

Regular Session, 2010

HOUSE BILL NO. 627

BY REPRESENTATIVE GALLOT

ELECTIONS/PRECINCTS: Provides relative to the prohibition on certain precinct changes during certain time periods

1 AN ACT

2 To amend and reenact R.S. 18:532.1(D) and 1903, relative to precinct changes; to authorize
3 the division of a precinct under certain circumstances during a certain time period;
4 to require certain submissions relative to such changes; to provide for penalties; and
5 to provide for related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. R.S. 18:532.1(D) and 1903 are hereby amended and reenacted to read as
8 follows:

9 §532.1. Changing boundaries

10 * * *

11 D.(1) Notwithstanding any other law to the contrary, no election precinct
12 shall be created, divided, abolished, or merged, or the boundaries thereof otherwise
13 changed between January first of any year of which the last digit is nine and
14 December thirty-first of any year of which the last digit is three,~~unless ordered by~~
15 ~~a court of competent jurisdiction.~~

16 (2)(a) Notwithstanding the provisions of Paragraph (1) of this Subsection or
17 R.S. 18:1903 to the contrary, if after the release of the federal decennial census data
18 a parish governing authority is unable to comply with applicable law regarding
19 redistricting and reapportionment in the creation of its redistricting or
20 reapportionment plan using the whole precincts submitted to the United States

1 Bureau of the Census, the parish governing authority may divide a precinct into two
2 or more precincts; any such division shall be by a visible feature which is a census
3 tabulation boundary.

4 (b) Any such parish governing authority shall include the precinct changes
5 in its ordinance establishing its redistricting or reapportionment plan.

6 (c) Within fifteen days after the adoption of the ordinance, the parish
7 governing authority shall send to the secretary of the Senate and the clerk of the
8 House of Representatives a certified copy of the ordinance and a copy of a map
9 showing the new precinct boundaries together with a written description of such
10 boundaries. If the precinct changes were the result of action in a court of competent
11 jurisdiction, the parish governing authority shall include a certified copy of the court
12 order, and the secretary and the clerk shall likewise be notified of appeals filed or
13 other actions that pertain to any such order or ordinance.

14 (d) The provisions of this Paragraph shall not be construed as authority for
15 a parish governing authority which has adopted or accomplished redistricting or
16 reapportionment or is able to redistrict or reapportion itself in accordance with
17 applicable law using the whole precincts submitted to the United States Bureau of
18 the Census to divide precincts. Any plan adopted by a parish governing authority in
19 contravention of this Subsection shall be null and void, and no election shall be
20 conducted using any ballot based on such a null and void plan.

21 * * *

22 §1903. Precincts; boundary changes

23 ~~A. No~~ Except as otherwise provided in R.S. 18:532.1(D)(2), no election
24 precinct shall be created, divided, abolished, or merged, or the boundaries thereof
25 otherwise changed between January first of any year of which the last digit is nine
26 and December thirty-first of any year of which the last digit is three unless ordered
27 by a court of competent jurisdiction.

28 ~~B. If a change in the boundaries of a precinct is made as specified in~~
29 ~~Subsection A of this Section, during the time specified therein, the affected~~

1 governing body shall, ~~within fifteen days after the entry of the court order and, if~~
 2 any, ordinance changing the precinct boundaries pursuant to the court order, send to
 3 the secretary of the Senate and the clerk of the House of Representatives a certified
 4 copy of the order or ordinance and a copy of a map showing the new boundaries
 5 together with a corrected word description of such boundaries. The secretary and the
 6 clerk shall likewise be notified of appeals filed or other actions that pertain to any
 7 such order or ordinance.

8 Section 2. This Act shall become effective upon signature by the governor or, if not
 9 signed by the governor, upon expiration of the time for bills to become law without signature
 10 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If
 11 vetoed by the governor and subsequently approved by the legislature, this Act shall become
 12 effective on the day following such approval.

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)]

Gallot

HB No. 627

Abstract: Authorizes a parish governing authority to divide a precinct into two or more precincts by a visible feature which is a census tabulation boundary during the "precinct freeze" if after the release of the federal decennial census data the parish is unable to comply with applicable law regarding redistricting and reapportionment.

Present law (R.S. 18:532.1(D) and 1903) relative to precinct changes, provides that no election precinct shall be created, divided, abolished, or merged, or the boundaries thereof otherwise changed between Jan. first of any year of which the last digit is nine and Dec. thirty-first of any year of which the last digit is three, unless ordered by a court of competent jurisdiction. Present law (R.S. 18:1903) specifies that if a change is made by court order during the time specified the affected governing body shall, within 15 days after the entry of the court order and, if any, ordinance changing the precinct boundaries pursuant to the court order, send to the secretary of the Senate and the clerk of the House a certified copy of the order or ordinance, a copy of a map showing the new boundaries, and a corrected word description of the boundaries. Requires the secretary and the clerk to likewise be notified of appeals filed or other actions that pertain to any such order or ordinance.

Proposed law removes the specific language regarding precinct changes ordered by a court of competent jurisdiction. Proposed law further authorizes a parish governing authority (parish) to divide a precinct into two or more precincts by a visible feature which is a census tabulation boundary if after the release of the federal decennial census data the parish is unable to comply with applicable law regarding redistricting and reapportionment in the creation of its redistricting or reapportionment plan using the whole precincts submitted to the U. S. Census Bureau. Requires the parish to (1) include the precinct changes in its ordinance establishing its plan; (2) send the secretary of the Senate and the clerk of the

House a certified copy of the ordinance and a copy of a map showing the new precinct boundaries together with a written description of such boundaries within 15 days after the adoption of the ordinance; and (3) if the precinct changes were the result of action in a court of competent jurisdiction, include a certified copy of the court order and notify the secretary and the clerk of appeals filed or other actions that pertain to any such order or ordinance.

Proposed law specifies that it shall not be construed as authority for a parish which has adopted or accomplished redistricting or reapportionment or is able to redistrict or reapportion itself in accordance with applicable law using the whole precincts submitted to the U.S. Census Bureau to divide precincts. Further provides that any plan adopted by a parish in contravention of present law and proposed law shall be null and void, and no election shall be conducted using any ballot based on the null and void plan.

Present law (R.S. 18:537) requires the attorney general to institute actions to enforce the provisions of present law (R.S. 18:532.1), provides that the defendant must pay court costs and reasonable attorney fees incurred by such action, and specifies that the state shall not pay specified election costs or expenses while a parish governing authority is noncompliant. Proposed law retains present law.

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

(Amends R.S. 18:532.1(D) and 1903)