

2024 First Extraordinary Session

HOUSE BILL NO. 17

BY REPRESENTATIVES EMERSON, BAYHAM, BEAULLIEU, BILLINGS,
CARLSON, DEVILLIER, GLORIOSO, HORTON, MIKE JOHNSON, MACK,
MCCORMICK, SCHAMERHORN, WILDER, AND WRIGHT

1 AN ACT

2 To amend and reenact R.S. 18:401(B), 423(E), 441(C)(1), 467(introductory paragraph), 481,
3 511(B), 521(A), 1254(A), 1272(A), 1278(B), 1280.22(A), 1401(A), and 1461(A)(1)
4 and to enact R.S. 18:2(12), (13), and (14), 401(C), and Part I-A of Chapter 5 of Title
5 18 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 18:410.1
6 through 410.10, relative to elections; to provide for a party primary system of
7 elections for certain offices, including provisions to provide for nomination of
8 candidates for general elections by party primary elections; to provide for
9 qualification of candidates unaffiliated with a recognized political party in the
10 general election; to provide for voting by voters registered as affiliated with the party
11 in the party primary election and for voting by voters unaffiliated with a recognized
12 political party if allowed by the party central committee; to provide for election
13 dates; to provide relative to certain qualifying fees; to provide relative to the
14 compensation of boards of elections supervisors; and to provide for related matters.

15 Be it enacted by the Legislature of Louisiana:

16 Section 1. R.S. 18:401(B), 423(E), 441(C)(1), 467(introductory paragraph), 481,
17 511(B), 521(A), 1254(A), 1272(A), 1278(B), 1280.22(A), 1401(A), and 1461(A)(1) are

1 hereby amended and reenacted and R.S. 18:2(12), (13), and (14), 401(C), and Part I-A of
2 Chapter 5 of Title 18 of the Louisiana Revised Statutes of 1950, comprised of R.S. 18:410.1
3 through 410.10, 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, justice of the supreme court, the State Board of
10 Elementary and Secondary Education, and the Public Service Commission.

11 (13) "Primary election" means a primary election for a party primary office
12 or an office other than a party primary office.

13 (14) "Party affiliation" and "affiliation with a political party" mean the party
14 affiliation designated in the registrant's information on the state voter registration
15 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 I-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 this 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 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. Voters not affiliated
 23 with a political party may vote in a recognized party primary, but such voter may
 24 vote only in one recognized party primary.

25 §410.4. Manner of qualifying for a party primary election

26 A. A person who desires to become a candidate in a party primary election
 27 shall qualify as a candidate by timely filing notice of his candidacy, which shall be
 28 accompanied either by a nominating petition or by the qualifying fee and any
 29 additional fee imposed. A candidate whose notice of candidacy is accompanied by

1 a nominating petition shall not be required to pay any qualifying fee or any
2 additional fee.

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

9 §410.5. Nominating petitions

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

16 B. Except as provided in Subsection A of this Section, the provisions of R.S.
17 18:465 apply to the nominating petition of a party primary candidate.

18 §410.6. Death of a candidate; procedure

19 When a person who qualified as a candidate in a party primary election for
20 the office of party nominee dies after the close of the qualifying period and before
21 the time for closing the polls on the day of that party primary election, the name of
22 the deceased candidate shall not be printed on the party primary election ballot. If
23 the party primary election ballot was printed with the deceased candidate's name on
24 it, any votes received by the deceased candidate shall be void and shall not be
25 counted for any purpose whatsoever.

26 §410.7. Party candidates who qualify for a general election

27 A. The candidate who receives the majority of votes in the party primary
28 qualifies for the general election as the party's nominee for the office. All candidate
29 nominations for a party primary office by recognized political parties for the general
30 election shall be made in this manner.

1 B. In the event that no candidate receives the majority of votes in the first
2 party primary, the two candidates from each political party who received the greatest
3 number of votes in the first party primary shall be voted on in the second party
4 primary.

5 (1) In the case of a tie vote for first place in the first party primary of a
6 recognized political party, all candidates affiliated with the same political party who
7 received the same highest number of votes qualify for the second party primary.

8 (2) In the case of a tie vote for second place in the first party primary of a
9 recognized political party, all of the candidates affiliated with the same political
10 party who received the same second highest number of votes and the candidate
11 affiliated with the same political party who received the highest number of votes
12 qualify for the second party primary.

13 (3) If one of the persons receiving the highest number of votes in the first
14 party primary withdraws his candidacy, dies, or is otherwise disqualified, thereby
15 leaving only one candidate from the same political party in the race, the remaining
16 candidate who has received the highest number of votes for the office for which he
17 was a candidate shall be declared the nominee of the party.

18 C. There shall be no third party primary. For any situation not specifically
19 provided for herein, the state central committee of the recognized political party
20 involved shall provide for the selection of a nominee from the candidates and shall
21 provide notice of the selection of a nominee to the secretary of state no later than five
22 business days after the second party primary election.

23 §410.8. Candidates not affiliated with a recognized political party; qualifying for the
24 general election

25 A. Any person who desires to become a candidate in a general election for
26 a party primary office and who is not registered as being affiliated with a recognized
27 political party shall file his notice of candidacy, which shall be accompanied by a
28 nominating petition as provided in R.S. 18:465, with the appropriate qualifying
29 official during the qualifying period established for the party primary election. The

1 number of signatures required on such a nominating petition shall be as set forth in
2 R.S. 18:465.

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

8 §410.9. Nomination of candidates in a party primary election; general election;
9 unopposed candidate

10 A. If, after the close of the qualifying period for candidates in a party
11 primary election, only one candidate qualified for the recognized political party or
12 only one candidate for the recognized political party remains after the withdrawal of
13 one or more candidates, the candidate is declared the nominee of the party, and his
14 name shall not appear on the ballot in a party primary election but shall be on the
15 ballot for the general election. If a party primary election ballot was printed with the
16 name of a candidate who withdrew on it, any votes received by a candidate who
17 withdrew shall be void and shall not be counted for any purpose whatsoever.

18 B. If, after the close of the qualifying period for candidates for a party
19 primary office, only one candidate qualified for a party primary election or the
20 general election or only one candidate remains after the withdrawal or
21 disqualification of one or more candidates, the candidate is declared elected by the
22 people at the close of the polls on the day of the general election, and his name shall
23 not appear on the ballot in a party primary and such candidate's name shall not
24 appear on the general election ballot.

25 §410.10. Party primary elections

26 Party primary elections shall be held in March of an election year.

27 * * *

1 §423. Parish boards of election supervisors

2 * * *

3 E. Compensation. Each member of the parish board of election supervisors
4 shall receive one hundred fifty dollars for each day, not to exceed six days, actually
5 spent in the performance of his duties in preparing for and supervising each election
6 held in the parish, except that each member of the board may be compensated for not
7 more than ~~seven~~ eight days for a presidential or regularly scheduled or special
8 congressional primary or general election. In addition, each member of the board
9 who is not a public official shall receive fifty dollars for each day spent in court as
10 a subpoenaed witness in litigation concerning the performance of his duties as a
11 member of the parish board of election supervisors in connection with an election.

12 * * *

13 §441. Recognition

14 * * *

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

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

23 * * *

24 §467. Opening of qualifying period

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

27 * * *

28 §481. Candidates who qualify for a general election

29 ~~The~~ Except for candidates for a party primary office, the candidates who
30 qualify for each office remaining to be filled in the general election are those who

1 received the two highest numbers of votes, the four highest number of votes, and so
2 on among those not elected in the primary election, until the maximum number of
3 candidates for each office on the general election ballot is reached.

4 * * *

5 §511. Election of candidates in a primary election

6 * * *

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

14 * * *

15 §521. Qualifications of voters

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

21 * * *

22 §1254. Slates of candidates not affiliated with a recognized political party;
23 nominating petitions and qualifying by payment of qualifying fees

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

1 accompanied by the notice of candidacy and notarized affidavit of each candidate for
2 elector signifying his acceptance of the nomination. A candidate for presidential
3 elector who is not affiliated with a recognized political party may be registered to
4 vote with or without a declaration of party affiliation.

5 * * *

6 §1272. United States senators; representatives in congress; time of electing

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

12 * * *

13 §1278. Vacancies; United States senator

14 * * *

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

1 of each parish in which the election is to be held. The election shall be conducted
2 and the returns shall be certified as in regular elections for United States senator.

3 * * *

4 §1280.22. Candidates; procedure for qualifying

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

16 * * *

17 §1401. Objections to candidacy, contests of elections, contests of certification of
18 recall petition; parties authorized to institute actions

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

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

26 * * *

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. This Act shall become effective on January 1, 2026.

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____