

2024 Regular Session

HOUSE BILL NO. 873

BY REPRESENTATIVE EMERSON

ELECTIONS: Provides relative to elections

1 AN ACT

2 To amend and reenact R.S. 18:44(A) and (B)(5)(b), 58(B)(2), 192(A)(1)(a), 402, 410.6,

3 410.7(A) and (C), 410.10, 467, 1285(B)(1)(a), 1309(A)(1)(a)(i) and (M)(1)(a),

4 1401(B), 1406(B), 1407, 1409(B)(1) and (2), 1432(A)(1), 1483(8), 1491.6(B)(1), (2),

5 and (4) and (C)(introductory paragraph), 1495.4(B)(1), (2), and (4) and

6 (C)(introductory paragraph), 1501.1(C)(introductory paragraph), 1505.2(H)(3)(a),

7 and Section 2 of Act No. 1 of the 2024 First Extraordinary Session of 2024; to enact

8 R.S. 18:1483(3)(a)(iii), (21), and (22); and to repeal R.S. 18:467.1, relative to

9 elections, to provide for dates for elections and qualifying; to change the timing of

10 the annual canvass of voters; to provide for the period of early voting; to provide for

11 election contests and related procedures; to provide relative to the death of

12 candidates; to provide relative to qualifying; to provide for the duties of the

13 Louisiana State Law Institute relative thereto; to provide for definitions; to provide

14 relative to campaign finance contributions limitations and reporting requirements;

15 to change the effective date of Act No. 1 of the 2024 First Extraordinary Session of

16 the Legislature of Louisiana; to provide for effectiveness; and to provide for related

17 matters.

18 Be it enacted by the Legislature of Louisiana:

19 Section 1. R.S. 18:44(A) and (B)(5)(b), 58(B)(2), 192(A)(1)(a), 402, 410.6, 410.7(A)

20 and (C), 410.10, 467, 1285(B)(1)(a), 1309(A)(1)(a)(i) and (M)(1)(a), 1401(B), 1406(B),

1 1407, 1409(B)(1) and (2), 1432(A)(1), 1483(8), 1491.6(B)(1), (2), and (4) and
2 (C)(introductory paragraph), 1495.4(B)(1), (2), and (4) and (C)(introductory paragraph),
3 1501.1(C)(introductory paragraph), 1505.2(H)(3)(a) are hereby amended and reenacted and
4 R.S. 18:1483(3)(a)(iii), (21), and (22) are hereby enacted to read as follows:

5 §44. Contesting election; referral for prosecution

6 A. Whenever the board determines as a result of an investigation that
7 violations of law, irregularities, error, or fraud have occurred in the conduct of an
8 election which in the judgment of the board has resulted in the apparent qualification
9 for the second party primary or the general election or the apparent election of a
10 candidate not entitled to be so qualified or elected, the board, upon the favorable vote
11 of three members, may institute suit to contest the election in order to protect the
12 interest and rights of the state in fair and honest elections. In addition, for the same
13 cause and upon the same vote, the board may intervene in any suit instituted by any
14 other party to contest an election.

15 B. In any suit instituted by the board to contest an election, the provisions
16 of Chapter 9 of this Title shall apply, except that:

17 * * *

18 (5) The petition shall contain, but shall not be limited to, the following:

19 * * *

20 (b) The allegation that ~~except for substantial irregularities or error, fraud, or~~
21 ~~other unlawful activities in the conduct of the election, a different candidate would~~
22 ~~have qualified for the second party primary or a general election or would have been~~
23 ~~elected.~~

24 * * *

25 §58. Powers and duties of registrars

26 * * *

27 B.

28 * * *

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

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

7 ~~C. Municipal and ward elections. In all municipalities with a population of~~
8 ~~less than three hundred thousand, elections for municipal and ward officers who are~~
9 ~~not elected at the same time as the governor or members of congress shall be held~~
10 ~~every four years.~~

11 ~~(1) Primary elections for municipal and ward officers who are not elected at~~
12 ~~the same time as the governor or members of congress shall be held on the last~~
13 ~~Saturday in March of an election year.~~

14 ~~(2) General elections for municipal and ward officers who are not elected at~~
15 ~~the same time as the governor or members of congress shall be held on the fifth~~
16 ~~Saturday after the last Saturday in March of an election year.~~

17 ~~D. Parochial and municipal elections in a parish containing a municipality~~
18 ~~with a population of three hundred thousand or more. Elections for parochial and~~
19 ~~municipal officers in a parish containing a municipality with a population of three~~
20 ~~hundred thousand or more shall be held every four years, beginning in 2017, as~~
21 ~~follows:~~

22 ~~(1) Primary elections for parochial and municipal officers shall be held on~~
23 ~~the second Saturday in October of an election year.~~

24 ~~(2) General elections for parochial and municipal officers shall be held on~~
25 ~~the fifth Saturday after the second Saturday in October of an election year.~~

26 ~~E. Special elections to fill newly created office or vacancy in office. An~~
27 ~~election to fill a newly created office or vacancy in an existing office, except the~~
28 ~~office of representative in congress, shall be held on the dates fixed by the~~
29 ~~appropriate authority in the proclamation ordering a special election as follows:~~

1 ~~(1) A special primary election shall be held on the first of the following days~~
2 ~~that is after the date on which the proclamation calling the special primary election~~
3 ~~was issued, provided that the proclamation was issued at least four weeks prior to the~~
4 ~~opening of the qualifying period for the special primary election:~~

5 ~~(a) The third to last Saturday in October, when the special general election~~
6 ~~is held on the fifth Saturday after the third to last Saturday in October:~~

7 ~~(b) The first Tuesday after the first Monday in November, when the special~~
8 ~~general election is held on the fifth Saturday after the first Tuesday after the first~~
9 ~~Monday in November.~~

10 ~~(c) The last Saturday in March, when the special general election is held on~~
11 ~~the fifth Saturday after the last Saturday in March.~~

12 ~~(d) The second Saturday in October, when the special general election is held~~
13 ~~on the fifth Saturday after the second Saturday in October of 1985 and every fourth~~
14 ~~year thereafter.~~

15 ~~(e) The second Saturday in October of an election year for parish and~~
16 ~~municipal officers in a parish containing a municipality with a population of three~~
17 ~~hundred thousand or more.~~

18 ~~(2) A special general election shall be held on one of the following days:~~

19 ~~(a) The fifth Saturday after the third to last Saturday in October of 1983 and~~
20 ~~every fourth year thereafter.~~

21 ~~(b) The fifth Saturday after the first Tuesday after the first Monday in~~
22 ~~November of even-numbered years.~~

23 ~~(c) The fifth Saturday after the last Saturday in March of any year.~~

24 ~~(d) The fifth Saturday after the second Saturday in October of 1985 and~~
25 ~~every fourth year thereafter.~~

26 ~~(e) The fifth Saturday after the second Saturday in October in a parish~~
27 ~~containing a municipality with a population of three hundred thousand or more,~~
28 ~~when the special primary election in such parish and municipality is held on the~~
29 ~~second Saturday in October of an election year for parish and municipal officers.~~

1 ~~(3) The secretary of state shall not include the name of any candidate on any~~
2 ~~ballot for a special election to fill a vacancy in any office to which this Subsection~~
3 ~~is applicable unless such special election has been called in accordance with the~~
4 ~~provisions of this Subsection and scheduled on one of the dates provided herein.~~
5 ~~Any elector who is eligible to vote in any such special election may apply for~~
6 ~~injunctive relief to prohibit the placing of the name of any candidate in an~~
7 ~~improperly called election on the ballot. Venue for such application shall be in any~~
8 ~~parish in which the election is called, and the secretary of state shall be the proper~~
9 ~~party defendant.~~

10 ~~F. Bond, tax, or other elections. Every bond, tax, or other election at which~~
11 ~~a proposition or question is to be submitted to the voters shall be held only on one~~
12 ~~of the following dates:~~

13 ~~(1) The third to last Saturday in October or the fifth Saturday after the third~~
14 ~~to last Saturday in October of 1983 and every fourth year thereafter.~~

15 ~~(2)(a) The first Tuesday after the first Monday in November or the fifth~~
16 ~~Saturday after the first Tuesday after the first Monday in November of~~
17 ~~even-numbered years:~~

18 ~~(b) Notwithstanding the provisions of Subparagraph (a) of this Paragraph,~~
19 ~~the fifth Saturday after the first Tuesday after the first Monday in November shall~~
20 ~~not be applicable in a parish containing a municipality with a population of three~~
21 ~~hundred thousand or more for an election relative to a parcel fee imposed within a~~
22 ~~security or neighborhood improvement district. For purposes of this Subparagraph,~~
23 ~~"security or neighborhood improvement district" means a special district one of the~~
24 ~~primary purposes of which is aiding in crime prevention and adding to the security~~
25 ~~of district residents by providing for an increased presence of law enforcement~~
26 ~~personnel in the district or otherwise promoting and encouraging security in the~~
27 ~~district.~~

28 ~~(3) The last Saturday in March or the fifth Saturday after the last Saturday~~
29 ~~in March of any year.~~

1 ~~(4) The second Saturday in October or the fifth Saturday after the second~~
2 ~~Saturday in October of 1985 and every fourth year thereafter.~~

3 ~~(6) For a parish containing a municipality with a population of three hundred~~
4 ~~thousand or more, the second Saturday in October or the fifth Saturday after the~~
5 ~~second Saturday in October in 2017 and every fourth year thereafter.~~

6 ~~G. Prohibited days. (1)~~

7 A. Prohibited election days. (1) No election of any kind shall be held in this
8 state on any of the days of Rosh Hashana, Yom Kippur, Sukkot, Shemini Atzeret,
9 Simchat Torah, the first two days and the last two days of Passover, Shavuot, Tish'a
10 B'Av, the two days preceding Labor Day or the three days preceding Easter. If the
11 date of any fall election falls on any of the above-named days, the election shall be
12 held on the same weekday of the preceding week. If the date of any spring election
13 falls on any of the above-named days, the election shall be held on the same weekday
14 of the following week.

15 ~~(2)(a)(i)~~ If the date for the fall primary election is advanced in accordance
16 with the provisions of Paragraph (1) of this Subsection, the general election shall be
17 advanced the same number of weeks as the primary election.

18 (3) If the date for the spring primary election is postponed in accordance
19 with the provisions of Paragraph (1) of this Subsection, the spring general election,
20 and if applicable, the second party primary election held at the same time, shall be
21 postponed the same number of weeks as the primary election.

22 ~~(b)~~ (4) If the date for the fall general election is advanced in accordance with
23 the provisions of Paragraph (1) of this Subsection, the fall primary election and, if
24 applicable, the general election for party primary office held at the same time shall
25 be advanced the same number of weeks as the fall general election.

26 B. Election dates in gubernatorial election years.

27 (1) Spring elections. (a) There shall be a spring primary election held on the
28 third Saturday in April for municipal and ward officers elected in the spring of a

1 gubernatorial election year and for candidates in a party primary election for a party
2 primary office to be elected at the gubernatorial election.

3 (b) There shall be a spring election held on the sixth Saturday after the third
4 Saturday in April which shall be a general election for municipal and ward officers
5 elected in the spring of a gubernatorial election year and if necessary, a second party
6 primary for candidates in a party primary election for a party primary office to be
7 elected at the gubernatorial election.

8 (2) Fall elections. (a) There shall be a fall primary election held on the third
9 to last Saturday in October of a gubernatorial election year for governor and officers
10 elected at the same time as the governor. This election date shall also serve as the
11 general election date for party primary office to be elected at the gubernatorial
12 election.

13 (b) There shall be a fall general election held on the sixth Saturday after the
14 third to last Saturday in October of a gubernatorial election year.

15 C. Election dates in congressional election years.

16 (1) Spring elections. (a) There shall be a spring primary election held on the
17 third Saturday in April for municipal and ward officers elected in the spring of a non-
18 presidential congressional election year and for candidates in a party primary
19 election for a party primary office to be elected in that year.

20 (b) In the spring of a non-presidential congressional election year, there shall
21 be an election held on the sixth Saturday after the third Saturday in April which shall
22 be a general election for municipal and ward officers and if necessary, a second party
23 primary for candidates in a party primary election for a party primary office to be
24 elected that year.

25 (c) In the spring of a presidential and congressional election year there shall
26 be a spring primary election held on the last Saturday in March for municipal and
27 ward officers and for candidates in a party primary election for a party primary office
28 to be elected in that year.

1 (d) In the spring of a presidential and congressional election year, there shall
 2 be an election held on the sixth Saturday after the last Saturday in March for
 3 municipal and ward officers elected and for candidates in a party primary election
 4 for a party primary office to be elected in that year.

5 (2) Fall elections. (a) There shall be a fall primary election held on the first
 6 Tuesday after the first Monday in November for officers elected at the same time as
 7 members of congress in that year. This election date shall also serve as the general
 8 election date for a party primary office to be elected in a congressional election year.

9 (b) There shall be a fall general election held on the sixth Saturday after the
 10 first Tuesday after the first Monday in November of a congressional election year.

11 D. Odd-numbered year election dates in a nongubernatorial election year.

12 (1) Spring elections. (a) There shall be a spring primary election held on the
 13 third Saturday in April for municipal and ward officers elected in the spring of a
 14 nongubernatorial election year.

15 (b) There shall be a spring election held on the sixth Saturday after the third
 16 Saturday in April which shall be a general election for municipal and ward officers
 17 elected in the spring of a non-gubernatorial election year.

18 (2) Fall elections. (a) There shall be a fall primary election held on the
 19 second Saturday in October for parochial and municipal officers in a parish
 20 containing a municipality with a population of three hundred thousand or more.

21 (b) There shall be a fall general election held on the sixth Saturday after the
 22 second Saturday in October of an election year.

23 E.(1) Special elections to fill newly created offices or vacancies in office
 24 shall be held on dates fixed by the appropriate authority in the proclamation issued
 25 in accordance with law. For an election to fill a vacancy, other than a vacancy in the
 26 office of state legislator or representative in congress, the dates fixed in the
 27 proclamation shall be limited to the dates for primary elections and general elections
 28 established in Subsections A, B, and C of this Section and the authority issuing the
 29 proclamation shall consult with the secretary of state in the establishment of a

1 qualifying period and election dates for special elections. A special primary election
2 shall be held on the first of the election dates provided in this Section that is after the
3 date on which the proclamation calling the special primary election is issued,
4 provided that the proclamation is issued at least four weeks prior to the opening of
5 the qualifying period for the special primary election.

6 (2) The secretary of state shall not include the name of any candidate on any
7 ballot for a special election to fill a vacancy in any office to which this Subsection
8 is applicable unless such special election has been called in accordance with the
9 provisions of this Subsection and scheduled on one of the dates provided herein.
10 Any elector who is eligible to vote in any such special election may apply for
11 injunctive relief to prohibit the placing of the name of any candidate in an
12 improperly called election on the ballot. Venue for such application shall be in any
13 parish in which the election is called, and the secretary of state shall be the proper
14 party defendant.

15 F. Every bond, tax, or other election at which a proposition or question is to
16 be submitted to the voters shall be held only on an election date established in
17 Subsections A, B, and C of this Section. However, the sixth Saturday after the first
18 Tuesday after the first Monday in November of any congressional election year shall
19 not be applicable in a parish containing a municipality with a population of three
20 hundred thousand or more for an election relative to a parcel fee imposed within a
21 security or neighborhood improvement district. For purposes of this Subsection,
22 "security or neighborhood improvement district" means a special district one of the
23 primary purposes of which is aiding in crime prevention and adding to the security
24 of district residents by providing for an increased presence of law enforcement
25 personnel in the district or otherwise promoting and encouraging security in the
26 district.

27 G.(1) For purposes of Article XIII, Section 1 of the Constitution of
28 Louisiana, the fall election dates established in Subsections B and C of this Section
29 shall be the regularly scheduled statewide elections.

1 posted at each polling place and on the website of the secretary of state. If the
2 selected party nominee's name is not placed on the ballot, all votes cast for the party's
3 deceased candidate shall be attributed to the party nominee.

4 (3) If the party nominee dies after noon on the seventh day prior to general
5 election day, there shall be no selected party nominee and no attestation shall be filed
6 with or accepted by the secretary of state. All votes cast for the deceased party
7 nominee shall be counted and if the deceased party nominee obtains the most votes
8 cast for the party primary office in the general election, a vacancy in the party
9 primary office shall be declared.

10 §410.7. Party candidates who qualify for a general election

11 A. The candidate who receives the majority of votes in the party primary
12 qualifies for the general election as the party's nominee for the office. All candidate
13 nominations for a party primary office by recognized political parties for the general
14 election shall be made in this manner, except as otherwise provided in R.S.
15 18:410.6(B).

16 * * *

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

22 * * *

23 §410.10. Party primary elections

24 Party primary elections shall be held in ~~March~~ of an election year on the
25 spring election dates established in R.S. 18:402.

26 * * *

27 §467. Opening of qualifying period

28 A. Except as otherwise provided in Part I-A of this Chapter, the qualifying
29 period for candidates in a primary election shall open:

1 (1) For candidates in a ~~gubernatorial~~ fall primary election in a gubernatorial
2 election year and those in any special primary election to be held at the same time,
3 on the first Tuesday after the first Monday in August of the year of the election.

4 (2) For candidates in a ~~congressional~~ fall primary election in a congressional
5 election year and those in any special primary election to be held at the same time,
6 on the ~~third~~ last Wednesday in July of the year of the election.

7 (3) For candidates in a spring primary election ~~for municipal and ward~~
8 ~~officers who are not elected at the same time as the governor or members of congress~~
9 ~~in municipalities with a population of less than three hundred thousand~~ in a
10 gubernatorial election year, for all candidates for a party primary office to be elected
11 that year, and those in any special primary election to be held at the same time, on
12 the last Wednesday in January of the year of the election, ~~unless the primary election~~
13 ~~is held in a presidential election year, in such case, the qualifying period for~~
14 ~~candidates in the primary election shall open on the third Wednesday in December~~
15 ~~of the year prior to the election.~~

16 (4) For candidates in a nongubernatorial, odd-numbered year fall primary
17 election for parochial and municipal officers in a parish containing a municipality
18 with a population of three hundred thousand or more and ~~in which the municipal and~~
19 ~~parochial elections are~~ those in any special primary election to be held at the same
20 time, on the second Wednesday in July in the year of the election.

21 (5) For candidates in a spring primary election in a presidential election year
22 and for candidates in a presidential primary election, for all candidates for a party
23 primary office to be elected that year, and those in any special primary election to
24 be held at the same time, the qualifying period shall open on the third Wednesday in
25 December.

26 (6) For candidates in a spring primary election held ~~on the second Saturday~~
27 ~~in October of 1981 and every fourth year thereafter, on the second Wednesday in~~
28 ~~July of the year of the election~~ in a nonpresidential congressional election year, for
29 all candidates for a party primary office to be elected that year, and those in any

1 special primary election to be held at the same time, on the last Wednesday in
2 January of the year of the election.

3 B. The qualifying period for candidates qualifying for the general election
4 for a party primary office in the manner provided in R.S. 18:410.8 shall be the
5 qualifying period for candidates qualifying for a party primary office as provided
6 Subsection A of this Section.

7 * * *

8 §1285. Notice of election

9 * * *

10 B.(1)(a) Written notice of the election and the certificate required by
11 Subparagraph (b) of this Paragraph shall be transmitted to the secretary of state and
12 each clerk of court and registrar of voters in the area affected by the election. If the
13 election is to be held on a primary election date, then such notice and certificate shall
14 be received by the secretary of state at least four weeks prior to the opening of the
15 qualifying period for the primary election. If the election is not to be held on a
16 primary election date, then the notice and certificate shall be received by the
17 secretary of state on or before the ~~fifty-fourth~~ sixty-first day prior to the election.
18 The secretary of state shall not accept any revisions to propositions, including but not
19 limited to changes in title, text, or numerical designations, after the last day for
20 submission of the notice and certificate to the secretary of state, unless prior to the
21 printing of the ballots the revision will correct a typographical error and the revision
22 has been approved by the governing authority that called the proposition election.

23 * * *

24 §1309. Early voting; verification

25 A.(1)(a)(i) The period for conducting early voting shall be from ~~fourteen~~
26 seventeen days to ~~seven~~ ten days prior to any scheduled election. However, for the
27 presidential election, the period for conducting early voting shall be from ~~eighteen~~
28 twenty days to ~~seven~~ ten days prior to the presidential election.

29 * * *

1 M.(1)(a) In a parish where early voting is conducted at an additional location
 2 pursuant to R.S. 18:1309.2, the registrar may fix the days during which early voting
 3 shall be conducted at the additional location during the early voting period, with the
 4 approval of the secretary of state, at least thirty days prior to a primary election and
 5 ~~twenty-one~~ thirty days prior to a general election.

6 * * *

7 §1401. Objections to candidacy, contests of elections, contests of certification of
 8 recall petition; parties authorized to institute actions

9 * * *

10 B. A candidate who alleges that, except for substantial irregularities or error,
 11 or except for fraud or other unlawful activities in the conduct of the election, he
 12 would have qualified for a second party primary or general election or would have
 13 been elected may bring an action contesting the election.

14 * * *

15 §1406. Petition; answer; notification

16 * * *

17 B. The petition shall set forth in specific detail the facts upon which the
 18 objection or contest is based. If the action contests an election involving election to
 19 office, the petition shall allege that except for substantial irregularities or error, fraud,
 20 or other unlawful activities in the conduct of the election, the petitioner would have
 21 qualified for a second party primary or general election or would have been elected.
 22 If the action contests an election involving the recall of a public officer, the petition
 23 shall allege that except for substantial irregularities or error, fraud, or other unlawful
 24 activities in the conduct of the election, the petitioner would not have been recalled.
 25 The trial judge may allow the filing of amended pleadings for good cause shown and
 26 in the interest of justice.

27 * * *

1 §1407. Appointment of agent for service of process

2 By filing notice of candidacy a candidate appoints the clerk of court for each
3 parish in which he is to be voted on as his agent for service of process in any action
4 objecting to his candidacy, contesting his qualification as a candidate in a second
5 party primary or general election, or contesting his election to office.

6 * * *

7 §1409. Trial; decision; appeal

8 * * *

9 B.(1) If the action involves the contest of a primary election for a major
10 office, the trial judge, for good cause shown, may postpone the date of the second
11 party primary or general election for the office as to which the contest was filed for
12 a period not to exceed five weeks.

13 (2) Whenever the trial of an action contesting a primary election for a major
14 office, extends past 5:00 p.m. on the fourteenth day after the day of the election, the
15 trial judge shall order the second party primary or general election for the affected
16 office postponed to a Saturday specified by him which is at least thirty days after the
17 date on which the trial court renders judgment.

18 * * *

19 §1432. Remedies

20 A.(1) If the trial judge in an action contesting an election determines that: it
21 is impossible to determine the result of election, or the number of qualified voters
22 who were denied the right to vote by the election officials was sufficient to change
23 the result in the election, if they had been allowed to vote, or the number of
24 unqualified voters who were allowed to vote by the election officials was sufficient
25 to change the result of the election if they had not been allowed to vote, or a
26 combination of these factors would have been sufficient to change the result had they
27 not occurred, the judge may render a final judgment declaring the election void and
28 ordering a new party primary, primary₂ or general election for all the candidates, or,
29 if the judge determines that the appropriate remedy is the calling of a restricted

1 election, the judge may render a final judgment ordering a restricted election,
2 specifying the date of the election, the appropriate candidates for the election, the
3 office or other position for which the election shall be held, and indicating which
4 voters will be eligible to vote.

5 * * *

6 §1483. Definitions

7 As used in this Chapter, the following terms shall have the meanings given
8 to each in this Section unless the context clearly indicates otherwise:

9 * * *

10 (3)(a) "Candidate" means a person who seeks nomination or election to
11 public office, except the office of president or vice president of the United States,
12 presidential elector, delegate to a political party convention, United States senator,
13 United States congressman, or political party office. An individual shall be deemed
14 to seek nomination or election to such office if he has:

15 * * *

16 (iii) Been selected as a party nominee in accordance with R.S. 18:410.6.

17 * * *

18 (8) "Election" means any party primary, primary, general, ~~or~~ special election
19 or other election held, pursuant to the laws of this state or a parish or municipal
20 charter or ordinance or a court order, to choose a public officer or nominee. ~~For~~
21 ~~purposes of this Chapter, a primary election and a general election for a particular~~
22 ~~office shall constitute one election.~~ For purposes of the reporting requirements for
23 the support or opposition of a proposition or question submitted to the voters,
24 "election" shall also mean any primary, general, or special election, except local
25 option elections held pursuant to the provisions of Chapter 3 of Title 26 of the
26 Louisiana Revised Statutes of 1950, at which a proposition or question is submitted
27 to the voters in accordance with Chapters 6-A, 6-B, and 6-C of this Code.

28 * * *

1 for a party primary office, which shall be complete through the one hundredth day
2 prior to the general election. This shall be the final report for the election for any
3 committee which does not participate in the general election for party primary office,
4 unless supplemental reports are required as provided in Subsection D of this Section.

5 (d) Each committee participating in the general election for a party primary
6 election shall file a report no later than the thirtieth day before the general election
7 for a party primary election, which shall be complete through the fortieth day prior
8 to the general election for a party primary office.

9 * * *

10 C. During the period beginning at midnight of the twentieth day prior to a
11 primary election and extending through midnight of primary election day, during the
12 period beginning at midnight of the twentieth day prior to a second party primary
13 election and extending through midnight of a second party primary election day, if
14 applicable, and during the period beginning at midnight of the twentieth day prior to
15 a general election and extending through midnight of general election day, each
16 committee shall file a report with the supervisory committee of:

17 * * *

18 §1495.4. Reports required; reporting times and periods; extension

19 * * *

20 B. A report shall be filed for a candidate for each regularly scheduled
21 election in which the candidate participates according to the following schedule:

22 (1) Each candidate for major office, excluding a candidate for party primary
23 office, shall file a report no later than the one hundred eightieth day prior to the
24 primary election, which shall be complete through the one hundred ninetieth day
25 prior to the primary election.

26 (2) Each candidate for major office, excluding a candidate for party primary
27 office, shall file a report no later than the ninetieth day prior to the primary election,
28 which shall be complete through the one hundredth day prior to the primary election.

29 * * *

1 Section 2. Section 2 of Act No. 1 of the 2024 First Extraordinary Session of 2024
2 is hereby amended and reenacted to read as follows:

3 "Section 2. This (A) Solely for the purposes of qualifying for elections in
4 2026 and for other activities and requirements related to the conduct of elections in
5 2026, the provisions of Section 1 of this Act shall become effective on August 1,
6 2025.

7 (B) For all other purposes, the provisions of this Act shall become effective
8 on January 1, 2026."

9 Section 3. R.S. 18:467.1 is hereby repealed in its entirety.

10 Section 4. The Louisiana State Law Institute is hereby authorized and directed to
11 change the references to "R.S. 18:467, 467.1, and 468" as those references appear in R.S.
12 18:591, 601(A)(1)602(B)(2)(a), and 604(B)(2)(a) to "R.S. 18:467 and 468".

13 Section 5.(A) This Act shall become effective for the purposes of qualifying for
14 elections in 2026 and for other activities and requirements related to the conduct of elections
15 in 2026, the provisions of this Act shall become effective on August 1, 2025.

16 (B) For all other purposes, the provisions of this Act shall become effective on
17 January 1, 2026.

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 873 Original

2024 Regular Session

Emerson

Abstract: Makes various changes to the La. Election Code, including the Campaign Finance Disclosure Act to provide for the conduct of party primary elections and for candidates for party primary offices and deadlines related to the increased period of time between primary and general elections.

Present law requires the Bd. of Ethics to investigate aspects of an election for statewide elected offices, U.S. House and Senate, and justice of the supreme court upon receipt of a sworn statement by a registered voter alleging error, fraud, irregularity, or other unlawful activity. Provides that if the board determines the allegations have occurred in the either the qualification of a candidate for the general election or the election of candidate to office, the board may institute suit to contest the election or intervene in a suit institute by any other party. Proposed law includes the qualification of a candidate for a second party primary within the board's purview and otherwise retains present law.

Present law requires each registrar of voters assign voters to each voting district in the parish from which an election is to be conducted. For a general election, the deadline to complete the assignment of voters is on or before the 51st day prior to the general election. Proposed law changes this deadline to the 58th day prior to the general and otherwise retains present law

Present law provides that no later than June 30th, the registrar of voters in each parish shall conduct the annual canvass of voters in all precincts in the parish. Proposed law changes this deadline to July 31st and otherwise retains present law.

Present law provides for the dates of primary and general elections as well as specified days that are prohibited election days. Generally present law provides for two dates, a primary and a general election, in the spring of each year and two dates, a primary and a general election in the fall of each year. Provides that bond, tax, or other elections at which a proposition or question is to be submitted to the voters may be placed on any of those election dates in the manner provided by present law. Further provides that special elections to fill vacancies shall be held on the first available election date allowed by law that is after the date on which the proclamation calling the special primary election was issued, provided that the proclamation was issued at least four weeks prior to the opening of the qualifying period for the special primary election. Present law generally provides that there are five weeks between a primary and a general election.

Proposed law restructures present law, generally provides that there are six weeks between a primary and general election, and specifies which spring elections are the party primary elections and which fall elections are the general election for party primary office. Further specifies that for purposes of the present constitution (Const. Art. XIII, §1) the fall gubernatorial and congressional election dates are regularly scheduled statewide elections.

Present law provides that when a person who qualified as a candidate and has opposition in a primary election dies after the close of qualifying and before the close of polls on primary election day, the qualifying period for the primary election is reopened. Further provides that any votes received by the deceased candidate shall be void and shall not be counted. Present law further provides that if, as the result of the death of a candidate in a general election, the number of candidates for an office does not exceed the number to be elected, the remaining candidate is declared elected by the people.

Present law, further provides relative to candidates in a party primary election for party primary office, that if one of the persons receiving the highest number of votes in the first party primary dies thereby leaving only one candidate from the same political party in the race, the remaining candidate who has received the highest number of votes for the office for which he was a candidate shall be declared the nominee of the party.

Present law relative to party primary election candidates, specifies that there shall be no third party primary. Present law further provides that for any situation not specifically provided for in present law, the state central committee of the recognized political party involved shall provide for the selection of a nominee from the candidates and shall provide notice of the selection of a nominee to the secretary of state no later than five business days after the second party primary election.

Proposed law provides instead that, if as the result of the death of a party primary candidate, a recognized political party has no party nominee qualified for the general election, the recognized political party in the manner provided in its bylaws shall select the party nominee who shall meet all of the qualifications for the party primary office. Requires the chairman of the party's state central committee to transmit an attestation to the secretary of state containing the name of the party nominee, the signature of the chairman, the signature of the party nominee, and any other information required on the form prescribed by the secretary of state. Requires the attestation to be filed as soon as possible, but no later than noon on the seventh day prior to the general election day. Provides that if the attestation is received

by 4:30 pm on the seventh day after the close of the qualifying period for nonparty primary offices for the fall election, the secretary of state shall print the name of the selected party nominee on the ballot. Provides that if the attestation is filed, but the name of the selected party nominee is not placed on the ballot, there shall be a notice regarding the selected party nominee posted at each polling place and on the website of the secretary of state. Specifies that if the selected party nominee's name is not placed on the ballot, all votes cast for the party's deceased candidate shall be attributed to the selected party nominee. Further provides that if the party nominee dies after noon on the seventh day prior to general election day, there shall be no selected party nominee and no attestation shall be filed with or accepted by the secretary of state. Requires that all votes cast for the deceased party nominee shall be counted and if the deceased party nominee obtains the most votes cast for the party primary office in the general election, a vacancy in the party primary office shall be declared.

Present law provides that party primary election shall be held in March. Proposed law provides instead that party primary elections shall be held on the spring election dates established in present and proposed law.(R.S. 18:402).

Present law provides relative to the opening of the qualifying period for candidates in a primary election.

Proposed law changes the opening of qualifying for the fall primary election in a congressional election year from the third Wed. in July to the last Wed. in July. Further provides that the qualifying period for candidates for party primary office to be elected in the gubernatorial election year and both the nonpresidential congressional year and the presidential and congressional year is the qualifying period for the spring primary election occurring in that particular year. Specifies that the opening of qualifying for candidates for party primary office that qualify directly for the general election is the same as those in the party primary election in the spring of the election year.

Present law provides that if the date of a primary election is advanced pursuant to present law the qualifying period for candidates in the primary election shall be advanced the same number of weeks as the primary election. Proposed law repeals present law.

Present law provides that relative to bond, debt, tax, and other proposition elections that are subject to the approval by the State Bond Commission, requires that the notice of the election that is required to be published once a week for four consecutive weeks and the certificate of approval of the proposition from the State Bond Commission be submitted to the sec. of state no later than the 54th day prior to the election, if the election is not held on a primary election date. Proposed law changes this deadline to the 61st day prior to the election.

Present law provides for the conduct of early voting prior to each election and sets forth the time period for conducting early voting to be from the 14th day to the seventh day prior to any scheduled election, but for the presidential election, provides that the period for conducting early voting shall be from the 18th day to the seventh day prior to the presidential election.

Proposed law changes the period for conducting early voting to the 17th day to the 10th day prior to any scheduled election and for the presidential election to the 20th day to the 10th day prior to the election and otherwise maintains present law.

Present law provides for contests of elections and authorizes a candidate who alleges that, except for substantial irregularities or error, or except for fraud or other unlawful activities in the conduct of the election, he would have qualified for a general election or would have been elected to bring an action contesting the election. Further sets forth procedures and remedies.

Proposed law further authorizes a candidate who alleges that, except for substantial irregularities or error, or except for fraud or other unlawful activities in the conduct of the election, he would have qualified for a second party primary to bring an action contesting the election in the same manner and with same remedies as provided in present law for such election contests.

Present law provides relative to the Campaign Finance Disclosure Act (CFDA) and provides for definitions, required disclosure reports, contribution limits, and other prohibitions and limitations.

Proposed law includes in the definition of "candidate" a selected party nominee who takes the place of a deceased party nominee, includes "party primary" in the definition of "election" and removes language specifying that a primary and a general election constitute one election for the purposes of the CFDA; specifies that unless the context clearly indicates otherwise that "primary election" means any type of primary election, including a party primary election and a second party primary election; and defines "nonparty primary candidate" as a candidate for a party primary office who qualified for the general election in the manner provided by present law for candidates not affiliated with either of the two recognized political parties with the most affiliated voters.

Present law provides a schedule for reporting including: (1) for major office candidates and participating political committees – no later than the 180th day prior to the primary election, which shall be complete through the 190th day prior to the primary election; (2) for major office candidates and participating political committees – no later than the 90th day prior to the primary election, which shall be complete through the 100th day prior to the primary election; (3) for all candidates and participating political committees – no later than the 30th day prior to the primary election, which shall be complete through the 40th day prior to the primary election; (4) for all candidates and participating political committees – no later than the 10th day prior to the primary election which shall be complete through the 20th day prior to the primary election; (5) for all candidates and participating political committees – no later than the 10th day prior to the general election, which shall be complete through the 20th day prior to the general election; (6) for candidates in a general election and participating political committees – no later than the 40th day after the general election, which shall be complete through the 30th day after the general election. Present law additionally requires special reports during the period beginning at midnight of the twentieth day prior to a primary and a general election and extending through midnight of a primary and general election day for contributions received in excess of specified amounts (\$1,000 for major office; \$500 for district office; and \$250 for any other office) or certain specified expenditures in excess of \$200 which are due no later than two business days after such transaction. Present law also requires certain supplemental reports to be filed annually in the case of candidates and committees with a deficit and provides that such reports are due no later than Feb. 15 of each year, complete through the preceding Dec. 31. Present law further provides for annual reports for candidates and committees who have received contributions, made expenditures, or received or made loans during the reporting period and provides that such reports are due no later than Feb. 15 of each year, complete through the preceding Dec. 31.

Proposed law retains present law but excludes candidates for party primary office from the 180th day prior to the primary election and the 90th day prior to the primary election reporting requirements. Provides that those candidates and participating committees and other participating persons file reports on (1) the 30th day prior to the primary election, which shall be complete through the 40th day prior to the primary election; (2) the 10th day prior to the primary election which shall be complete through the 20th day prior to the primary election; (3) if a second party primary is held, the 10th day prior to the second party primary election which shall be complete through the 20th day prior to the second party primary election; (4) the 90th day prior to the general election for a party primary office, which shall be complete through the 100th day prior to the general election (specifies that this shall be the final report for the election for any candidate or committee which does not

participate in the general election for party primary office, unless supplemental reports are required); (5) the 30th day before the general election for a party primary election, which shall be complete through the 40th day prior to the general; and (6) pursuant to present law those reports required by present law (see (5) and (6) above) prior to and after the general election. Proposed law further specifies that the special reports for certain specified contributions or expenditures apply during the period beginning at midnight of the 20th day prior to a second party primary extending through midnight of the second party primary election day are due no later than two business days after such transaction.

Present law relative to the application of contribution limits provides that a primary election and a general election shall constitute two separate elections.

Proposed law retains present law but specifies that for a party primary office, a primary, a second party primary, and a general election shall constitute three separate elections. Specifies that for candidates for a party primary office and committees that participate in a second party primary, the reporting period for the second party primary election shall be deemed to begin the day following the primary election. Clarifies that for candidates and committees that participate in a general election, the reporting period for the general election shall be deemed to begin the day following the primary election at which the candidate qualified for the general election, except that for a nonparty candidate for a party primary office, provides that the reporting period for the general election shall be deemed to begin the day the candidate became a candidate for a party primary office.

Present law (Section 2 of Act No. 1 of the 2024 1st E.S. of 2024) provides that Act No. 1 of the 2024 1st E.S. becomes effective on January 1, 2026. Proposed law provides instead that Act No. 1 of the 2024 1st E.S. becomes effective solely for the purposes of qualifying for elections in 2026 and for other activities and requirements related to the conduct of elections in 2026, on August 1, 2025, and for all other purposes on January 1, 2026.

Proposed law directs the La. State Law Institute in specified provisions of present law to change citation references to remove a citation that proposed law repeals.

Effective solely for the purposes of qualifying for elections in 2026 and for other activities and requirements related to the conduct of elections in 2026, on August 1, 2025, and for all other purposes on January 1, 2026.

(Amends R.S. 18:44(A) and (B)(5)(b), 58(B)(2), 192(A)(1)(a), 402, 410.6, 410.7(A) and (C), 410.10, 467, 1285(B)(1)(a), 1309(A)(1)(a)(i) and (M)(1)(a), 1401(B), 1406(B), 1407, 1409(B)(1) and (2), 1432(A)(1), 1483(8), 1491.6(B)(1), (2), and (4) and (C)(intro. para.), 1495.4(B)(1), (2), and (4) and (C)(intro. para.), 1501.1(C)(intro. para.), and 1505.2(H)(3)(a), and §2 of Act No. 1 of the 2024 1st E.S. of 2024; Adds R.S. 18:1483(3)(a)(iii), (21), and (22); Repeals R.S. 18:467.1)