SENATE BILL NO. 123

## BY SENATOR HENRY AND REPRESENTATIVE GAROFALO

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

1	AN ACT
2	To amend and reenact R.S. 18:3(A), 1300.2(A)(2), (C)(1) and (2), and (D), 1300.3(A) and
3	(B), and 1300.5 and R.S. 44:4.1(B)(10), relative to recall elections; to provide
4	relative to recall petitions; to provide relative to public records; and to provide for
5	related matters.
6	Be it enacted by the Legislature of Louisiana:
7	Section 1. R.S. 18:3(A), 1300.2(A)(2), (C)(1) and (2), and (D), 1300.3(A) and (B),
8	and 1300.5 are hereby amended and reenacted to read as follows:
9	§3. Petitions submitted to registrars of voters
10	A. Notwithstanding any other provision of law to the contrary, every petition
11	submitted to a registrar of voters for certification shall contain the following
12	information:
13	(1) The handwritten signature of the voter who is signing the petition;
14	however, if a person is unable to write, the incapacitated person shall affix his mark
15	to the petition and the person circulating the petition shall affix the name of the
16	incapacitated person provided he does so in the presence of two witnesses who shall
17	also sign their names as witnesses to the mark.
18	(2) The date month, day, and year the voter signed the petition.
19	(3) The signer's ward, precinct, and year of birth.
20	(4) The address at which the signer is registered to vote, including municipal
21	number, apartment number, rural route, and box number.
22	(5) Name of the signer either typed or legibly written.
23	(6) Name The printed name of the person who witnessed and who obtained
24	the signature either typed or legibly written.
25	(7) Date The month, day, and year on which the person witnessed and

obtained the signature.

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§1300.2. Petition for recall election; campaign finance disclosure

A. \* \* \*

(2) The secretary of state shall provide a form approved by the attorney general to be used for the petition for a recall election. Such form **shall include pre-printed line numbers and** shall be in conformity with the **all other** provisions of this Chapter and R.S. 18:3. All recall petitions shall be on an approved form or on a form which contains the same information as required by the approved form and any petition not on such a form shall be invalid.

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C.(1) Prior to the entering of any signatures on a petition, the chairman designated to represent the petitioners shall file with the secretary of state a copy of the recall petition which will be used and copies of a picture identification that contain the name and signature of the chairman and vice chairman, respectively, or copies of current utility bills, bank statements, government checks, paychecks, or other government documents that show the name and address of the chairman and vice chairman, respectively. Upon receipt of the recall petition, the secretary of state shall provide to the chairman and vice chairman, respectively, a document prepared by the secretary of state in conjunction with the Louisiana Registrars of Voters Association, subject to approval as to content by the attorney general, providing general information on petition requirements and deadlines. Upon receipt of the recall petition, the secretary of state shall endorse thereon the fact and the date of filing, and this unsigned copy of the recall petition shall be a public **record**. A copy shall be transmitted by the 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 partially within the voting area where the recall election is to be held. The petition 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 number of qualified electors in the voting area

wherein the recall election is sought effective on the date of receipt of the recall petition and shall notify the registrar of voters in each parish in the voting area of the number of qualified electors of the voting area in the parish for issuance of the certification.

(2)(a) The signed and dated petition shall be submitted to the registrar of voters for each parish within the voting area not later than one hundred eighty days after the day on which the copy of the petition was filed with the secretary of state; however, where fewer than one thousand qualified electors reside within the voting area, the petition shall be submitted to the registrar of voters not later than ninety days after the day on which the copy of the petition is filed with the secretary of state. If the final day for submitting the signed and dated petition falls on a Saturday, Sunday, or legal holiday, the deadline for filing such petition shall be on the next day which is not a Saturday, Sunday, or legal holiday. Upon receipt of the signed and dated petition, the registrar of voters shall affix the date received and a page number to the front of each page of the petition.

(b) In conjunction with the recall petition the chairman shall also submit to the registrar of voters an affidavit verifying the number of signatures submitted along with an attestation that to the best of his knowledge, all documents submitted are originals and not photocopies.

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D. Each elector, at the time of signing the petition, shall enter his address and the date on which he signed beside or underneath his signature; however, if a person is unable to write, as provided in R.S. 18:1300.4, the two witnesses shall date their signatures. In addition, each petition shall be in compliance with the provisions of R.S. 18:3. In determining the number of qualified electors who signed the petition in any parish, the registrar of voters shall not count any signature which is undated does not comply with all of the requirements of R.S. 18:3 or bears a date prior to the date on which the copy of the petition initially was filed with the secretary of state or after the date of the submission of the petition to the registrar except as otherwise provided in R.S. 18:1300.3(B). The registrar shall not receive or certify a

petition submitted to him for certification unless it is submitted to him timely.

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§1300.3 Certification of registrar of voters; addition or withdrawal of signatures;

designation as a public record; form of names

A. The registrar of voters of each parish in the voting area wherein a recall election is sought shall certify on the recall petition, within fifteen twenty working days after 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 signatures appear on the petition, and also the total number of electors of the voting 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 fifty thousand registered voters, the registrar of voters for each parish within the voting area shall complete such certification on the recall petition within twenty thirty working days after it is presented to him for that purpose. If the petition certification deadline occurs during the time period commencing forty-five days before a primary election and ending on the date of the corresponding general election, the registrar of voters for each parish in the voting area shall be granted an additional ten working days to complete the certification or an additional twenty working days for any parish wholly or partially within the voting area that has more than fifty thousand registered voters. If the final day for the registrar to certify the recall petition falls on a Saturday, Sunday, or legal holiday, then the next day which is not a Saturday, Sunday, or legal holiday shall be deemed to be the final day for certifying the recall petition. Each registrar also shall indicate 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 certification by the registrar as required in this Section shall initial each of those portions of the petition which he reviews for certification by the registrar. The registrar of voters for each parish in the voting area may request and accept the assistance of employees of the Department of State and registrars and deputy registrars of voters from other parishes to

1	complete the certification of the recall petition. Each person offering such
2	assistance shall be considered a deputy registrar of the requesting parish
3	registrar for that purpose only.
4	B.(1) The registrar of voters shall honor the written request of any voter who
5	either desires to have his handwritten signature stricken from the petition or desires
6	to have his handwritten signature added to the petition at any time after receipt of the
7	signed petition as provided in R.S. 18:1300.2(C) but prior to certification of the
8	petition or within five days after receipt of such signed petition, whichever is earlier.
9	If the deadline for removing or adding a signature to the petition falls on a Saturday,
10	Sunday, or legal holiday, then the next day which is not a Saturday, Sunday, or legal
11	holiday shall be deemed to be the deadline for removing or adding a signature to the
12	petition. The written request of the voter shall include the name and address of the
13	voter, the signature of the voter, the date of birth of the voter, and the date.
14	(2) Upon the signature of the voter, the written request of the voter to have
15	his signature stricken or added to the recall petition shall be a public record. Any
16	person in possession of such a written request shall be the custodian thereof. The
17	voter or any other person who is the custodian of the written request designated by
18	the voter shall transmit the written request to the registrar of voters for each parish
19	within the voting area by mail or directly by hand, immediately upon signature of the
20	voter or upon receipt of the signed, written request.
21	(3) The written request of a voter to have his signature stricken from or
22	added to the recall petition shall be a public record at the time the recall
23	petition becomes public record.
24	* * *
25	§1300.5. Chairman and vice chairman designated in petition; petition designated as
26	a public record
27	A. The recall petition shall designate a chairman to act for the signers of the
28	petition in all matters, and a vice chairman to act on order of the chairman or in case
29	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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chairman. The chairman and vice chairman each shall be a qualified voter in the

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2 voting area from which the public official whose recall is being sought is elected. 3 B. Upon the passage of ninety days following the signature of the first 4 elector, the recall petition, including the name, address, and signature of each elector 5 who has signed thereon, shall be a public record. The chairman, or the vice chairman when acting as the chairman, shall be the custodian thereof. The petition and the 6 7 custodian shall be subject to all of the provisions of R.S. 44:31 et seq. C. Upon the filing of the petition pursuant to R.S. 18:1300.2(C)(2), the 8 9 chairman, or the vice chairman when acting as chairman, shall no longer be the 10 custodian thereof. Section 2. R.S. 44:4.1(B)(10) is hereby amended and reenacted to read as follows: 11 12 §4.1. Exceptions 13 14 B. The legislature further recognizes that there exist exceptions, exemptions, 15 and limitations to the laws pertaining to public records throughout the revised 16 statutes and codes of this state. Therefore, the following exceptions, exemptions, and 17 limitations are hereby continued in effect by incorporation into this Chapter by 18 citation: 19 (10) R.S. 18:43, 44, 114, 116, 154, **1300.3**, **1300.5**, 1308, 1491.5, 1495.3, 20 21 1511.8 22 PRESIDENT OF THE SENATE SPEAKER OF THE HOUSE OF REPRESENTATIVES GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: