

2024 Regular Session

HOUSE BILL NO. 873

BY REPRESENTATIVE EMERSON

ELECTIONS: Provides relative to elections

1 AN ACT

2 To amend and reenact R.S. 18:44(A) and (B)(5)(b), 58(B)(2), 192(A)(1)(a), 402, 410.6,

3 410.7(A) and (C), 410.10, 467, 1285(B)(1)(a), 1309(M)(1)(a), 1401(B), 1406(B),

4 1407, 1409(B)(1) and (2), 1432(A)(1), 1483(8), 1491.6(B)(1), (2), and (4) and

5 (C)(introductory paragraph), 1495.4(B)(1), (2), and (4) and (C)(introductory

6 paragraph), 1501.1(C)(introductory paragraph), 1505.2(H)(3)(a), and Section 2 of

7 Act No. 1 of the 2024 First Extraordinary Session of 2024; to enact R.S.

8 18:1483(3)(a)(iii), (21), and (22); and to repeal R.S. 18:467.1, relative to elections;

9 to provide for dates for elections and qualifying; to change the timing of the annual

10 canvass of voters; to provide for notice of the days of early voting at additional

11 locations; to provide for election contests and related procedures; to provide relative

12 to the death of candidates; to provide relative to qualifying; to provide for the duties

13 of the Louisiana State Law Institute relative thereto; to provide for definitions; to

14 provide relative to campaign finance contributions limitations and reporting

15 requirements; to change the effective date of Act No. 1 of the 2024 First

16 Extraordinary Session of the Legislature of Louisiana; to provide for effectiveness;

17 and to provide for related matters.

18 Be it enacted by the Legislature of Louisiana:

19 Section 1. R.S. 18:44(A) and (B)(5)(b), 58(B)(2), 192(A)(1)(a), 402, 410.6, 410.7(A)

20 and (C), 410.10, 467, 1285(B)(1)(a), 1309(M)(1)(a), 1401(B), 1406(B), 1407, 1409(B)(1)

1 and (2), 1432(A)(1), 1483(8), 1491.6(B)(1), (2), and (4) and (C)(introductory paragraph),
2 1495.4(B)(1), (2), and (4) and (C)(introductory paragraph), 1501.1(C)(introductory
3 paragraph), 1505.2(H)(3)(a) are hereby amended and reenacted and R.S. 18:1483(3)(a)(iii),
4 (21), and (22) are hereby enacted to read as follows:

5 §44. Contesting election; referral for prosecution

6 A. Whenever the board determines as a result of an investigation that
7 violations of law, irregularities, error, or fraud have occurred in the conduct of an
8 election which in the judgment of the board has resulted in the apparent qualification
9 for the second party primary or the general election or the apparent election of a
10 candidate not entitled to be so qualified or elected, the board, upon the favorable vote
11 of three members, may institute suit to contest the election in order to protect the
12 interest and rights of the state in fair and honest elections. In addition, for the same
13 cause and upon the same vote, the board may intervene in any suit instituted by any
14 other party to contest an election.

15 B. In any suit instituted by the board to contest an election, the provisions
16 of Chapter 9 of this Title shall apply, except that:

17 * * *

18 (5) The petition shall contain, but shall not be limited to, the following:

19 * * *

20 (b) The allegation that except for substantial irregularities or error, fraud, or
21 other unlawful activities in the conduct of the election, a different candidate would
22 have qualified for the second party primary or a general election or would have been
23 elected.

24 * * *

25 §58. Powers and duties of registrars

26 * * *

27 B.

28 * * *

1 (2) The registrar shall assign voters in the state voter registration computer
2 system according to each voting district in the parish from which an election is to be
3 conducted. For a primary election, the assignment of voters shall be completed on
4 or before the fifth business day prior to the opening of qualifying for the primary
5 election. For a general election, the assignment of voters shall be completed on or
6 before the ~~fifty-first~~ fifty-eighth day prior to the general election.

7 * * *

8 §192. Annual canvass; costs

9 A.(1)(a) No later than ~~June thirtieth~~ July thirty-first in each parish, the
10 registrar of voters shall annually canvass the names of the registrants in all precincts
11 in the parish. Failure of the registrar to conduct an annual canvass as provided in this
12 Paragraph shall constitute willful misconduct relating to his official duty for the
13 purposes of R.S. 18:53. The Department of State shall use the United States Postal
14 Service or its licensee to verify the names and addresses of the registrants in all
15 precincts in the state. A verification by the United States Postal Service or its
16 licensee shall constitute a valid canvass of the registered voter.

17 * * *

18 §402. Dates of primary and general elections; prohibited election days

19 ~~A. Gubernatorial elections. Elections for governor and officers elected at the~~
20 ~~same time as the governor shall be held every four years, beginning in 1983.~~

21 ~~(1) Gubernatorial primary elections shall be held on the third to last Saturday~~
22 ~~in October of an election year.~~

23 ~~(2) Gubernatorial general elections shall be held on the fifth Saturday after~~
24 ~~the third to last Saturday in October of an election year.~~

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

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

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

7 ~~C. Municipal and ward elections. In all municipalities with a population of~~
8 ~~less than three hundred thousand, elections for municipal and ward officers who are~~
9 ~~not elected at the same time as the governor or members of congress shall be held~~
10 ~~every four years.~~

11 ~~(1) Primary elections for municipal and ward officers who are not elected at~~
12 ~~the same time as the governor or members of congress shall be held on the last~~
13 ~~Saturday in March of an election year.~~

14 ~~(2) General elections for municipal and ward officers who are not elected at~~
15 ~~the same time as the governor or members of congress shall be held on the fifth~~
16 ~~Saturday after the last Saturday in March of an election year.~~

17 ~~D. Parochial and municipal elections in a parish containing a municipality~~
18 ~~with a population of three hundred thousand or more. Elections for parochial and~~
19 ~~municipal officers in a parish containing a municipality with a population of three~~
20 ~~hundred thousand or more shall be held every four years, beginning in 2017, as~~
21 ~~follows:~~

22 ~~(1) Primary elections for parochial and municipal officers shall be held on~~
23 ~~the second Saturday in October of an election year.~~

24 ~~(2) General elections for parochial and municipal officers shall be held on~~
25 ~~the fifth Saturday after the second Saturday in October of an election year.~~

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

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

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

7 ~~(b) The first Tuesday after the first Monday in November, when the special~~
8 ~~general election is held on the fifth Saturday after the first Tuesday after the first~~
9 ~~Monday in November.~~

10 ~~(c) The last Saturday in March, when the special general election is held on~~
11 ~~the fifth Saturday after the last Saturday in March.~~

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

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

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

19 ~~(a) The fifth Saturday after the third to last Saturday in October of 1983 and~~
20 ~~every fourth year thereafter.~~

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

23 ~~(c) The fifth Saturday after the last Saturday in March of any year.~~

24 ~~(d) The fifth Saturday after the second Saturday in October of 1985 and~~
25 ~~every fourth year thereafter.~~

26 ~~(e) The fifth Saturday after the second Saturday in October in a parish~~
27 ~~containing a municipality with a population of three hundred thousand or more,~~
28 ~~when the special primary election in such parish and municipality is held on the~~
29 ~~second Saturday in October of an election year for parish and municipal officers.~~

1 ~~(3) The secretary of state shall not include the name of any candidate on any~~
2 ~~ballot for a special election to fill a vacancy in any office to which this Subsection~~
3 ~~is applicable unless such special election has been called in accordance with the~~
4 ~~provisions of this Subsection and scheduled on one of the dates provided herein.~~
5 ~~Any elector who is eligible to vote in any such special election may apply for~~
6 ~~injunctive relief to prohibit the placing of the name of any candidate in an~~
7 ~~improperly called election on the ballot. Venue for such application shall be in any~~
8 ~~parish in which the election is called, and the secretary of state shall be the proper~~
9 ~~party defendant.~~

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

13 ~~(1) The third to last Saturday in October or the fifth Saturday after the third~~
14 ~~to last Saturday in October of 1983 and every fourth year thereafter.~~

15 ~~(2)(a) The first Tuesday after the first Monday in November or the fifth~~
16 ~~Saturday after the first Tuesday after the first Monday in November of~~
17 ~~even-numbered years:~~

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

28 ~~(3) The last Saturday in March or the fifth Saturday after the last Saturday~~
29 ~~in March of any year.~~

1 ~~(4) The second Saturday in October or the fifth Saturday after the second~~
2 ~~Saturday in October of 1985 and every fourth year thereafter.~~

3 ~~(6) For a parish containing a municipality with a population of three hundred~~
4 ~~thousand or more, the second Saturday in October or the fifth Saturday after the~~
5 ~~second Saturday in October in 2017 and every fourth year thereafter.~~

6 ~~G. Prohibited days. (1)~~

7 A. Prohibited election days. (1) No election of any kind shall be held in this
8 state on any of the days of Rosh Hashana, Yom Kippur, Sukkot, Shemini Atzeret,
9 Simchat Torah, the first two days and the last two days of Passover, Shavuot, Tish'a
10 B'Av, the two days preceding Labor Day or the three days preceding Easter. If the
11 date of any fall election falls on any of the above-named days, the election shall be
12 held on the same weekday of the preceding week. If the date of any spring election
13 falls on any of the above-named days, the election shall be held on the same weekday
14 of the following week.

15 ~~(2)(a)(i)~~ If the date for the fall primary election is advanced in accordance
16 with the provisions of Paragraph (1) of this Subsection, the general election shall be
17 advanced the same number of weeks as the primary election.

18 (3) If the date for the spring primary election is postponed in accordance
19 with the provisions of Paragraph (1) of this Subsection, the spring general election,
20 and if applicable, the second party primary election held at the same time, shall be
21 postponed the same number of weeks as the primary election.

22 ~~(b)~~ (4) If the date for the fall general election is advanced in accordance with
23 the provisions of Paragraph (1) of this Subsection, the fall primary election and, if
24 applicable, the general election for party primary office held at the same time shall
25 be advanced the same number of weeks as the fall general election.

26 B. Election dates in gubernatorial election years.

27 (1) Spring elections. (a) There shall be a spring primary election held on the
28 third Saturday in April for municipal and ward officers elected in the spring of a

1 gubernatorial election year and for candidates in a party primary election for a party
2 primary office to be elected at the gubernatorial election.

3 (b) There shall be a spring election held on the sixth Saturday after the third
4 Saturday in April which shall be a general election for municipal and ward officers
5 elected in the spring of a gubernatorial election year and if necessary, a second party
6 primary for candidates in a party primary election for a party primary office to be
7 elected at the gubernatorial election.

8 (2) Fall elections. (a) There shall be a fall primary election held on the third
9 to last Saturday in October of a gubernatorial election year for governor and officers
10 elected at the same time as the governor. This election date shall also serve as the
11 general election date for party primary office to be elected at the gubernatorial
12 election.

13 (b) There shall be a fall general election held on the sixth Saturday after the
14 third to last Saturday in October of a gubernatorial election year.

15 C. Election dates in congressional election years.

16 (1) Spring elections. (a) There shall be a spring primary election held on the
17 third Saturday in April for municipal and ward officers elected in the spring of a non-
18 presidential congressional election year and for candidates in a party primary
19 election for a party primary office to be elected in that year.

20 (b) In the spring of a non-presidential congressional election year, there shall
21 be an election held on the sixth Saturday after the third Saturday in April which shall
22 be a general election for municipal and ward officers and if necessary, a second party
23 primary for candidates in a party primary election for a party primary office to be
24 elected that year.

25 (c) In the spring of a presidential and congressional election year there shall
26 be a spring primary election held on the last Saturday in March for municipal and
27 ward officers and for candidates in a party primary election for a party primary office
28 to be elected in that year.

1 (d) In the spring of a presidential and congressional election year, there shall
2 be an election held on the sixth Saturday after the last Saturday in March for
3 municipal and ward officers elected and for candidates in a party primary election
4 for a party primary office to be elected in that year.

5 (2) Fall elections. (a) There shall be a fall primary election held on the first
6 Tuesday after the first Monday in November for officers elected at the same time as
7 members of congress in that year. This election date shall also serve as the general
8 election date for a party primary office to be elected in a congressional election year.

9 (b) There shall be a fall general election held on the sixth Saturday after the
10 first Tuesday after the first Monday in November of a congressional election year.

11 D. Odd-numbered year election dates in a nongubernatorial election year.

12 (1) Spring elections. (a) There shall be a spring primary election held on the
13 third Saturday in April for municipal and ward officers elected in the spring of a
14 nongubernatorial election year.

15 (b) There shall be a spring election held on the sixth Saturday after the third
16 Saturday in April which shall be a general election for municipal and ward officers
17 elected in the spring of a non-gubernatorial election year.

18 (2) Fall elections. (a) There shall be a fall primary election held on the
19 second Saturday in October for parochial and municipal officers in a parish
20 containing a municipality with a population of three hundred thousand or more.

21 (b) There shall be a fall general election held on the sixth Saturday after the
22 second Saturday in October of an election year.

23 E.(1) Special elections to fill newly created offices or vacancies in office
24 shall be held on dates fixed by the appropriate authority in the proclamation issued
25 in accordance with law. For an election to fill a vacancy, the dates fixed in the
26 proclamation shall be limited to the dates for primary elections and general elections
27 established in Subsections B, C, and D of this Section. Except as otherwise provided
28 by law, a special primary election shall be held on the first of the election dates
29 established in this Section that is after the date on which the proclamation calling the

1 special primary election is issued, provided that the proclamation is issued at least
2 four weeks prior to the opening of the qualifying period for the special primary
3 election. The authority issuing the proclamation shall consult with the secretary of
4 state in the establishment of a qualifying period and election dates for special
5 elections.

6 (2) Except for the office of representative in congress, the secretary of state
7 shall not include the name of any candidate on any ballot for a special election to fill
8 a vacancy in any office to which this Subsection is applicable unless such special
9 election has been called in accordance with the provisions of this Subsection and
10 scheduled on one of the dates provided herein. Any elector who is eligible to vote
11 in any such special election may apply for injunctive relief to prohibit the placing of
12 the name of any candidate in an improperly called election on the ballot. Venue for
13 such application shall be in any parish in which the election is called, and the
14 secretary of state shall be the proper party defendant.

15 F. Every bond, tax, or other election at which a proposition or question is to
16 be submitted to the voters shall be held only on an election date established in
17 Subsections B, C, and D of this Section. However, the sixth Saturday after the first
18 Tuesday after the first Monday in November of any congressional election year shall
19 not be applicable in a parish containing a municipality with a population of three
20 hundred thousand or more for an election relative to a parcel fee imposed within a
21 security or neighborhood improvement district. For purposes of this Subsection,
22 "security or neighborhood improvement district" means a special district one of the
23 primary purposes of which is aiding in crime prevention and adding to the security
24 of district residents by providing for an increased presence of law enforcement
25 personnel in the district or otherwise promoting and encouraging security in the
26 district.

27 G.(1) For purposes of Article XIII, Section 1 of the Constitution of
28 Louisiana, the fall election dates established in Subsections B and C of this Section
29 shall be the regularly scheduled statewide elections.

1 (2) The fall election dates established in Subsection B of this Section shall
2 be the gubernatorial election dates.

3 (3) The fall election dates established in Subsection C of this Section shall
4 be the congressional election dates.

5 * * *

6 §410.6. Death of a candidate; procedure; selection of party nominee

7 A. When a person who qualified as a candidate in a party primary election
8 ~~for the office of to be the party nominee for a party primary office~~ dies after the close
9 of the qualifying period and before the time for closing the polls on the day of that
10 party primary election, the name of the deceased candidate shall not be printed on
11 the party primary election ballot. If the party primary election ballot was printed
12 with the deceased candidate's name on it, any votes received by the deceased
13 candidate shall be void and shall not be counted for any purpose whatsoever.

14 B.(1) If as the result of the death of a candidate in a party primary election
15 a recognized political party has no party nominee qualified for the general election,
16 the recognized political party in the manner provided in its bylaws shall select the
17 party nominee who shall meet all of the qualifications for the party primary office.

18 (2) The chairman of the state central committee of the recognized political
19 party shall transmit an attestation to the secretary of state containing the name of the
20 party nominee, the signature of the chairman of the state central committee, the
21 signature of the party nominee, and any other information required by the form of
22 the attestation prescribed by the secretary of state. The attestation shall be filed as
23 soon as possible after the death of the party's candidate, but no later than noon on the
24 seventh day prior to the general election day. If the attestation is received no later
25 than 4:30 p.m. on the seventh day after the close of the qualifying period for
26 nonparty primary offices for the fall primary election, the secretary of state shall
27 print the name of the selected party nominee on the ballot. If the attestation is filed
28 in accordance with this Paragraph, but the name of the selected party nominee is not
29 placed on the ballot, there shall be a notice regarding the selected party nominee

1 posted at each polling place and on the website of the secretary of state. If the
2 selected party nominee's name is not placed on the ballot, all votes cast for the party's
3 deceased candidate shall be attributed to the party nominee.

4 (3) If the party nominee dies after noon on the seventh day prior to general
5 election day, there shall be no selected party nominee and no attestation shall be filed
6 with or accepted by the secretary of state. All votes cast for the deceased party
7 nominee shall be counted and if the deceased party nominee obtains the most votes
8 cast for the party primary office in the general election, a vacancy in the party
9 primary office shall be declared.

10 §410.7. Party candidates who qualify for a general election

11 A. The candidate who receives the majority of votes in the party primary
12 qualifies for the general election as the party's nominee for the office. All candidate
13 nominations for a party primary office by recognized political parties for the general
14 election shall be made in this manner, except as otherwise provided in R.S.
15 18:410.6(B).

16 * * *

17 C. There shall be no third party primary. In the case of a tie vote in the
18 second party primary of a recognized political party, none of the candidates qualify
19 as the party nominee for the general election and the party nominee shall be selected
20 by a public drawing of lots conducted by the State Board of Election Supervisors
21 from among the candidates who received the highest number of votes in the second
22 party primary election. The public drawing of lots shall be conducted at the state
23 capitol on a day and at a time fixed by the board within one week after the results of
24 the election become official. The candidates involved shall be given at least three
25 days' written notice of the time and place of the public drawing of lots. For any
26 situation not specifically provided for in this Section, the state central committee of
27 the recognized political party involved shall provide for the selection of a nominee
28 from the candidates and shall provide notice of the selection of a nominee to the

1 ~~secretary of state no later than five business days after the second party primary~~
2 ~~election.~~

3 * * *

4 §410.10. Party primary elections

5 Party primary elections shall be held in ~~March~~ of an election year on the
6 spring election dates established in R.S. 18:402.

7 * * *

8 §467. Opening of qualifying period

9 A. Except as otherwise provided in Part I-A of this Chapter, the qualifying
10 period for candidates in a primary election shall open:

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

14 (2) For candidates in a ~~congressional~~ fall primary election in a congressional
15 election year and those in any special primary election to be held at the same time,
16 on the ~~third~~ last Wednesday in July of the year of the election.

17 (3) For candidates in a spring primary election ~~for municipal and ward~~
18 ~~officers who are not elected at the same time as the governor or members of congress~~
19 ~~in municipalities with a population of less than three hundred thousand~~ in a
20 gubernatorial election year, for all candidates for a party primary office to be elected
21 that year, and those in any special primary election to be held at the same time, on
22 the last second Wednesday in January of the year of the election; ~~unless the primary~~
23 ~~election is held in a presidential election year; in such case, the qualifying period for~~
24 ~~candidates in the primary election shall open on the third Wednesday in December~~
25 ~~of the year prior to the election.~~

26 (4) For candidates in a nongubernatorial, odd-numbered year fall primary
27 election for parochial and municipal officers in a parish containing a municipality
28 with a population of three hundred thousand or more and ~~in which the municipal and~~

1 ~~parochial elections are~~ those in any special primary election to be held at the same
2 time, on the second Wednesday in July in the year of the election.

3 (5) For candidates in a spring primary election in a presidential election year
4 and for candidates in a presidential primary election, for all candidates for a party
5 primary office to be elected that year, and those in any special primary election to
6 be held at the same time, the qualifying period shall open on the third Wednesday in
7 December.

8 (6) For candidates in a spring primary election held on the second Saturday
9 ~~in October of 1981 and every fourth year thereafter, on the second Wednesday in~~
10 ~~July of the year of the election~~ in a nonpresidential congressional election year, for
11 all candidates for a party primary office to be elected that year, and those in any
12 special primary election to be held at the same time, on the second Wednesday in
13 January of the year of the election.

14 (7) For candidates in a spring primary election held in a nongubernatorial,
15 odd-numbered election year, for all candidates for a party primary office to be
16 elected that year, and those in any special primary election to be held at the same
17 time, on the second Wednesday in January of the year of the election.

18 B. The qualifying period for candidates qualifying for the general election
19 for a party primary office in the manner provided in R.S. 18:410.8 shall be the
20 qualifying period for candidates qualifying for a party primary office as provided
21 Subsection A of this Section.

22 * * *

23 §1285. Notice of election

24 * * *

25 B.(1)(a) Written notice of the election and the certificate required by
26 Subparagraph (b) of this Paragraph shall be transmitted to the secretary of state and
27 each clerk of court and registrar of voters in the area affected by the election. If the
28 election is to be held on a primary election date, then such notice and certificate shall
29 be received by the secretary of state at least four weeks prior to the opening of the

1 qualifying period for the primary election. If the election is not to be held on a
 2 primary election date, then the notice and certificate shall be received by the
 3 secretary of state on or before the ~~fifty-fourth~~ sixty-first day prior to the election.
 4 The secretary of state shall not accept any revisions to propositions, including but not
 5 limited to changes in title, text, or numerical designations, after the last day for
 6 submission of the notice and certificate to the secretary of state, unless prior to the
 7 printing of the ballots the revision will correct a typographical error and the revision
 8 has been approved by the governing authority that called the proposition election.

9 * * *

10 §1309. Early voting; verification

11 * * *

12 M.(1)(a) In a parish where early voting is conducted at an additional location
 13 pursuant to R.S. 18:1309.2, the registrar may fix the days during which early voting
 14 shall be conducted at the additional location during the early voting period, with the
 15 approval of the secretary of state, at least thirty days prior to a primary election and
 16 ~~twenty-one~~ thirty days prior to a general election.

17 * * *

18 §1401. Objections to candidacy, contests of elections, contests of certification of
 19 recall petition; parties authorized to institute actions

20 * * *

21 B. A candidate who alleges that, except for substantial irregularities or error,
 22 or except for fraud or other unlawful activities in the conduct of the election, he
 23 would have qualified for a second party primary or general election or would have
 24 been elected may bring an action contesting the election.

25 * * *

26 §1406. Petition; answer; notification

27 * * *

28 B. The petition shall set forth in specific detail the facts upon which the
 29 objection or contest is based. If the action contests an election involving election to

1 office, the petition shall allege that except for substantial irregularities or error, fraud,
 2 or other unlawful activities in the conduct of the election, the petitioner would have
 3 qualified for a second party primary or general election or would have been elected.
 4 If the action contests an election involving the recall of a public officer, the petition
 5 shall allege that except for substantial irregularities or error, fraud, or other unlawful
 6 activities in the conduct of the election, the petitioner would not have been recalled.
 7 The trial judge may allow the filing of amended pleadings for good cause shown and
 8 in the interest of justice.

9 * * *

10 §1407. Appointment of agent for service of process

11 By filing notice of candidacy a candidate appoints the clerk of court for each
 12 parish in which he is to be voted on as his agent for service of process in any action
 13 objecting to his candidacy, contesting his qualification as a candidate in a second
 14 party primary or general election, or contesting his election to office.

15 * * *

16 §1409. Trial; decision; appeal

17 * * *

18 B.(1) If the action involves the contest of a primary election for a major
 19 office, the trial judge, for good cause shown, may postpone the date of the second
 20 party primary or general election for the office as to which the contest was filed for
 21 a period not to exceed five weeks.

22 (2) Whenever the trial of an action contesting a primary election for a major
 23 office, extends past 5:00 p.m. on the fourteenth day after the day of the election, the
 24 trial judge shall order the second party primary or general election for the affected
 25 office postponed to a Saturday specified by him which is at least thirty days after the
 26 date on which the trial court renders judgment.

27 * * *

1 §1432. Remedies

2 A.(1) If the trial judge in an action contesting an election determines that: it
3 is impossible to determine the result of election, or the number of qualified voters
4 who were denied the right to vote by the election officials was sufficient to change
5 the result in the election, if they had been allowed to vote, or the number of
6 unqualified voters who were allowed to vote by the election officials was sufficient
7 to change the result of the election if they had not been allowed to vote, or a
8 combination of these factors would have been sufficient to change the result had they
9 not occurred, the judge may render a final judgment declaring the election void and
10 ordering a new party primary, primary₂ or general election for all the candidates, or,
11 if the judge determines that the appropriate remedy is the calling of a restricted
12 election, the judge may render a final judgment ordering a restricted election,
13 specifying the date of the election, the appropriate candidates for the election, the
14 office or other position for which the election shall be held, and indicating which
15 voters will be eligible to vote.

16 * * *

17 §1483. Definitions

18 As used in this Chapter, the following terms shall have the meanings given
19 to each in this Section unless the context clearly indicates otherwise:

20 * * *

21 (3)(a) "Candidate" means a person who seeks nomination or election to
22 public office, except the office of president or vice president of the United States,
23 presidential elector, delegate to a political party convention, United States senator,
24 United States congressman, or political party office. An individual shall be deemed
25 to seek nomination or election to such office if he has:

26 * * *

27 (iii) Been selected as a party nominee in accordance with R.S. 18:410.6.

28 * * *

1 (8) "Election" means any ~~party primary~~, primary, general, ~~or~~ special election
 2 or other election held, pursuant to the laws of this state or a parish or municipal
 3 charter or ordinance or a court order, to choose a public officer or nominee. For
 4 ~~purposes of this Chapter, a primary election and a general election for a particular~~
 5 ~~office shall constitute one election.~~ For purposes of the reporting requirements for
 6 the support or opposition of a proposition or question submitted to the voters,
 7 "election" shall also mean any primary, general, or special election, except local
 8 option elections held pursuant to the provisions of Chapter 3 of Title 26 of the
 9 Louisiana Revised Statutes of 1950, at which a proposition or question is submitted
 10 to the voters in accordance with Chapters 6-A, 6-B, and 6-C of this Code.

11 * * *

12 (21) "Primary election" means any type of primary election, including a
 13 party primary election and a second party primary election.

14 (22) "Nonparty primary candidate" means a candidate for a party primary
 15 office who qualified for the general election for a party primary office in the manner
 16 provided by R.S. 18:410.8.

17 * * *

18 §1491.6. Reports required; reporting times and periods

19 * * *

20 B. A report shall be filed for a political committee for each regularly
 21 scheduled election in which the committee participates according to the following
 22 schedule:

23 (1) Each committee which is participating in the election of a candidate for
 24 major office, excluding a candidate for party primary office, shall file a report no
 25 later than the one hundred eightieth day prior to the primary election, which shall be
 26 complete through the one hundred ninetieth day prior to the primary election.

27 (2) Each committee which is participating in the election of a candidate for
 28 major office, excluding a candidate for party primary office, shall file a report no

1 later than the ninetieth day prior to the primary election, which shall be complete
2 through the one hundredth day prior to the primary election.

3 * * *

4 (4)(a) Each committee shall file a report no later than the tenth day prior to
5 the primary election which shall be complete through the twentieth day prior to the
6 primary election.

7 (b) If a second party primary is held, each committee participating in the
8 second party primary election shall file a report no later than the tenth day prior to
9 the second party primary election which shall be complete through the twentieth day
10 prior to the second party primary election.

11 (c) Each committee participating in the general election for a party primary
12 office shall file a report no later than the ninetieth day prior to the general election
13 for a party primary office, which shall be complete through the one hundredth day
14 prior to the general election. This shall be the final report for the election for any
15 committee which does not participate in the general election for party primary office,
16 unless supplemental reports are required as provided in Subsection D of this Section.

17 (d) Each committee participating in the general election for a party primary
18 election shall file a report no later than the thirtieth day before the general election
19 for a party primary election, which shall be complete through the fortieth day prior
20 to the general election for a party primary office.

21 * * *

22 C. During the period beginning at midnight of the twentieth day prior to a
23 primary election and extending through midnight of primary election day, during the
24 period beginning at midnight of the twentieth day prior to a second party primary
25 election and extending through midnight of a second party primary election day, if
26 applicable, and during the period beginning at midnight of the twentieth day prior to
27 a general election and extending through midnight of general election day, each
28 committee shall file a report with the supervisory committee of:

29 * * *

1 §1495.4. Reports required; reporting times and periods; extension

2 * * *

3 B. A report shall be filed for a candidate for each regularly scheduled
4 election in which the candidate participates according to the following schedule:

5 (1) Each candidate for major office, excluding a candidate for party primary
6 office, shall file a report no later than the one hundred eightieth day prior to the
7 primary election, which shall be complete through the one hundred ninetieth day
8 prior to the primary election.

9 (2) Each candidate for major office, excluding a candidate for party primary
10 office, shall file a report no later than the ninetieth day prior to the primary election,
11 which shall be complete through the one hundredth day prior to the primary election.

12 * * *

13 (4)(a) Each candidate shall file a report no later than the tenth day prior to
14 the primary election which shall be complete through the twentieth day prior to the
15 primary election.

16 (b) If a second party primary election is held, each candidate shall file a
17 report no later than the tenth day prior to the second party primary election which
18 shall be complete through the twentieth day prior to the second party primary
19 election.

20 (c) Each candidate participating in the general election for a party primary
21 office shall file a report no later than the ninetieth day prior to the general election
22 for a party primary office, which shall be complete through the one hundredth day
23 prior to the general election for a party primary office. This shall be the final report
24 for the election for any candidate which does not participate in the general election
25 for party primary office, unless supplemental reports are required as provided in
26 Subsection D of this Section.

27 (d) Each candidate participating in the general election for a party primary
28 office shall file a report no later than the thirtieth day before the general election for

1 a party primary office, which shall be complete through the fortieth day before the
2 general election for a party primary office.

3 * * *

4 C. During the period beginning at midnight of the twentieth day prior to a
5 primary election and extending through midnight of primary election day, during the
6 period beginning at midnight of the twentieth day prior to a second party primary
7 election and extending through midnight of the second party primary election day,
8 if applicable, and during the period beginning at midnight of the twentieth day prior
9 to a general election and extending through midnight of general election day, each
10 candidate shall file a report with the supervisory committee of:

11 * * *

12 §1501.1. Reports by persons not candidates or committees

13 * * *

14 C. In addition to the reports filed in Subsection B of this Section, during the
15 period beginning at midnight of the twentieth day prior to a primary election and
16 extending through midnight of primary election day, during the period beginning at
17 midnight of the twentieth day prior to a second party primary election and extending
18 through midnight of the second party primary election day, if applicable, and during
19 the period beginning at midnight of the twentieth day prior to a general election and
20 extending through midnight of general election day, any person, other than a
21 candidate or a political committee, who makes any expenditure or who accepts a
22 contribution, other than to or from a candidate or to or from a political committee,
23 shall file a report with the supervisory committee of:

24 * * *

25 §1505.2. Contributions; expenditures; certain prohibitions and limitations

26 * * *

27 H.

28 * * *

CODING: Words in ~~struck through~~ type are deletions from existing law; words underscored are additions.

1 (3)(a) For purposes of this Subsection, a primary election and a general
2 election shall constitute two separate elections, except that for a party primary office,
3 a primary, a second party primary, and a general election shall constitute three
4 separate elections. For purposes of this Subsection, for candidates for a party
5 primary office and committees that participate in a second party primary, the
6 reporting period for the second party primary election shall be deemed to begin the
7 day following the primary election. For purposes of this Subsection, for candidates
8 and committees that participate in a general election, the reporting period for the
9 general election shall be deemed to begin the day following the primary election at
10 which the candidate qualified for the general election, except that for a nonparty
11 primary candidate, the reporting period for the general election shall be deemed to
12 begin the day the candidate became a candidate for a party primary office.

* * *

14 Section 2. Section 2 of Act No. 1 of the 2024 First Extraordinary Session of 2024
15 is hereby amended and reenacted to read as follows:

16 "Section 2. ~~This~~ (A) Solely for the purposes of qualifying for elections in
17 2026 and for other activities and requirements related to the conduct of elections in
18 2026, the provisions of Section 1 of this Act shall become effective on August 1,
19 2025.

20 (B) For all other purposes, the provisions of this Act shall become effective
21 on January 1, 2026."

22 Section 3. R.S. 18:467.1 is hereby repealed in its entirety.

23 Section 4. The Louisiana State Law Institute is hereby authorized and directed to
24 change the references to "R.S. 18:467, 467.1, and 468" as those references appear in R.S.
25 18:591, 601(A)(1)602(B)(2)(a), and 604(B)(2)(a) to "R.S. 18:467 and 468". The Louisiana
26 State Law Institute is hereby authorized and directed to change the reference from "R.S.
27 18:410.6 and 469" to "R.S. 18:469" in R.S. 18:154(F)(8) as enacted by House Bill No. 677
28 of this 2024 Regular Session of the Legislature if the Act which originated as House Bill
29 No. 677 of this 2024 Regular Session of the Legislature is enacted and becomes effective.

1 Section 5.(A) Solely for the purposes of qualifying for elections in 2026 and for
2 other activities and requirements related to the conduct of elections in 2026, the provisions
3 of this Act shall become effective on August 1, 2025.

4 (B) For all other purposes, the provisions of this Act shall become effective on
5 January 1, 2026.

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 873 Engrossed

2024 Regular Session

Emerson

Abstract: Makes various changes to the La. Election Code, including the Campaign Finance Disclosure Act to provide for the conduct of party primary elections and for candidates for party primary offices and deadlines related to the increased period of time between primary and general elections.

Present law requires the Bd. of Ethics to investigate aspects of an election for statewide elected offices, U.S. House and Senate, and justice of the supreme court upon receipt of a sworn statement by a registered voter alleging error, fraud, irregularity, or other unlawful activity. Provides that if the board determines the allegations have occurred in the either the qualification of a candidate for the general election or the election of candidate to office, the board may institute suit to contest the election or intervene in a suit instituted by any other party. Proposed law includes the qualification of a candidate for a second party primary within the board's purview and otherwise retains present law.

Present law requires each registrar of voters to assign voters to each voting district in the parish from which an election is to be conducted. For a general election, the deadline to complete the assignment of voters is the 51st day prior to the general election. Proposed law changes this deadline to the 58th day prior to the general and otherwise retains present law.

Present law provides that no later than June 30th, the registrar of voters in each parish shall conduct the annual canvass of voters in all precincts in the parish. Proposed law changes this deadline to July 31st and otherwise retains present law.

Present law provides for the dates of primary and general elections as well as specified days that are prohibited election days. Generally present law provides for two dates, a primary and a general election, in the spring of each year and two dates, a primary and a general election in the fall of each year. Provides that bond, tax, or other elections at which a proposition or question is to be submitted to the voters may be placed on any of those election dates in the manner provided by present law. Further provides that special elections to fill vacancies shall be held on the first available election date allowed by law 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. Present law generally provides that there are five weeks between a primary and a general election.

Proposed law restructures present law, generally provides that there are six weeks between a primary and general election, and specifies which spring elections are the party primary elections and which fall elections are the general election for party primary office. Further

specifies that for purposes of the present constitution (Const. Art. XIII, §1) the fall gubernatorial and congressional election dates are regularly scheduled statewide elections.

Present law provides that when a person who qualified as a candidate and has opposition in a primary election dies after the close of qualifying and before the close of polls on primary election day, the qualifying period for the primary election is reopened. Further provides that any votes received by the deceased candidate shall be void and shall not be counted. Present law further provides that if, as the result of the death of a candidate in a general election, the number of candidates for an office does not exceed the number to be elected, the remaining candidate is declared elected by the people.

Present law further provides, relative to candidates in a party primary election for party primary office, that if one of the persons receiving the highest number of votes in the first party primary dies thereby leaving only one candidate from the same political party in the race, the remaining candidate who has received the highest number of votes for the office for which he was a candidate shall be declared the nominee of the party.

Present law relative to party primary election candidates, specifies that there shall be no third party primary. Present law further provides that for any situation not specifically provided for in present law, the state central committee of the recognized political party involved shall provide for the selection of a nominee from the candidates and shall provide notice of the selection of a nominee to the secretary of state no later than five business days after the second party primary election.

Proposed law provides instead that, if as the result of the death of a party primary candidate, a recognized political party has no party nominee qualified for the general election, the recognized political party in the manner provided in its bylaws shall select the party nominee who shall meet all of the qualifications for the party primary office. Requires the chairman of the party's state central committee to transmit an attestation to the secretary of state containing the name of the party nominee, the signature of the chairman, the signature of the party nominee, and any other information required on the form prescribed by the secretary of state. Requires the attestation to be filed as soon as possible, but no later than noon on the seventh day prior to the general election day. Provides that if the attestation is received by 4:30 p.m. on the seventh day after the close of the qualifying period for nonparty primary offices for the fall election, the secretary of state shall print the name of the selected party nominee on the ballot. Provides that if the attestation is filed, but the name of the selected party nominee is not placed on the ballot, there shall be a notice regarding the selected party nominee posted at each polling place and on the website of the secretary of state. Specifies that if the selected party nominee's name is not placed on the ballot, all votes cast for the party's deceased candidate shall be attributed to the selected party nominee. Further provides that if the party nominee dies after noon on the seventh day prior to general election day, there shall be no selected party nominee and no attestation shall be filed with or accepted by the secretary of state. Requires that all votes cast for the deceased party nominee shall be counted and if the deceased party nominee obtains the most votes cast for the party primary office in the general election, a vacancy in the party primary office shall be declared.

Proposed law further provides that if a tie vote occurs in the second party primary, none of the candidates qualify as the party nominee for the general election and the party nominee shall be selected by a public drawing of lots conducted at the state capitol by the State Board of Election Supervisors from among the candidates who received the highest number of votes in the second party primary election within a week after the election results are official and after written notice to the candidates.

Present law provides that party primary election shall be held in March. Proposed law provides instead that party primary elections shall be held on the spring election dates established in present and proposed law.(R.S. 18:402).

Present law provides relative to the opening of the qualifying period for candidates in a primary election.

Proposed law changes the opening of qualifying for the fall primary election in a congressional election year from the third Wed. in July to the last Wed. in July. Further provides that the qualifying period for candidates for party primary office to be elected in the gubernatorial election year and both the nonpresidential congressional year and the presidential and congressional year is the qualifying period for the spring primary election occurring in that particular year. Changes the opening of qualifying for the spring elections in every year, other than the presidential election year, to the second Wed. in January rather than the last Wed. in January. Specifies that the opening of qualifying for candidates for party primary office that qualify directly for the general election is the same as those in the party primary election in the spring of the election year.

Present law provides that if the date of a primary election is advanced pursuant to present law the qualifying period for candidates in the primary election shall be advanced the same number of weeks as the primary election. Proposed law repeals present law.

Present law, relative to bond, debt, tax, and other proposition elections that are subject to the approval by the State Bond Commission, requires that the notice of the election that is required to be published once a week for four consecutive weeks and the certificate of approval of the proposition from the State Bond Commission be submitted to the secretary of state no later than the 54th day prior to the election, if the election is not held on a primary election date. Proposed law changes this deadline to the 61st day prior to the election.

Present law that in a parish where early voting is conducted at additional locations, the registrar may fix the days it is conducted during the early voting period with the approval of the secretary of state at least 30 days prior to a primary election and 21 days prior to a general election. Proposed law changes the deadline for approval prior to a general election to 30 days and otherwise retains present law.

Present law provides for contests of elections and authorizes a candidate who alleges that, except for substantial irregularities or error, or except for fraud or other unlawful activities in the conduct of the election, he would have qualified for a general election or would have been elected to bring an action contesting the election. Further sets forth procedures and remedies.

Proposed law further authorizes a candidate who alleges that, except for substantial irregularities or error, or except for fraud or other unlawful activities in the conduct of the election, he would have qualified for a second party primary to bring an action contesting the election in the same manner and with same remedies as provided in present law for such election contests.

Present law provides relative to the Campaign Finance Disclosure Act (CFDA) and provides for definitions, required disclosure reports, contribution limits, and other prohibitions and limitations.

Proposed law includes in the definition of "candidate" a selected party nominee who takes the place of a deceased party nominee, includes "party primary" in the definition of "election" and removes language specifying that a primary and a general election constitute one election for the purposes of the CFDA; specifies that unless the context clearly indicates otherwise that "primary election" means any type of primary election, including a party primary election and a second party primary election; and defines "nonparty primary candidate" as a candidate for a party primary office who qualified for the general election in the manner provided by present law for candidates not affiliated with either of the two recognized political parties with the most affiliated voters.

Present law provides a schedule for reporting including: (1) for major office candidates and participating political committees – no later than the 180th day prior to the primary election, which shall be complete through the 190th day prior to the primary election; (2) for major office candidates and participating political committees – no later than the 90th day prior to the primary election, which shall be complete through the 100th day prior to the primary election; (3) for all candidates and participating political committees – no later than the 30th day prior to the primary election, which shall be complete through the 40th day prior to the primary election; (4) for all candidates and participating political committees – no later than the 10th day prior to the primary election which shall be complete through the 20th day prior to the primary election; (5) for all candidates and participating political committees – no later than the 10th day prior to the general election, which shall be complete through the 20th day prior to the general election; (6) for candidates in a general election and participating political committees – no later than the 40th day after the general election, which shall be complete through the 30th day after the general election. Present law additionally requires special reports during the period beginning at midnight of the twentieth day prior to a primary and a general election and extending through midnight of a primary and general election day for contributions received in excess of specified amounts (\$1,000 for major office; \$500 for district office; and \$250 for any other office) or certain specified expenditures in excess of \$200 which are due no later than two business days after such transaction. Present law also requires certain supplemental reports to be filed annually in the case of candidates and committees with a deficit and provides that such reports are due no later than Feb. 15 of each year, complete through the preceding Dec. 31. Present law further provides for annual reports for candidates and committees who have received contributions, made expenditures, or received or made loans during the reporting period and provides that such reports are due no later than Feb. 15 of each year, complete through the preceding Dec. 31.

Proposed law retains present law but excludes candidates for party primary office from the 180th day prior to the primary election and the 90th day prior to the primary election reporting requirements. Provides that those candidates and participating committees and other participating persons file reports on (1) the 30th day prior to the primary election, which shall be complete through the 40th day prior to the primary election; (2) the 10th day prior to the primary election which shall be complete through the 20th day prior to the primary election; (3) if a second party primary is held, the 10th day prior to the second party primary election which shall be complete through the 20th day prior to the second party primary election; (4) the 90th day prior to the general election for a party primary office, which shall be complete through the 100th day prior to the general election (specifies that this shall be the final report for the election for any candidate or committee which does not participate in the general election for party primary office, unless supplemental reports are required); (5) the 30th day before the general election for a party primary election, which shall be complete through the 40th day prior to the general; and (6) pursuant to present law those reports required by present law (see (5) and (6) above) prior to and after the general election. Proposed law further specifies that the special reports for certain specified contributions or expenditures apply during the period beginning at midnight of the 20th day prior to a second party primary extending through midnight of the second party primary election day are due no later than two business days after such transaction.

Present law relative to the application of contribution limits provides that a primary election and a general election shall constitute two separate elections.

Proposed law retains present law but specifies that for a party primary office, a primary, a second party primary, and a general election constitute three separate elections. Specifies that for candidates for a party primary office and committees that participate in a second party primary, the reporting period for the second party primary election shall be deemed to begin the day following the primary election. Clarifies that for candidates and committees that participate in a general election, the reporting period for the general election shall be deemed to begin the day following the primary election at which the candidate qualified for the general election, except that for a nonparty candidate for a party primary office, provides

that the reporting period for the general election shall be deemed to begin the day the candidate becomes a candidate for a party primary office.

Present law (Section 2 of Act No. 1 of the 2024 1st E.S. of 2024) provides that Act No. 1 of the 2024 1st E.S. becomes effective on Jan. 1, 2026. Proposed law provides instead that Act No. 1 of the 2024 1st E.S. becomes effective solely for the purposes of qualifying for elections in 2026 and for other activities and requirements related to the conduct of elections in 2026, on Aug. 1, 2025, and for all other purposes on Jan. 1, 2026.

Proposed law directs the La. State Law Institute in specified provisions of present law to change citation references to remove a citation that proposed law repeals. Further directs the La. State Law Institute to remove a citation reference enacted in House Bill No. 677 of the 24 R.S. if it becomes law.

Effective solely for the purposes of qualifying for elections in 2026 and for other activities and requirements related to the conduct of elections in 2026, on Aug. 1, 2025, and for all other purposes on Jan. 1, 2026.

(Amends R.S. 18:44(A) and (B)(5)(b), 58(B)(2), 192(A)(1)(a), 402, 410.6, 410.7(A) and (C), 410.10, 467, 1285(B)(1)(a), 1309(M)(1)(a), 1401(B), 1406(B), 1407, 1409(B)(1) and (2), 1432(A)(1), 1483(8), 1491.6(B)(1), (2), and (4) and (C)(intro. para.), 1495.4(B)(1), (2), and (4) and (C)(intro. para.), 1501.1(C)(intro. para.), and 1505.2(H)(3)(a), and §2 of Act No. 1 of the 2024 1st E.S. of 2024; Adds R.S. 18:1483(3)(a)(iii), (21), and (22); Repeals R.S. 18:467.1)

Summary of Amendments Adopted by House

The Committee Amendments Proposed by House Committee on House and Governmental Affairs to the original bill:

1. Remove the proposed change to the period for early voting.
2. Provide for a public drawing of lots procedure in the case of a tie in a second party primary election.
3. Provide for the opening of the qualifying period for spring elections in a nongubernatorial, odd-numbered election year.
4. Change the opening of the qualifying period for spring elections, except in a presidential election year, from the last Wednesday in January to the second Wednesday in January.
5. Direct the La. State Law Institute to remove a citation reference if provision is enacted by House Bill No. 677.
6. Make technical changes.