ACT No. 570

Regular Session, 2010

HOUSE BILL NO. 292

BY REPRESENTATIVES GREENE, HENRY BURNS, CARMODY, CARTER, ELLINGTON, GUINN, HAZEL, HINES, HOFFMANN, HOWARD, Leger, LOPINTO, LORUSSO, PONTI, PUGH, SMILEY, JANE SMITH, TALBOT, AND THIBAUT AND SENATOR THOMPSON

AN ACT

To amend and reenact R.S. 18:44(A) and (B)(5)(b), 110(B), 193(F), 197, 401(B), 402(B), 433(G)(1) and (H)(1)(introductory paragraph), 434(A)(1), 435(G)(1) and (H)(1)(introductory paragraph), and (B), 436, 453(A) and (B), 467(introductory paragraph) and (2), 468(A), 481, 491(A) and (C), 511(A) and (B), 512(B), 535(B), 552(A)(introductory paragraph), 1272(A), 1278(B), 1279, 1285(B)(1)(a), 1300(C)(1), 1300.7(A), 1306(A)(4) and (C)(2), 1307(A)(8) and (E), 1308(A)(2)(a), 1314(B) and (C), 1355(6), 1401(B), 1402(B)(1)(c), 1405(A), 1406(B), 1407, 1409(B)(1) and (2), 1432(A), and 1461(A)(17) and to repeal R.S. 18:1275.1 through 1275.24, relative to elections; to provide for an open primary system of elections for congressional offices; to provide relative to objections to candidacy and contests of elections; to provide relative to changes to and challenge and cancellation of voter registration; to provide relative to procedures for voting; to provide for election dates; to provide relative to courses of instruction for commissioners; to provide relative to selection and replacement of commissioners; to provide relative to alternate commissioners; to provide relative to watchers; to provide relative to dual candidacy; to provide relative to qualification of candidates; to provide relative to the election of candidates in a primary and general election; to provide relative to notice of location of precincts and polling places; to provide relative to election materials; to provide relative to filling vacancies in federal offices; to provide relative to recall elections; to provide relative to absentee by mail and early voting; to provide relative to voting machines; to provide relative to election offenses; and to provide for related matters.

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CODING: Words in struck through type are deletions from existing law; words underscored are additions.
Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 18:44(A) and (B)(5)(b), 110(B), 193(F), 197, 401(B), 402(B), (C)(introductory paragraph), (E), and (G), 433(G)(1) and (H)(1)(introductory paragraph), 434(A)(1), (C)(introductory paragraph), and (D)(1) and (2), 435(A)(1) and (B), 436, 453(A) and (B), 467(introductory paragraph) and (2), 468(A), 481, 491(A) and (C), 511(A) and (B), 512(B), 535(B), 552(A)(introductory paragraph), 1272(A), 1278(B), 1279, 1285(B)(1)(a), 1300(C)(1), 1300.7(A), 1306(A)(4) and (C)(2), 1307(A)(8) and (E), 1308(A)(2)(a), 1314(B) and (C), 1355(6), 1401(B), 1402(B)(1)(c), 1405(A), 1406(B), 1407, 1409(B)(1) and (2), 1432(A), and 1461(A)(17) are hereby amended and reenacted to read as follows:

§44. Contesting election; referral for prosecution

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

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

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

(b) The allegation that except for substantial irregularities or error, fraud, or other unlawful activities in the conduct of the election, a different candidate would have qualified for a second party primary election or a general election or would have been elected.
§110. Removal from precinct; removal from parish

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B.(1) A change of registration based upon a change of residence within a parish received after the closing of registration for a primary election shall become effective the day after the general election or special general election when a special primary election is held in conjunction with a general election except as follows:

(a) A person whose registration has been canceled pursuant to R.S. 18:193(G).

(b) A person whose registration has been canceled or whose address has been corrected pursuant to R.S. 18:196(C).

(2) A change of registration based upon a change of residence within a parish received after the closing of registration for a first party primary election or special first party primary election and prior to the closing of registration for the second party primary election or special second party primary election shall become effective prior to the second party primary election or special second party primary election, except as follows:

(a) A person whose registration has been canceled pursuant to R.S. 18:193(G);

(b) A person whose registration has been canceled pursuant to R.S. 18:196(C);

(3) The change of residence of a registrant from one precinct to another in the same parish does not deprive him of the right to remain as a legal registrant, as to all issues upon which he was entitled to vote prior to his change of residence, in the precinct from which he has removed until he changes his registration as provided in Subsection A of this Section and has the right to vote in the precinct to which he has moved.

(4) However, in a regularly scheduled general election where the only candidate's election appearing on any ballot in the parish is a special primary election, then in such instance, the change shall become effective prior to the special primary election. In a regularly scheduled or special general election, where the
change of registration does not change any issues or candidate offices upon which the voter was entitled to vote prior to the change, the change shall become effective prior to the regularly scheduled or special general election.

§193. Challenge and cancellation of registration; notice; procedures

F. A list of names and addresses to whom address confirmation notices are sent and whether or not each person responded to the confirmation notice shall be maintained for a period of two years and shall be open to inspection and copying as provided in R.S. 18:154. Ninety days prior to a regularly scheduled first party federal primary election, the names and addresses of those persons on the inactive list shall be published for one day in the official journal of the parish governing authority or in a newspaper calculated to provide maximum notice in the parish.

§197. Registration; cancellation

No registrar of voters shall cancel the registration of any voter in his parish between any primary or first party primary election, as the case may be, and the subsequent general election occurring in that parish as a result of any of the processes authorized by this Part, except in the case of a person who has been fraudulently placed upon the registration records or in the case of a person whose registration is canceled pursuant to the annual canvass conducted by the registrar.

§401. Purpose and nature of primary and general elections

B. Nature. (1) Except for the election of persons to congress, all qualified voters of this state may vote on candidates for public office in primary and general elections without regard to the voter's party affiliation or lack of it, and all candidates for public office who qualify for a primary or general election may be voted on without regard to the candidate's party affiliation or lack of it.

(2)(a) In the election of persons to congress, the following shall apply:

CODING: Words in struck through type are deletions from existing law; words underscored are additions.
In primary elections, recognized political parties shall make all nominations of candidates by direct primary elections held under the provisions of this Chapter. In primary elections, each qualified voter may vote only on the candidates for public office who are affiliated with the same political party with which the voter is affiliated. In primary elections, each qualified voter who is not affiliated with a recognized political party may choose to vote in one recognized political party's primary elections, except as otherwise provided by R.S. 18:1275.1.

In general elections, each qualified voter of this state may vote for candidates for public office in general elections without regard to the voter's party affiliation or lack thereof, and all candidates for public office who qualify for a general election may be voted for without regard to the candidates' party affiliation or lack thereof.

§402. Dates of primary and general elections

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) Congressional first primary elections for recognized political parties shall be held on the first Saturday in September of an election year.

(2) Congressional second primary elections for members of Congress and officers elected at the same time as members of Congress shall be held on the first Saturday in October Tuesday after the first Monday in November of an election year.

(3) Congressional general elections for members of Congress and officers elected at the same time as members of Congress shall be held on the first Tuesday after the first Monday in November of an election year Saturday in December of an election year.

C. Municipal and ward elections. In all municipalities with a population of less than four hundred seventy-five thousand, elections for municipal and ward
officers who are not elected at the same time as the governor or members of congress shall be held every four years. The primary election for municipal and ward officers who are elected at the same time as members of Congress shall be held on the same date as the congressional second party primary, and the general election shall be held at the same time as the general election for congressional offices.

* * *

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 state legislator or 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 not less than eleven weeks after the date on which the proclamation calling the special primary election was issued:

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

(b) The first Tuesday after the first Monday in November, when the special general election is held on the first Saturday in December.

(b)(c) The first Saturday in April, when the special general election is held on the fourth Saturday after the first Saturday in April or on the second or third Saturday in February during the presidential election year, if the statewide presidential preference primary election is scheduled on the second or third Saturday in February of the presidential election year; however, commencing in 1986 and every fourth year thereafter, this date shall not be applicable in a parish containing a municipality with a population of four hundred seventy-five thousand or more.

(e) (d) The third Saturday in October, when the special general election is held on the fourth Saturday after the third Saturday in October of 1985 and every fourth year thereafter.
(d) The first Saturday in February of an election year for parish and municipal officers in a parish containing a municipality with a population of four hundred seventy-five thousand or more.

(ii) The first Saturday in February of 1995, except in parishes and municipalities where an election on bonds, taxes, and other propositions or questions has been called and held in January of 1995. Notwithstanding the provisions contained in R.S. 18:467 and 468, the qualifying period for primary elections held on the first Saturday in February of 1995 shall open on the third Monday in December of 1994 and shall close at 5:00 p.m. on the Wednesday following the third Monday in December of 1994.

(2) A special primary election shall be held on the first of the following days which is not less than fifteen weeks after the date on which the proclamation calling the special primary election was issued: the first Saturday in October, when the special general election is held on the first Tuesday after the first Monday in November.

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

(a) The fourth Saturday after the second to last Saturday in October of 1983 and every fourth year thereafter.

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

(c) The fourth Saturday after the first Saturday in April of any year unless the primary election is held on the second or third Saturday in February; in such case the general election shall be held on the fourth Saturday after the second or third Saturday in February, as the case may be; however commencing in 1986 and every fourth year thereafter, this date shall not be applicable in a parish containing a municipality with a population of four hundred seventy-five thousand or more.

(d) The fourth Saturday after the third Saturday in October of 1985 and every fourth year thereafter.

(e) The fourth Saturday after the first Saturday in February in a parish containing a municipality with a population of four hundred seventy-five thousand
or more, when the special primary election in such parish and municipality is held
on the first Saturday in February of an election year for parish and municipal
officers.

(ii) The fourth Saturday after the first Saturday in February of 1995, when
the special primary election is held as authorized in R.S. 18:402(E)(c)(ii) on the
first Saturday in February of 1995.

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

* * *

G. Prohibited days. No election of any kind shall be held in this state on any
of the days of Rosh Hashanah, Yom Kippur, Sukkoth, Shimmini Atzereth, Simchas Torah, Simchat Torah, the first two days and the
last two days of Passover, Shavuoth, Fast of A\V Tisha B\A\v, the two days
preceding Labor Day or the three days preceding Easter. If the date of any election
falls on any of the above named days, the election shall be held on the
same weekday of the preceding week. If the date of the election for a second party
primary is advanced pursuant to this Subsection, the first party primary shall also be
advanced by the same number of weeks.

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CODING: Words in **struck through** type are deletions from existing law; words **underscored**
are additions.
§433. Commissioners-in-charge; course of instruction; selection; commission; disqualification; replacement

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G. Replacement. (1) Except as provided in Subsection H of this Section, if it becomes certain that a commissioner-in-charge will not be able to serve for a primary or first party primary election, or if a commissioner-in-charge fails to attend a course of instruction held immediately prior to a primary or first party primary election as provided in R.S. 18:431(B), the parish board of election supervisors shall select a replacement commissioner-in-charge who shall serve for both the primary or first party primary and general elections. Except as provided in Subsection H of this Section, if it becomes certain that a commissioner-in-charge will not be able to serve for a second party primary or a general election, or if a commissioner-in-charge fails to attend the course of instruction held prior to a second party primary or a general election, the parish board of election supervisors shall select a replacement commissioner-in-charge who shall serve for both the second party primary and the general election.

* * *

H. Replacement. (1) If a commissioner-in-charge fails to appear at the polling place at least thirty minutes before the time when the polls are to open on election day, the commissioners in attendance at the polling place shall immediately notify the clerk of court of the absence. Immediately upon receipt of the notice, the clerk of court shall select a replacement commissioner-in-charge for that precinct. Subject to the provisions of Subsection G of this Section, a replacement commissioner-in-charge selected for a primary or first party primary election also shall serve for the second party primary and the general election. The replacement commissioner-in-charge shall be selected from the following categories in the order of priority listed:

* * *
§434. Commissioners and alternate commissioners; selection; commission; disqualification; replacement

A. Time and place of selection. (1) The parish board of election supervisors shall meet at 10:00 a.m. on the twenty-ninth day before a primary or first party primary election to select the commissioners and alternate commissioners for each precinct. The meeting shall be open to the public. The board shall have previously posted a notice on the front courthouse door designating the location within the courthouse where the meeting is to be held.

* * *

C. Commission. Once the commissioners and alternate commissioners are selected for a primary, first party primary, second party primary, and general election, the parish board of election supervisors shall immediately:

* * *

D. Replacement of a commissioner. (1) If prior to the day of the election a commissioner notifies the parish board of election supervisors that he is unable to serve as commissioner, the parish board of election supervisors shall select an alternate commissioner to serve in place of the absent commissioner. An alternate commissioner who replaces an absent commissioner in a primary or first party primary election shall replace the absent commissioner in the second party primary and in the general election. An alternate commissioner who replaces an absent commissioner in a second party primary election shall replace the absent commissioner in the general election. If there are no alternate commissioners or an insufficient number of alternate commissioners available, the parish board of election supervisors shall select a person to serve as commissioner from the list containing the names of persons within that ward who have received certificates of instruction from the clerk of court pursuant to R.S. 18:431(A)(1). If no person on that list is available to serve as commissioner, the parish board of election supervisors shall select any person within the parish who has received a certificate of instruction from the clerk of court pursuant to R.S. 18:431(A)(1). If there is no such qualified person available, the parish board of election supervisors shall select a watcher.
(2) If a commissioner fails to appear at the polling place at least thirty minutes before the time when the polls are to open on election day, or if a commissioner is selected as commissioner-in-charge, the commissioner-in-charge shall select an alternate commissioner to serve in place of the absent commissioner. An alternate commissioner who replaces an absent commissioner in a primary or first party primary election shall replace the absent commissioner in the second party primary and in the general election. An alternate commissioner who replaces an absent commissioner in a second party primary election shall replace the absent commissioner in the general election. If there are no alternate commissioners or an insufficient number of alternate commissioners available, the commissioner-in-charge shall select a person to serve as commissioner from the list containing the names of those who have received certificates of instruction that was furnished him by the parish board of election supervisors pursuant to R.S. 18:431(A)(5). If no person on that list is available to serve as commissioner, the commissioner-in-charge shall select any person present at the polls who possesses the qualifications of a commissioner as set forth in R.S. 18:425(B). If there is no such qualified person available, the commissioner-in-charge shall select a watcher.

§435. Watchers; appointment and commission

A. Right to have watchers. (1) Each candidate is entitled to have one watcher at every precinct where the office he seeks is voted on in any a primary or general election. The candidate or his authorized representative shall file one list of watchers on a form provided by the secretary of state or on a form which contains the same information as required by the form provided by the secretary of state. When a candidate's list of watchers is filed by the candidate's authorized representative, a letter of authorization from the candidate shall accompany the list of watchers; however however, in the case of a presidential election, each slate of candidates for presidential elector is entitled to have one watcher at every precinct. The state central committee of each recognized political party shall be responsible for filing the list of watchers for its slate of candidates for presidential elector. The
list of watchers for an independent or other party slate of candidates for presidential 
elector shall be filed by any person so authorized by the presidential candidate 
supported by the slate of electors. A letter of authorization from the presidential 
candidate, or an authorized agent of his campaign, shall accompany the list of 
watchers.

* * *

B. Lists of watchers. A list of watchers shall be filed with the clerk of court 
before 5:00 p.m. on the tenth day before any the primary or general election; 
However however, if the tenth day before any the primary or general election falls 
on a Saturday, Sunday, or other legal holiday, the list shall be filed on the next day 
which is not a Saturday, Sunday, or other legal holiday. Except for a candidate or 
recognized political party filing for a slate of candidates for presidential elector, any 
person filing a list of watchers must attach a certified statement that the report 
required by R.S. 18:1486 has been filed with the supervisory committee in 
compliance with the Campaign Finance Disclosure Act. If any candidate submits a 
list for the primary or first party primary election and does not submit a list for the 
second party primary or the general election, the list submitted in the primary or first 
party primary election shall be treated as his list submitted for the second party 
primary election and the general election. If any candidate submits a list for the 
second party primary election and does not submit a list for the general election, the 
list submitted in the second party primary election shall be treated as his list 
submitted for the general election. A list of watchers shall contain only one watcher 
and one alternate watcher for each precinct where the candidate or person submitting 
the list is entitled to have a watcher. The list shall be typed or legibly written, and 
it shall contain the name and mailing address of each watcher and a designation of 
the precinct where he is to serve.

* * *

§436. Election officials at certain special elections

A. When a special primary election to fill a vacancy or an anticipated 
vacancy in elective public office is called to be held at the same time as a previously
scheduled general election, or if a previously scheduled election is delayed for any reason, the commissioners who were selected to serve at the previously scheduled primary or first party and second party primary and general election also shall be the commissioners for the special primary and general elections and any such delayed primary or general election, and the compensation for each shall be only that amount provided for in R.S. 18:426.1 for a day of service as a commissioner or commissioner-in-charge. Each candidate to be voted on in the special primary election or delayed primary election may appoint one watcher for each precinct in which that candidate is to be voted on. Notwithstanding the provisions of R.S. 18:427(C) or of any other law to the contrary, the watchers so appointed shall be allowed to remain in the polling place at all times.

B. When a special general election to fill a vacancy or an anticipated vacancy in elective public office is called to be held at the same time as a previously scheduled primary election, the commissioners who were selected to serve at the special primary election for which the special general election is to be held shall also be the commissioners for both the previously scheduled primary, and including any first party or second party primary and general elections. In such case the compensation for each shall be only that amount provided for in R.S. 18:426.1 for a day of service as a commissioner or commissioner-in-charge.

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§453. Dual candidacy

A. General prohibitions. A person shall not become a candidate in any a primary, first party or second party primary or general election for more than one office unless one of the offices is membership on a political party committee, nor shall a person be a candidate at the same time for two or more different offices to be filled at separate elections.

B. Unexpired and succeeding term of office. A person may become a candidate in a primary or first or second party primary election or general election
for the unexpired and the succeeding term of an office when both terms are to be filled at the same election.

* * *

§467. Opening of qualifying period

The qualifying period for candidates in the first party primary or a primary election shall open:

* * *

(2) For candidates in a primary or congressional first party primary election and those in any special primary or first party primary election to be held at the same time, on the second Wednesday in July of the year of the election.

* * *

§468. Close of the qualifying period

A. The qualifying period for candidates in a primary or first party primary election shall close at 5:00 p.m. on the Friday after the opening of the qualifying period for candidates in the primary or first party primary election or, if that Friday is a legal holiday, at 5:00 p.m. on the next day which is not a legal holiday.

* * *

§481. Candidates who qualify for a general election

Except for candidates for the public office of United States senator or representative in Congress, 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.

* * *

§491. Standing to object to candidacy

A. A registered voter may bring an action objecting to the candidacy of a person who qualified as a candidate in a primary or first party primary election for an office for which the plaintiff is qualified to vote.

* * *
C. In addition to the persons with standing to bring an action objecting to
candidacy as provided in Subsections A and B of this Section:

   (1) The Supervisory Committee on Campaign Finance Disclosure shall bring
or join in an action objecting to the candidacy of a person who qualified as a
candidate in a primary or first party primary election for an office on the grounds
provided in R.S. 18:492(A)(5).

   (2) The Board of Ethics shall bring or join in an action objecting to the
 candidacy of a person who qualified as a candidate in a primary or first party primary
election for an office on the grounds provided in R.S. 18:492(A)(6).

§511. Election of candidates in a primary election; exception, congressional
candidates

A. Majority vote. A candidate, other than a candidate for United States
senator or representative in congress; 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
the qualifying period for candidates in a primary election, other than a primary
election for United States senator or representative in congress, the number of
candidates for a public office does not exceed the number of persons to be elected
to the office, the candidates for that office, or those remaining after the withdrawal
of one or more candidates, are declared elected by the people, and their names shall
not appear on the ballot in either the primary or the general election.

§512. Election of candidates in a general election

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

§535. Notice of location of precincts and polling places

B. Before primary elections. The parish board of election supervisors shall
publish the location of the polling places in the parish at least once before each
primary or first party primary election. The publication shall be in the official
journal of the parish during the third week before the primary or first party primary
election.

§552. Election materials

A. Materials furnished. At least twenty-two days before a primary or first
party primary election and as soon as possible for a second party primary and a
general election:

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

A. All general elections for representatives in Congress congress shall be
held on the first Tuesday next following the first Monday in November Saturday in
December, 1982, and every two years thereafter in even-numbered years. The first
party and second party primary elections shall be held in accordance with the provisions of Chapter 5 of this Title on the first Tuesday after the first Monday in November of an election year.

§1278. Vacancies; United States senator

B. If a vacancy occurs in the office of United States senator and the unexpired term is more than one year, an appointment to fill the vacancy shall be temporary. Any senator so appointed shall serve until his successor is elected at a special election and takes office. Within ten days after receiving official notice of the vacancy, the governor shall issue his proclamation for special election to fill the vacancy for the unexpired term. The date of the special election shall be established by the governor in accordance with the provisions of R.S. 18:402(E). The special first primary election shall be held four weeks prior to the dates for special primary elections as provided in R.S. 18:402(E)(1) or (E)(2), the special second primary election shall be held on the dates as provided for special primary elections in R.S. 18:402(E)(1) or (E)(2), and the special general election shall be held on the dates as provided in R.S. 18:402(E)(3). The dates of the qualifying period shall be established by the governor in accordance with this Part R.S. 18:467, 467.1, and 468.

Immediately after issuance of the proclamation, which shall include the dates of the first and second party primary and general elections and the dates of the qualifying period, the governor shall publish the proclamation in the official journal of each parish in which the election is to be held. Within twenty-four hours after its issuance, the governor shall send a copy of the proclamation to the secretary of state. Within twenty-four hours after he receives the copy, the secretary of state shall notify all election officials having any duty to perform in connection with a special election to fill such vacancy, including the parish boards of election supervisors for the parish or parishes in which the vacancy occurred. The election shall be...
conducted and the returns shall be certified as in regular elections for United States senator.

§1279. Vacancies; representatives in congress

When a vacancy occurs in the office of representative in congress, the governor shall determine the dates on which the special elections shall be held and the dates of the qualifying period and shall issue a proclamation ordering a special election and specifying the dates on which the first and second party primary and general elections will be held and the dates of the qualifying period for the election. Immediately thereafter he shall publish the proclamation in the official journal of each parish in which the election is to be held. Within twenty-four hours after issuing the proclamation, the governor shall send a copy of the proclamation to the secretary of state, who shall within twenty-four hours of receipt of the information notify all election officials having any duty to perform in connection with a special election to fill such vacancy, including the parish boards of election supervisors for the parish or parishes in which the vacancy occurred. The election shall be conducted in the same manner and at the same places and the returns shall be certified as in regular congressional elections. If at a first or second party primary or general election in a congressional district one representative in congress is to be elected for a full term and another to fill a vacancy, the ballots containing the names of the candidates shall, as a part of the title of the office, designate the term for which the candidates are respectively nominated.

§1285. Notice of election

B.(1)(a) Written notice of the election and the certificate required by Subparagraph (1)(b) of this Subsection 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 or second party primary election date, then such notice and certificate shall be received by the secretary of state within the time required by law.
state on or before the seventy-first day prior to the primary or second party primary election. If the election is not to be held on a primary or second party primary election date, then the notice and certificate shall be received by the secretary of state on or before the forty-sixth 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.

§1300. Procedures; notice of election; expenses

C.(1) When an election is called under the provisions of this Chapter, written notice of the election shall be transmitted to the secretary of state, the commissioner of elections, 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 or second party primary election date, then such notice shall be received by the secretary of state on or before the seventy-first day prior to the primary or second party primary election. If the election is not to be held on a primary or second party primary election date, then such notice shall be received by the secretary of state on or before the forty-sixth day prior to the election.

§1300.7. Governor to order election; proclamation; publication

A. If the required number of qualified electors of the voting area sign the petition for recall, the governor shall issue a proclamation ordering an election to be held for the purpose of voting on the question of the recall of the officer. The total number of registered voters in the voting area and the total number of registered voters in the voting area signing the petition shall be calculated from the totals on the certificates of all of the registrars of voters received by the governor. The governor shall issue such proclamation within fifteen days after he receives the certified petitions from all of the registrars of voters in the voting area who have received petitions for certification. The proclamation shall order the election to be held on the
next available date specified in R.S. 18:402(F). If the election is to be held on a
primary or second party primary election date, the proclamation shall be issued on
or before the last day for candidates to qualify in the election. If the election is not
to be held on a primary or second party primary election date, then the proclamation
shall be issued on or before the forty-sixth day prior to the election.

§1306. Preparation and distribution of absentee by mail and early voting ballots

A.

(4) The secretary of state shall prepare a special absentee ballot for
candidates and constitutional amendments to be voted on in second party primary or
general elections, subject to approval as to content by the attorney general. This
special ballot shall only be for use by a qualified voter who is either a member of the
United States Service or who resides outside of the United States. Such special
ballot shall contain a list of the titles of all offices being contested at the primary or
first party primary election and the candidates qualifying for the primary or first
party primary election for each office, and shall permit the elector to vote in the
second party primary or general election by indicating his order of preference for
each candidate for each office. On the special ballot shall also be printed each
constitutional amendment to be voted on in the second party primary or general
election. To indicate his order of preference for each candidate for each office to be
voted on in the election, the voter shall put the number one next to the name of the
candidate who is the voter's first choice, the number two for his second choice and
so forth so that, in consecutive numerical order, a number indicating the voter's
preference is written by the voter next to each candidate's name on the ballot. A
space shall be provided for the voter to indicate his preference for or against each
constitutional amendment contained on the ballot. The voter shall not be required
to indicate his preference for more than one candidate on the ballot if the voter so
chooses. The secretary of state shall also prepare instructions for use of the special ballot.

C.

(2) At least twenty days before each primary or first party primary election the secretary of state shall deliver to the registrar in each parish in which the election is to be held the special absentee ballot for qualified voters who are either members of the United States Service or persons residing outside of the United States. The number of special ballots and other necessary paraphernalia, including instructions for the use of the special ballot, to be so delivered shall be up to one percent of the registered voters within each parish.

§1307. Application by mail

A. A person qualified to vote absentee by mail under this Chapter may make application therefor to the registrar by letter; over his signature; or mark if the voter is unable to sign his name, signed by two witnesses who witnessed the applicant's mark; setting forth:

B. If the person requests that a ballot for a general election or the second party primary election, or both, be sent in addition to a ballot for the primary or first party primary, he shall declare in writing to the registrar that he will be eligible to vote absentee by mail in the general election or the second party primary, or both, as the case may be.

E. A person entitled to vote absentee by mail may request in his application for an absentee ballot for a primary or first party primary election that an absentee ballot for the succeeding general election or the second party primary election, or both, be sent to him when such ballots become available for distribution; However however, in such case, the applicant shall declare in writing to the registrar that he
will be eligible to vote absentee by mail in the general election or the second party primary election, or both, as the case may be.

* * *

§1308. Absentee voting by mail

A.

* * *

(2)(a) With respect to persons on active duty in the United States military service or outside the continental boundaries of the United States, these materials shall be mailed as provided by the Uniformed and Overseas Citizens Absentee Voting Act (39 U.S.C. 3406 and 42 U.S.C. 1973ff et seq.) and shall include both the primary or first party primary election ballot and the special ballots ballot for the general election or the second party primary election and the general election. The envelope mailed to the voter shall contain six four envelopes, three two of which shall be the ballot envelopes and three two of which shall be return envelopes. Each return envelope shall bear the official title and mailing address of the registrar, whether it contains a primary, first party primary, second party primary or general election ballot, and the name, return address, and precinct or district number of the voter. The voter shall return his voted primary or first party primary election ballot and special ballots ballot for the general election or the second party primary and the general election to the registrar in the appropriate envelopes. The registrar of voters shall not mail a regular general election or the second party primary and general election absentee ballot to a member of the United States Service or to persons residing overseas if the registrar has mailed a the special ballot, as provided herein, to such voter. The envelopes envelope for the special ballots ballot shall contain language on the outside of the envelope which will clearly designate which envelope is to be used for return of the second primary election ballot and which envelope is to be used for return of the general election ballot.

* * *
§1314. Absentee by mail and early voting commissioners

*    *    *

B. Selection for a primary or first party primary election. (1) The parish board of election supervisors shall determine the number of absentee by mail and early voting commissioners necessary to count the absentee by mail and early voting ballots in the parish. The parish board of election supervisors shall select a minimum of three such commissioners.

(2) The parish board of election supervisors shall meet at 10:00 a.m. on the fifth day before a primary or first party primary election and shall select the absentee by mail and early voting commissioners and alternate absentee by mail and early voting commissioners for the parish in the manner provided by law for the selection of commissioners and alternate commissioners. If there are not enough certified commissioners to select the appropriate number of absentee by mail and early voting commissioners and alternate absentee by mail and early voting commissioners, the board of election supervisors may select a qualified elector of the parish to serve; however, no such elector shall serve as an absentee by mail and early voting commissioner if a certified commissioner has been selected as an alternate absentee by mail and early voting commissioner.

(3) Absentee by mail and early voting commissioners and alternate absentee by mail and early voting commissioners shall be issued commissions, take the oath of office, be replaced, and be disqualified, all in the manner provided by law for commissioners and alternate commissioners.

C. Selection for second party primary or general election. (1)(a) The parish board of election supervisors shall determine if the number of absentee by mail and early voting commissioners necessary to count the absentee by mail and early voting ballots in the second party primary or general election can be reduced or should be increased from the number which counted absentee by mail and early voting ballots in the previous primary election.

(b) If it determines that the number cannot be reduced or should be increased, those persons who served as absentee by mail and early voting
commissioners and alternate absentee by mail and early voting commissioners for
the parish in the primary or first party primary election shall serve in the second
party primary and general election, unless replaced or disqualified in the manner
provided by law for commissioners and alternate commissioners. The number of
absentee by mail and early voting commissioners for a second party primary and
general election shall not be less than three.

(2)(a) If the parish board determines that the number of absentee by mail and
early voting commissioners can be reduced, it shall notify each person who served
as an absentee by mail and early voting commissioner or alternate absentee by mail
and early voting commissioner in the primary or first party primary election of its
decision to reduce the number of absentee by mail and early voting commissioners
and of the date and time of the meeting to select the absentee by mail and early
voting commissioners for the second party primary or general election. The parish
board shall meet at 10:00 a.m. on the fifth day before a second party primary and a
general election and shall select the absentee by mail and early voting commissioners
or and alternate absentee by mail and early voting commissioners to serve in such
elections the general election for the parish.

(b)(i) The parish board shall prepare a list containing the names of all
persons who served as absentee by mail and early voting commissioners in the
primary or first party primary election. The absentee by mail and early voting
commissioners and alternate absentee by mail and early voting commissioners for
the second party primary election and the general election shall be selected from
that list in the manner provided by law for the selection of commissioners or and
alternate commissioners. The absentee by mail and early voting commissioners so
chosen shall then serve as needed for the second party primary election and the
general election.

(ii) If the list does not contain sufficient names to select the number of
absentee by mail and early voting commissioners or and alternate absentee by mail
and early voting commissioners determined by the board to be needed for the second
party primary election and the general election, the board shall fill any remaining
alternate commissioner positions from a list of those persons who were selected as absentee by mail and early voting commissioners for the primary or first party primary election, such list to be prepared and the selection made in the same manner provided herein for selection of absentee by mail and early voting commissioners for the second party primary election and the general election.

(3) If the parish board determines that the number of absentee by mail and early voting commissioners should be increased, the parish board shall meet at 10:00 a.m. on the fifth day before the second party primary election and the general election and shall select the additional absentee by mail and early voting commissioners and alternate absentee by mail and early voting commissioners to serve in the second party primary election and the general election for that parish from the list of certified commissioners who have not been chosen to serve in the second party primary and the general election as a commissioner-in-charge, commissioner, or, if applicable, absentee by mail and early voting commissioner in the manner provided by law for the selection of commissioners and alternate commissioners. If there are not enough certified commissioners to select the appropriate number of absentee by mail and early voting commissioners and alternate absentee by mail and early voting commissioners, the board of election supervisors may select a qualified elector of the parish to serve; however, no such elector shall serve as an absentee by mail and early voting commissioner if a certified commissioner has been selected as an alternate absentee by mail and early voting commissioner.

*          *          *

§1355. Construction and equipment of machines; requirements

Each voting machine used in an election shall be so constructed and equipped as to:

*          *          *

(6) When used in a first or second primary or a primary election at which members of a political party committee are to be voted on, allow election officials to lock out all candidate counters except those of the party with which the voter is
affiliated or those of the party for which a voter unaffiliated with a recognized political party may vote in accordance with law.

§1401. Objections to candidacy and contests of elections; parties authorized to institute actions

B. 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 election or for a general election or would have been elected may bring an action contesting the election.

§1402. Proper parties

B.(1) The following persons are the proper parties against whom election contests shall be instituted:

(c) The person or persons whose eligibility to be a candidate in a second party primary election or in a general election or whose election to office is contested.

§1405. Time for commencement of action

A. An action objecting to candidacy shall be instituted not later than 4:30 p.m. of the seventh day after the close of qualifications for candidates in the primary or first party primary election. After the expiration of the time period set forth in this Section, no further action shall be commenced objecting to candidacy based on the grounds for objections to candidacy contained in R.S. 18:492.
§1406. Petition; answer; notification

* * *

B. The petition shall set forth in specific detail the facts upon which the objection or contest is based. If the action contests an election, the petition shall allege that except for substantial irregularities or error, fraud, or other unlawful activities in the conduct of the election, the petitioner would have qualified for a second party primary election or for a general election or would have been elected. The trial judge may allow the filing of amended pleadings for good cause shown and in the interest of justice.

* * *

§1407. Appointment of agent for service of process

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

* * *

§1409. Trial; decision; appeal

* * *

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

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

* * *

§1432. Remedies

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

* * *

§1461. Election offenses; penalties

A. No person shall knowingly, willfully, or intentionally:

* * *

(17) Give or offer to give, directly or indirectly, any money or thing of present or prospective value to any person who has withdrawn or who was eliminated prior or subsequent to the primary or first or second primary election as a candidate for public office, for the purpose of securing or giving his political support to any remaining candidates or to candidates for public office in the primary or first or second primary or general election.

* * *
Section 2. R.S. 18:1275.1 through 1275.24 are hereby repealed in their entirety.

Section 3. This Act shall become effective upon January 1, 2011.

____________________________
SPEAKER OF THE HOUSE OF REPRESENTATIVES

____________________________
PRESIDENT OF THE SENATE

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GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: ____________________