

1 Title 18 of the Louisiana Revised Statutes of 1950, comprised of R.S. 18:410.1 through
2 410.10, and Part I-B of Chapter 5 of Title 18 of the Louisiana Revised Statutes of 1950,
3 comprised of R.S. 18:411.1 through 411.3, are hereby enacted to read as follows:

4 §2. Definitions

5 As used in this Code, the following words and terms shall have the meanings
6 hereinafter ascribed to each, unless the context clearly indicates another meaning:

7 * * *

8 (12) "Party primary office" means an office of senator or representative in
9 the United States Congress.

10 (13) "Primary election" means a primary election for non-party primary
11 offices and party primary elections.

12 * * *

13 §401. Purpose and nature of primary and general elections

14 * * *

15 B. Nature of primary elections. ~~All (1) Except for the election of persons~~
16 to a party primary office in a party primary election, all qualified voters of this state
17 may vote on candidates for public office in primary ~~and general~~ elections without
18 regard to the voter's party affiliation or lack of it, and all candidates for public office
19 who qualify for a primary ~~or general election~~ may be voted on without regard to the
20 candidate's party affiliation or lack of it.

21 (2) Nature of party primary elections. The nature of party primary elections
22 shall be as provided in Part 1-A of Chapter 5 of this Code.

23 C. Nature of general elections. All qualified voters of this state may vote on
24 candidates for public office in general elections without regard to the voter's party
25 affiliation or lack of it, and all candidates for public office who qualify for a general
26 election may be voted on without regard to the candidate's party affiliation or lack
27 of it.

28 * * *

1 PART I-A. SPECIAL PROVISIONS FOR PARTY PRIMARY OFFICES

2 §410.1. Party primary elections

3 Party primary elections for party primary offices as defined in R.S. 18:2 shall
4 be held pursuant to this Part and any provision of this Code in conflict with these
5 provisions shall not be applicable to elections for party primary offices. Any
6 provision of this Code that is not in conflict with these provisions shall be applicable
7 to these elections unless the context clearly indicates otherwise. For purposes of this
8 Part, the phrase "recognized political party" shall mean a political party recognized
9 pursuant to R.S. 18:441(C).

10 §410.2. Party primary office; party primary qualifications

11 Recognized political parties shall make nominations of candidates for party
12 primary office as provided in the Part. Only candidates affiliated with a recognized
13 political party may participate in the party primary election of the political party of
14 the candidate's party affiliation.

15 §410.3. Purpose and nature of party primary elections

16 A. For general elections political parties shall make all nominations of
17 candidates for party primary office by direct primary elections held pursuant to this
18 Part. In party primary elections, each voter voting in such election may vote only for
19 a candidate who is affiliated with the same party as the voter, except that the state
20 central committee of a recognized political party may allow in its bylaws, voters who
21 are not affiliated with any political party to vote in the primary of such recognized
22 political party.

23 B. The state central committee shall notify the Department of State that its
24 bylaws allow for such voting by non-affiliated voters no later than the opening of
25 qualifying for the primary. Such notification shall be considered valid and effective
26 for subsequent primaries unless the state central committee notifies the Department
27 of State that its bylaws no longer allow for such voting by non-affiliated voters no
28 later than the opening of qualifying for the primary.

1 §410.4. Manner of qualifying for a party primary election

2 A. A person who desires to become a candidate in a party primary election
3 shall qualify as a candidate by timely filing notice of his candidacy, which shall be
4 accompanied either by a nominating petition or by the qualifying fee and any
5 additional fee imposed. A candidate whose notice of candidacy is accompanied by
6 a nominating petition shall not be required to pay any qualifying fee or any
7 additional fee.

8 B. A person who desires to become a candidate in a party primary election
9 shall be affiliated with a recognized political party. A person may qualify as a
10 candidate only in a party primary election of the party with which he is affiliated as
11 shown on his voter registration at the time of qualifying for that office. No candidate
12 shall change his political party affiliation after he has qualified for an election until
13 the deadline for an election contest has passed.

14 §410.5. Nominating petitions

15 A. A person may be nominated as a candidate in a party primary election
16 only by persons who are affiliated with same recognized political party, who are
17 qualified to vote on the office he seeks, and who sign a nominating petition for him
18 no more than one hundred twenty days before the qualifying period opens for
19 candidates in the party primary election. The registrar of voters shall reject any
20 signature on a nominating petition not in compliance with this Section.

21 B. Except as provided in Subsection A of this Section, the provisions of R.S.
22 18:465 apply to the nominating petition of a party primary candidate.

23 §410.6. Reopening of qualifying period; effect

24 When a person who qualified as a candidate in a party primary election for
25 the office of party nominee dies after the close of the qualifying period and before
26 the time for closing the polls on the day of that party primary election, the qualifying
27 period for candidates in that party primary election for that office of party nominee
28 shall reopen only for the deceased candidate's party on the day after the death and
29 shall close at 5:00 p.m. on the third day after the death or, if that day is a legal

1 holiday, at 5:00 p.m. on the next day which is not a legal holiday. The name of the
2 deceased candidate shall not be printed on the party primary election ballot. If the
3 party primary election ballot was printed with the deceased candidate's name on it,
4 any votes received by the deceased candidate shall be void and shall not be counted
5 for any purpose whatsoever.

6 §410.7. Party candidates who qualify for a general election

7 The candidate who receives the highest numbers of votes in the party primary
8 qualifies for the general election as the party's nominee for the office. All candidate
9 nominations for a party primary office by recognized political parties for the general
10 election shall be made in this manner.

11 §410.8. Candidates not affiliated with a recognized political party; qualifying for the
12 general election

13 A. Any person who desires to become a candidate in a general election for
14 a party primary office and who is not registered as being affiliated with a recognized
15 political party shall file his notice of candidacy, which shall be accompanied by a
16 nominating petition as provided in R.S. 18:465, with the appropriate qualifying
17 official during the qualifying period established for the party primary election. The
18 number of signatures required on such a nominating petition shall be as set forth in
19 R.S. 18:465.

20 B. A person filing a notice of candidacy as provided in Subsection A may
21 only be nominated by persons who are qualified to vote on the office he seeks, who
22 sign a nominating petition for him, and who are not affiliated with a recognized
23 political party. The registrar of voters shall reject any signature on a nominating
24 petition not in compliance with this Subsection.

25 §410.9. Nomination of candidates in a party primary election; general election;
26 unopposed candidate

27 A. If, after the close of the qualifying period for candidates in a party
28 primary election, only one candidate qualified for the recognized political party or
29 only one candidate for the recognized political party remains after the withdrawal of

1 one or more candidates, the candidate is declared the nominee of the party, and his
2 name shall not appear on the ballot in a party primary election but shall be on the
3 ballot for the general election. If a party primary election ballot was printed with the
4 name of a candidate who withdrew on it, any votes received by a candidate who
5 withdrew shall be void and shall not be counted for any purpose whatsoever.

6 B. If, after the close of the qualifying period for candidates for the public
7 office of United States senator or representative in Congress, only one candidate
8 qualified for a party primary election or the general election or only one candidate
9 remains after the withdrawal of one or more candidates, the candidate is declared
10 elected by the people at the close of the polls on the day of the general election, and
11 his name shall not appear on the ballot in a party primary and such candidate's name
12 shall not appear on the general election ballot.

13 §410.10. Party primary elections

14 Beginning in 2025, party primary elections shall be held in March of an
15 election year.

16 PART I-B. SPECIAL PROVISIONS FOR ELECTIONS IN 2024

17 §411.1. Applicability of Part

18 Notwithstanding R.S. 18:402 and any other conflicting provisions of this
19 Code, the provisions of this Part shall apply to elections for members of congress and
20 officers elected at the same time as members of congress in 2024.

21 §41.2. Election dates

22 A.(1) The party primary election for affiliated candidates for party primary
23 offices shall be held on the last Saturday in August.

24 (2) The general election for members of congress and candidates for party
25 primary offices elected at the same time as members of congress shall be held on the
26 first Tuesday after the first Monday in November.

27 (3) The general election for officers that are not party primary offices to be
28 elected at the same time as members of congress shall be the first Saturday in
29 December.

1 C.(1)(a) A political party shall be recognized if any one candidate of the
2 political party for presidential elector received at least five percent of the votes cast
3 in this state for presidential electors in the last presidential election, or if any one
4 candidate of the political party for any statewide office received at least five percent
5 of the votes cast for the statewide office in any primary or general election.

6 (b) Only political parties that are recognized in accordance with
7 Subparagraph (a) of this Paragraph shall be entitled to participate in party primary
8 elections held in accordance with this Title.

9 * * *

10 §467. Opening of qualifying period

11 ~~The~~ Except as otherwise provided in Part 1-A and I-B of Chapter 5 of this
12 Code, the qualifying period for candidates in a primary election shall open:

13 * * *

14 §481. Candidates who qualify for a general election

15 ~~The~~ Except for candidates for a party primary office, the candidates who
16 qualify for each office remaining to be filled in the general election are those who
17 received the two highest numbers of votes, the four highest number of votes, and so
18 on among those not elected in the primary election, until the maximum number of
19 candidates for each office on the general election ballot is reached.

20 * * *

21 §511. Election of candidates in a primary election

22 A. Majority vote. ~~A~~ Except for a candidates for a party primary office, a
23 candidate who receives a majority of the votes cast for an office in a primary election
24 is elected. If there are two or more offices of the same character to be filled, the
25 number of votes necessary to constitute a majority shall be greater than the result
26 obtained by dividing the total votes cast for all of the candidates by the number of
27 offices to be filled and dividing the result so obtained by two. If more candidates
28 receive a majority than there are offices to be filled, those of such candidates
29 receiving the highest total of votes shall be elected, to the number required to fill all

1 of the offices. Any votes received by a withdrawn candidate or a deceased candidate
2 shall be void and shall not be counted for any purpose whatsoever.

3 B. Election of unopposed candidates for public office. If, after the close of
4 the qualifying period for candidates in a primary election other than a party primary
5 election, the number of candidates for a public office does not exceed the number of
6 persons to be elected to the office, the candidates for that office, or those remaining
7 after the withdrawal of one or more candidates, are declared elected by the people,
8 and their names shall not appear on the ballot in either the primary or the general
9 election.

10 * * *

11 §521. Qualifications of voters

12 A. Candidates for public office. All persons who have registered to vote in
13 this state prior to the time the registration records are closed as required in R.S
14 18:135 may vote in the election for any candidates except as otherwise provided in
15 Part I-A of Chapter 5 of this Code and those seeking membership on a committee of
16 a political party with which the voter is not registered as being affiliated.

17 * * *

18 §1254. Slates of candidates not affiliated with a recognized political party;
19 nominating petitions and qualifying by payment of qualifying fees

20 A. A slate of candidates for presidential elector who are not affiliated with
21 a recognized political party may be nominated by nominating petition or may qualify
22 by the payment of a qualifying fee of ~~five hundred~~ one thousand dollars. Such
23 qualifying fee shall be paid in accordance with the provisions of R.S. 18:464(A).
24 The period for filing such qualifying fee shall begin on the third Tuesday in July and
25 shall end at 4:30 p.m. on the first Friday following the third Tuesday in August of
26 each year in which a presidential election is to be held. Each qualifying fee shall be
27 accompanied by the notice of candidacy and notarized affidavit of each candidate for
28 elector signifying his acceptance of the nomination. A candidate for presidential

1 elector who is not affiliated with a recognized political party may be registered to
2 vote with or without a declaration of party affiliation.

3 * * *

4 §1272. United States senators; representatives in congress; time of electing

5 A. ~~All general elections for representatives in congress shall be held on the~~
6 ~~fifth Saturday after the first Tuesday after the first Monday in November in even-~~
7 ~~numbered years. The primary election shall be held on the first Tuesday after the~~
8 ~~first Monday in November of an election year. Elections for representatives in~~
9 ~~congress shall held in the manner and at the times provided in this Title.~~

10 * * *

11 §1278. Vacancies; United States senator

12 * * *

13 B. If a vacancy occurs in the office of United States senator and the
14 unexpired term is more than one year, an appointment to fill the vacancy shall be
15 temporary. Any senator so appointed shall serve until his successor is elected at a
16 special election and takes office. Within ten days after receiving official notice of
17 the vacancy, the governor shall issue a proclamation for special election to fill the
18 vacancy for the unexpired term. The date of the special election shall be established
19 by the governor in accordance with the provisions of ~~R.S. 18:402(E)~~ this Code. The
20 dates of the qualifying period shall be established by the governor in accordance with
21 ~~R.S. 18:467, 467.1, and 468~~ the provisions of this Code. Within twenty-four hours
22 after its issuance, the governor shall send a copy of the proclamation to the secretary
23 of state. Within twenty-four hours after he receives the copy, the secretary of state
24 shall notify all election officials having any duty to perform in connection with a
25 special election to fill such vacancy, including the parish boards of election
26 supervisors for the parish or parishes in which the vacancy occurred. Immediately

1 thereafter the secretary of state shall publish the proclamation in the official journal
2 of each parish in which the election is to be held. The election shall be conducted
3 and the returns shall be certified as in regular elections for United States senator.

4 * * *

5 §1280.22. Candidates; procedure for qualifying

6 A. Candidates for presidential nominee shall qualify in accordance with
7 procedures established by the party. Prior to qualification as a candidate of a
8 political party for presidential nominee, a person shall pay a qualifying fee of ~~seven~~
9 ~~hundred fifty~~ one thousand dollars and any additional fee as authorized by R.S.
10 18:464(C) or shall have obtained a nominating petition, bearing the handwritten
11 signatures of no less than one thousand registered voters affiliated with the party
12 from each of the congressional districts into which the state is divided. If the
13 candidate is qualifying by paying a fee, the fee shall be paid in cash, by certified or
14 cashier's check drawn on a state or national bank or credit union, by United States
15 postal money order, or by a money order issued by a state or national bank or credit
16 union.

17 * * *

18 §1401. Objections to candidacy, contests of elections, contests of certification of
19 recall petition; parties authorized to institute actions

20 A.(1) A qualified elector may bring an action objecting to the candidacy of
21 a person who qualified as a candidate in a primary election for an office in which the
22 plaintiff is qualified to vote.

23 (2) A qualified elector may bring an action objecting to the candidacy of a
24 person who is unaffiliated with a recognized political party pursuant to R.S.
25 18:441(C) who qualified as a candidate in a general election for a party primary
26 office in which the plaintiff is qualified to vote.

27 * * *

1 §1461. Bribery of voters; penalties

2 A.(1) Bribery of voters is the giving or offering to give, directly or indirectly,
3 any money, or anything of apparent present or prospective value to any voter at any
4 ~~general, primary, or special~~ election, or at any convention of a recognized political
5 party, with the intent to influence the voter in the casting of his ballot. The
6 acceptance of, or the offer to accept, directly or indirectly, any money, or anything
7 of apparent present or prospective value, by any such voters under such
8 circumstances shall also constitute bribery of voters.

9 * * *

10 Section 2. R.S. 18:2(12) as enacted by Section 1 of this Act is hereby amended and
11 reenacted to read as follows:

12 §2. Definitions

13 As used in this Code, the following words and terms shall have the meanings
14 hereinafter ascribed to each, unless the context clearly indicates another meaning:

15 * * *

16 (12) "Party primary office" means a state office voted on statewide, an office
17 of senator or representative in the United States Congress, elective office on a state
18 board or commission, the office of member of the state House of Representatives or
19 Senate, and the offices of justice of the supreme court, judge of a court of appeal, and
20 judge of a district court.

21 Section 3.(A) Section 2 of this Act shall become effective January 1, 2025.

22 (B) Section 1 and this Section of this Act shall become effective upon signature of
23 the Act by the governor or, if not signed by the governor, upon expiration of the time for
24 bills to become law without signature by the governor, as provided by Article III, Section
25 18 of the Constitution of Louisiana. If the Act is vetoed by the governor and subsequently
26 approved by the legislature, Section 1 and this Section of this Act shall become effective on
27 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)]

HB 17 Original

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.

Present law provides 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 party may participate in a 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 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 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) Provides for qualifying by notice of candidacy accompanied by 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 candidates from each recognized political party who receive the highest numbers of votes in the party primary are the candidates who qualify 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 increase the maximum number of days 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 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) and (13), 401(C), 410.1-410.10, and 411.1-411.3)