

2021 Regular Session

HOUSE BILL NO. 557

BY REPRESENTATIVE IVEY

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

ELECTIONS/CONGRESSIONAL: Provides for the dates of congressional elections and elections held at the same time as congressional elections and for the the certification of candidates elected at such elections

1 AN ACT

2 To amend and reenact R.S. 18:402(B), 467(2), 511(A) and (B), 512(B), 1272(A), and 1277,  
3 relative to elections; to provide for the dates of elections for congressional offices  
4 and offices elected at the same time; to provide for qualifying for such elections; to  
5 provide for certification of results and declaration of election of congressional  
6 candidates; to provide for an effective date; and to provide for related matters.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. R.S. 18:402(B), 467(2), 511(A) and (B), 512(B), 1272(A), and 1277 are  
9 hereby amended and reenacted to read as follows:

10 §402. Dates of primary and general elections

11 \* \* \*

12 B. Congressional elections. Elections for members of congress and officers  
13 elected at the same time as members of congress shall be held every two years,  
14 beginning in 1982.

15 (1) Primary elections for members of congress and officers elected at the  
16 same time as members of congress shall be held on the first ~~Tuesday after the first~~  
17 ~~Monday in November~~ Saturday in October of an election year.

1           (2) General elections for members of congress and officers elected at the  
2 same time as members of congress shall be held on ~~the fifth Saturday after~~ the first  
3 Tuesday after the first Monday in November of an election year.

4   \*       \*       \*

5           §467. Opening of qualifying period

6                   The qualifying period for candidates in a primary election shall open:

7   \*       \*       \*

8           (2) For candidates in a congressional primary election and those in any  
9 special primary election to be held at the same time, on the ~~third~~ second Wednesday  
10 in July of the year of the election.

11   \*       \*       \*

12           §511. Election of candidates in a primary election

13                   A.(1) Majority vote. A candidate who receives a majority of the votes cast  
14 for an office in a primary election is elected. If there are two or more offices of the  
15 same character to be filled, the number of votes necessary to constitute a majority  
16 shall be greater than the result obtained by dividing the total votes cast for all of the  
17 candidates by the number of offices to be filled and dividing the result so obtained  
18 by two. If more candidates receive a majority than there are offices to be filled,  
19 those of such candidates receiving the highest total of votes shall be elected, to the  
20 number required to fill all of the offices. Any votes received by a withdrawn  
21 candidate or a deceased candidate shall be void and shall not be counted for any  
22 purpose whatsoever.

23                   (2) Notwithstanding Paragraph (1) of this Subsection, a candidate for  
24 congressional office who receives a majority of the votes cast for the office in a  
25 primary election held on the first Saturday in October of an election year shall not  
26 be declared elected until the first Tuesday after the first Monday in November of an  
27 election year.

28                   B. Election of unopposed candidates for public office. (1) If, after the close  
29 of the qualifying period for candidates in a primary election, the number of

1 candidates for a public office does not exceed the number of persons to be elected  
2 to the office, the candidates for that office, or those remaining after the withdrawal  
3 of one or more candidates, are declared elected by the people, and their names shall  
4 not appear on the ballot in either the primary or the general election.

5 (2) Notwithstanding Paragraph (1) of this Subsection, if after the close of the  
6 qualifying period for candidates in a congressional primary election to be held on the  
7 first Saturday in October of an election year, there is only one candidate for a  
8 congressional office, the name of the candidate shall not appear on the ballot in  
9 either the primary or the general election, and he shall be declared elected on the first  
10 Tuesday after the first Monday in November of an election year.

11 \* \* \*

12 §512. Election of candidates in a general election

13 \* \* \*

14 B. Election of unopposed candidates. (1) If, as a result of the death or  
15 withdrawal of one or more candidates, the number of candidates for an office in a  
16 general election does not exceed the number of persons to be elected to the office,  
17 the remaining candidates are declared elected by the people, and their names shall  
18 not appear on the ballot in the general election.

19 (2) Notwithstanding Paragraph (1) of this Subsection, if, as a result of the  
20 death or withdrawal of one or more candidates, there is only one candidate for a  
21 congressional office in a general election that will be held on the first Tuesday after  
22 the first Monday in November of an election year, the name of the candidate shall  
23 not appear on the ballot in the general election, and he shall be declared elected on  
24 the first Tuesday after the first Monday in November of an election year.

25 \* \* \*

26 §1272. United States senators; representatives in congress; time of electing

27 A. All general elections for representatives in congress shall be held on ~~the~~  
28 ~~fifth Saturday after~~ the first Tuesday after the first Monday in November in even-

1 numbered years. The primary election shall be held on the first ~~Tuesday after the~~  
2 ~~first Monday in November~~ Saturday in October of an election year.

3 \* \* \*

4 §1277. Certification of votes cast for United States senator and representative in  
5 Congress

6 A. Immediately after the results of the election for United States senator and  
7 representatives in Congress become official, the secretary of state shall separately  
8 certify the votes cast for United States senator and for each representative in  
9 Congress who was elected. Each such certificate shall be signed by the governor and  
10 by the secretary of state. Thus certifying the election of the persons determined to  
11 have been elected, the governor shall cause the seal of the state to be affixed to each  
12 certificate. One copy of the appropriate certificate shall be delivered to each person  
13 elected. Another copy of the certificate of the election of the United States senator  
14 shall be transmitted by the governor to the President of the United States Senate. A  
15 copy of each certificate of the election of representatives in Congress shall be  
16 transmitted by the governor to the House of Representatives of the Congress of the  
17 United States, directed to the clerk thereof.

18 B. Notwithstanding Subsection A of this Section, if a candidate for a  
19 congressional office receives a majority of the votes cast for the office in a primary  
20 election held on the first Saturday in October of an election year or if such a  
21 candidate in a primary election to be held on the first Saturday in October of an  
22 election year or a general election held on the first Tuesday after the first Monday  
23 in November of an election year is unopposed due to the death or withdrawal of one  
24 or more candidates, the secretary of state shall not certify the results of such election  
25 until the first Tuesday after the first Monday in November of an election year.

26 Section 2. This Act shall become effective upon signature by the governor or, if not  
27 signed by the governor, upon expiration of the time for bills to become law without signature  
28 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If

- 1 vetoed by the governor and subsequently approved by the legislature, this Act shall become  
2 effective on 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 557 Original

2021 Regular Session

Ivey

**Abstract:** Changes the dates of congressional elections and provides relative to the certification of candidates elected at such elections under certain circumstances.

Present law provides that primary elections for members of congress and officers elected at the same time as members of congress are held on the first Tues. after the first Mon. in Nov. of an even-numbered year and that the general elections for such offices are held on the fifth Sat. after the primary election.

Proposed law changes the date of such primary elections to the first Sat. in Oct. and the date of the general elections to the first Tues. after the first Mon. in Nov.

Present law provides that qualifying for candidates in such elections opens on the third Wed. in July. Proposed law changes the opening of qualifying to the second Wed. in July.

Proposed law otherwise retains present law with respect to such elections except to provide that if a congressional candidate receives a majority of the votes in the primary election or is the only candidate due to the death or withdrawal of other candidates, he shall not be declared elected and the secretary of state shall not certify the results of the election until the general election date.

Effective upon signature of governor or lapse of time for gubernatorial action.

(Amends R.S. 18:402(B), 467(2), 511(A) and (B), 512(B), 1272(A), and 1277)