
DIGEST

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HB 796 Engrossed

2016 Regular Session

Bishop

Abstract: Changes the procedures for the dissolution of municipalities with a population of less than 2,500 persons.

Present law requires a municipal governing authority in any municipality with a population of not more than 2,500 persons to call an election for the purpose of determining whether the municipality shall be dissolved and its charter surrendered if presented with a petition signed by a majority in number and amount of the property taxpayers of the municipality.

Proposed law removes present law and instead requires a municipal governing authority in any municipality with a population of less than 2,500 persons to call an election for such purpose if presented with a petition signed by a majority of the qualified electors of the municipality. Requires that the petition be limited to a request that an election be called and held in the municipality. Additionally requires that the petition be in compliance with present law (R.S. 18:3) relative to the content of petitions submitted to a registrar of voters for certification.

Present law requires that a notice of the election be published for 30 days in a newspaper published in the municipality. Requires that the notice state the proposition to be submitted and include the date of the election. Provides further with respect to the content of the notice.

Proposed law removes present law and requires that the procedures for the election and notice of the election be in compliance with the provisions of present law (the La. Election Code).

Present law requires the registrar of voters to furnish the election commissioners a list of taxpayers entitled to vote at the election, together with the valuation of each taxpayer's property, as shown by the last assessment roll filed prior to the election. Requires the municipal governing authority to designate the polling place, provide the ballot box, ballots, and the valuations of property and compiled statement of voters in number and amount.

Proposed law removes present law.

Present law provides relative to the content of the ballot, including the question of whether the municipality be dissolved and its charter surrendered and a statement of the taxable valuation of a voter's property. Proposed law provides for inclusion of only the question of whether the municipality shall be dissolved and its charter surrendered.

Present law requires that commissioners and clerks, before the polls open, be sworn to perform all

the duties incumbent on them. Proposed law instead requires commissioners-in-charge and commissioners to take the oath or affirmation as provided in present law (the La. Election Code).

Present law provides for the appointment of substitute commissioners and clerks if any commissioner or clerk is unable, fails, or neglects to attend or serve at the polling place designated. Requires the commissioners present, or if none present, the voters to make the appointments. Proposed law instead requires the commissioner-in-charge and the commissioners to be present at the polling place at least 30 minutes prior to the time the polls are to open. Provides that if a commissioner-in-charge fails to appear, he must be replaced. Provides that if any commissioner fails to appear, or if the number present is less than the number necessary to conduct the election, the commissioner-in-charge must appoint the necessary number of commissioners all in accordance with present law (the La. Election Code).

Present law requires that the polls open on the day appointed at 7 o'clock a.m., and remains open until, and not later than, 6 o'clock p.m. Provides that no election shall be vitiated by a failure to open the polls at the time prescribed or by closing them before the time prescribed, unless it is established that the voters were deprived of votes sufficient in number and amount to have changed the result of the election.

Proposed law removes present law.

Present law requires that each voter's name be written on his ballot. Requires the commissioners to check his name on the list of voters furnished by the registrar as having voted, enter and number his name on the list of taxpayers voting, and immediately deposit his ballot in the ballot box. Proposed law removes present law and provides that the election laws of this state applicable to other elections shall govern elections held pursuant to proposed law.

Present law provides that if the vote of any taxpayer is challenged, the commissioners must permit him to vote and must receive in writing the ground of challenge signed by the challenger, together with the challenged taxpayer's statement of his asserted right to vote. Proposed law removes present law.

Present law requires the commissioners, immediately after the closing of polls and in the presence of bystanders, to open the ballot box, count the ballots, check with the list of voters, and count the ballots in number and amount. Proposed law removes present law.

Present law requires the municipal governing authority, on the date and at the hour and place of the election, to, in public session, open each ballot box, examine and count the ballots in number and amount, examine and canvass the returns and declare the result of the election. Proposed law removes present law and instead requires the municipal governing authority to examine and canvass the returns and declare the result of the election.

Present law requires that the results be promulgated by publication in one issue of a newspaper published in the municipality, or, if there is none, in a newspaper published in the parish in which the municipality is situated, or in an adjoining parish if no newspaper is published in the parish.

Proposed law retains present law but clarifies that the newspaper must be one with general circulation.

Present law requires the municipal governing authority to keep a proces verbal of the canvass of the election returns and to forward one copy to the secretary of state, one to the clerk of the district court, and one to the governor. Proposed law no longer requires that a copy be sent to the governor. Specifies that in Orleans Parish, a copy must be sent to the clerk of the civil district court and requires the municipal governing authority to retain a copy in its archives.

Present law requires that any cause or right of action to contest the validity of the election must be brought within 60 days from the promulgation of the result of the election. Provides that after that time, no court shall have authority to inquire into the matter. Proposed law retains present law.

Effective upon signature of governor or lapse of time for gubernatorial action.

(Amends R.S. 33:251-261)

Summary of Amendments Adopted by House

The Committee Amendments Proposed by House Committee on Municipal, Parochial and Cultural Affairs to the original bill:

1. Make bill effective upon signature of the governor.
2. Make technical changes.