

2023 Regular Session

HOUSE BILL NO. 445

BY REPRESENTATIVE HARRIS

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

ELECTIONS/CANDIDATES: Provides for the reopening of qualifying after the death of a candidate in a primary election under specified circumstances

1 AN ACT

2 To amend and reenact R.S. 18:469(A), relative to qualifying for office; to provide for the
3 time period a qualifying period will be reopened and closed after the death of a
4 candidate in a primary election under certain circumstances; to provide for an
5 effective date; and to provide for related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. R.S. 18:469(A) is hereby amended and reenacted to read as follows:

8 §469. Reopening of qualifying period; effect

9 A. When a person who qualified as a candidate and has opposition in a
10 primary election for a public office dies after the close of the qualifying period and
11 before the time for closing the polls on the day of the primary election, the qualifying
12 period for candidates in the primary election for that office shall reopen for
13 candidates on the day after the secretary of state receives actual notice of the death
14 and shall close at 4:30 p.m. on the third day after the secretary of state receives
15 actual notice of the death or, if that day is a legal holiday, at 4:30 p.m. on the next
16 day which is not a legal holiday. The name of the deceased candidate shall not be
17 printed on the primary election ballot. If the primary election ballot was printed with
18 the deceased candidate's name on it, any votes received by the deceased candidate
19 shall be void and shall not be counted for any purpose whatsoever.

20 * * *

1 Section 2. This Act shall become effective upon signature by the governor or, if not
2 signed by the governor, upon expiration of the time for bills to become law without signature
3 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If
4 vetoed by the governor and subsequently approved by the legislature, this Act shall become
5 effective on the day following such approval.

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 445 Original

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Harris

Abstract: Specifies that qualifying in a primary election is reopened the day after the secretary of state receives actual notice of the death of a candidate after qualifying and before the close of the polls on election day and closes at 4:30 pm on the third day (that is not a legal holiday) after notice is received.

Present law (R.S. 18:469) provides that when a person who qualified and had opposition dies after the close of qualifying and before the time for the closing of the polls on the day of the primary election, qualifying in a primary election is reopened the day after the death and closes at 4:30pm on the third day after the death or, if that day is a legal holiday, at 4:30 p.m. on the next day which is not a legal holiday.

Proposed law specifies that qualifying in a primary election is reopened the day after the secretary of state receives actual notice of the death of a candidate and closes at 4:30 p.m. on the third day after the secretary of state receives actual notice of the death or, if that day is a legal holiday, at 4:30 p.m. on the next day which is not a legal holiday.

Present law provides that the name of the deceased candidate shall not be printed on the primary election ballot, but if the primary election ballot has already been printed with the deceased candidate's name on it, any votes received by the deceased candidate shall be void and shall not be counted for any purpose whatsoever. Provides that if the qualifying period for candidates reopens within 30 days before a primary election and an additional candidate qualifies, all the votes cast in the primary election for that public office are void. Provides that if all the votes cast in a primary election are void because of the death of a candidate, the primary election for the office shall be held on the date of the general election. Provides that the general election shall be held on the fifth Sat. after the primary election.

Proposed law retains present law.

Effective upon signature of governor or lapse of time for gubernatorial action.

(Amends R.S. 18:469(A))