

ACT No. 334

2018 Regular Session

HOUSE BILL NO. 682

BY REPRESENTATIVE SHADOIN

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AN ACT

To amend and reenact R.S. 26:587(C), 588(B), 589, 590, 591, and 594 and to repeal R.S. 26:592 and 593, relative to elections held to determine whether the sale of alcoholic beverages will be conducted and licensed in an area; to provide relative to procedures and requirements for conducting such elections; to provide for the date of such elections; to provide relative to procedures for ordering an election; to provide relative to a proposition ordering an election; to provide for notice of the election; to provide for the ballot in such elections; to provide for actions objecting to calling an election or contesting an election; to provide deadlines; to provide relative to recounts; to provide relative to the duties and authority of the parish board of election supervisors concerning such elections; to provide relative to the duties and authority of the governing authority concerning such elections; to require such elections to be conducted in accordance with the Louisiana Election Code; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 26:587(C), 588(B), 589, 590, 591, and 594 are hereby amended and reenacted to read as follows:

§587. Ordering of election; verification of registrar of voters; date of election; notice of election

* * *

C. The date fixed for the election shall be the next date on which such an election may be held, as provided for in R.S. 18:402(F), ~~which falls more than forty-~~

1 ~~five days after the date verification was filed with the governing authority by the~~
 2 ~~registrar of voters. Written notice of the election shall be transmitted to the secretary~~
 3 ~~of state and each clerk of court and registrar of voters in the area affected by the~~
 4 ~~election. If the election is to be held on a primary election date, then such notice~~
 5 ~~shall be received by the secretary of state at least four weeks prior to the opening of~~
 6 ~~the qualifying period for the primary election. If the election is not to be held on a~~
 7 ~~primary election date, then the notice shall be received by the secretary of state on~~
 8 ~~or before the fifty-fourth day prior to the election. The secretary of state shall not~~
 9 ~~accept any revisions to propositions, including but not limited to changes in title,~~
 10 ~~text, or numerical designations, after the last day for submission of the notice to the~~
 11 ~~secretary of state.~~

12 §588. Ballot; majority determination of issues; separation of results

13 * * *

14 B. If the voter desires to vote "YES" on any or all of these propositions he
 15 shall make an "X" a mark in the square opposite the word "YES". To vote "NO" he
 16 shall make an "X" a mark in the square opposite the word "NO". ~~The vote of the~~
 17 ~~voter on each proposition shall be valid and shall be counted, and failure~~ Failure to
 18 vote on all the five propositions shall not invalidate the ballot as to those
 19 propositions on which a vote was cast.

20 * * *

21 §589. Conduct of election ; ~~voting machines or ballot boxes~~

22 A. The elections shall be ~~by secret ballot and shall be~~ conducted as ~~nearly~~
 23 ~~as possible~~ in accordance with the election laws of the state Louisiana Election Code.
 24 ~~Where not otherwise provided by this Chapter, or by any other law, the authority~~
 25 ~~calling the election shall provide in the call for the manner in which the election shall~~
 26 ~~be conducted and the result thereof promulgated.~~

27 B. ~~Voting machines may be used in political subdivisions which have~~
 28 ~~adopted them for use in general elections. If machines are used, the propositions~~
 29 ~~stipulated in R.S. 26:588 to be printed on the ballot shall be shown on the mechanism~~

1 of the machine. ~~Otherwise, ordinary ballot boxes shall be used and suitable ballots~~
 2 ~~printed for use in the election.~~

3 §590. ~~Violation of standards for petition or election; nullity of election~~ Action
 4 contesting calling of election; action contesting election; time for
 5 commencement; applicable provisions

6 A. If the petition fails to ~~substantially~~ comply with the requirements
 7 provided in this Chapter or if the other requirements specified in this Chapter for the
 8 calling ~~or conduct~~ of the election are not ~~substantially~~ complied with, ~~the election is~~
 9 ~~illegal and ineffective and may be declared null and void by any court of competent~~
 10 ~~jurisdiction at the suit of any elector who was qualified to vote in the election. This~~
 11 ~~suit shall be brought within thirty days of the promulgation of the results of the~~
 12 ~~election.~~ any elector who is qualified to vote in the election may bring an action
 13 objecting to the calling of the election. Such action shall be instituted not later than
 14 4:30 p.m. of the fourteenth day after calling the election.

15 B. An action contesting an election provided for in this Chapter shall be
 16 instituted not later than 4:30 p.m. of the thirtieth day after the official promulgation
 17 of the results of the election.

18 C. The provisions of Chapter 9 of the Louisiana Election Code shall be
 19 applicable to any suit instituted pursuant to the provisions of this Section.

20 §591. Recount of ballots or contest of elections

21 ~~Any elector who was qualified to vote in the election may demand a recount~~
 22 ~~of the ballots or contest the election in the same manner and under the same~~
 23 ~~conditions as is provided by law for the recount of ballots or contest of elections~~
 24 ~~under the general and special laws of this state.~~ Recount of ballots or contest of
 25 elections shall be conducted in accordance with the Louisiana Election Code.

26 §594. Promulgation of election results; proces verbal

27 A. The governing authority calling the election shall ~~promulgate the result~~
 28 ~~by resolution or ordinance adopted at its first regular meeting after the election and~~
 29 ~~shall publish it in the official journal of the parish.~~ examine and canvass the returns
 30 and promulgate the result of the election in accordance with R.S. 18:1292.

1 B. The governing authority calling the election shall preserve a proces verbal
2 of the canvass in accordance with R.S. 18:1293.

3 Section 2. R.S. 26:592 and 593 are hereby repealed in their entirety.

4 Section 3. This Act shall become effective upon signature by the governor or, if not
5 signed by the governor, upon expiration of the time for bills to become law without signature
6 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If
7 vetoed by the governor and subsequently approved by the legislature, this Act shall become
8 effective on the day following such approval.

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____