

Regular Session, 2012

HOUSE BILL NO. 894

BY REPRESENTATIVE TIM BURNS

ELECTIONS: Provides relative to elections

1 AN ACT

2 To amend and reenact R.S. 18:402(B)(2), (E)(1)(introductory paragraph) and (b) and (2)(b),
3 and (F)(2), 1272(A), 1285(B)(1)(a), and 1300(C)(1), relative to elections; to provide
4 for election dates; to provide for certain deadlines relative to special elections and
5 bond, tax, and other elections at which a proposition or question is to be submitted
6 to the voters; to provide for effectiveness; and to provide for related matters.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. R.S. 18:402(B)(2), (E)(1)(introductory paragraph) and (b) and (2)(b), and
9 (F)(2) and 1272(A) are hereby amended and reenacted to read as follows:

10 §402. Dates of primary and general elections

11 * * *

12 B. Congressional elections. Elections for members of congress and officers
13 elected at the same time as members of congress shall be held every two years,
14 beginning in 1982.

15 * * *

16 (2) General elections for members of congress and officers elected at the
17 same time as members of congress shall be held on the ~~first~~ second Saturday in
18 December of an election year.

19 * * *

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

5 (1) A special primary election shall be held on the first of the following days
6 that is ~~not less than eleven weeks~~ after the date on which the proclamation calling the
7 special primary election was issued, provided that the proclamation was issued at
8 least four weeks prior to the opening of the qualifying period for the special primary
9 election:

10 * * *

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

13 * * *

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

15 * * *

16 (b) The ~~first~~ second Saturday in December of even-numbered years.

17 * * *

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

21 * * *

22 (2) ~~The first Saturday in October or the~~ The first Tuesday after the first
23 Monday in November or the second Saturday in December of even-numbered years.

24 * * *

25 §1272. United States senators; representatives in congress; time of electing

26 A. All general elections for representatives in congress shall be held on the
27 ~~first~~ second Saturday in December, in even-numbered years. The primary election
28 shall be held on the first Tuesday after the first Monday in November of an election
29 year.

1 * * *

2 Section 2. R.S. 18:1285(B)(1)(a) and 1300(C)(1) are hereby amended and reenacted
3 to read as follows:

4 §1285. Notice of election

5 * * *

6 B.(1)(a) Written notice of the election and the certificate required by
7 Subparagraph (b) of this Paragraph shall be transmitted to the secretary of state and
8 each clerk of court and registrar of voters in the area affected by the election. If the
9 election is to be held on a primary election date, then such notice and certificate shall
10 be received by the secretary of state ~~on or before the seventy-first day~~ at least four
11 weeks prior to the opening of the qualifying period for the primary election. If the
12 election is not to be held on a primary election date, then the notice and certificate
13 shall be received by the secretary of state on or before the forty-sixth day prior to the
14 election. The secretary of state shall not accept any revisions to propositions,
15 including but not limited to changes in title, text, or numerical designations, after the
16 last day for submission of the notice and certificate to the secretary of state.

17 * * *

18 §1300. Procedures; notice of election; expenses

19 * * *

20 C.(1) When an election is called under the provisions of this Chapter, written
21 notice of the election shall be transmitted to the secretary of state, the commissioner
22 of elections, and each clerk of court and registrar of voters in the area affected by the
23 election. If the election is to be held on a primary election date, then such notice
24 shall be received by the secretary of state ~~on or before the seventy-first day~~ at least
25 four weeks prior to the opening of the qualifying period for the primary election. If
26 the election is not to be held on a primary election date, then such notice shall be
27 received by the secretary of state on or before the forty-sixth day prior to the
28 election.

29 * * *

1 Section 3.(A) This Section and Section 1 of this Act shall become effective upon
2 signature of this Act by the governor or, if not signed by the governor, upon expiration of
3 the time for bills to become law without signature by the governor, as provided by Article
4 III, Section 18 of the Constitution of Louisiana. If this Act is vetoed by the governor and
5 subsequently approved by the legislature, this Section and Section 1 of this Act shall become
6 effective on the day following such approval.

7 (B) Section 2 of this Act shall become effective on January 1, 2013.

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)]

Tim Burns

HB No. 894

Abstract: Changes the date of congressional general elections from the first Sat. in Dec. to the second Sat. in Dec.; provides that a bond, tax, or other election at which a proposition or question is submitted to the voters may be held on this date instead of the first Sat. in Oct.; and provides that certain required notices for such an election to be held on a primary date and a proclamation calling a special election to be held on a primary date must be submitted at least four weeks prior to the opening of the qualifying period for the primary.

Present law provides for the dates of primary and general elections. Provides that congressional general elections are held on the first Sat. in Dec. in even-numbered years. Proposed law changes the date of the congressional general election from the first Sat. in Dec. to the second Sat. in Dec. Otherwise retains present law.

Present law provides dates for bond, tax, or other election at which a proposition or question is submitted to the voters. Provides that one of the dates on which such an election may be held is the first Sat. in Oct. Proposed law replaces the first Sat. in Oct. with the second Sat. in Dec. as a possible election date. Otherwise retains present law.

Present law provides dates on which special elections may be held to fill a newly created office or vacancy in an existing office, except the office of representative in congress. Provides that a special primary election may be held on the first of several specified dates that is not less than 11 weeks after the date on which the proclamation calling the special primary election was issued. Proposed law provides instead that the proclamation must be issued at least four weeks prior to the opening of the qualifying period for the special primary election. Otherwise retains present law.

Present law provides procedures for the conduct of elections to authorize the issuance of bonds, the assumption of indebtedness, and the imposition or increase of taxes by political subdivisions. Requires, among other things, publication of a notice of the election and that the notice and certification of approval by the La. State Bond Commission be transmitted to the secretary of state and each clerk of court and registrar of voters in the area affected by the election. Proposed law retains present law.

Present law provides that if the election is to be held on a primary election date, such notice and certificate shall be received by the secretary of state on or before the 71st day prior to

the primary election. Proposed law provides instead that the notice must be received by the secretary of state at least four weeks prior to the opening of the qualifying period for the primary election.

Present law provides procedures to be used in elections (except bond and tax elections) at which a proposition or question is submitted to the voters. Requires, among other things, written notice of the election to 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. Proposed law retains present law.

Present law provides that if the election is to be held on a primary election date, such notice shall be received by the secretary of state on or before the 71st day prior to the primary election. Proposed law provides instead that the notice must be received by the secretary of state at least four weeks prior to the opening of the qualifying period for the primary election.

Effective upon signature of governor or lapse of time for gubernatorial action, except that provisions relative to bond, tax, and other elections at which a proposition or question is submitted to the voters are effective Jan. 1, 2013.

(Amends R.S. 18:402(B)(2), (E)(1)(intro. para.) and (b) and (2)(b), and (F)(2), 1272(A), 1285(B)(1)(a), and 1300(C)(1))