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## DIGEST

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HB 17 Engrossed

2024 First Extraordinary Session

Emerson

**Abstract:** Establishes a party primary election procedure for selecting candidates for certain offices; requires that candidates for such offices who are affiliated with a recognized political party be selected in a primary election restricted to registered members of that party; provides that candidates who are not affiliated with a recognized political party qualify directly for the general election by filing a notice of candidacy accompanied by a nominating petition.

Proposed law establishes a party primary election procedure for selecting candidates for party primary offices. Defines "party primary offices" to mean office of senator or representative in the U.S. congress. After Jan. 1, 2025, "party primary offices" also means a state office voted on statewide, elective office on a state board or commission, the office of member of the state House of Representatives or Senate, and the offices of justice of the supreme court, judge of a court of appeal, and judge of a district court.

Present law provides all qualified voters may vote on candidates for public office in primary and general elections without regard to the voter's party affiliation or lack of it, and all candidates for public office who qualify for a primary or general election may be voted on without regard to the candidate's party affiliation or lack of it.

Proposed law retains present law applicable to non-party primary and general elections.

Proposed law regarding party primary elections provides that each voter voting in such election may vote only for a candidate who is affiliated with the same party as the voter. However, the state central committee of a recognized political party may allow in its bylaws voters who are not affiliated with any political party to vote in the primary of such recognized political party.

Proposed law limits party primary elections to political parties recognized pursuant to the present law provision that a political party is recognized if any one candidate of the political party for presidential elector received at least 5% of the votes cast in this state for presidential electors in the last presidential election or if any one candidate of the political party for any statewide office received at least 5% of the votes cast for the statewide office in any primary or general election.

Proposed law requires recognized political parties to nominate candidates for party primary offices by party primary elections. Only candidates affiliated with the recognized political party may participate in that party's primary election.

Present law provides that a person who desires to become a candidate in a primary election shall

qualify as a candidate by timely filing a notice of candidacy, which shall be accompanied either by a nominating petition or by the qualifying fee and any additional fee imposed if the notice is not accompanied by a nominating petition.

For a person who *is not* registered as being affiliated with a recognized political party and who desires to become a candidate for a party primary office, proposed law:

- (1) Removes the option to qualify by paying qualifying fees.
- (2) Provides that such a person shall qualify as a candidate in the general election rather than the primary.
- (3) Provides that only persons who are qualified to vote on the office the potential candidate seeks and who are not affiliated with a recognized political party may sign a petition for such a potential candidate.

For a person who *is* registered as being affiliated with a recognized political party and who desires to become a candidate in a party primary office, proposed law:

- (1) Allows for qualifying by filing a notice of candidacy accompanied by either a nominating petition or by the qualifying fee and any additional fee.
- (2) Provides that a person may qualify as a candidate only in a party primary election of the party with which he is affiliated.
- (3) Prohibits a candidate from changing his political party affiliation between qualifying and the deadline for an election contest.
- (4) Provides that only persons who are affiliated with same recognized political party as the potential candidate and who are qualified to vote on the office may sign a nominating petition for a potential candidate.
- (5) Requires that such signatures be acquired on the petition not more than 120 days before the qualifying period opens for candidates in the party primary election.

Proposed law provides that the candidate from each recognized political party who receives the highest number of votes in the party primary is the candidate who qualifies for the general election.

Proposed law requires that party primary elections be held in March beginning in 2025; provides special election dates for elections in 2024.

Present law provides for a per diem of \$150 for members of parish boards of election supervisors during periods spent preparing for and supervising elections. Generally provides that such per diem may be paid for a maximum of six days. Provides for a maximum of seven days for presidential or regularly scheduled congressional primary or general elections.

Proposed law increases the maximum number of days from seven to eight for presidential or regularly scheduled congressional primary or general elections and makes this maximum applicable to special congressional elections.

Present law provides for fees for persons qualifying as candidates for office; provides that the qualifying fee for a slate of candidates for presidential elector who are not affiliated with a recognized political party and candidates for presidential nominee is \$500. Proposed law increases this fee to \$1,000.

Effective in part upon signature of governor or lapse of time for gubernatorial action; effective in part January 1, 2025.

(Amends R.S. 18:2(12), 401(B), 423(E), 441(C)(1), 467(intro. para.), 481, 511(A) and (B), 521(A), 1254(A), 1272(A), 1278(B), 1280.22(A), 1401(A), 1461(A)(1); Adds R.S. 18:2(12), (13), and (14), 401(C), 410.1-410.10, and 411.1-411.3)

#### Summary of Amendments Adopted by House

The Committee Amendments Proposed by House Committee on House and Governmental Affairs to the original bill:

1. Remove the requirement that the qualifying period for a party primary election reopen after the death of a candidate.
2. Specify that if only one candidate remains after withdrawal or disqualification after the close of the qualifying period for candidates for congressional office, the candidate is declared elected by the people at the close of polls on general election day.
3. Change the 2024 congressional party primary election date from the last Saturday in August to the third Saturday in August and the qualifying period for said election from June 26-28, 2024, to June 5-7, 2024.
4. Remove proposed restriction on dates in 2024 for proposition elections.
5. Make technical changes.