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## DIGEST

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HB 1091 Original

2016 Regular Session

Ivey

**Abstract:** Provides for party primary elections for the election of members to the U.S. House of Representatives and the U.S. Senate.

Present law, relative to elections, provides that all qualified voters of this state may vote on candidates for public office in primary and general elections without regard to the voter's party affiliation or lack of it, and that all candidates for public office who qualify for a primary and general election may be voted on without regard to the candidate's party affiliation or lack of it. Present law further provides that if a candidate receives a majority in a primary election, he is elected. Present law provides that no candidate received a majority in the primary election, the candidates who qualify for the general election are those who received the two highest number of votes.

Proposed law specifies that the present law provisions of the election code govern congressional elections in any matter not otherwise provided by proposed law. Proposed law provides that for election of members to the U.S. House of Representatives and the U.S. Senate that, the following shall apply instead:

- (1) Proposed law provides that all recognized political parties shall make nominations of all congressional candidates by direct party primary elections. Provides that in such party primary elections, all qualified voters of this state may vote only on the candidates for public office who are affiliated with the same political party with which the voter is affiliated. Provides for qualified voters not affiliated with a recognized political party to choose to vote in one recognized political party's primary election. Further provides that in congressional primary elections each qualified voter who is not affiliated with a recognized political party may choose to vote in a recognized political party's primary elections, unless the state central committee of such political party in its rules and regulations prohibits unaffiliated voters from participating in its primary elections. Provides that if a recognized political party prohibits unaffiliated voters from participating in its primary election, the state central committee of such party shall give written notice to the secretary of state of such prohibition, including a copy of the rules and regulations containing such prohibition, no later than Jan. first of the year in which regularly scheduled congressional elections are to held and no later than 46 days prior to a special primary election.

Proposed law provides that all qualified voters may vote on candidates for public office in general elections without regard to the voter's party affiliation or lack thereof, and all candidates for public office who qualify for a general election may be voted on without regard to the candidate's party affiliation or lack thereof. (Note: As provided in present law

(R.S. 18:512) for a general election, the candidate with the most votes is elected.)

- (2) Present law provides that the congressional primary election for members of congress and officers elected at the same time as members of congress shall be on the first Tuesday after the first Monday in November and that the congressional general election shall be held on the fifth Saturday after the first Tuesday after the first Monday in November of each even-numbered year. Proposed law provides that the congressional primary election shall be on the first Saturday in October and the congressional general election shall be the first Tuesday after the first Monday in November of each even-numbered year and makes the same change relative to available dates for special elections and bond, tax, or other elections.
- (3) Present law provides that the qualifying period for candidates in a congressional primary election and any special primary election held at the same time opens on the third Wednesday in July of the year of the election. Proposed law changes the opening of the qualifying period to the first Wednesday in July.
- (4) Proposed law provides that a candidate in a congressional primary election shall be affiliated with a recognized political party and may qualify as a candidate only in the party primary of the party with which he is affiliated as shown on his voter registration.
- (5) Proposed law provides that the manner of qualifying for the primary election is the same as provided in present law except candidates shall qualify for the primary election with the secretary of state or a person in his office designated to receive qualifying papers and the notice of candidacy shall be in writing and shall state the candidate's name, the office he seeks, the address of his domicile, the parish, ward, and precinct where he is registered to vote, and the political party with which he is registered as being affiliated. Provides that the notice of candidacy shall be accompanied either by the qualifying fee or by a nominating petition and is filed timely only if received by the secretary of state during the qualifying period for candidates in the primary election. Requires designation of party affiliation for signers of a nominating petition for a candidate and provides that only persons in the same party as the candidate are eligible to sign the nominating petition. Provides procedures for the form and certifications of the petitions.
- (6) Proposed law provides that when qualifying is reopened due to the death of a congressional candidate in a primary election, the qualifying shall be open only for the party of the candidate who died. Specifies the time for such reopening. Further provides for rescheduling of the primary and general election in such cases.
- (7) Proposed law provides for the nomination and election of unopposed candidates.
- (8) Proposed law provides that in the case of a tie vote in the party primary the party's nominee for the general election shall be selected by public drawing of lots conducted by the secretary of state.
- (9) Proposed law provides that if one of the congressional candidates dies or withdraws before

the close of polls on the day of the primary leaving no nominee for the party, the state central committee may provide for the selection of a nominee of their party and shall notify the secretary of state within 10 days of the death or withdrawal or by 4:30 p.m. on the third calendar day after the primary, whichever occurs first.

- (10) Proposed law provides that a person who is not affiliated with a recognized political party may become a candidate in a general election by filing his notice of candidacy which shall be accompanied by either a ballot access petition or the qualifying fee with the same number of signatures required on a nominating petition for candidates in the primary, in the same manner and during the same time period as is provided for candidates in the primary who are affiliated with a recognized political party. Further provides that a person affiliated with a recognized political party shall not be eligible to sign a ballot access petition.
- (11) Proposed law provides that present law relative to objections to candidacy applies to congressional candidates unaffiliated with a recognized political party who qualify for the general election in the same manner as if the candidate qualified for the primary election.
- (12) Provides that the secretary of state shall prepare the ballots as provided in present law (R.S. 18:551) except that for the primary election ballot the parties shall be arranged alphabetically, and under such party affiliation, the names of the candidates for each office shall be listed alphabetically by surname within each party and printed below the title of the office and below the respective party designation and the names of the candidates shall be numbered from first to last. For the general election, provides that additional candidates who qualify and who were not on the primary election ballot shall be given the numbers following the number assigned to the last candidate on the ballot for the primary election.
- (13) Provides that the prerequisites to voting in the elections are the same as provided in present law (R.S. 18:562 and 1309), except that a voter shall also give his party affiliation, if any, to the commissioner who shall announce the applicant's name, address, and party affiliation, if any to the persons at the polling place.
- (14) Relative to voting machines, proposed law specifies that they be constructed and equipped, when used in a congressional primary election or primary election at which members of a political party committee are to be voted on, to allow election officials to lock out all candidate counters except those of the party with which the voter is affiliated or those of the party for which a voter unaffiliated with a recognized political party may vote in accordance with proposed law.

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

(Amends R.S. 18:401, 402(B), (E)(1)(b) and (2)(b) and (F)(2), 467(2), 481, 511(A) and (B), 1272(A), and 1355(6); Adds R.S. 18:1275.1-1275.23)