

**CITY OF NEW ORLEANS
CHIEF ADMINISTRATIVE OFFICE**

POLICY MEMORANDUM NO. 90(R)

September 18, 2012

TO: All Departments, Boards, Agencies, and Commissions

FROM: Andrew D. Kopplin, First Deputy Mayor/Chief Administrative Officer

SUBJECT: PROCEDURE FOR CALLING AN ELECTION

1. PURPOSE.

The purpose of this policy memorandum is to publish the procedures and division of responsibilities used for calling a municipal election.

This policy memorandum will describe the procedures to be followed to carry out the City's legal responsibilities for calling local elections. This policy is not intended to include all information pertinent to the election process. Those responsible for any aspects of the election process should refer to Title 18 of the Louisiana Revised Statutes and seek appropriate advice as deemed necessary. This policy does not include information on the procedures used by other independent public entities when elections are called by such public agencies.

2. OVERVIEW.

Under the provisions of Title 18 of the Louisiana Revised Statutes, the City Council, as the parish governing authority, is legally responsible for calling any elections of a parochial or municipal nature in Orleans Parish.

LSA-R.S. 18:1283 grants parish governing authorities the power to call elections which require voter approval as a prerequisite to the issuance of bonds, levying or increasing of any tax, or the assumption of any indebtedness by the political subdivision.

LSA-R.S. 18-602(D) also grants parish governing authorities the power to call special elections to fill vacancies in certain municipal offices when the unexpired terms exceeds one year.

3. ORDINANCES CALLING AN ELECTION.

- A. When either the City Administration and/or the City Council decide(s) to call an election, the pertinent information is given to the City Attorney's Office. The Law Department is responsible for writing the ordinance calling the election. The language to be

included in the ordinance is the same terminology which will appear in the ballot on Election Day. The ordinance can be introduced at one City Council meeting and voted on at the next Council meeting.

- B. The ballot language proposition elections shall not exceed four hundred (400) words in length. Reference: LSA-R.S. 18:1299-1.1.

4. NOTICE OF ELECTION DEADLINES.

- A. All notices of elections shall be done in accordance with LSA-R.S. 18:1285, et seq.
- B. Copies of the ordinance calling the election shall be transmitted to the Secretary of State, the Commissioner of Elections and Registration, the Clerks of Civil and Criminal Courts, The Registrar of Voters, and the Board of Supervisors Elections. If the election is for a bond, debt or tax issue, then a copy of the ordinance is also sent to the State Bond Commission and the Board of Liquidation. The City Attorney's Office shall coordinate these mailings in conjunction with Clerk of Council to ensure that all election notices are filed in accordance with law. Reference: LSA-R.S. 18:1285 and LSA-R.S. 47:1803 and 1804.
- C. If the election is to be held on a primary election date, the ordinance shall be received by the appropriate officials on or before the last date given for candidates to qualify for that primary election.

If the election is not to be held on a primary election date, then the ordinance should be received on or before the forty-sixth (46th) day prior to the election.

If the Secretary of State does not receive the ordinance calling the election within the prescribed deadlines the election cannot be held. Reference: 18:1285.

- D. Ordinances calling elections to amend the City Charter must be adopted at least ninety (90) days before the election. Reference: City Charter Section 9-201.
- E. Ordinances calling elections must also be pre-cleared with the Department of Justice, preferable sixty (60) days prior to the date of the election. This deadline is not strictly mandated by law because the state law prescribes various pre-election deadlines for filing election notes, advertising and qualifying for candidates. Under federal law, the Department of Justice is obliged to give an approval or response within sixty (60) days of receipt. Justice can declare an election to be null and void, if it determines that the procedures for holding an election are discriminatory. Therefore it

is prudent, though not mandatory, for the City Council to adopt an ordinance calling an election date. Submissions filled for Department of Justice pre-clearance are the responsibility of the Law Department in coordination with Council Research.

- F. Once the ordinance is adopted and signed by the Mayor, the Office of the Clerk of Council shall publish a notice of the election, in the official journal. The notice shall embrace substantially all matters required to be set forth in the ordinance calling the election, including a list of precincts where the proposition will be voted on and an indication for each precinct as to whether or not all registered voters in the precinct will be eligible to vote on the proposition, unless the proposition is to be voted on parish-wide.
- G. The notice calling the election shall be published by the Council Clerk's Office on four consecutive Wednesdays, the first advertisement to appear not less than forty-five (45) days nor more than (90) days prior to the date of the election. For Charter change elections, the official notices must be published on four consecutive Wednesdays, with first advertisement to appear not less than sixty (60) days prior to the scheduled election. Reference: City Charter, Section 9-202.

5. GENERAL PROVISIONS.

- A. Whenever the City Council calls a bond, debt, or tax election and there are no candidates on the ballot, the Council has the option of reducing the number of commissioners to serve in each precinct to not less than two commissioners. If the Council chooses to exercise this option, a Council resolution must be adopted and submitted to the Parish Board of Election Supervisors no later than twenty-one (21) days prior to such election. Reference: LSA-R.S. 18:1286.
- B. Once an election is officially called, the Council Clerk's Office is responsible for publishing the list of polling places in the City's official journal. Any changes in polling places must be advertised on the Wednesday prior to the election. The Parish Board of Election Supervisors is legally responsible for publishing polling places three (3) weeks before an election. Lists of current polling locations are provided to these agencies by the Clerk of Criminal District Court. Reference: LSA-R.S. 18:535.
- C. Election results, giving the vote tabulation, are presented in a motion prepared by the Clerk of Council and submitted to the City Council for adoption.

- D. Within ten (10} days after the adoption of the motion, the Council Clerk shall place the minutes, or excerpts of the minutes, of the Council's adoption of the motion, in the official journal.
- E. Concurrent with advertisement in the official journal, the Council Clerk shall submit a copy of the minutes to the Law Department, which shall prepare an affidavit for the Clerk's signature with minutes attached. The City Attorney then files the process verbal in the Mortgage Office and sends a certified copy to the Secretary of State.

6. AD HOC ELECTION COMMITTEE

A number of public agencies are responsible for various aspects of the election process. Representatives of these agencies form an Ad Hoc Election Committee which meets as needed to ensure that all Orleans Parish election responsibilities are coordinated and carried out as required by law. The following is a listing of those public agencies and a brief description of some of their duties for elections. Each agency can be contacted for a detailed explanation of their responsibilities.

A. The Parish Board of Election Supervisors.

This Board supervises the preparation for and the conduct of, all elections held in the parish. These duties include, but are not limited to, the certification of election commissioners, the appointment of watchers, the tabulation of absentee ballots, compilation of official tabulation of all votes cast in election and submission to the Secretary of State. This Board also maintains the Election Manual as published by the State Board of Election Supervisors.

B. The Clerk of Criminal District Court.

This Clerk of Court is the ex-officio parish custodian of voting machines, and assists the Commissioner of Elections and Registration in the performance of his functions within the parish. These duties include, but are not limited to, providing courses of instruction for election commissioners, the placement, maintenance, and security of voting machines within the parish, administration of qualifying periods for candidates, recordation of total votes, and retention of election records. This office also provides an unofficial tabulation of votes on election night. Three (3} days after an election, this office opens the machines and provides for the official machine counts to the Board of Supervisors for tabulation. Through a contractual agreement, this office is also in charge of locating polling places for the City Council, which is legally responsible for this function.

C. Registrar of Voters.

The Registrar is responsible for voter registration, and the management of attendant records and files. The Registrar also conducts absentee voting, accepts petitions for elections, conducts special programs for physically disabled voters and those confined to nursing homes; and transfers all absentee ballots to the Parish Board of Election Supervisors for tabulation.

D. The Clerk of Council.

The Clerk is responsible for handling all Council legislation attendants with elections, the placement of all required notices in the official journal, submission of the election notices to the appropriate agencies, and the recordation of vote tabulations.

E. Council Research.

This agency is responsible for maintaining polling locations, ensuring that all poll locations are accessible to the handicapped, and maintaining precinct boundaries. Additionally, this agency coordinates Justice Department pre-clearance. This office keeps copies of current year election schedules which are available for distribution. The City ward and precinct maps are also available from Council Research.

F. Law Department.

This office provides legal oversight to ensure that all City election responsibilities are carried out in compliance with applicable law. The Law Department also provides legal counsel on Election Day.

G. The Attorney General's Office.

This office provides legal representation for the Board of Supervisors, the Clerk of Court and the Registrar of Voters. This office also renders opinions pertaining to Title 18 of the Revised Statutes and provides legal counsel on Election Day.

H. Chief Administrative Office.

This office administers the budget for the payment of election expenses in accordance with Chapter 8-A of Title 18 of the Revised Statute.

7. INQUIRIES.

Any questions concerning this policy should be addressed to the Law Department or to the appropriate agency responsible for a particular function.

Andrew D. Kopplin
First Deputy Mayor/Chief Administrative Officer

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