

2016 Regular Session

HOUSE BILL NO. 125

BY REPRESENTATIVE SMITH

MUNICIPAL/INCORPORATION: Provides relative to incorporation petitions

## 1 AN ACT

2 To amend and reenact R.S. 33:1, relative to incorporation of municipalities; to provide  
3 relative to the process of petitioning for incorporation; to provide relative to the time  
4 petitioners have to obtain signatures for incorporation; to provide for approval of  
5 petitions by the secretary of state; and to provide for related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. R.S. 33:1 is hereby amended and reenacted to read as follows:

8 §1. Petition for incorporation; contents; circulation; required signatures

9 A. Residents of any unincorporated area with a population in excess of two  
10 hundred inhabitants may propose the incorporation of the area by petition for an  
11 incorporation election as provided in this Subpart. The secretary of state shall  
12 provide a form approved by the attorney general to be used for the petition for an  
13 incorporation election. All incorporation petitions shall be on an approved form or  
14 on a form which contains the same information as required on the approved form,  
15 and any petition not on such form shall be invalid. The form shall include the  
16 following information: ~~A petition proposing the incorporation of the area shall be~~  
17 ~~prepared and shall contain the following:~~

18 (1) A legal description of the area proposed for incorporation and the  
19 statement that all lands included in the area constitute a contiguous area. The

1 description shall also include a list of every parish in which the proposed area of  
2 incorporation is wholly or partially situated.

3 (2) A statement of the number of inhabitants residing in the unincorporated  
4 area. Such statement shall be based on the latest federal decennial census or another  
5 current population report or count which is verifiable.

6 (3) A statement of the assessed value of the ~~real~~ immovable property located  
7 in the unincorporated area.

8 (4) A listing of the public services the municipal corporation proposes to  
9 render to the area and a plan for the provision of these services.

10 (5) A statement of the corporate name desired for the new municipality.

11 (6) The names of two or more chairpersons for the petition for incorporation  
12 who shall serve as agents for the petitioners in all legal matters, including the receipt  
13 of notices. Notice will be sufficient if served on any one of the chairpersons.

14 B.(1)~~(a)~~ Prior to entering any signatures, the petitioners shall file the initial  
15 petition with the secretary of state. Upon the filing of the initial petition for  
16 incorporation, the secretary of state shall review for compliance and certify that the  
17 petition meets the requirements of this Section and endorse thereon the fact and the  
18 date of endorsement. The secretary of state shall notify the petitioners, within ten  
19 days, by certified mail, return receipt requested, of the certification and endorsement  
20 of the initial petition, and shall transmit a copy of the petition to the registrar of  
21 voters for each parish in which the proposed incorporated area is situated. The  
22 petitioners shall not collect any signatures for incorporation until they have received  
23 notice of the certification and endorsement of the petition for incorporation.

24 (2) The petitioners shall have one hundred eighty days from the day on  
25 which the petition was endorsed by the secretary of state to obtain ~~The~~ the required  
26 signatures of ~~twenty-five percent of~~ the electors residing in the area proposed for  
27 incorporation ~~shall be required in order to file the petition~~ as provided in R.S.  
28 33:2(A).

1           (3) The signed petition shall be submitted to the registrar of voters as  
2           required by R.S. 33:2 not later than one hundred eighty days from the day on which  
3           the petition was endorsed by the secretary of state.

4           (4) The petitioners shall attach to the signed petition an affidavit attesting to  
5           the fact that no signatures were obtained prior to the receipt of notice of the  
6           certification and endorsement of the petition by the secretary of state.

7           (5) If the petitioners fail to submit the signed petition and affidavit within the  
8           time period specified in this Subsection, the registrar of voters shall not review the  
9           signed petition to determine whether it contains the required signatures as provided  
10          in R.S. 33:2, and the petitioners shall submit another petition for incorporation to the  
11          secretary of state for certification and endorsement as provided in this Subsection.

12          ~~(b) All electors, whether or not they own land, shall be eligible to sign the~~  
13          ~~petition.~~

14          ~~(c) The signatures of the electors must reasonably correspond with their~~  
15          ~~signatures on file in the office of the registrar of voters.~~

16          ~~(d) More than one copy of the petition may be circulated and signatures of~~  
17          ~~electors on any copy of the petition shall be counted as part of the required twenty-~~  
18          ~~five percent.~~

19          C. If the final day for submitting the signed petition falls on a Saturday,  
20          Sunday, or legal holiday, the deadline for submitting such petition shall be on the  
21          next day which is not a Saturday, Sunday, or legal holiday.

22          D. The handwritten signatures of the electors must reasonably correspond  
23          with their signatures on file in the office of the registrar of voters. All electors shall  
24          be eligible to sign the petition. More than one copy of the petition may be circulated,  
25          and signatures of electors on any copy of the petition shall be counted.

26          ~~(2)~~E. Any elector may withdraw his name from the petition by filing a  
27          signed statement of withdrawal with the registrar of voters at any time before the  
28          registrar of voters certifies that twenty-five percent of the electors residing in the area  
29          proposed for incorporation have signed the petition as provided by R.S. 33:2(C).

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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)]

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HB 125 Original

2016 Regular Session

Smith

**Abstract:** Provides relative to the procedures and time limits for the petition for the incorporation of a new municipality.

Present law provides that residents of any unincorporated area with a population in excess of 200 people may propose the incorporation of the area. A petition for incorporation must contain the following information:

- (1) A legal description of the area proposed for incorporation and a statement that all lands included in the area constitute a contiguous area.
- (2) A statement of the number of inhabitants residing in the unincorporated area, based on the latest federal decennial census or another current population report or count which is verifiable.
- (3) A statement of the assessed value of the real property located in the unincorporated area.
- (4) A listing of the public services the municipal corporation proposes to render to the area and a plan for the provision of these services.
- (5) A statement of the corporate name desired for the new municipality.
- (6) The names of two or more chairpersons for the petition for incorporation who shall serve as agents for the petitioners in all legal matters, including the receipt of notices.

Proposed law generally retains present law and additionally provides the following with respect to such a petition:

- (1) Requires the secretary of state to provide a form for such a petition that is approved by the attorney general and requires that all petitions be on an approved form or a form which contains the same information as required on the approved form.
- (2) Requires that a list of every parish in which the proposed area of incorporation is wholly or partially situated be included within the legal description.

Proposed law requires, prior to the collection of signatures, submission of the proposed petition to the secretary of state. Requires the secretary of state to review the petition for compliance with present law and proposed law and to certify that the petition meets all legal requirements and endorse the fact and the date of endorsement. Requires the secretary of state to notify petitioners within 10 days, by certified mail, return receipt requested, of the certification and endorsement and to transmit a copy of the petition to the registrar of voters for each parish in which the proposed incorporated area is situated.

Proposed law prohibits the collection of signatures until petitioners receive notification of the certification and endorsement and grants the petitioners 180 days from the day of the endorsement to obtain the number of signatures required by present law. Requires petitioners to submit the signed petition to the registrar of voters not later than 180 days from the day of the endorsement. Further requires petitioners to attach an affidavit to the petition

attesting to the fact that no signatures were obtained prior to the receipt of notice of the certification and endorsement.

Proposed law prohibits the registrar of voters from reviewing the signed petition to determine if it contains the requisite number of signatures if petitioners fail to submit the signed petition within 180 days.

(Amends R.S. 33:1)