

First Extraordinary Session, 2011

HOUSE BILL NO. 29

BY REPRESENTATIVE LEGER

CENSUS: Provides relative to provisions in Title 18 which are limited in applicability to political subdivisions or local areas meeting specified population characteristics (Item #8)

1 AN ACT

2 To amend and reenact R.S. 18:402(C)(introductory paragraph), (D), (E)(1)(c) and (e) and
3 (2)(c) and (e), and (F)(3) and (6), 467(3) and (4), and 514, relative to provisions of
4 Title 18 (Louisiana Election Code) of the Louisiana Revised Statutes of 1950 which
5 are limited in applicability to certain political subdivisions or local areas based upon
6 population classifications; to adjust population categories to retain applicability of
7 provisions relative to dates of local elections and dates associated with such
8 elections; and to provide for related matters.

9 Be it enacted by the Legislature of Louisiana:

10 Section 1. R.S. 18:402(C)(introductory paragraph), (D), (E)(1)(c) and (e) and (2)(c)
11 and (e), and (F)(3) and (6), 467(3) and (4), and 514 are hereby amended and reenacted to
12 read as follows:

13 §402. Dates of primary and general elections

14 * * *

15 C. Municipal and ward elections. In all municipalities with a population of
16 less than ~~four~~ three hundred ~~seventy-five~~ thousand, elections for municipal and ward
17 officers who are not elected at the same time as the governor or members of congress
18 shall be held every four years.

19 * * *

1 (e) The first Saturday in February of an election year for parish and
2 municipal officers in a parish containing a municipality with a population of ~~four~~
3 three hundred ~~seventy-five~~ thousand or more.

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

5 * * *

6 (c) The fourth Saturday after the first Saturday in April of any year unless
7 the primary election is held on the second or third Saturday in February; in such case
8 the general election shall be held on the fourth Saturday after the second or third
9 Saturday in February, as the case may be; however, commencing in 1986 and every
10 fourth year thereafter, this date shall not be applicable in a parish containing a
11 municipality with a population of ~~four~~ three hundred ~~seventy-five~~ thousand or more.

12 * * *

13 (e) The fourth Saturday after the first Saturday in February in a parish
14 containing a municipality with a population of ~~four~~ three hundred ~~seventy-five~~
15 thousand or more, when the special primary election in such parish and municipality
16 is held on the first Saturday in February of an election year for parish and municipal
17 officers.

18 * * *

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

22 * * *

23 (3) The first Saturday in April or the fourth Saturday after the first Saturday
24 in April of any year or on the second or third Saturday in February or fourth Saturday
25 after the second or third Saturday in February, as the case may be, during the
26 presidential election year, if the statewide presidential preference primary election
27 is scheduled on the second or third Saturday in February of the presidential election
28 year; however, commencing in 1994 and every fourth year thereafter, the first

1 Saturday in April shall not be applicable in a parish containing a municipality with
2 a population of ~~four~~ three hundred ~~seventy-five~~ thousand or more.

3 * * *

4 (6) For a parish containing a municipality with a population of ~~four~~ three
5 hundred ~~seventy-five~~ thousand or more, the first Saturday in February or the fourth
6 Saturday after the first Saturday in February in 1986 and every fourth year thereafter.

7 * * *

8 §467. Opening of qualifying period

9 The qualifying period for candidates in a primary election shall open:

10 * * *

11 (3) For candidates in a primary election for municipal and ward officers who
12 are not elected at the same time as the governor or members of congress in
13 municipalities with a population of less than ~~four~~ three hundred ~~seventy-five~~
14 thousand and those in any special primary election to be held at the same time, on
15 the second Wednesday in February of the year of the election, unless the primary
16 election is held on the second or third Saturday in February; in such case the
17 qualifying period for candidates in such primary election shall open on the second
18 Wednesday in December of the year prior to the election.

19 (4) For candidates in a primary election for parochial and municipal officers
20 in a parish containing a municipality with a population of ~~four~~ three hundred
21 ~~seventy-five~~ thousand or more and in which the municipal and parochial elections
22 are held at the same time, on the second Wednesday in December preceding the year
23 of the election.

24 * * *

25 §514. Parish with municipality population of ~~four~~ three hundred ~~seventy-five~~
26 thousand or more; municipal and parochial officers; date of taking office

27 ~~A. Except as otherwise provided in this Section, all~~ All elected parochial and
28 municipal officers in a parish containing a municipality with a population of ~~four~~

1 ~~three~~ hundred ~~seventy-five~~ thousand or more shall take office on the first Monday
2 in May of 1982 and each four years thereafter.

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)]

Leger

HB No. 29

Abstract: Updates applicability of provisions in Title 18 as a result of the 2010 census.

Present law provides dates for primary and general elections including gubernatorial, congressional, municipal, and special elections, and for proposition elections. Most of the dates provided for local elections are applicable everywhere, but provides some exceptions for a parish containing a municipality with a population of 475,000 or more.

For election of municipal and ward officers who are not elected at the same time as the governor or members of congress, present law generally provides that the primary election is held on the first Saturday in April, and the general election is held on the fourth Saturday after the primary. (Present law provides different dates if a presidential preference primary is held on the second or third Saturday in Feb. of the same year.)

For the election of municipal and parochial officers in a parish containing a municipality with a population of 475,000 or more, present law provides that the primary is held on the first Saturday in Feb., and the general election is held on the fourth Saturday after the primary. Present law also authorizes such a parish to use these dates for a special election to fill a newly created office or to fill a vacancy and to use the first Saturday in Feb. date for a proposition election. Further provides specific dates for the opening of qualifying and for officials to take office associated with these primary and general election dates.

Proposed law retains present law except to change the classification of parishes to which special provisions apply; provisions applicable to a parish containing a municipality with a population of 475,000 or more under present law are applicable to a parish containing a municipality with a population of 300,000 or more under proposed law.

| CITATION/ TOPIC | EXISTING LAW | AFFECTED LOCATIONS | PROPOSED LAW |
|---|--|------------------------------------|--|
| R.S. 18:402(D) - Dates for election of parochial and municipal officers | Parish containing a municipality having a population of 475,000+ | Orleans Parish (1990, 2000 census) | Parish containing a municipality having a population of 300,000+ |
| R.S. 18:402(E) - Dates for special election to fill newly created office or vacancy | Parish containing a municipality having a population of 475,000+ | Orleans Parish (1990, 2000 census) | Parish containing a municipality having a population of 300,000+ |

| CITATION/ TOPIC | EXISTING LAW | AFFECTED LOCATIONS | PROPOSED LAW |
|--|--|------------------------------------|--|
| R.S. 18:402(F) - Dates for bond, tax, and other elections | Parish containing a municipality having a population of 475,000+ | Orleans Parish (1990, 2000 census) | Parish containing a municipality having a population of 300,000+ |
| R.S. 18:467(4) - Date for opening of qualifying for parochial and municipal officers | Parish containing a municipality having a population of 475,000+ | Orleans Parish (1990, 2000 census) | Parish containing a municipality having a population of 300,000+ |
| R.S. 18:514 - Date parochial and municipal officers take office | Parish containing a municipality having a population of 475,000+ | Orleans Parish (1990, 2000 census) | Parish containing a municipality having a population of 300,000+ |

(Amends R.S. 18:402(C)(intro. para.), (D), (E)(1)(c) and (e) and (2)(c) and (e), and (F)(3) and (6), 467(3) and (4), and 514)