Regular Session, 2011

HOUSE BILL NO. 509

BY REPRESENTATIVES HUTTER AND SEABAUGH

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

ELECTIONS/PRES PRIMARY: Changes the date of the presidential preference primary and elections held at the same time

AN ACT

To amend and reenact R.S. 18:402(C)(1) and (2), (E)(1)(c) and (2)(c), and (F)(3), 467(3), 1280.21(A), and 1280.22(B)(1), relative to the presidential preference primary election and elections held at the same time as such primary; to change the date of the presidential preference primary election; to change the dates of elections held at the same time as the presidential preference primary election and corresponding general elections held thereafter; to provide for qualifying for candidates in elections for certain municipal and ward offices; to provide for qualifying for candidates in the presidential preference primary; to provide relative to members of state central committees and parish executive committees; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 18:402(C)(1) and (2), (E)(1)(c) and (2)(c), and (F)(3), 467(3), 1280.21(A), and 1280.22(B)(1) are hereby amended and reenacted to read as follows:

§402. Dates of primary and general elections

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C. Municipal and ward elections. In all municipalities with a population of less than three hundred 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.

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(1) Primary elections for municipal and ward officers who are not elected at the same time as the governor or members of congress shall be held on the first Saturday in April of an election year, or on the ~~second~~ first Saturday after the first Tuesday in ~~February~~ March ~~of an election year, if the statewide presidential preference primary election is scheduled on the second Saturday in February of the presidential election year, or on the third Saturday in February of an election year, if the statewide presidential preference primary election is scheduled on the third Saturday in February~~ of the presidential election year.

(2) General elections for municipal and ward officers who are not elected at the same time as the governor or members of congress shall be held on the fourth Saturday after the first Saturday in April of an election year unless the primary election for such officers is held on the ~~second or third~~ first Saturday after the first Tuesday in ~~February~~ March; in such case, the general election shall be held on the fourth Saturday after the ~~second or third~~ first Saturday after the first Tuesday in ~~February~~ March~~, as the case may be,~~ of an election year.

* * *

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:

* * *

(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~~ first Saturday after the first Tuesday in ~~February~~ March during the presidential election year~~, if the statewide presidential preference primary election is scheduled on the~~

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~~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 three hundred thousand or more.

* * *

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

* * *

(c) The fourth Saturday after the first Saturday in April of any year unless the primary election is held on the ~~second or third~~ first Saturday after the first Tuesday in ~~February~~ March; in such case, the general election shall be held on the fourth Saturday after the ~~second or third~~ first Saturday after the first Tuesday in ~~February~~ March~~, 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 three hundred thousand or more.

* * *

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

* * *

(3) The first Saturday in April or the fourth Saturday after the first Saturday in April of any year or on the ~~second or third~~ first Saturday after the first Tuesday in ~~February~~ March or the fourth Saturday after the ~~second or third~~ first Saturday after the first Tuesday in ~~February~~ March~~, as the case may be,~~ 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 1994 and every fourth year thereafter, the first Saturday in April shall not be applicable in a parish containing a municipality with a population of three hundred thousand or more.

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§467. Opening of qualifying period

The qualifying period for candidates in a primary election shall open:

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(3) For candidates in a primary election for municipal and ward officers who are not elected at the same time as the governor or members of congress in municipalities with a population of less than three hundred thousand and those in any special primary election to be held at the same time, on the second Wednesday in February of the year of the election, unless the primary election is held on the ~~second or third~~ first Saturday after the first Tuesday in ~~February~~ March; in such case the qualifying period for candidates in such primary election shall open on the ~~second~~ first Wednesday in ~~December~~ January of the year ~~prior to~~ of the election.

* * *

§1280.21. Presidential preference primary election

A. A statewide presidential preference primary election shall be held on the ~~second~~ first Saturday after the first Tuesday in ~~February~~ March in ~~2008~~ 2012 and every fourth year thereafter for the purpose of allowing the electors of each political party in the state which has forty thousand or more registered members to express their preference for a person to be the nominee of the party for president of the United States~~, except when a legal holiday falls on the second Tuesday of February, in which case, the presidential preference primary election shall be held on the third Saturday in February~~.

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§1280.22. Candidates; procedure for qualifying

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B.(1) The qualifying period for presidential candidates shall open on the ~~second~~ first Wednesday in ~~December~~ January and shall close at 5:00 p.m. on the following Friday. During the qualifying period, presidential candidates shall file notices of candidacy with the secretary of state.

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Section 2. Each member of a parish executive committee or state central committee of a recognized political party serving on the effective date of this Act shall serve until his successor is elected and takes office.

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)]

Hutter HB No. 509

Abstract: Changes the date of the presidential preference primary and elections held at the same time from the second or third Saturday in February to the first Saturday after the first Tuesday in March. Provides dates for qualifying for certain municipal and ward officers and for candidates in a presidential preference primary election.

Present law (R.S. 18:1280.21) provides that a statewide presidential preference primary election shall be held on the second Saturday in February in 2008 and every fourth year thereafter for the purpose of allowing the electors of each political party in the state which has 40,000 or more registered members to express their preference for a person to be the nominee of the party for president of the U.S., except when a legal holiday falls on the second Tuesday of February, in which case, the presidential preference primary election shall be held on the third Saturday in February.

Present law (R.S. 18:402) provides that municipal and ward officers in municipalities with a population of less than 300,000 who are not elected at the same time as the governor or members of congress may be elected at a primary held at the same time as the presidential preference primary and at a general election held four weeks later.

Present law provides that a special primary election to fill a newly created office or vacancy in office may be held at the same time as the presidential preference primary and a special general election may be held four weeks later.

Present law provides that a bond, tax, or other election at which a proposition or question is to be submitted to the voters may be held on the same date as the presidential preference primary.

Proposed law changes the date of the presidential preference primary and elections held at the same time from the second or third Saturday in February to the first Saturday after the first Tuesday in March. Changes corresponding dates for general elections from four weeks after the second or third Saturday in February to four weeks after the first Saturday after the first Tuesday in March.

Present law provides that the qualifying period for presidential candidates opens on the second Wednesday in December and closes at 5:00 p.m. on the following Friday. Proposed law provides instead that the qualifying period opens on the first Wednesday in January.

Present law (R.S. 18:443) provides that all members of the state central committee of a recognized political party shall be elected every four years at the same time as the presidential preference primary election. Provides that the term of office shall not extend for a period beyond the time for which the member was elected.

Present law (R.S. 18:443.2) provides relative to a recognized political party with which 30% or less of the registered voters in the state are affiliated. Provides that members of the state

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central committee of such a party, except for certain elected officials who are automatically members, shall be elected at the same time as the presidential preference primary election. Provides that such members serve a four-year term and that the term of office shall not extend for a period beyond the time for which the member was elected.

Present law (R.S. 18:444) provides that members of a parish executive committee of a recognized political party are elected every four years at the same time as the presidential preference primary election. Provides that the term of office shall not extend beyond the time for which the member was elected. Provides the same time of election regarding a party with which 30% or less of registered voters are affiliated.

Proposed law retains present law and provides that each member of a parish executive committee or state central committee of a recognized political party serving on the effective date of proposed law shall serve until his successor is elected and takes office.

(Amends R.S. 18:402(C)(1) and (2), (E)(1)(c) and (2)(c), and (F)(3), 467(3), 1280.21(A), and 1280.22(B)(1))

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