

RÉSUMÉ DIGEST

ACT 399 (HB 328)

2019 Regular Session

Jay Morris

Existing law (R.S. 18:1401) authorizes a candidate who alleges that, except for substantial irregularities, error, 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. Provides procedures and requirements.

Existing law (R.S. 18:1461) provides that bribery of voters is:

- (1) The giving or offering to give any money or anything of value to any voter at any election or at any convention of a recognized political party with the intent to influence the voter in the casting of his ballot. The acceptance of, or the offer to accept, any money or anything of value by any such voter under such circumstances is also bribery of voters.
- (2) The giving or offering to give any money or anything of value to secure or influence registration of a person or to secure or influence a person to sign or not sign a recall or other election petition.

Existing law provides that whoever violates existing law shall be fined not more than \$4,000 or be imprisoned, with or without hard labor, for not more than two years, or both, for the first offense. Provides that for any subsequent offense the penalty shall be a fine of not more than \$10,000 or imprisonment at hard labor for not more than five years, or both.

New law additionally provides that the court may order restitution as a part of the sentence. Provides that restitution may include payment for any cost incurred, including reasonable attorney fees, by a candidate who brought an action contesting an election wherein the court found that one or more of the votes cast in the contested election were illegal based on the actions of the defendant and the court changed the result of the election or ordered a new election to be held.

Effective August 1, 2019.

(Adds R.S. 18:1461(D))