

Regular Session, 2011

HOUSE BILL NO. 539

BY REPRESENTATIVE TUCKER

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

ELECTION DAYS: Provides relative to elections

1 AN ACT

2 To amend and reenact R.S. 18:402, relative to elections; to provide relative to the conduct  
3 of elections; to provide relative to election dates; to provide relative to the authority  
4 to call or hold elections; to remove provisions for certain elections; and to provide  
5 for related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. R.S. 18:402 is hereby amended and reenacted to read as follows:

8 §402. Dates of primary and general elections

9 A. Gubernatorial elections. Elections for governor and officers elected at the  
10 same time as the governor shall be held every four years, beginning in 1983, as  
11 provided in this Subsection.

12 (1) Gubernatorial primary elections shall be held on the second to last  
13 Saturday in October of an election year.

14 (2) Gubernatorial general elections shall be held on the fourth Saturday after  
15 the second to last Saturday in October of an election year.

16 B. Congressional elections. Elections for members of congress and officers  
17 elected at the same time as members of congress shall be held every two years,  
18 beginning in 1982, as provided in this Subsection.

1 (1) Primary elections for members of congress and officers elected at the  
2 same time as members of congress shall be held on the first Tuesday after the first  
3 Monday in November of an election year.

4 (2) General elections for members of congress and officers elected at the  
5 same time as members of congress shall be held on the first Saturday in December  
6 of an election year.

7 C. Municipal and ward elections. In all municipalities with a population of  
8 less than ~~four~~ three hundred ~~seventy-five~~ thousand, elections for municipal and ward  
9 officers who are not elected at the same time as the governor or members of congress  
10 shall be held every four years as provided in this Subsection.

11 (1) Primary elections for municipal and ward officers who are not elected at  
12 the same time as the governor or members of congress shall be held on the first  
13 Saturday in April of an election year, or on the second Saturday in February of an  
14 election year; if the statewide presidential preference primary election is scheduled  
15 to be held on the second Saturday in February of the presidential election year, or on  
16 the third Saturday in February of an election year, if the statewide presidential  
17 preference primary election is scheduled to be held on the third Saturday in February  
18 of the presidential election year.

19 (2) General elections for municipal and ward officers who are not elected at  
20 the same time as the governor or members of congress shall be held on the fourth  
21 Saturday after the first Saturday in April of an election year unless the primary  
22 election for such officers is held on the second or third Saturday in February; ~~in.~~ In  
23 such case, the general election shall be held on the fourth Saturday after the second  
24 or third Saturday in February, as the case may be, of an election year.

25 D. Parochial and municipal elections in a parish containing a municipality  
26 with a population of ~~four~~ three hundred ~~seventy-five~~ thousand or more. Elections for  
27 parochial and municipal officers in a parish containing a municipality with a  
28 population of ~~four~~ three hundred ~~seventy-five~~ thousand or more shall be held every  
29 four years, beginning in 2006, as provided in this Subsection.

1           (1) Primary elections for parochial and municipal officers ~~in a parish~~  
2           ~~containing a municipality with a population of four hundred seventy-five thousand~~  
3           ~~or more~~ shall be held on the first Saturday in February of an election year.

4           (2) General elections for parochial and municipal officers ~~in a parish~~  
5           ~~containing a municipality with a population of four hundred seventy-five thousand~~  
6           ~~or more~~ shall be held on the fourth Saturday after the first Saturday in February of  
7           an election year.

8           E. Special elections to fill newly created office or vacancy in office. An  
9           election to fill a newly created office or a vacancy in an existing office, except the  
10          office of state legislator or representative in congress, shall be held on the dates fixed  
11          by the appropriate authority in the proclamation ordering a special election as  
12          follows:

13          (1) A special primary election shall be held on the first of the following days  
14          that is not less than eleven weeks after the date on which the proclamation calling the  
15          special primary election was issued:

16          (a) The second to last Saturday in October, when the special general election  
17          is held on the fourth Saturday after the second to last Saturday in October.

18          (b) The first Tuesday after the first Monday in November, when the special  
19          general election is held on the first Saturday in December.

20          (c) The first Saturday in April, when the special general election is held on  
21          the fourth Saturday after the first Saturday in April or on the second or third Saturday  
22          in February during the presidential election year, if the statewide presidential  
23          preference primary election is scheduled to be held on the second or third Saturday  
24          in February of the presidential election year; ~~however,~~ However, commencing in  
25          1986 and every fourth year thereafter, this date shall not be applicable in a parish  
26          containing a municipality with a population of ~~four~~ three hundred ~~seventy-five~~  
27          thousand or more.

1 (d) The third Saturday in October, when the special general election is held  
2 on the fourth Saturday after the third Saturday in October of 1985 and every fourth  
3 year thereafter.

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

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

8 (a) The fourth Saturday after the second to last Saturday in October of 1983  
9 and every fourth year thereafter.

10 (b) The first Saturday in December of even-numbered years.

11 (c) The fourth Saturday after the first Saturday in April of any year unless  
12 the primary election is held on the second or third Saturday in February; ~~in,~~ In such  
13 case, the general election shall be held on the fourth Saturday after the second or  
14 third Saturday in February, as the case may be; ~~however,~~ However, commencing in  
15 1986 and every fourth year thereafter, this date shall not be applicable in a parish  
16 containing a municipality with a population of ~~four~~ three hundred ~~seventy-five~~  
17 thousand or more.

18 (d) The fourth Saturday after the third Saturday in October of 1985 and every  
19 fourth year thereafter.

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

25 (3) The secretary of state shall not include the name of any candidate on any  
26 ballot for a special election to fill a vacancy in any office to which this Subsection  
27 is applicable unless such special election has been called in accordance with the  
28 provisions of this Subsection and scheduled on one of the dates provided ~~herein in~~  
29 this Subsection. Any elector who is eligible to vote in any such special election may

1 apply for injunctive relief to prohibit the placing of the name of any candidate in an  
2 improperly called election on the ballot. Venue for such application shall be in any  
3 parish in which the election is called, and the secretary of state shall be the proper  
4 party defendant.

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

8 (1) The second to last Saturday in October or the fourth Saturday after the  
9 second to last Saturday in October of 1983 and every fourth year thereafter.

10 (2) The first Saturday in October or the first Tuesday after the first Monday  
11 in November of even-numbered years.

12 (3) The first Saturday in April or the fourth Saturday after the first Saturday  
13 in April of any year or on the second or third Saturday in February or fourth Saturday  
14 after the second or third Saturday in February, as the case may be, during the  
15 presidential election year, if the statewide presidential preference primary election  
16 is scheduled on the second or third Saturday in February of the presidential election  
17 year; ~~however,~~ However, commencing in 1994 and every fourth year thereafter, the  
18 first Saturday in April shall not be applicable in a parish containing a municipality  
19 with a population of ~~four~~ three hundred ~~seventy-five~~ thousand or more.

20 (4) The third Saturday in October or the fourth Saturday after the third  
21 Saturday in October of 1985 and every fourth year thereafter.

22 (5) Repealed by Acts 2008, No. 134, §1.

23 ~~(6)~~ (5) For a parish containing a municipality with a population of ~~four~~ three  
24 hundred ~~seventy-five~~ thousand or more, the first Saturday in February or the fourth  
25 Saturday after the first Saturday in February in 1986 and every fourth year thereafter.

26 ~~(7) In case of an emergency, upon application to and approval by the State~~  
27 ~~Bond Commission by two-thirds vote of its total membership, and with approval of~~  
28 ~~the governor, the governing authority of a parish, of a municipality, or of a parish or~~

1           ~~city school board may conduct a bond or tax election on a Saturday which is not~~  
2           ~~provided for in this Subsection.~~

3                   G. Prohibited days. No election of any kind shall be held in this state on any  
4           of the days of Rosh Hashana, Yom Kippur, Sukkot, Shemini Atzeret, Simchat Torah,  
5           the first two days and the last two days of Passover, Shavuot, Tish'a B'Av, the two  
6           days preceding Labor Day or the three days preceding Easter. If the date of any  
7           election falls on any of ~~the above-named~~ these days, the election shall be held on the  
8           same weekday of the preceding week.

#### 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)]

Tucker

HB No. 539

**Abstract:** Provides relative to elections.

Present law provides dates on which elections are authorized to be held and provides procedures for calling and holding elections on such dates. Specifically provides that in case of an emergency, upon application to and approval by the State Bond Commission by 2/3 vote of its total membership, and with approval of the governor, the governing authority of a parish, of a municipality, or of a parish or city school board may conduct a bond or tax election on a Saturday which is not provided for in present law.

Proposed law makes changes to such provisions and removes provisions of present law relative to emergency bond and tax elections.

(Amends R.S. 18:402)