the primary election is held on the first Saturday in March; in such case the qualifying period for candidates in such primary election shall open on the first Wednesday in December of the year prior to the election.

~~(4)~~**(5)** For candidates in a primary election for parochial and municipal officers in a parish containing a municipality with a population of three hundred thousand or more and in which the municipal and parochial elections are held at the same time, on the second Wednesday in July in the year of the election.

(5) ~~Repealed by Acts 2015, No. 307, §3, eff. June 29, 2015.~~

(6) For candidates in a primary election held on the second Saturday in October of 1981 and every fourth year thereafter, on the second Wednesday in July of the year of the election.

* * *

§481. Candidates who qualify for a general election

A. Congressional regularly scheduled general elections. The candidates who qualify for the office of United States senator or representative in congress in the regularly scheduled congressional general election are those who received the two highest numbers of votes in the primary election.

B. Other general elections. The candidates who qualify for each office remaining to be filled in the general election are those who received the two highest numbers of votes, the four highest number of votes, and so on among those not elected in the primary election, until the maximum number of candidates for each office on the general election ballot is reached.

* * *

§511. Election of candidates in a primary election

A. Majority vote. A candidate, **other than a candidate for United States senator or representative in congress in a regularly scheduled congressional primary election**, who receives a majority of the votes cast for an office in a primary election is elected. If there are two or more offices of the same character to be filled, the number of votes necessary to constitute a majority shall be greater than the result obtained by dividing the total votes cast for all of the candidates by the number of offices to be filled and dividing the result so obtained by two. If more candidates receive a majority than there are offices to be filled, those of such candidates receiving the highest total of votes shall be elected, to the number required to fill all of the offices. Any votes received by a withdrawn candidate or a deceased candidate shall be void and shall not be counted for any purpose whatsoever.

B. Election of unopposed candidates for public office. If, after the close of

1 the qualifying period for candidates in a primary election, **other than a primary**
2 **election for United States senator or representative in congress in a regularly**
3 **scheduled congressional primary election**, the number of candidates for a public
4 office does not exceed the number of persons to be elected to the office, the
5 candidates for that office, or those remaining after the withdrawal of one or more
6 candidates, are declared elected by the people, and their names shall not appear on
7 the ballot in either the primary or the general election.

8 C. Election of unopposed candidates for membership on party committees.
9 If, after the close of the qualifying period for candidates in a primary election, the
10 number of candidates for membership on a political party committee does not exceed
11 the number of members to be elected to the committee, the candidates for
12 membership on that political party committee, or those remaining after the death or
13 withdrawal of one or more candidates, are declared elected by the people, and their
14 names shall not appear on the ballot in either the primary or the general election.

15 D. **Election of unopposed candidates for the public office of United States**
16 **senator or representative in congress in a regularly scheduled congressional**
17 **primary election. If, after the close of the qualifying period for candidates in a**
18 **regularly scheduled congressional primary election, the number of candidates**
19 **for the public office of United States senator or representative in congress does**
20 **not exceed the number of persons to be elected to the office, the candidates for**
21 **that office, or those remaining after the withdrawal of one or more candidates,**
22 **are declared elected by the people on the first Tuesday after the first Monday**
23 **in November of an election year, and their names shall not appear on the ballot**
24 **in either the regularly scheduled congressional primary or general election.**

25 E. Effect of a tie vote. If, as a result of a tie vote in a primary election, the
26 number of candidates who would be elected to an office exceeds the number of
27 persons to be elected to the office, the candidates who received the same majority of
28 the votes cast in the primary election are not elected, but they are qualified as
29 candidates in the general election.

§512. Election of candidates in a general election

A. Generally. The candidate who receives the most votes cast for an office in a general election is elected. If there are two or more offices of the same character to be filled, those candidates receiving the highest total number of votes shall be elected, to the number required to fill all of the offices.

B. Election of unopposed candidates. If, as a result of the death or withdrawal of one or more candidates, other than a candidate for United States senator or representative in congress in a regularly scheduled congressional general election, the number of candidates for an office in a general election does not exceed the number of persons to be elected to the office, the remaining candidates are declared elected by the people, and their names shall not appear on the ballot in the general election.

C. Election of unopposed candidates for United States senator or representative in congress in a regularly scheduled congressional general election. If, as a result of the death or withdrawal of one or more candidates, the number of candidates for an office in a regularly scheduled congressional general election does not exceed the number of persons to be elected to the office, the remaining candidates are declared elected by the people on the first Tuesday after the first Monday in November of an election year.

D. Effect of a tie vote. If, as a result of a tie vote in a general election, the number of candidates who would be elected to an office exceeds the number of persons to be elected to the office, the candidates who received the same number of votes for that office in the general election are not elected. The election for officers thus not elected shall be returned to the people on the third Saturday after the date on which the results in the election at which the tie vote occurred were promulgated.

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§1253. Nominating by political parties; certificates of nomination

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E. If the nominees for the offices of president and vice president nominated

1 by a national convention of a recognized political party, together with a slate of
2 candidates for the offices of presidential electors to support such nominees, are not
3 properly certified to the secretary of state by the state central committee of that party
4 prior to 4:30 p.m. on the ~~third~~ **second** Tuesday in August of each year in which a
5 presidential election is to be held, the national chairman of the political party, after
6 notifying the chairman of the state central committee of that political party, shall
7 certify a slate of electors to support such nominees by 4:30 p.m. on the first Friday
8 following the ~~third~~ **second** Tuesday in August. Such certificate filed with the
9 secretary of state shall be accompanied by the notarized affidavit of each candidate
10 for elector signifying that the certificate constitutes his acceptance of the nomination.

11 * * *

12 §1254. Slates of independent candidates; nominating petitions and qualifying by
13 payment of qualifying fees

14 A. A slate of independent candidates for presidential elector may be
15 nominated by nominating petition or may qualify by the payment of a qualifying fee
16 of five hundred dollars. Such qualifying fee shall be paid in accordance with the
17 provisions of R.S. 18:464(A). The period for filing such qualifying fee shall begin
18 on the third Tuesday in July and shall end at 4:30 p.m. on the first Friday following
19 the ~~third~~ **second** Tuesday in August of each year in which a presidential election is
20 to be held. Each qualifying fee shall be accompanied by the notice of candidacy and
21 notarized affidavit of each candidate for elector signifying his acceptance of the
22 nomination. An independent candidate for presidential elector may be registered to
23 vote with or without a declaration of party affiliation.

24 * * *

25 §1272. United States senators; representatives in congress; time of electing

26 A. All general elections for representatives in congress shall be held on the
27 ~~fifth Saturday after the first Tuesday after the first Monday in November in even-~~
28 numbered years. The primary election, **except in presidential election years,** shall
29 be held on the ~~first Tuesday after the first Monday in November~~ **last Saturday in**

September of an election year. The primary election in presidential election years shall be held on the first Saturday in August of an election year.

* * *

§1285. Notice of election

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B.(1)(a) Written notice of the election and the certificate required by Subparagraph (b) of this Paragraph shall be transmitted to the secretary of state and each clerk of court and registrar of voters in the area affected by the election. If the election is to be held on a primary election date, then such notice and certificate shall be received by the secretary of state at least four weeks prior to the opening of the qualifying period for the primary election. If the election is ~~not to be~~ held on a primary general election date, except the first Tuesday after the first Monday in November of an election year, then the notice and certificate shall be received by the secretary of state on or before the fifty-fourth day prior to the election. If the election is held on the first Tuesday after the first Monday in November of an election year, then the notice and certificate shall be received by the secretary of state on or before the eighty-first day prior to the election. The secretary of state shall not accept any revisions to propositions, including but not limited to changes in title, text, or numerical designations, after the last day for submission of the notice and certificate to the secretary of state.

* * *

Section 2. This Act shall become effective March 1, 2018.

The original instrument and the following digest, which constitutes no part of the legislative instrument, were prepared by Ashley Mitchell Carter.

DIGEST

SB 201 Original

2017 Regular Session

Donahue

Present law provides that the primary elections for members of congress and officers elected at the same time shall be held on the first Tuesday after the first Monday in November of an election year.

Proposed law provides that the primary election for members of congress and officers elected at the same time shall be held on the last Saturday in September, except in presidential election years.

Proposed law provides that the election for members of congress and officers elected at the same time in a presidential election year shall be held on the first Saturday in August.

Present law provides that a special primary election shall be held on the first of the following days that is after the date on which the proclamation calling the special primary election was issued, provided that the proclamation was issued at least four weeks prior to the opening of the qualifying period for the special primary election: the first Tuesday after the first Monday in November, when the special general election is held on the fifth Saturday after the first Tuesday after the first Monday in November.

Proposed law retains present law but changes the special primary election to the last Saturday in September, except in presidential election years, when the special general election is held on the first Tuesday after the first Monday in November. Also provides that the special primary election may be held on the first Saturday in August in presidential election years, when the special general election is held on the first Tuesday after the first Monday in November.

Present law provides that bond, tax, and other elections at which a proposition or question is to be submitted to the voters shall be held only on one of the specified dates, to include the first Tuesday after the first Monday in November or the fifth Saturday after the first Tuesday after the first Monday in November of even-numbered years.

Proposed law retains present law and adds that bond, tax and other elections can be held on the last Saturday in September of even-numbered years, except in presidential years.

Proposed law also adds that the bond, tax and other elections can be held on the first Saturday in August of even-numbered years in presidential election years.

Proposed law changes the option of holding the election on the first Tuesday after the first Monday in November or the fifth Saturday after the first Tuesday after the first Monday in November of even-numbered years to the first Tuesday after the first Monday in November of even-numbered years.

Proposed law deletes provisions which make inapplicable a bond, tax, or other election date of the first Tuesday after the first Monday in November in a parish containing a municipality with a population of 300,000 or more for an election relative to a parcel fee imposed within a security or neighborhood improvement district.

Present law provides that the qualifying period for candidates in a primary election shall open on specified dates and includes the dates for candidates in a congressional primary election and those in any special primary election to be held at the same time, on the third Wednesday in July of the year of the election.

Proposed law retains present law but specifies that except in presidential election years, the congressional primary election or another special primary election, to be held at the same time, the qualifying period shall open on the last Wednesday in June of the year of the election.

Proposed law also adds that the qualifying period shall open for candidates in a congressional primary election and those in any special primary election to be held at the same time in presidential election years, on the second Wednesday in May of the year of the election.

Proposed law provides that in congressional regularly scheduled general elections, the candidates who qualify for the office of United States senator or representative in congress in the regularly scheduled congressional general election are those who received the two highest numbers of votes in the primary election. Present law is retained concerning other general elections.

Proposed law retains present law concerning the election of candidates in a primary election but proposed law excludes candidates for United States senator or representative in congress in a regularly scheduled congressional primary election.

Proposed law adds that the unopposed candidates for U.S. senator or representative in congress in a regularly scheduled congressional primary election are declared elected by the people on the first Tuesday after the first Monday in November of an election year, and their names shall not appear on the ballot in either the regularly scheduled congressional primary or general election.

Proposed law retains present law concerning the election of candidates in a general election but proposed law excludes candidates for United States senator or representative in congress in a regularly scheduled congressional general election.

Proposed law adds that if, as a result of the death or withdrawal of one or more candidates, the number of candidates for an office in a regularly scheduled congressional general election does not exceed the number to be elected to the office, the remaining candidates are declared elected by the people on the first Tuesday after the first Monday in November of an election year.

Proposed law retains present law concerning the payment of qualifying fees but changes the period for filing qualifying fees from: beginning on the third Tuesday in July and ending at 4:30 p.m. on the first Friday following the third Tuesday in August of each year in which a presidential election is to be held, to the second Tuesday in August of each year in which a presidential election is to be held.

Present law provides that all general elections for representatives in congress shall be held on the fifth Saturday after the first Tuesday after the first Monday in November in even-numbered years.

Proposed law retains present law and provides that, except in presidential election years, the primary election shall be held on the last Saturday in September of an election year and that the primary election in presidential election years shall be held on the first Saturday in August of an election year.

Present law provides that written notice of the election and the certificate required by Subparagraph (b) of R.S. 18:1285 shall be transmitted to the secretary of state and each clerk of court and registrar of voters in the area affected by the election. If the election is to be held on a primary election date, then such notice and certificate shall be received by the secretary of state at least four weeks prior to the opening of the qualifying period for the primary election. If the election is not to be held on a primary election date, then the notice and certificate shall be received by the secretary of state on or before the 54th day prior to the election. The secretary of state shall not accept any revisions to propositions, including but not limited to changes in title, text, or numerical designations, after the last day for submission of the notice and certificate to the secretary of state.

Proposed law retains present law and provides that if the election is on a general election date, except the first Tuesday after the first Monday in November of an election year, then the notice and certificate shall be received by the secretary of state on or before the fifty-fourth day prior to the election. If the election is held on the first Tuesday after the first Monday in November of an election year, then the notice and certificate shall be received by the secretary of state on or before the eighty-first day prior to the election. The secretary of state shall not accept any revisions to propositions, including but not limited to changes in title, text, or numerical designations, after the last day for submission of the notice and certificate to the secretary of state.

Effective March 1, 2018.

(Amends R.S. 18:402(B), (E)(1) and (2)(b) and (F)(2), 467, 481, 511, 512, 1253(E), 1254(A), 1272(A), and 1285(B)(1)(a))