

ACT No. 313

2016 Regular Session

HOUSE BILL NO. 796

BY REPRESENTATIVES BISHOP AND SHADOIN

1 AN ACT

2 To amend and reenact Subpart B of Part VI of Chapter 1 of Title 33 of the Louisiana
3 Revised Statutes of 1950, to be comprised of R.S. 33:251 through 261, relative to the
4 dissolution of certain municipalities; to provide relative to the procedures for
5 dissolution; to make changes with respect to such procedures; and to provide for
6 related matters.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. Subpart B of Part VI of Chapter 1 of Title 33 of the Louisiana Revised
9 Statutes of 1950, to be comprised of R.S. 33:251 through 261, is hereby amended and
10 reenacted to read as follows:

11 SUBPART B. DISSOLUTION BY PETITION AND ELECTION

12 §251. Petition for dissolution of ~~municipality having population of less than 2500~~
13 any municipality with a population of not more than twenty-five hundred
14 persons

15 A. ~~When in any municipality having a population of not more than twenty-~~
16 five hundred a petition signed by a majority in number and amount of the property
17 taxpayers qualified to vote is presented to the governing authority of the
18 municipality, praying for the surrender of the charter and the dissolution of the
19 municipal corporation, the governing authority by resolution shall immediately order
20 a special election for the purpose of determining whether the charter should be
21 surrendered and the municipality dissolved. If the surrender of the charter and
22 dissolution of a municipality with a population of not more than twenty-five hundred
23 persons according the latest federal decennial census is sought, a petition shall be
24 submitted to the governing authority of the municipality, referred to in this Subpart
25 as the "local governing authority". The petition shall be limited to the request that
26 an election be called and held in the municipality for the purpose of determining

1 whether the municipality shall be dissolved, shall be signed by a majority of the
 2 qualified electors of the municipality as certified by the registrar of voters, and shall
 3 be in compliance with the provisions of R.S. 18:3.

4 B. If the petition meets the requirements of Subsection A of this Section,
 5 then the local governing authority shall adopt a resolution calling a special election,
 6 for the purpose specified in Subsection A of this Section, to be held within the
 7 municipality on any of the dates set forth in R.S. 18:402(F).

8 ~~§252. Notice of election on issue of dissolution of municipality~~ Procedures; notice
 9 of election

10 ~~Notice of the special election, stating the proposition to be submitted at the~~
 11 ~~election, the date of the election, and the date, hour and place that the authority~~
 12 ~~ordering the election will, in open session, open the ballot box, canvass the returns~~
 13 ~~and declare the result, shall be published for thirty days in a newspaper published in~~
 14 ~~the municipality; if there be no newspaper published therein, then in a newspaper~~
 15 ~~published in the parish in which the municipality is situated; or if there be no~~
 16 ~~newspaper published in the parish, the publication shall be made in a newspaper~~
 17 ~~published in an adjoining parish, and by posting in three public places in the~~
 18 ~~municipality ordering the election. Publication in a newspaper once a week for four~~
 19 ~~consecutive weeks shall constitute a publication for thirty days. Thirty days shall~~
 20 ~~intervene between the date of the first publication and the day of the election.~~

21 The procedures for the election and notice of the election shall be in
 22 compliance with the provisions of Chapter 6-A and Chapter 6-B of Title 18 of the
 23 Louisiana Revised Statutes of 1950.

24 ~~§253. List of persons entitled to vote and valuation of their property; affidavits for~~
 25 ~~persons omitted~~

26 ~~Only property taxpayers qualified as electors may vote at this special~~
 27 ~~election.~~

28 ~~The registrar of voters shall furnish to the election commissioners appointed~~
 29 ~~to hold the special election a list of the taxpayers entitled to vote at the election,~~
 30 ~~together with the valuation of each taxpayer's property, as shown by the last~~

1 ~~assessment roll filed prior to the election. If any taxpayer's name and valuation of~~
 2 ~~property is omitted from the list or erroneously entered thereon, the commissioners~~
 3 ~~of the election may receive affidavits of the taxpayer's right to vote and the proper~~
 4 ~~assessed valuation of his property, which affidavits shall be attached to the taxpayer's~~
 5 ~~ballot. No defect in the list of voters furnished by the registrar of voters shall affect~~
 6 ~~the validity of the election unless it be established that voters were thereby deprived~~
 7 ~~of votes sufficient in number and amount to have changed the result of the election.~~

8 ~~§254. Governing authority of municipality to arrange for election; appointment of~~
 9 ~~commissioners and clerk~~

10 ~~The governing authority of the municipality ordering the special election~~
 11 ~~shall designate the polling place; provide the ballot box, ballots, the valuations of~~
 12 ~~property and compiled statement of the voters in number and amount; appoint for~~
 13 ~~each polling place, three commissioners and one clerk of election, all of whom shall~~
 14 ~~be property taxpayers qualified to vote in the municipality, and fix their~~
 15 ~~compensation.~~

16 ~~§255;~~§253. Form of ballot

17 ~~The ballots to be used at the special election shall be in substantially the~~
 18 ~~following form:~~

19 ~~Shall the Charter of the municipality of~~
 20 _____ ~~YES~~ _____

21 ~~(Name of municipality)~~
 22 ~~be surrendered and the municipality dissolved?~~ _____ ~~NO~~ _____

23 ~~Taxable valuation of Voter's Property \$~~ _____
 24 _____

25 ~~Signature of Voter.~~

26 ~~Notice to Voters:~~

27 ~~To vote in favor of the proposition submitted on this ballot, place a cross (X)~~
 28 ~~mark in the square after the word "YES"; to vote against it, place a similar mark after~~
 29 ~~the word "NO".~~

1 The ballot for the election shall provide as follows:

2 "PROPOSITION ELECTION

3 Shall the Charter of the municipality of _____ be surrendered
 4 and the municipality dissolved?".

5 ~~§256:§254. Oath of commissioners and clerks; power to administer oaths and~~
 6 ~~receive affidavits~~ Election officers; oath

7 ~~Commissioners and clerks of the special election, before opening the polls,~~
 8 ~~shall be sworn to perform all the duties incumbent on them, by any officer authorized~~
 9 ~~to administer oaths, or by the clerk, and each commissioner may be sworn before any~~
 10 ~~other commissioner. The commissioners of election may administer any oath and~~
 11 ~~receive any affidavit provided for in this Sub-part.~~ Commissioners-in-charge and
 12 commissioners shall take the oath or affirmation provided in R.S. 18:424 and R.S.
 13 18:425.

14 ~~§257:§255. Substitute commissioners or clerks~~ Elections officers; substitutes

15 ~~If any commissioner or clerk of the election is unable, fails or neglects to~~
 16 ~~attend or serve at the polling place designated, at the hour fixed for opening of the~~
 17 ~~polling place, or within one hour thereafter, the commissioners present shall appoint,~~
 18 ~~or, in the absence of all commissioners, the voters present shall elect the necessary~~
 19 ~~number of commissioners and clerks, who shall have the same powers,~~
 20 ~~compensation, and duties, as other commissioners and clerks and who shall serve in~~
 21 ~~the place of the absentee or delinquent appointees.~~ The commissioner-in-charge and
 22 the commissioners shall be present at the polling place at least thirty minutes prior
 23 to the time the polls are open. A commissioner-in-charge who fails to so appear shall
 24 be replaced in accordance with R.S. 18:433(H). If any commissioner fails to so
 25 appear, or if the number of commissioners present is less than the number necessary
 26 to conduct the election as previously established by the local governing authority, the
 27 commissioner-in-charge shall appoint the necessary number of commissioners in
 28 accordance with R.S. 18:434(D)(2).

1 ~~§258. Time polls are to be open~~

2 ~~The polls shall open on the day appointed at 7 o'clock a.m., and remain open~~
 3 ~~until, and not later than, 6 o'clock p.m. No election shall be vitiated by a failure to~~
 4 ~~open the polls at the time prescribed or by closing them before the time prescribed,~~
 5 ~~unless on a contest it be established that voters were thereby deprived of votes~~
 6 ~~sufficient in number and amount to have changed the result of the election.~~

7 ~~§259. §256. Casting ballots~~ Applicable election laws

8 ~~Each voter's name shall be written on his ballot. The commissioners of the~~
 9 ~~election shall receive the ballot of each voter, check his name on the list of voters~~
 10 ~~furnished by the registrar as having voted, enter and number his name on the list of~~
 11 ~~taxpayers voting, and immediately deposit his ballot in the ballot box, reserving to~~
 12 ~~each voter the right to fold his ballot so that it is not known at the time of the voting~~
 13 ~~whether he voted for or against the proposition submitted. The election laws of this~~
 14 ~~state applicable to other elections held under Part V and VI of Chapter 5, Chapter 6-~~
 15 ~~A, Chapter 6-B, Chapter 7, Chapter 8, Chapter 8-A, and Chapter 9 of Title 18 of the~~
 16 ~~Louisiana Revised Statutes of 1950 shall govern elections held pursuant to this~~
 17 ~~Subpart.~~

18 ~~§260. Challenging right to vote~~

19 ~~If the vote of any taxpayer is challenged, the commissioners of the election~~
 20 ~~shall permit him to vote and shall receive in writing the ground of challenge, signed~~
 21 ~~by the challenger, together with the challenged taxpayer's statement of his asserted~~
 22 ~~right to vote, and attach the challenge and statement to his ballot.~~

23 ~~§261. Counting ballots; disposition of ballots and duplicate returns~~

24 ~~Immediately after the closing of the polls, the commissioners shall, in the~~
 25 ~~presence of the bystanders, open the ballot box, count the ballots found therein,~~
 26 ~~check the same with the list of voters, and count the ballots in number and amount.~~
 27 ~~The commissioners shall keep duplicate tally sheets showing the votes in number in~~
 28 ~~favor of and against the proposition submitted, and showing the valuation of property~~
 29 ~~in favor of and against the same, and shall make duplicate compiled statements of~~
 30 ~~the votes in number and amount, both in favor of and against the proposition~~

1 ~~submitted. Each commissioner shall swear to the correctness of the numbered list~~
2 ~~of voters, the duplicate tally sheets and duplicate compiled statements, and the~~
3 ~~commissioners shall then deposit the ballots, the registrar's list of voters, the~~
4 ~~numbered list of taxpayers voting, one duplicate tally sheet and one duplicate~~
5 ~~compiled statement, in the ballot box, immediately seal the ballot box, and within~~
6 ~~twenty-four hours after the closing of the polls, deliver the sealed ballot box with its~~
7 ~~contents to the authority ordering the election, and shall, within the period, deliver~~
8 ~~the duplicate tally sheet and the duplicate compiled statement to the clerk of the~~
9 ~~district court of the parish in which the election was held, who shall file the same in~~
10 ~~his office.~~

11 ~~§262. §257. Canvassing returns; transmitting copies of proces verbal; promulgation~~
12 ~~of result~~ Canvass of returns; proces verbal

13 ~~On the day and at the hour and place named in the notice of election, the~~
14 ~~authority ordering the election shall, in public session, open each ballot box, examine~~
15 ~~and count the ballots in number and amount, examine and canvass the returns and~~
16 ~~declare the result of the election.~~

17 ~~The authority ordering the election shall keep a proces verbal of the canvass~~
18 ~~of the election returns and shall forward one copy thereof to the Secretary of State,~~
19 ~~who shall record it, a second copy to the clerk of the district court, who shall record~~
20 ~~it in the mortgage records of the parish, and a third copy to the governor. The result~~
21 ~~of the election shall be promulgated by publication in one issue of a newspaper~~
22 ~~published within the municipality, or if there be none, in a newspaper published in~~
23 ~~the parish in which the municipality is situated or in an adjoining parish if no~~
24 ~~newspaper is published in the parish.~~

25 A. On the date and at the hour and place specified in the notice of election,
26 the local governing authority ordering the election, in public session, shall examine
27 and canvass the returns and declare the result of the election. The result shall be
28 promulgated by one publication in a newspaper of general circulation in the
29 municipality or, if there is none, in a newspaper of general circulation in the parish,

1 or if there is no newspaper of general circulation in the parish, then in a newspaper
 2 of general circulation in an adjoining parish.

3 B. The local governing authority ordering the election shall preserve a proces
 4 verbal of the canvass. The governing authority shall forward a copy of the proces
 5 verbal to the secretary of state, who shall record it. A copy also shall be forwarded
 6 to the clerk of the district court, and in Orleans Parish to the clerk of the civil district
 7 court, who shall record it in the mortgage records. A copy shall be retained in the
 8 archives of the office of the local governing authority ordering the election.

9 ~~§263:§258. Sixty days for election contest; proclamation of dissolution~~ Contests

10 ~~Any cause or right of action to contest the validity of the special election shall~~
 11 ~~be prescribed after a period of sixty days from the date of the promulgation of the~~
 12 ~~result of the election. If the validity of the election has not been judicially raised~~
 13 ~~within this period, no court shall thereafter have authority to inquire into the matter.~~
 14 ~~After the sixty-day period, if it appears from the proces verbal of the canvass of~~
 15 ~~election returns provided for in R.S. 33:262 that a majority in number and amount~~
 16 ~~of the taxpayers entitled to vote at the election have voted in favor of surrendering~~
 17 ~~the charter and dissolving the corporation, and if no judicial contest thereof has been~~
 18 ~~entered, the Governor shall issue his proclamation, declaring the charter of the~~
 19 ~~corporation surrendered and the municipality dissolved.~~

20 For sixty days after promulgation of the results of an election held under Part
 21 VI, Subpart B of this Chapter, any person in interest may contest the legality of the
 22 election as provided in Chapter 9 of Title 18 of the Louisiana Revised Statutes of
 23 1950. After that time no one shall have any cause or right of action to contest the
 24 regularity, formality, or legality of the election. If the validity of the election is not
 25 raised within the sixty days, the authority to dissolve the municipality shall be
 26 conclusively presumed to be valid, and no court shall have authority to inquire into
 27 such matters.

28 ~~§264:§259. Tax levy by police jury to liquidate municipal indebtedness~~

29 If any ~~municipal corporation~~ municipality is dissolved and its charter
 30 surrendered under the provisions of this ~~Sub-part~~ Subpart, and is, on the day of

1 dissolution, indebted in any sum to any person, the police jury of the parish in which
2 the municipality is situated shall levy such tax as the governing authority of the
3 municipality could have legally levied, for the purpose of liquidating the outstanding
4 indebtedness of the municipality.

5 ~~§265:~~§260. Liquidation of other affairs of municipality

6 The governing authority of a municipality dissolved under this ~~Sub-part~~
7 Subpart, in office at the time of its dissolution shall liquidate the other affairs of the
8 municipality as speedily as possible and shall continue in office until the final
9 settlement thereof.

10 ~~§266:~~§261. Disposition of surplus funds of municipality

11 If after the payment of all the debts of a municipality dissolved under this
12 ~~Sub-part~~ Subpart, any balance of money remains, it shall be turned over to the school
13 board of the parish to be used in the education of the children of school age residing
14 within the territory covered by the municipality.

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

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____