

2024 Regular Session

HOUSE BILL NO. 664

BY REPRESENTATIVE WYBLE

ELECTIONS: Increases the qualifications for United States senator and representative in congress

1 AN ACT

2 To amend and reenact R.S. 18:463(A)(2)(a)(iii),(iv), and (viii), 492(A)(3) and (4), and 1275,
3 and to enact R.S. 18:492(A)(8), relative to qualifications for United States senator
4 and representative in congress; to increase the qualifications for congressional
5 offices; to provide for the notice of candidacy; to provide for objections to
6 candidacy; to provide for effectiveness; and to provide for related matters.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. R.S. 18:463(A)(2)(a)(iii),(iv), and (viii), 492(A)(3) and (4), and 1275 are
9 hereby amended and reenacted and R.S. 18:492(A)(8) is hereby enacted to read as follows:

10 §463. Notice of candidacy; campaign finance disclosure; political advertising;
11 penalties

12 A.

13 * * *

14 (2)(a) The notice of candidacy also shall include a certificate, signed by the
15 candidate, certifying all of the following:

16 * * *

17 (iii) ~~Except for a candidate for United States senator or representative in~~
18 ~~congress, that~~ That he is not currently under an order of imprisonment for conviction
19 of a felony and that he is not prohibited from qualifying as a candidate for conviction
20 of a felony pursuant to Article I, Section 10.1 of the Constitution of Louisiana.

1 (iv) ~~Except for a candidate for United States senator or representative in~~
2 ~~congress,~~ That for each of the previous five tax years, he has filed his federal and
3 state income tax returns, has filed for an extension of time for filing either his federal
4 or state income tax return or both, or was not required to file either a federal or state
5 income tax return or both.

* * *

7 (viii) ~~Except for a candidate for United States senator or representative in~~
8 ~~congress~~ or a candidate who resides in a nursing home as defined in R.S. 40:2009.2
9 or in a veterans' home operated by the state or federal government, that if he claims
10 a homestead exemption on a residence pursuant to Article VII, Section 20 of the
11 Constitution of Louisiana, he is registered and votes in the precinct in which that
12 residence is located.

* * *

§492. Grounds for an objection to candidacy

15 A. An action objecting to the candidacy of a person who qualified as a
16 candidate in a primary election shall be based on one or more of the following
17 grounds:

* * *

19 (3) The defendant does not meet the qualifications for the office he seeks in
20 the primary election, including because the defendant does not meet the age,
21 citizenship, inhabitancy, residency, or domicile qualifications for the office he seeks
22 in the primary election.

23 (4) The defendant is prohibited by law from becoming a candidate for one
24 or more of the offices for which he qualified, including because the defendant's
25 status as a felon prohibits him by law from becoming a candidate.

* * *

27 (8) The defendant falsely certified on his notice of candidacy that any of the
28 following are true and correct:

29 (a) His domicile as of the date of qualifying.

CODING: Words in ~~struck through~~ type are deletions from existing law; words underscored are additions.

1 (b) That he meets the qualifications of an office when he failed to establish
2 or maintain a domicile with the district from which he seeks election for any material
3 period prior to the date of qualifying.

4 (c) The parish or precinct in which he is a qualified elector.

5 (d) That he is registered to vote in the precinct in which the residence for
6 which he claimed a homestead exemption is located, unless he resides in a nursing
7 home as defined in R.S. 40:2009.2 or in a veterans' home operated by the state or
8 federal government.

9 (e) That he is not currently under an order of imprisonment for conviction
10 of a felony, or that he is not prohibited from qualifying as a candidate for the
11 conviction of a felony.

12 * * *

13 §1275. United States senator and representative in ~~Congress~~ congress; qualifications

14 A. No person shall be a United States senator who has not met the following
15 qualifications:

16 (1) He has attained the age of thirty years, ~~and who has not~~

17 (2) He has been a citizen of the United States for nine years, ~~and who is not~~
18 ~~when~~

19 (3) When elected, he is an inhabitant of this state and had been actually
20 domiciled for the preceding year in this state.

21 B. No person shall be a representative in ~~Congress~~ congress who has not met
22 the following qualifications:

23 (1) He has attained the age of twenty-five years, ~~and who has not~~

24 (2) He has been a citizen of the United States for seven years, ~~and who is~~
25 ~~not, when~~

26 (3) When elected, he is an inhabitant of this state, is actually domiciled in the
27 congressional district from which he seeks election, and prior to qualifying had been
28 actually domiciled for the preceding year in the congressional district from which he
29 seeks election, or been actually domiciled for the preceding year in a congressional

1 district from which the congressional district from which he seeks election was
2 created in whole or in part in a reapportionment within two years immediately
3 preceding his qualification.

4 C. ~~Notwithstanding any other provision of law to the contrary, the~~
5 ~~qualifications for United States senators and members of the United States House of~~
6 ~~Representatives as provided in this Section shall be exclusive. No person shall be a~~
7 United States senator or a representative in congress who meets any of the following
8 criteria:

9 (1) He is under an order of imprisonment for conviction of a felony.

10 (2) He has been convicted within this state of a felony and has exhausted all
11 legal remedies.

12 (3) He has been convicted under the laws of any other state or of the United
13 States or of any foreign government or country of a crime which, if committed in this
14 state, would be a felony and has exhausted all legal remedies and has not afterwards
15 been pardoned either by the governor of this state or by the officer of the state,
16 nation, government, or country having such authority to pardon in the place where
17 he was convicted and sentenced, unless more than five years have elapsed since the
18 completion of his original sentence for the conviction.

19 (4) He cannot establish, for each of the previous five tax years, that he has
20 filed his federal and state income tax returns, has filed for an extension of time for
21 filing either his federal or state income tax return or both, or was not required to file
22 either a federal or state income tax return or both.

23 (5) He owes any outstanding fines, fees, or penalties pursuant to the
24 Campaign Finance Disclosure Act.

25 (6) He owes any outstanding fines, fees, or penalties pursuant to the Code
26 of Governmental Ethics.

27 Section 2. If any section, subsection, or any portion or provision of any subsection,
28 or its application to any person or circumstance, is adjudicated as unconstitutional, void,
29 invalid, or unenforceable by a court of competent jurisdiction, it shall be severed from the

1 remaining portions, the invalidity shall not affect other sections, subsections, portions, or
 2 provisions, or applications, which can be given effect without the invalid section, subsection,
 3 portion, or provision, or application, and those remaining subsections and portions of
 4 subsections shall remain in force and shall be applied to the greatest extent possible to
 5 achieve the purposes of this Act.

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

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 664 Engrossed

2024 Regular Session

Wyble

Abstract: Provides additional qualifications for U.S. senator and representative in congress and provides for the objection to candidacy for any such candidate who does not meet the qualifications for the office.

Present law sets forth the qualifications for U.S. senator and representative in congress. Provides that no person shall be a U.S. senator who has not attained the age of 30 years, who has not been a citizen of the U.S. for nine years, and who is not when elected, an inhabitant of the state. Proposed law additionally requires that the person have been actually domiciled for the preceding year in this state.

Present law provides that no person shall be a representative in congress who has not attained the age of 25 years and who has not been a citizen of the U.S. for seven years and who is not, when elected, an inhabitant of this state. Proposed law additionally requires that when elected the person is actually domiciled in the congressional district from which he seeks election, and prior to qualifying had been actually domiciled for the preceding year in the congressional district from which he seeks election, or been actually domiciled for the preceding year in a congressional district from which the congressional district from which he seeks election was created in whole or in part in a reapportionment within two years immediately preceding his qualification.

Proposed law additionally provides that no person shall be a U.S. senator or a representative in congress who meets any of the following criteria:

- (1) He is under an order of imprisonment for conviction of a felony.
- (2) He has been convicted within this state of a felony and has exhausted all legal remedies.

- (3) He has been convicted under the laws of any other state or of the United States or of any foreign government or country of a crime which, if committed in this state, would be a felony and has exhausted all legal remedies and has not afterwards been pardoned either by the governor of this state or by the officer of the state, nation, government, or country having such authority to pardon in the place where the person was convicted and sentenced, unless more than five years have elapsed since the completion of his original sentence for the conviction.
- (4) He cannot establish, for each of the previous five tax years, that he has filed his federal and state income tax returns, has filed for an extension of time for filing either his federal or state income tax return or both, or was not required to file either a federal or state income tax return or both.
- (5) He owes any outstanding fines, fees, or penalties pursuant to the Campaign Finance Disclosure Act.
- (6) He owes any outstanding fines, fees, or penalties pursuant to the Code of Governmental Ethics.

Present law Campaign Finance Disclosure Act does not apply to candidates for U.S. senator or a representative in congress. Proposed law retains present law.

Present law requires all candidates for elective office qualify by timely filing a notice of candidacy with the appropriate official and requires the candidate to sign a certificate containing certain certifications. Requires all candidates, including a candidate for U.S. senator or representative in congress, on his notice of candidacy, to sign a certification of the following:

- (1) That he has read the notice of his candidacy.
- (2) That he meets the qualifications of the office for which he is qualifying.
- (3) That he does not owe any outstanding fines, fees, or penalties pursuant to the Code of Governmental Ethics.
- (4) That all of the statements contained in it are true and correct.

Proposed law retains present law.

Present law provides that except for candidates for U.S. senator or representative in congress, each candidate shall certify the following:

- (1) That he is not currently under an order of imprisonment for conviction of a felony and that he is not prohibited from qualifying as a candidate for conviction of a felony.
- (2) That for each of the previous five tax years, he has filed his federal and state income tax returns, has filed for an extension of time for filing either his federal or state income tax return or both, or was not required to file either a federal or state income tax return or both.
- (3) That if he claims a homestead exemption on a residence, he is registered and votes in the precinct in which that residence is located. This certification is also not required of candidates who reside in a nursing home or in a veterans' home operated by the state or federal government.

Proposed law requires candidates for U.S. senator or representative in congress to include the above certifications in their notice of candidacy.

Present law authorizes a registered voter to bring an action objecting to the candidacy of a person who qualified as a candidate in a primary election for an office for which the voter is qualified to vote. Further provides the grounds for objection to candidacy, which includes that the candidate does not meet the qualifications for the office he seeks in the primary election. Proposed law clarifies that the qualifications that can give rise to an objection to candidacy includes the age, citizenship, inhabitancy, residency, or domicile qualifications for the office he seeks in the primary election.

Present law provides that one of the grounds for objection to candidacy is that the candidate is prohibited by law from becoming a candidate for one or more of the offices for which he qualified. Proposed law clarifies that the candidate may be prohibited by law from becoming a candidate because of his status as a felon.

Proposed law provides as an additional ground for objection to candidacy that the candidate falsely certified on his notice of candidacy that any of the following are true and correct:

- (1) His domicile as of the date of qualifying.
- (2) That he meets the qualifications of an office when he failed to establish or maintain a domicile with the district from which he seeks election for any material period prior to the date of qualifying.
- (3) The parish or precinct in which he is a qualified elector.
- (4) That he is registered to vote in the precinct in which the residence for which he claimed a homestead exemption is located, unless he resides in a nursing home or in a veterans' home operated by the state or federal government.
- (5) That he is not currently under an order of imprisonment for conviction of a felony, or that he is not prohibited from qualifying as a candidate for the conviction of a felony.

Effective upon the signature of governor or lapse of time for gubernatorial action.

(Amends R.S. 18:463(A)(2)(a)(iii),(iv), and (viii), 492(A)(3) and (4), and 1275; Adds R.S. 18:492(A)(8))