
DIGEST

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HB 110 Engrossed

2020 Regular Session

Gregory Miller

Abstract: Relative to elections, provides relative to the notification of a defendant regarding an action objecting to candidacy or contesting an election.

Present law provides for qualifying for elective office and conducting of elections including procedures for objecting to candidacy and contesting an election. Provides that by filing notice of candidacy, a candidate appoints the clerk of court for each parish in which he is to be voted on as his agent for service of process in any action objecting to his candidacy or contesting his election.

Present law provides that if service of process is made on the appointed agent in an action objecting to candidacy or contesting an election, service is made by serving a citation. Requires that a diligent effort be made to make personal service on the defendant at his domiciliary address as shown by his qualifying papers.

Proposed law retains present law.

Present law provides that when service is made on the appointed agent, he shall send notice, together with a copy of the citation, by certified mail, return receipt requested, or by commercial courier when the person to be served is located outside of this state, to addressee only, to the defendant at his domiciliary address as listed in his notice of candidacy. If the appointed agent has reason to believe that the candidate is temporarily absent from his domiciliary address, the agent shall mail a copy of the citation to any place where the candidate temporarily resides.

Proposed law provides instead that when service is made on the appointed agent, he shall immediately notify the defendant by telephone and send notice thereof, together with a copy of the citation, by electronic mail to the address listed on his notice of candidacy. If the defendant did not list an electronic mail address on his notice of candidacy, the appointed agent shall mail a copy of the citation to the defendant at his domiciliary address as listed on his notice of candidacy.

Present law requires that proof of mailing be filed in the proceedings. Proposed law repeals present law.

Effective February 1, 2021.

(Amends R.S. 18:1408)