2023 Regular Session

HOUSE BILL NO. 212

BY REPRESENTATIVES HOLLIS, AMEDEE, BACALA, CARRIER, CREWS, EDMONSTON, FIRMENT, HILFERTY, HORTON, ILLG, MCCORMICK, CHARLES OWEN, AND SCHAMERHORN

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

ELECTIONS/RECALL: Provides for the signatures required on a recall petition

1   AN ACT

2   To amend and reenact R.S. 18:1300.1, 1300.2(B) and (C)(1), 1300.3(A), 1300.7(A), and

3   1300.8(B), relative to recall elections; to provide for the timing of a recall petition;

4   to provide for the number of signatures required on a petition for a recall election;

5   to provide for the duties of the governor; to provide for the duties of the secretary of

6   state; to provide for the duties of the registrar of voters; and to provide for related

7   matters.

8   Be it enacted by the Legislature of Louisiana:

9   Section 1. R.S. 18:1300.1, 1300.2(B) and (C)(1), 1300.3(A), 1300.7(A), and

10   1300.8(B) are hereby amended and reenacted to read as follows:

11   §1300.1. Recall authorized

12   Any public officer, excepting judges of the courts of record, may be recalled

13   in accordance with the provisions of this Chapter. However, no recall petition may

14   be submitted for certification to or accepted for certification by the registrar of voters

15   or any other official if less than six months remain in the term of office. The

16   secretary of state shall not accept a recall petition for filing within the first six

17   months of the official's term or if less than six months remain in the term of office.

18   The secretary of state shall endorse the date and time of receipt of such a recall

19   petition, mark "invalid" on the petition, and return the petition forthwith, either

20   personally or by registered or certified mail, to the chairman designated in the recall

21   petition.

1   §1300.2. Petition for recall election; campaign finance disclosure

2   *   *   *

3   B.(1) All signatures on recall petitions shall be handwritten.

4   (2) The petition shall be signed by a percentage of the ~~total number of~~

5   electors of the voting area wherein and for which a recall election is petitioned as

6   provided in Paragraph (3) of this Subsection.

7   (3)(a) If fewer than one thousand ~~qualified electors reside within the voting~~

8   ~~area,~~ electors voted in the most recent contest electing the public official to his

9   office, the petition shall be signed by at least ~~forty percent of the~~ the same number

10   of electors who voted in the contest electing the public official to his office.

11   (b) If one thousand or more ~~but fewer than twenty-five thousand qualified~~

12   ~~electors reside within the voting area,~~ electors voted in the most recent contest

13   electing the public official to his office, the petition shall be signed by at least ~~thirty-~~

14   ~~three and one-third percent of the electors.~~ one thousand electors or fifty percent of

15   the number of electors who voted in the contest electing the public official to his

16   office, whichever is greater.

17   ~~(c) If twenty-five thousand or more but fewer than one hundred thousand~~

18   ~~qualified electors reside within the voting area, the petition shall be signed by at least~~

19   ~~twenty-five percent of the electors.~~

20   ~~(d) If one hundred thousand or more qualified electors reside within the~~

21   ~~voting area, the petition shall be signed by at least twenty percent of the electors.~~

22   (c) If the public official was elected in a special election or elected without

23   opposition, the petition shall be signed by the appropriate number of electors in the

24   voting area, calculated as provided in Subparagraphs (a) and (b) of this Paragraph

25   and based on the number of electors in the voting area who voted in the most recent

26   regularly scheduled election for an office that encompassed the voting area.

27   C.(1) Prior to the entering of any signatures on a petition, the chairman

28   designated to represent the petitioners shall file with the secretary of state a copy of

29   the recall petition which will be used and copies of a picture identification that

1   contain the name and signature of the chairman and vice chairman, respectively, or

2   copies of current utility bills, bank statements, government checks, paychecks, or

3   other government documents that show the name and address of the chairman and

4   vice chairman, respectively. Upon receipt of the recall petition, the secretary of state

5   shall endorse thereon the fact and the date of filing. A copy shall be transmitted by

6   the secretary of state to the registrar of voters for each parish in which the recall

7   election is to be held. The chairman shall list on the petition every parish that is

8   wholly or partially within the voting area where the recall election is to be held. The

9   petition shall be considered filed when it is received in the office of the secretary of

10   state. Upon receipt of the recall petition, the secretary of state shall produce a report

11   of the number of electors who voted in the contest electing the public official to his

12   office, or if the public official was elected in a special election or elected without

13   opposition, the number of electors in the voting area who voted in the most recent

14   regularly scheduled election for an office that encompassed the voting area and shall

15   notify provide the same number to the registrar of voters in each parish in the voting

16   area of the number of qualified electors of the voting area in the parish for issuance

17   of the certification.

18   *   *   *

19   §1300.3. Certification of registrar of voters; addition or withdrawal of signatures;

20   form of names

21   A. The registrar of voters of each parish in the voting area wherein a recall

22   election is sought shall certify on the recall petition, within fifteen working days after

23   it is presented to him for that purpose, the number of names appearing thereon, the

24   number of qualified electors of the voting area within the parish whose handwritten

25   signatures appear on the petition, and also and the total number of electors of the

26   voting area within the parish as of the date of the filing of the petition with the

27   secretary of state who voted in the contest electing the public official to his office,

28   or if the public official was elected in a special election or elected without

29   opposition, the total number of electors in the voting area who voted in the most

1   recent regularly scheduled election for an office that encompassed the voting area.

2   However, if any parish wholly or partially within the voting area has more than fifty

3   thousand registered voters, the registrar of voters for each parish within the voting

4   area shall complete such certification on the recall petition within twenty working

5   days after it is presented to him for that purpose. If the final day for the registrar to

6   certify the recall petition falls on a Saturday, Sunday, or legal holiday, then the next

7   day which is not a Saturday, Sunday, or legal holiday shall be deemed to be the final

8   day for certifying the recall petition. Each registrar also shall indicate on the petition

9   the names appearing thereon who are not electors of the voting area. Each person

10   who participates in the review of the names on the petition for certification by the

11   registrar as required in this Section shall initial each of those portions of the petition

12   which he reviews for certification by the registrar.

13   *   *   *

14   §1300.7. Governor to order election; proclamation; publication

15   A. If the required number of qualified electors of the voting area sign the

16   petition for recall, as calculated from the totals on the certificates of all the registrars

17   of voters received by the governor, the governor shall issue a proclamation ordering

18   an election to be held for the purpose of voting on the question of the recall of the

19   officer. The total number of registered voters in the voting area and the total number

20   of registered voters in the voting area signing the petition shall be calculated from

21   the totals on the certificates of all of the registrars of voters received by the governor.

22   The governor shall issue such proclamation within fifteen days after he receives the

23   certified petitions from all of the registrars of voters in the voting area who have

24   received petitions for certification. If the final day for the governor to issue the

25   proclamation falls on a Saturday, Sunday, or legal holiday, then the next day which

26   is not a Saturday, Sunday, or legal holiday shall be deemed to be the final day for

27   issuing the proclamation. The proclamation shall order the election to be held on the

28   next available date specified in R.S. 18:402(F). If the election is to be held on a

29   primary election date, the proclamation shall be issued at least four weeks prior to

1   the opening of the qualifying period for the primary election. If the election is not

2   to be held on a primary election date, the proclamation shall be issued on or before

3   the fifty-fourth day prior to the election.

4   *   *   *

5   §1300.8. Voting area

6   *   *   *

7   B. This area is the basis on which to determine whether the handwritten

8   signatures to the recall petition are sufficient and proper; the number of handwritten

9   signatures required is determined by calculation of the number of electors ~~of the~~

10   ~~voting area~~ as set forth in R.S. 18:1300.2.

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 212 Reengrossed   2023 Regular Session   Hollis

Abstract: Provides that a recall petition may not be filed within the first six months of an
elected official's term of office and that the number of electors required to sign a
recall petition shall be based upon the number of electors who voted in the contest
electing the public official to his office, or if the public official was elected without
opposition, the number of electors in the voting area who voted in the most recent
regularly scheduled election for an office that encompassed the voting area.

Present law provides that the secretary of state shall not accept a petition to recall an elected
official for filing if less than six months remains the term of the elected official.

Proposed law retains present law and further prohibits the secretary of state from accepting
a petition filed within the first six months of the official's term.

Present law provides that a petition to recall an elected official shall be signed by a
percentage of the total number of electors of the voting area wherein and for which a recall
election is petitioned.

Present law further provides that if fewer than 1,000 qualified electors reside within the
voting area, the petition shall be signed by at least 40% of the electors. If 1,000 or more but
fewer than 25,000 qualified electors reside within the voting area, the petition shall be signed
by at least 33 1/3% percent of the electors. If 25,000 or more but fewer than 100,000
qualified electors reside within the voting area, the petition shall be signed by at least 25%
of the electors. If 100,000 or more qualified electors reside within the voting area, the
petition shall be signed by at least 20% of the electors.

Proposed law instead provides that if fewer than 1,000 electors voted in the most recent
contest electing the public official to his office, the petition shall be signed by the same
number of electors who voted in the contest. If 1,000 or more electors voted in the most
recent contest electing the public official to his office, the petition shall be signed by at least

1,000 electors or 50% of the number of electors who voted in the contest, whichever is greater. Further provides that if the public official was elected in a special election or without opposition, the required number of signatures shall be based upon the number of electors in the voting area who voted in the most recent regularly scheduled election for an office that encompassed the voting area.

Present law requires the secretary of state to produce a report of the number of qualified electors in the voting area wherein the recall election is sought, effective on the date of receipt of the recall petition, and to notify the registrar of voters in each parish in the voting area of the number of qualified electors of the voting area in the parish for issuance of the certification.

Proposed law instead requires the secretary of state to produce a report and notify the registrar of voters of the number of electors who voted in the contest electing the public official to his office, or if the public official was elected in a special election or without opposition, the number of electors in the voting area who voted in the most recent regularly election for an office that encompassed the voting area.

Present law requires the registrar of voters of each parish in the voting area wherein a recall election is sought to certify on the recall petition the number of names appearing thereon, the number of qualified electors of the voting area within the parish whose handwritten signatures appear on the petition, and also the total number of electors of the voting area within the parish as of the date of the filing of the petition with the secretary of state.

Proposed law retains present law except that rather than the total number of electors of the voting area within the parish as of the date of the filing of the petition with the secretary of state, the registrar of voters shall certify the total number of electors who voted in the contest electing the public official to his office, or if the public official was elected in a special election or without opposition, the number of electors in the voting area who voted in the most recent regularly scheduled election for an office that encompassed the voting area.

Present law requires the governor to issue a proclamation ordering an election to be held for the purpose of voting on the question of the recall of the officer if the required number of qualified electors of the voting area sign the petition for recall. Proposed law retains present law.

(Amends R.S. 18:1300.1, 1300.2(B) and (C)(1), 1300.3(A), 1300.7(A), and 1300.8(B))

Summary of Amendments Adopted by House

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

> 1. Add a prohibition against filing a recall petition within the first six months of an elected official's term of office.

> 2. Change the structure and calculations for determining the minimum signature requirements for a recall petition.

> 3. Require that if the public official was elected without opposition, the election used to calculate the required number of signatures shall be a regularly scheduled election.

> The House Floor Amendments to the engrossed bill:

> 1. In situations when 1,000 or more electors voted in the most recent contest electing the public official to his office, increase the number of required

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signatures <u>from</u> 30% of electors who voted in the contest <u>to</u> 50% of the electors who voted in the contest.

2.   Restore the <u>present law</u> requirement that the registrar of voters report the number of qualified electors of the voting area within the parish whose handwritten signatures appear on the petition.