Fannin (HB 575) **Act No. 201**

Existing law (R.S. 18:402) provides dates for primary and general elections, including gubernatorial, congressional, municipal, and special elections, and for proposition elections. For special elections to fill a newly created office or vacancy in an existing office, existing law (R.S. 18:402(E)) provides that, except for the office of representative in congress, a special primary shall be held on the first of the following days that is not less than 11 weeks after the date on which the proclamation calling the special primary election was issued:

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

(2) The first Tuesday after the first Monday in Nov., when the special general election is held on the first Saturday in Dec.

(3) 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 Feb. 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 300,000 or more.

(4) The third Saturday in Oct., when the special general election is held on the fourth Saturday after the third Saturday in Oct. of 1985 and every fourth year thereafter.

(5) The first Saturday in Feb. of an election year for parish and municipal officers in a parish containing a municipality with a population of 300,000 or more.

New law removes a prior law general exemption from the requirement to use these dates for special elections to fill a vacancy in the office of state legislator.

Existing law (R.S. 18:467, 467.1, and 468) provides for the opening and closing of the qualifying periods for special primary elections.

Existing law (R.S. 18:601) provides relative to a vacancy in the office of a state legislator. Provides for holding an election if such vacancy occurs with six months or more of the term unexpired. Requires, within 10 days of the vacancy, the appropriate presiding officer to determine the dates of qualifying and of the primary and general elections and to issue a proclamation advising of the vacancy and the dates. Requires the presiding officer to immediately notify the secretary of state, who shall notify all election officials having any duty to perform in connection with the special election to fill the vacancy. Further requires the secretary of state to publish the proclamation in the official journal of each parish in which the election is to be held.

New law further requires vacancies in legislative office to be filled at elections held on the regularly scheduled election dates established by existing law (R.S. 18:402(E)) and qualifying periods for those elections to be on the dates established in existing law (R.S. 18:467, 467.1, and 468). However, new law provides that when a legislative vacancy occurs and six months or more remains in the term and in the discretion of the appropriate presiding officer a person may be elected and serve during a legislative session which occurs prior to the next regularly scheduled election dates in existing law (R.S. 18:402), the presiding officer may determine the dates of qualifying and of the primary and general elections notwithstanding the provisions of existing law.

Effective January 1, 2012.

(Amends R.S. 18:402(E)(intro. para.) and 601(A))