

DEPARTMENT OF STATE
ELECTIONS DIVISION



PERFORMANCE AUDIT
ISSUED APRIL 20, 2011

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LOUISIANA LEGISLATIVE AUDITOR
DARYL G. PURPERA, CPA, CFE

April 20, 2011

The Honorable Joel T. Chaisson, II,
President of the Senate
The Honorable Jim Tucker,
Speaker of the House of Representatives

Dear Senator Chaisson and Representative Tucker:

This report provides the results of our performance audit of the Elections Division at the Department of State (DOS).

The report contains our findings, conclusions, and recommendations. Appendix A contains the DOS response to this report. Appendix B contains the scope and methodology of this report. I hope this report will benefit you in your legislative decision-making process.

We would like to express our appreciation to the management and staff of the DOS for their assistance during this audit.

Sincerely,

A handwritten signature in blue ink that reads "Daryl G. Purpera". The signature is fluid and cursive, with the first letters of the first and last names being capitalized and prominent.

Daryl G. Purpera, CPA, CFE
Legislative Auditor

DGP/kg

DOS 2011

Office of Legislative Auditor

Daryl G. Purpera, CPA, CFE, Legislative Auditor



Department of State, Elections Program
Special Elections

April 2011

Audit Control # 40100017

Executive Summary

Louisiana conducted 32 state-issue special elections between 2005 and 2010 at a total cost of \$1,058,641, more than many other southern states. Because Louisiana had the highest number of special elections, we focused the audit on the following objective:

Would reducing the number of special elections save the state money?

Reducing the number of special elections held in Louisiana would result in both direct and indirect cost savings for the state and local governments.

- We calculated the cost savings for combining four of the 32 stand-alone special elections held between 2005 and 2010 with regularly scheduled election dates and found the direct cost savings ranged from approximately \$12,000 to \$137,000 per election.
- In addition to direct cost-savings potential, there is indirect cost-savings potential in reducing overtime pay for Registrar of Voters employees, compensatory time to DOS employees, and mail costs.

Revising Louisiana law to be similar to other states would reduce or eliminate special elections.

- Unlike Louisiana, other states allow legislative vacancies to be filled with temporary appointments, eliminating the need for stand-alone special elections. If Louisiana allowed temporary appointments, all special elections from 2005 to 2010 would have been eliminated.
- Unlike Louisiana, other states also restrict how close a special election can be held to a regular election date, reducing the need for stand-alone special elections. If Louisiana established time frame restrictions, five special elections would have been eliminated from 2005 to 2010.

- To eliminate or reduce stand-alone special elections and their associated costs in the future, the Legislature may wish to consider the following options:
 - Pursue an amendment to the Louisiana Constitution to allow temporary appointments to fill legislative vacancies.
 - Change election law to restrict how close a special election can be held to a regular election date.

Background

Secretary of State’s responsibilities regarding special elections. Article 4, Section 7 of the Louisiana Constitution establishes the powers and duties for the Secretary of State (DOS). Section 7 identifies DOS as the chief election officer of the state. As chief election officer, the DOS prepares and certifies the ballots for all elections, promulgates all election returns, and administers the election laws, including laws relating to the custody of voting machines and voter registration. DOS is also responsible for the administration of and the costs associated with all state-issue special elections. A special election is defined as an election to fill a newly created office or a vacancy in an existing office. DOS has no control over the number of special elections the state holds. Instead, different elected officials call special elections depending on the office that is created or made vacant. Exhibit 1 summarizes the special election responsibilities for Louisiana state offices as outlined in state law.

Exhibit 1 Special Election Responsibilities in Louisiana		
Type of vacancy	Who calls Special Election?	When is it held?
Multi-parish Elected Offices		
Legislator	The Presiding Officer of the house in which the vacancy occurs. There must be six months or more of the prior legislator’s term still unexpired for the presiding officer to call a special election.	To be chosen by Presiding Officer of the house in which the vacancy occurs with no restrictions or specific guidance.
Judgeship	The Governor. There must be more than 12 months of the judge's term remaining unexpired for the Governor to call a special election.	The Governor is to use the dates set forth in R.S. 18:402,* and shall first choose a gubernatorial or congressional election date, if available. If no such date is available during the constitutionally prescribed time period, the Governor is to use R.S. 18:402 to select another date
State Boards and Commissions (Elective Members)	The Governor first appoints a qualified person to hold the vacancy; if the unexpired term is one year or less the appointee serves the remainder of the term. If the unexpired term is greater than one year, the Governor chooses the dates of the election and qualifying period, and issues a proclamation containing such information.	The Governor shall select a date in accordance with R.S. 18:402.
U.S. Representative	The Governor chooses the dates of the election and qualifying period, and issues a proclamation containing such information.	To be chosen by the Governor with no restrictions or specific guidance.
Statewide Elected Offices		
U.S. Senator	The Governor first appoints a qualified person to hold the vacancy; if the unexpired term is one year or less the appointee serves the remainder of the term. If the unexpired term is greater than	The Governor chooses the dates of the primary and general special elections in accordance with R.S. 18:402.

Exhibit 1 Special Election Responsibilities in Louisiana		
Type of vacancy	Who calls Special Election?	When is it held?
	one year, the Governor chooses the dates of the election and qualifying period, and issues a proclamation containing such information.	
Vacancies in Statewide Elective Offices (Except Governor and Lt. Governor)	A vacancy in a statewide elective office, except Governor and Lieutenant Governor, shall be filled by the first assistant. If the unexpired term exceeds one year, the office shall be filled by election at the next regularly scheduled congressional or statewide elections; however, if no such election date is available within one year of the vacancy, the office shall be filled by election at a special election called by the Governor.	To be chosen by the Governor with no restrictions or specific guidance.
Governor's Office	A vacancy in the Governor's Office is not filled through special election.	
Lieutenant Governor	If a vacancy occurs in the office of the Lieutenant Governor, the Governor shall nominate a Lieutenant Governor, who shall take office upon confirmation by a majority vote of the elected members of each chamber of the Legislature. If the unexpired term exceeds one year, the office shall be filled by election at the next regularly scheduled congressional or statewide elections; however, if no such election date is available within one year of the vacancy, the office shall be filled by election at a special election called by the Governor.	To be chosen by the Governor with no restrictions or specific guidance.
<p>* R.S. 18:402 establishes dates on which state and local officials can hold certain types of elections. Source: Prepared by legislative auditor's staff using information from House Bill 1 of the 2010 Regular Session.</p>		

Number of special elections compared to other states. Louisiana conducted 32 state-issue special elections between 2005 and 2010. We compared the number of state-issue special elections in Louisiana to other southern states and found that Louisiana conducted more than any other state in our selection. Exhibit 2 shows the number of state-issue special elections held in Louisiana and other southern states.

Exhibit 2	
Number of Special Election Days 2005 - 2010	
State	Total State - Issue Special Election Days*
Louisiana	32
Florida	26
Georgia	22
Alabama	19
Tennessee	16
Virginia	15
Texas	15
Arkansas	8
Kentucky	5
West Virginia	2
South Carolina	0
North Carolina	0
<p>* To get this number, we counted both primary and general special election days (even those that occurred in conjunction with previously scheduled election dates).</p> <p>Source: Prepared by legislative auditor's staff using information from various states' elections Web sites.</p>	

As the exhibit shows, Louisiana conducted the most special elections between 2005 and 2010 among the 12 state election entities we examined. Because Louisiana had the highest number of special elections, we chose to focus the audit on the potential cost savings in reducing the number of special elections held in Louisiana. All of the Louisiana special elections during this time frame were held to fill legislative vacancies, so our cost-savings analysis on the following page only addresses special elections to fill legislative vacancies. However, the findings and recommendations in this report could apply to any Louisiana elected office.

The 32 special elections held in Louisiana between 2005 and 2010 cost the state \$1,057,641.¹ State expenses associated with special elections include the following:

Exhibit 3	
Breakdown of Stand-Alone Special Election Costs	
2005 - 2010	
Cost Category	Cost
Board of Election Supervisors	\$28,767.49
Clerk of Court	207,794.40
Commissioner/Custodian	624,971.61
Drayage	95,934.87
Machine Setup	20,830.00
Precinct Rental	17,025.00
Registrar	11,059.28
Ballots/Supplies	28,118.71
Miscellaneous Expense	23,140.06
Grand Total	\$1,057,641.42
Source: Prepared by legislative auditor's staff using information provided by DOS.	

¹ This number represents the cost of stand-alone special election dates. There were additional special elections that were held in conjunction with regular election dates, but we were unable to determine the specific costs associated with special elections on those dates.

Would reducing the number of special elections save the state money?

Reducing the number of special elections held in Louisiana would save both the state and local governments money. We calculated the cost savings for combining 4 of the 32 stand-alone special elections held between 2005 and 2010 with regularly scheduled election dates and found the direct cost savings to state and local governments ranged from approximately \$12,000 to \$137,000 per election.

Louisiana holds more stand-alone special elections than other southern states because Louisiana law does not allow for temporary appointments to fill legislative vacancies nor does it restrict how close a special election can be held to a regular election date. Other states allow legislative vacancies to be filled with temporary appointments and in some cases restrict how close a special election can be held to a regular election date, thus eliminating the need for stand-alone special elections. If the Legislature adopted laws similar to other states, all stand-alone special elections held between 2005 and 2010 could have been eliminated or reduced, resulting in cost savings.

Reducing the number of special elections held in Louisiana would result in both direct and indirect cost savings for the state and local governments. To show how the reduction of Louisiana special elections could result in cost savings, we chose four different stand-alone special elections that occurred between 2005 and 2010. We then calculated the savings resulting from holding these special elections in conjunction with previously-scheduled general election dates.² Exhibit 4 summarizes this information.

Exhibit 4				
Cost Savings Estimates Through Combining With Selected Elections Held Between 2005 and 2010				
Election	Election Type Moved to	State Savings	Local Savings	Total Savings
House District 1	Spring Municipal	\$3,333.90	\$8,732.45	\$12,066.35
House District 40	Fall Municipal	11,272.65	34,210.09	45,482.74
Senate District 20	Fall Municipal	44,095.13	93,237.49	137,332.62
House District 63	Fall Statewide	54,340.59	1,202.05	55,542.64
Source: Prepared by legislative auditor's staff using information obtained from the Louisiana Secretary of State.				

As Exhibit 4 shows, the amount of savings for state and local governments is dependent upon the type of regular election that the special election was moved to and the resulting change in the cost-sharing formula.³ State government realizes more savings if the special election is moved to a state regular election. Local government realizes more savings if the special election is moved to a municipal regular election (although the state still realizes some savings in this scenario).

² We chose only four because of to time constraints and the complexity of the analysis, but it should be noted that the state would realize cost savings for every stand-alone special election date eliminated.

³ The cost-sharing formula is used to determine election cost responsibilities between the state and local governments entities. The cost share is calculated on a precinct-by-precinct basis and is dependent on the number of state and local issues on the ballot.

In addition to the direct cost-savings potential identified in Exhibit 4, there is cost-savings potential in eliminating the indirect costs associated with conducting election dates. Examples of indirect cost-savings include the following:

- **Overtime pay for Registrar of Voters (ROV) employees:** For example, House District 40 and Senate District 20 special elections were held the same two days in 2009; DOS paid more than \$16,000 in overtime to ROV employees for those two elections.
- **Compensatory time to DOS employees:** DOS employees earn compensatory time rather than being paid overtime. For the same two elections in the first bullet, DOS employees earned over 900 hours of compensatory time (valued by DOS at over \$20,000).
- **Mail costs:** Because DOS does not use direct deposit to pay temporary election employees, an election day can result in as many as 600 checks being mailed by DOS at a cost of approximately \$300.

If Louisiana law allowed legislative vacancies to be filled with temporary appointments, all special elections held between 2005 and 2010 could have been eliminated. Article 3, Section 4(D) of the Louisiana Constitution provides that a vacancy in the legislature be filled for the remainder of the term by election only, unless the vacancy is created by a call to military duty. According to legislators, special elections are scheduled in order to provide the public with representation as soon as possible. Other states address legislative vacancies through temporary appointments until the vacancy can be filled on the next regular election date. Exhibit 5 summarizes how three other states use appointments to fill legislative vacancies.

Exhibit 5	
Appointment Mechanisms Used by Selected Other States	
State	Appointment Mechanism
Ohio	Members of either the state House or Senate, who are affiliated with the same political party as the person last elected whose seat has become vacant, elect someone to fill the vacancy. This person either serves the remainder of the term or until the next regular election.
North Carolina	The Governor appoints, for the remainder of the term, an individual recommended by the political party that controlled the seat before the vacancy.
West Virginia	The Governor appoints an individual to fill the vacant seat to either serve the remainder of the term or until the next regular election.
Source: Prepared by legislative auditor's staff using information obtained from state election entity's Web site in each state.	

We applied the appointment mechanisms from each of these states to Louisiana special elections held between 2005 and 2010 and found that all stand-alone special elections would have been eliminated. Appendix C provides more detail on how other states address legislative vacancies and which elections would have been eliminated had those states' laws been in place in Louisiana between 2005 and 2010.

If Louisiana special election law restricted how close a special election could be held to a regular election date, special elections held between 2005 and 2010 would have been reduced. Only one restriction exists regarding when special elections to fill legislative vacancies can be held. If less than six months remain in the legislator's term, then a special election is not held. Other Louisiana elected offices have more significant restrictions on the calling of special elections. For example, the Governor must choose the date of either a gubernatorial or congressional election to fill a vacancy for a judgeship. Vacancies in local elected office can only be filled by special election if more than a year remains in the term. Because Louisiana law does not provide time frame restrictions, many of the special elections held between 2005 and 2010 were held in close proximity to a regularly scheduled election. Exhibit 6 summarizes the days between election dates for all the legislative vacancies that occurred between 2005 and 2010.⁴

Exhibit 6			
Length of Time Between Special and Regular Elections			
Held From 2005 to 2010 in Louisiana			
Vacant Office	Date of Special Election⁵	Date of Regularly Scheduled Election Date	Days Between Those Dates
2005			
House #96*	1/29/2005	4/2/2005	62 days
House #29*	3/5/2005	4/2/2005	27 days
House #66*	3/5/2005	4/2/2005	27 days
Senate #3	5/21/2005	10/15/2005	146 days
Senate #6*	6/4/2005	10/15/2005	132 days
House #87	7/9/2005	10/15/2005	97 days
2007			
House #1	2/24/2007	3/31/2007	34 days
House #4*	2/24/2007	3/31/2007	34 days
House #40	2/24/2007	3/31/2007	34 days
House #94*	3/10/2007	3/31/2007	20 days
2009			
Senate #16*	3/7/2009	4/4/2009	27 days
Senate #20*	8/1/2009	10/17/2009	76 days

⁴ Four of the legislative vacancies that occurred during this time period are not included in Exhibit 6. Three legislative vacancies had special elections that coincided with regular election dates (Senate Districts 24 and 5 and House District 97). One legislative vacancy was filled when a candidate ran unopposed and therefore did not require an election (House District 36).

⁵ The "Date of Special Election" column in Exhibit 6 shows the dates of special election primaries. A special election cycle usually requires both a special primary and special general election. Special general election dates typically are held approximately one month after the special primary and could therefore be held in conjunction with the corresponding regularly scheduled general election date.

Exhibit 6			
Length of Time Between Special and Regular Elections			
Held From 2005 to 2010 in Louisiana			
Vacant Office	Date of Special Election⁵	Date of Regularly Scheduled Election Date	Days Between Those Dates
House #40*	8/1/2009	10/17/2009	76 days
2010			
House #63*	5/1/2010	10/2/2010	153 days
House #93*	5/1/2010	10/2/2010	153 days
* Special elections that were not decided in the primary and required a general election date.			
Source: Prepared by legislative auditor's staff using information obtained from the DOS Web site.			

As the exhibit shows, special elections were held between 20 and 153 days before a regularly scheduled election. Some states restrict how close a special election to fill a legislative vacancy can be held to a regular election. For example, in Delaware, if a vacancy occurs before June 30, a special election is scheduled. However, if a vacancy occurs after June 30, a special election is scheduled on the same date as a regular primary or general election. In Connecticut, if the legislative vacancy occurs between 125 days before a regular state or 49 days before a municipal election in November, the special election is scheduled on the same date as the regular state or municipal election.

We applied the time frame restriction from Delaware to Louisiana special elections held between 2005 and 2010 and found that five stand-alone special elections would have been eliminated. Appendix C provides more detail on how other states address legislative vacancies and which elections would have been eliminated had those states' laws been in place in Louisiana between 2005 and 2010.

Matter for Legislative Consideration

The Legislature may wish to consider various options to reduce the number of special elections and thus reduce costs. These options may include the following:

- **Option 1:** The legislature may wish to amend election law to place restrictions on how close a special election can be held to a regularly scheduled election date.
- **Option 2:** The legislature may wish to amend the Louisiana Constitution to allow appointments to fill legislative vacancies, along with amending special election law based on how other states handle them. Amending special election law could reduce the number of elections, and allowing temporary appointments would provide representation until a permanent replacement could be elected.

APPENDIX A: MANAGEMENT'S RESPONSE



TOM SCHEDLER
SECRETARY OF STATE

Secretary of State
State of Louisiana

P.O. Box 94125
BATON ROUGE, LA 70804-9125
www.sos.louisiana.gov

April 4, 2011

Mr. Daryl Purpera, CPA, CFE
Legislative Auditor
Post Office Box 94397
Baton Rouge, LA 70804-9397

Dear Mr. Purpera:

I would like to thank you and your staff for conducting a review of the Department of State's Elections Program and providing your analysis of potential cost savings related to reducing the number of special elections held in Louisiana. As the state's chief election officer, it is incumbent on me to ensure the state's election laws are administered efficiently and effectively and to maintain an election system that instills public confidence in the state's electoral process. In doing so, we continually strive to minimize election related expenses for state and local government and are appreciative of your efforts to identify opportunities which may reduce election costs.

I have already prepared a Constitutional Amendment for introduction in this year's Regular Session and I am currently looking for an author.

We look forward to working with the Legislature as they consider the potential cost saving measures discussed in your report.

With best regards, I am

Very truly yours,

A handwritten signature in black ink, appearing to read "Tom Schedler".

Tom Schedler
Secretary of State

DD: Tim Palmatier
Kyle Ardoin
Angie Rogers
Tammy Starnes

APPENDIX B: SCOPE AND METHODOLOGY

R.S. 24:522 directs the Legislative Auditor to establish a schedule of performance audits to ensure that at least one performance audit is completed and published for each executive department agency within a 7-year period, beginning with the 1998 fiscal year. In accordance with this legislative mandate, we scheduled a performance audit of DOS for fiscal year 2011. Based on the results of our risk assessment, we focused the audit on the DOS Elections Program, and analyzed the cost-savings potential of reducing the number of special elections DOS conducts. To perform this analysis, we performed the following steps:

- Met with DOS officials to discuss cost savings, DOS's accounting system, elections, election costs, and various other issues surrounding the conduct of elections and DOS election responsibilities.
- Interviewed officials in Louisiana and other states to gather information on the negative consequences of restricting the calling of special elections.
- Used the DOS Web site to get the number of elections held in Louisiana from 2005 - 2010 and used other states' elections Web sites to get the number of elections held in other states from 2005 - 2010.
- Used Westlaw to obtain information related to Louisiana election law and other states' election law.
- Applied other states' special election law to Louisiana special elections held since 2005 to determine if it would result in a reduction of the number of stand-alone special election dates.
- Obtained actual cost information for a selection of special elections from 2005 - 2010 from DOS officials.
- Combined a selection of special elections (4) from 2005--2010 with previously scheduled general election dates from the same time period. We chose the following four elections to get coverage of all different scenarios:
 - House Districts 1 and 40: Special elections to fill House vacancies held in conjunction with spring and fall municipal elections.
 - Senate District 20: Special election to fill Senate vacancy held in conjunction with fall municipal election.
 - House District 63: Special election to fill House vacancy held in conjunction with fall statewide general election.

- Compared the estimated costs of those hypothetical elections with the actual costs from the same time period, to estimate potential cost savings. We did not analyze potential cost savings for consolidating every special election held since 2005 because of time considerations and the complexity of conducting these analyses. Also, there were no special elections held in 2006 and 2008, and reliable cost data for 2005 was not readily available.

We conducted this performance audit in accordance with generally accepted government auditing standards issued by the Comptroller General of the United States. Those standards require that we plan and perform the audit to obtain sufficient, appropriate evidence to provide reasonable basis for our findings and conclusions based on our audit objectives. We believe the evidence obtained provides a reasonable basis for our findings and conclusions based on our audit objectives.

APPENDIX C: SPECIAL ELECTION LAWS OF OTHER STATES

In the Ohio state legislature, representatives serve two-year terms and senators serve four-year terms. According to Ohio's constitution, when a vacancy occurs in either chamber, the chamber with the vacant seat fills the vacancy by holding an election. Only legislators that have an affiliation with the same political party as the individual that last held the vacated seat participate in the election. In most instances, the winner of the election completes the term. However, if the vacancy occurs within the first 20 months of a senatorial term, the elected individual only holds the seat until the next general election. Ohio did not hold any special elections to fill legislative vacancies between 2005 and 2010.

Since both chambers of the Louisiana Legislature serve four-year terms, we only applied sections of the Ohio constitutional provision that related to the Ohio state senate. The results of applying the Ohio provision to special elections held in Louisiana between 2005 and 2010 are displayed in the following exhibit.

Exhibit 7		
Application of Ohio's Special Election Law Related to Vacancies in State Legislature		
Year*	Special Elections	Would Applying Ohio's Provision Have Had an Effect?
2005	10**	Each of the special elections would have been held on regularly scheduled primary and general election dates.
2007	7	No special elections would have been held, since the vacancies did not occur within the first 20 months of the term.
2009	10	Each of the special elections would have been held on regularly scheduled primary and general election dates.
2010	5	No special elections would have been held, since the vacancies did not occur within the first 20 months of the term.
*No special elections were held during 2006 or 2008.		
** One legislative vacancy was filled when a candidate ran unopposed and therefore did not require an election (House District #36).		
Source: Compiled by legislative auditor's staff using information furnished by DOS and obtained from the Internet.		

Applying Ohio's special election law would have eliminated all stand-alone special election dates held in Louisiana between 2005 and 2010. The special elections held in 2005 and 2009 would have been moved to regularly scheduled elections dates, while elections held in 2007 and 2010 would have been eliminated altogether.

West Virginia. In the West Virginia state legislature, delegates in the house serve two-year terms and senators serve four-year terms. According to West Virginia statute, when a vacancy occurs in either chamber, the governor appoints an individual to fill the vacant seat. The governor appoints from a list of three qualified individuals submitted by the party executive

committee of the party with which the vacant seat was affiliated. If the vacancy occurs in the House of Delegates, then the appointee serves the remainder of the term. However, if the vacancy occurs in the Senate and there is more than two years and two months remaining in the term, the appointee only serves until the next general election, at which time a replacement will be elected. West Virginia did not hold any special elections to fill legislative vacancies between 2005 and 2010.

Since both chambers of the Louisiana Legislature serve four-year terms, we only applied sections of the West Virginia election statute that related to the West Virginia state senate. The results of applying the West Virginia statute to special elections held in Louisiana between 2005 and 2010 are displayed in the following exhibit.

Exhibit 8 Application of West Virginia’s Special Election Law Related to Vacancies in State Legislature		
Year*	Special Elections	Would Applying West Virginia’s Statute Have Had an Effect?
2005	10**	Each of the stand-alone special elections would have been held on regularly scheduled primary and general election dates.
2007	7	No special elections would have been held. Appointee serves the remainder of term since less than two years and two months remain.
2009	10	Each of the stand-alone special elections would have been held on regularly scheduled primary and general election dates.
2010	5	No special elections would have been held. Appointee serves the remainder of term since less than two years and two months remain.
*No special elections were held during 2006 or 2008. ** One legislative vacancy was filled when a candidate ran unopposed and therefore did not require an election (House District #36). Source: Compiled by legislative auditor’s staff using information furnished by DOS and obtained from the Internet.		

Applying West Virginia’s election statute would have eliminated all stand-alone special elections held in Louisiana between 2005 and 2010. The special elections held in 2005 and 2009 would have instead been moved to regularly scheduled election dates, while elections held in 2007 and 2010 would have been eliminated altogether because they would not have been necessary. The elimination of seven stand-alone elections held between 2005 through 2010 would have resulted in cost savings for both the state and local governments.

North Carolina. In the North Carolina General Assembly, representatives and senators both serve two-year terms. According to the North Carolina constitution, when a vacancy occurs in either chamber, the governor appoints an individual to serve the remainder of the term. The party who controlled the seat before it was vacated recommends the individual who is appointed. North Carolina did not hold any special elections to fill legislative vacancies between 2005 and 2010. The results of applying the North Carolina constitutional provision to special elections held in Louisiana between 2005 and 2010 are displayed in the following exhibit.

Exhibit 9 Application of North Carolina's Special Election Law Related to Vacancies in State Legislature		
Year*	Special Elections	Would Applying North Carolina's Provision Have Had an Effect?
2005	10**	No special elections would have been held. Appointments by the Governor would serve the remainder of the term.
2007	7	No special elections would have been held. Appointments by the Governor serve remainder of the term.
2009	10	No special elections would have been held. Appointments by the Governor serve remainder of the term.
2010	5	No special elections would have been held. Appointments by the Governor serve remainder of the term.
*No special elections were held during 2006 or 2008.		
** One legislative vacancy was filled when a candidate ran unopposed and therefore did not require an election (House District #36).		
Source: Compiled by legislative auditor's staff using information furnished by DOS and obtained from the Internet.		

Applying North Carolina's constitutional provision would have eliminated all stand-alone special elections held in Louisiana between 2005 and 2010. None of the special elections held in 2005, 2007, 2009, and 2010 would have been necessary because an appointment by the Governor would have served the remainder of the vacated terms. Eliminating these special elections would have resulted in cost savings for both the state and local governments.

Delaware. In Delaware, representatives serve two-year terms and senators serve four-year terms. According to Delaware's statute, when a vacancy occurs in either chamber, the presiding officer of the chamber where the vacancy occurred issues a writ of election to hold a special election to fill the vacant seat. The date that the officer sets for the election can not be less than 30 days or more than 35 days after the day of issuing the writ. If a vacancy occurs that would require a special election to be held after June 30th, then the officer issuing the writ sets the date for the election to fill the vacancy on the same date as the next regularly scheduled general election. Delaware held three special elections to fill legislative vacancies between 2005 and 2010. The results of applying Delaware's statute to special elections held in Louisiana between 2005 and 2010 are displayed in the following exhibit.

Exhibit 10 Application of Delaware's Special Election Law Related to Vacancies in State Legislature		
Year*	Special Elections	Would Applying Delaware's Statute Have Had an Effect?
2005	10**	One of the stand-alone special elections would have instead been held on a regularly scheduled primary date occurring after June 30, 2005.
2007	7	None of these special elections were scheduled after June 30, 2007, so the law would not have affected these.
2009	10	Four of the stand-alone special elections would have instead been held on regularly scheduled primary and general election dates occurring after June 30, 2009.

Exhibit 10 Application of Delaware’s Special Election Law Related to Vacancies in State Legislature		
Year*	Special Elections	Would Applying Delaware’s Statute Have Had an Effect?
2010	5	None of these special elections were scheduled after June 30, 2010, so the law would not have affected these.
*No special elections were held during 2006 or 2008. ** One legislative vacancy was filled when a candidate ran unopposed and therefore did not require an election (House District #36). Source: Compiled by legislative auditor’s staff using information furnished by DOS and obtained from the Internet.		

Applying Delaware’s election statute would have eliminated five stand-alone special elections held in Louisiana between 2005 and 2010. These five special elections would have instead been held in conjunction with regularly scheduled elections. Eliminating five stand-alone special elections held between 2005 and 2010 would have resulted in cost savings for both the state and local governments.