SLS 23RS-283

ORIGINAL

2023 Regular Session

SENATE BILL NO. 123

BY SENATOR HENRY

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

ELECTION CODE. Provides relative to recall petitions. (8/1/23)

1	AN ACT
2	To amend and reenact R.S. 18:1300.2(C)(1), 1300.3(A) and (B), and 1300.5, relative to
3	recall elections; to provide relative to recall petitions; to provide relative to public
4	records; and to provide for related matters.
5	Be it enacted by the Legislature of Louisiana:
6	Section 1. R.S. 18:1300.2(C)(1), 1300.3(A) and (B), and 1300.5 are hereby amended
7	and reenacted to read as follows:
8	§1300.2. Petition for recall election; campaign finance disclosure
9	* * *
10	C.(1) Prior to the entering of any signatures on a petition, the chairman
11	designated to represent the petitioners shall file with the secretary of state a copy of
12	the recall petition which will be used and copies of a picture identification that
13	contain the name and signature of the chairman and vice chairman, respectively, or
14	copies of current utility bills, bank statements, government checks, paychecks, or
15	other government documents that show the name and address of the chairman and
16	vice chairman, respectively. Upon receipt of the recall petition, the secretary of state
17	shall endorse thereon the fact and the date of filing, and this unsigned copy of the

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

§1300.3. Certification of registrar of voters; certified petition designated a public

record: addition or withdrawal of signatures; form of names

A. The registrar of voters of each parish in the voting area wherein a recall 14 election is sought shall certify on the recall petition, within fifteen working days after 15 16 it is presented to him for that purpose, the number of names appearing thereon, the number of qualified electors of the voting area within the parish whose handwritten 17 signatures appear on the petition, and also the total number of electors of the voting 18 19 area within the parish as of the date of the filing of the petition with the secretary of state. However, if any parish wholly or partially within the voting area has more than 20 fifty thousand registered voters, the registrar of voters for each parish within the 21 voting area shall complete such certification on the recall petition within twenty 22 working days after it is presented to him for that purpose. If the final day for the 23 registrar to certify the recall petition falls on a Saturday, Sunday, or legal holiday, 24 then the next day which is not a Saturday, Sunday, or legal holiday shall be deemed 25 to be the final day for certifying the recall petition. Each registrar also shall indicate 26 27 on the petition the names appearing thereon who are not electors of the voting area. Each person who participates in the review of the names on the petition for 28 29 certification by the registrar as required in this Section shall initial each of those

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1	portions of the petition which he reviews for certification by the registrar. Upon
2	certification by the registrar, the recall petition shall be a public record.
3	B.(1) The registrar of voters shall honor the written request of any voter who
4	either desires to have his handwritten signature stricken from the petition or desires
5	to have his handwritten signature added to the petition at any time after receipt of the
6	signed petition as provided in R.S. 18:1300.2(C) but prior to certification of the
7	petition or within five days after receipt of such signed petition, whichever is earlier.
8	If the deadline for removing or adding a signature to the petition falls on a Saturday,
9	Sunday, or legal holiday, then the next day which is not a Saturday, Sunday, or legal
10	holiday shall be deemed to be the deadline for removing or adding a signature to the
11	petition. The written request of the voter shall include the name and address of the
12	voter, the signature of the voter, the date of birth of the voter, and the date.
13	(2) Upon the signature of the voter, the written request of the voter to have
14	his signature stricken or added to the recall petition shall be a public record. Any
15	person in possession of such a written request shall be the custodian thereof. The
16	voter or any other person who is the custodian of the written request designated by

17the voter shall transmit the written request to the registrar of voters for each parish18within the voting area by mail or directly by hand, immediately upon signature of the19voter or upon receipt of the signed, written request.

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 (3) The written request of a voter to have his signature added to the

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 recall petition shall be a public record at the time the recall petition becomes

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 public record.

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

A. The recall petition shall designate a chairman to act for the signers of the petition in all matters, and a vice chairman to act on order of the chairman or in case of the death, disability, absence, or resignation of the chairman. The petition shall include the full name, signature, and residence address of the chairman and the vice

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1	chairman. The chairman and vice chairman each shall be a qualified voter in the
2	voting area from which the public official whose recall is being sought is elected.
3	B. Upon the signature of the first elector, the recall petition, including the
4	name, address, and signature of each elector who has signed thereon, shall be a
5	public record. The chairman, or the vice chairman when acting as the chairman, shall
6	be the custodian thereof. The petition and the custodian shall be subject to all of the
7	provisions of R.S. 44:31 et seq.
8	C. Upon the filing of the petition pursuant to R.S. 18:1300.2(C)(2), the
9	chairman, or the vice chairman when acting as chairman, shall no longer be the
10	custodian thereof.

The original instrument and the following digest, which constitutes no part of the legislative instrument, were prepared by Matt DeVille.

DIGEST 2023 Regular Session

Henry

<u>Present law</u> provides for recall elections. Provides for the filing of recall petitions with the secretary of state. Requires the secretary of state to notify the registrar of voters in each parish in the voting area where the recall election would be held. Provides for submission of the signed and dated recall petition to the registrar of voters and notification of the public officer who is the subject of the recall petition. Requires the registrar to certify the signed petition.

Proposed law retains present law.

SB 123 Original

<u>Present law</u> 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.

<u>Proposed law</u> provides that the recall petition and the name, address, and signature of each elector who has signed the petition becomes a public record upon certification by the registrar of voters. Provides that the unsigned petition becomes a public record when it is filed with the secretary of state.

<u>Present law</u> allows any voter to make a written request to have his signature stricken from or added to a recall petition at any time after the registrar of voters receives the signed petition, but prior to certification of the petition or within five days after receipt of the signed petition, whichever is earlier. Provides that a written request to strike or add a name is a public record.

<u>Proposed law</u> retains <u>present law</u> allowing a voter to request to strike or add his name but makes only a request to add a name to public record.

Effective August 1, 2023.

(Amends R.S. 18:1300.2(C)(1), 1300.3(A) and (B), and 1300.5)

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