

1 hereby amended and reenacted and R.S. 18:2(12), (13), and (14), 401(C), Part I-A of Chapter
2 5 of Title 18 of the Louisiana Revised Statutes of 1950, comprised of R.S. 18:410.1 through
3 410.10, and Part I-B of Chapter 5 of Title 18 of the Louisiana Revised Statutes of 1950,
4 comprised of R.S. 18:411.1 through 411.3, are hereby enacted to read as follows:

5 §2. Definitions

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

8 * * *

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

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

13 (14) "Party affiliation" and "affiliation with a political party" shall mean the
14 party affiliation designated in the registrant's information on the state voter
15 registration computer system.

16 * * *

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

18 * * *

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

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

27 C. Nature of general elections. All qualified voters of this state may vote on
28 candidates for public office in general elections without regard to the voter's party
29 affiliation or lack of it, and all candidates for public office who qualify for a general

1 election may be voted on without regard to the candidate's party affiliation or lack
2 of it.

3 * * *

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

5 §410.1. Party primary elections

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

13 §410.2. Party primary office; party primary qualifications

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

18 §410.3. Purpose and nature of party primary elections

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

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

1 notifies the Department of State that its bylaws no longer allow for such voting by
2 non-affiliated voters no later than ninety days prior to the opening of qualifying for
3 the primary.

4 §410.4. Manner of qualifying for a party primary election

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

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

17 §410.5. Nominating petitions

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

24 B. Except as provided in Subsection A of this Section, the provisions of R.S.
25 18:465 apply to the nominating petition of a party primary candidate.

26 §410.6. Death of a candidate; procedure

27 When a person who qualified as a candidate in a party primary election for
28 the office of party nominee dies after the close of the qualifying period and before
29 the time for closing the polls on the day of that party primary election, the name of

1 the deceased candidate shall not be printed on the party primary election ballot. If
2 the party primary election ballot was printed with the deceased candidate's name on
3 it, any votes received by the deceased candidate shall be void and shall not be
4 counted for any purpose whatsoever.

5 §410.7. Party candidates who qualify for a general election

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

10 §410.8. Candidates not affiliated with a recognized political party; qualifying for the
11 general election

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

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

24 §410.9. Nomination of candidates in a party primary election; general election;
25 unopposed candidate

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

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

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

12 §410.10. Party primary elections

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

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

16 §411.1. Applicability of Part

17 Notwithstanding R.S. 18:402 and any other conflicting provisions of this
18 Code, the provisions of this Part shall apply to elections for members of congress in
19 2024.

20 §411.2. Election dates

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

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

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

1 candidate of the political party for any statewide office received at least five percent
2 of the votes cast for the statewide office in any primary or general election.

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

6 * * *

7 §467. Opening of qualifying period

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

10 * * *

11 §481. Candidates who qualify for a general election

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

17 * * *

18 §511. Election of candidates in a primary election

19 A. Majority vote. ~~A~~ Except for candidates for a party primary office, a
20 candidate who receives a majority of the votes cast for an office in a primary election
21 is elected. If there are two or more offices of the same character to be filled, the
22 number of votes necessary to constitute a majority shall be greater than the result
23 obtained by dividing the total votes cast for all of the candidates by the number of
24 offices to be filled and dividing the result so obtained by two. If more candidates
25 receive a majority than there are offices to be filled, those of such candidates
26 receiving the highest total of votes shall be elected, to the number required to fill all
27 of the offices. Any votes received by a withdrawn candidate or a deceased candidate
28 shall be void and shall not be counted for any purpose whatsoever.

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

8 * * *

9 §521. Qualifications of voters

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

15 * * *

16 §1254. Slates of candidates not affiliated with a recognized political party;
 17 nominating petitions and qualifying by payment of qualifying fees

18 A. A slate of candidates for presidential elector who are not affiliated with
 19 a recognized political party may be nominated by nominating petition or may qualify
 20 by the payment of a qualifying fee of ~~five hundred~~ one thousand dollars. Such
 21 qualifying fee shall be paid in accordance with the provisions of R.S. 18:464(A).
 22 The period for filing such qualifying fee shall begin on the third Tuesday in July and
 23 shall end at 4:30 p.m. on the first Friday following the third Tuesday in August of
 24 each year in which a presidential election is to be held. Each qualifying fee shall be
 25 accompanied by the notice of candidacy and notarized affidavit of each candidate for
 26 elector signifying his acceptance of the nomination. A candidate for presidential
 27 elector who is not affiliated with a recognized political party may be registered to
 28 vote with or without a declaration of party affiliation.

29 * * *

1 §1272. United States senators; representatives in congress; time of electing

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

7 * * *

8 §1278. Vacancies; United States senator

9 * * *

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

1 §1280.22. Candidates; procedure for qualifying

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

13 * * *

14 §1401. Objections to candidacy, contests of elections, contests of certification of
15 recall petition; parties authorized to institute actions

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

19 (2) A qualified elector may bring an action objecting to the candidacy of a
20 person who is unaffiliated with a recognized political party pursuant to R.S.
21 18:441(C) who qualified as a candidate in a general election for a party primary
22 office in which the plaintiff is qualified to vote.

23 * * *

24 §1461. Bribery of voters; penalties

25 A.(1) Bribery of voters is the giving or offering to give, directly or indirectly,
26 any money, or anything of apparent present or prospective value to any voter at any
27 ~~general, primary, or special~~ election, or at any convention of a recognized political
28 party, with the intent to influence the voter in the casting of his ballot. The
29 acceptance of, or the offer to accept, directly or indirectly, any money, or anything

1 of apparent present or prospective value, by any such voters under such
2 circumstances shall also constitute bribery of voters.

3 * * *

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

6 §2. Definitions

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

9 * * *

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

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

16 (B) Section 1 and this Section of this Act shall become effective upon signature of
17 the Act by the governor or, if not signed by the governor, upon expiration of the time for
18 bills to become law without signature by the governor, as provided by Article III, Section
19 18 of the Constitution of Louisiana. If the Act is vetoed by the governor and subsequently
20 approved by the legislature, Section 1 and this Section of this Act shall become effective on
21 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 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.