
DIGEST

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HB 1147 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 map of the area proposed for incorporation and a list of every parish in which the proposed area of incorporation is wholly or partially situated be included within the legal description.
- (3) Relative to the names of chairpersons for the petition of incorporation, limits the number to

two and requires that they be designated as chairperson and vice chairperson. Authorizes the vice chairperson to carry out the duties of the chairperson in his absence.

Proposed law requires, prior to the collection of signatures, submission of a copy of the proposed petition to the secretary of state. Requires the secretary of state to endorse the fact and the date of filing. Provides that the petition is deemed filed as of the date of endorsement. Requires the secretary of state to notify the chairperson within 10 business days, by certified mail, return receipt requested, of the date of endorsement. Prohibits the collection of signatures until the receipt of the notice of endorsement and prohibits the filing of a copy of a petition less than 14 days prior to an election through 10 days after an election.

Proposed law requires the secretary of state to immediately transmit a copy of the petition, by mail or electronically, to the registrar of voters for each parish in which the proposed incorporated area is situated. Requires the registrar of voters, within 10 business days of the date of endorsement, to transmit to the chairperson and the secretary of state, by mail or electronically, a notice of the number of electors residing within the area proposed for incorporation as of the date the notice is sent to the chairperson and the secretary of state.

Proposed law requires the chairperson to submit the signed and dated petition for certification to the registrar of voters for each parish in which the proposed incorporated area is situated. Further requires the chairperson to notify the registrar of voters, by certified mail or receipted hand delivery, that he intends to submit the petition for certification at least 14 days prior to actual submission. Requires the chairperson to submit the petition not later than 180 days after the date on which he receives notice of the date of endorsement, if fewer than 10,000 qualified electors reside within the area proposed for incorporation and 270 days from such date if 10,000 or more qualified electors reside in the area proposed for incorporation.

Proposed law requires the chairperson to attach an affidavit to the petition attesting to the fact that no signatures were obtained prior to the receipt of notice of endorsement. 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 the requisite number of days. Further prohibits the filing of another copy of a petition to the secretary of state that proposes to incorporate the same area for at least 60 days.

Present law provides that all electors are eligible to sign the petition and that more than one copy of the petition may be circulated. Requires that the signatures of the electors reasonably correspond with their signatures on file in the office of the registrar of voters. Further requires that signatures of electors on any copy of the petition be counted as part of the required 25%.

Proposed law retains present law but removes requirement that signatures of electors on any copy of the petition be counted as part of the required 25%. Proposed law instead requires that the signature of an elector be counted only one time in the calculation of the required 25%.

Present law authorizes any elector to withdraw his name from the petition by filing a signed statement of withdrawal with the registrar of voters at any time before the registrar of voters certifies

the petition.

Proposed law instead requires the registrar of voters, prior to certifying the petition but not more than five days after submission by the chairperson for certification, whichever is earlier, to honor the written request of any elector who desires to have his signature stricken from or added to the petition. Provides further relative to the contents of the notice.

Proposed law provides that the petition, including the elector's name, address, and signature, are public record as of the date written notice is given by the chairperson of his intent to submit the petition for certification. Additionally provides that the request of the elector to add or remove his name is a public record. Prohibits the disclosure of the voter's day and month of birth.

Proposed law provides that the chairperson is the custodian of the petition prior to submission for certification but the registrar of voters becomes the custodian once the petition is submitted for certification. Provides that the petition and its custodian are subject to present law (R.S. 44:1) relative to the inspection of public records.

Proposed law prohibits the annexation of any area included within a petition filed with the secretary of state until the time lapses for the chairman to submit the petition for certification.

(Amends R.S. 33:1)