

Regular Session, 2011

SENATE BILL NO. 108

BY SENATOR RISER

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

ELECTION DAYS. Provides relative to the Louisiana Election Code. (1/1/12)

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AN ACT

To amend and reenact R.S. 18:402(F) and 1352, relative to the Louisiana Election Code; to provide relative to the use of voting machines in elections; to provide for the use of paper ballots in elections; to provide relative to tax elections; to provide that local tax elections can only be held at the same time as statewide and congressional primary elections; to provide a limitation on the number of emergency tax elections that can be held; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 18:402(F) and 1352 are hereby amended and reenacted to read as follows:

§402. Dates of primary and general elections

\* \* \*

F. Bond, tax, or other elections. Every ~~bond, tax, or~~ **bond or tax election shall be held only on the same date as a regularly scheduled primary or general election for statewide or congressional office.** ~~Any~~ other election at which a proposition or question is to be submitted to the voters shall be held only on one of the following dates:

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

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

5 (3) The first Saturday in April or the fourth Saturday after the first Saturday  
6 in April of any year or on the second or third Saturday in February or fourth Saturday  
7 after the second or third Saturday in February, as the case may be, during the  
8 presidential election year, if the statewide presidential preference primary election  
9 is scheduled on the second or third Saturday in February of the presidential election  
10 year; however, commencing in 1994 and every fourth year thereafter, the first  
11 Saturday in April shall not be applicable in a parish containing a municipality with  
12 a population of four hundred seventy-five thousand or more.

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

15 (5) Repealed by Acts 2008, No. 134, §1, eff. August 15, 2008.

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

19 (7) In case of an emergency, upon application to and approval by the State  
20 Bond Commission by two-thirds vote of its total membership, and with approval of  
21 the governor, the governing authority of a parish, of a municipality, or of a parish or  
22 city school board may conduct a bond or tax election on a ~~Saturday which is not an~~  
23 **election date** provided for in this Subsection. **However, the taxing authority is**  
24 **limited to holding one emergency bond or tax election per calendar year.**

25 \* \* \*

26 §1352. Use of voting machines throughout state; exception for **failure of voting**  
27 **equipment, machine ballot overcrowding,** absentee by mail and  
28 early voting

29 **A.** Voting machines shall be used throughout this state in all elections;

1           ~~however, nothing in this Chapter shall prohibit absentee by mail and early voting as~~  
2           ~~otherwise provided in this Title.~~

3                   **B. Notwithstanding the provisions of Subsection A of this Section, paper**  
4           **ballots may be used when voting machines fail or when all ballot items for an**  
5           **election will not fit on one voting machine.**

6                   **C. Nothing in this Chapter shall prohibit absentee by mail and early**  
7           **voting as otherwise provided in this Title.**

8           Section 2. This Act shall become effective on January 1, 2012.

The original instrument and the following digest, which constitutes no part  
of the legislative instrument, were prepared by Alden A. Clement, Jr.

#### DIGEST

Riser (SB 108)

Present law provides that every bond, tax, or other election at which a proposition or question is to be submitted to the voters must be held on one of the following dates:

- (1) The second to last Saturday in October or the fourth Saturday after the second to last Saturday in October of 1983 and every fourth year thereafter.
- (2) The first Saturday in October or the first Tuesday after the first Monday in November of even-numbered years.
- (3) The first Saturday in April or the fourth Saturday after the first Saturday in April of any year or on the second or third Saturday in February or fourth Saturday after the second or third Saturday in February, as the case may be, during the presidential election year, if the statewide presidential preference primary election is scheduled on the second or third Saturday in February of the presidential election year; however, commencing in 1994 and every fourth year thereafter, the first Saturday in April shall not be applicable in a parish containing a municipality with a population of 475,000 or more.
- (4) The third Saturday in October or the fourth Saturday after the third Saturday in October of 1985 and every fourth year thereafter.
- (5) For a parish containing a municipality with a population of 475,000 or more, the first Saturday in February or the fourth Saturday after the first Saturday in February in 1986 and every fourth year thereafter.

Proposed law deletes the applicability of present law to bond and tax elections, and further provides that every bond or tax election must be held on the same date as a regularly scheduled primary or general election for statewide or congressional office.

Proposed law otherwise retains present law.

Present law provides that in case of an emergency, upon application to and approval by the State Bond Commission by two-thirds 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 that is not otherwise provided for

in present law.

Proposed law retains present law and adds that the taxing authority is limited to holding one emergency bond or tax election per calendar year.

Present law provides that voting machines are to be used throughout this state in all elections, but nothing in present law prohibits absentee by mail and early voting as otherwise provided for in present law.

Proposed law retains present law and further provides that paper ballots may be used when voting machines fail or when all ballot items for an election will not fit on one voting machine.

Effective January 1, 2012.

(Amends R.S. 18:402(F) and 1352)

#### Summary of Amendments Adopted by Senate

##### Committee Amendments Proposed by Senate Committee on Senate and Governmental Affairs to the original bill.

1. Changes the date in proposed law for a tax election from the same date as a primary election for statewide or congressional office to the same date as a regularly scheduled primary or general election for statewide or congressional office.
2. Deletes from proposed law the specific provision that a tax election cannot be held on any date on which a special election is held (but retains this exclusion in proposed law via the preceding committee amendment).
3. Adds provision of proposed law that paper ballots may be used when voting machines fail or when all ballot items for an election will not fit on one voting machine.
4. Changes proposed law effective date from upon signature of governor to January 1, 2012.