

2020 Regular Session

SENATE BILL NO. 36

BY SENATOR BERNARD

ELECTION CODE. Provides for the acceptance of a notice of candidacy. (8/1/20)

1 AN ACT

2 To amend and reenact R.S. 18:470(A)(1), relative to qualifying for a primary election; to
3 provide relative to notice of candidacy; to limit the clerk of court and the secretary
4 of state from verifying the qualifications of a potential candidate; and to provide for
5 related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. R.S. 18:470(A)(1) is hereby amended and reenacted to read as follows:

8 §470. Disposition of notices of candidacy; qualifying fees; nomination petitions

9 A. Notices of candidacy. (1) Upon receipt **and acceptance** of a notice of
10 candidacy **that meets the requirements of R.S. 18:463**, the secretary of state or the
11 clerk of court, as the case may be, shall endorse upon it the date and time of filing
12 and either the amount of the qualifying fee paid by the candidate or a statement that
13 a nominating petition was filed by the candidate. **The acceptance of a notice of**
14 **candidacy that meets the requirements of R.S. 18:463 by the secretary of state**
15 **or the clerk of court is mandatory and ministerial and the secretary of state or**
16 **the clerk of court do not have discretion to verify the qualifications of a**
17 **potential candidate.** If a candidate qualifies in person, a certified copy of the

1 original notice of candidacy shall be furnished to the candidate at the time he
 2 qualifies with the qualifying official but after the date and time have been endorsed
 3 thereon. If a candidate qualifies by submitting his notice of candidacy by certified
 4 mail, commercial carrier, or agent, the qualifying official shall mail a certified copy
 5 of the original notice of candidacy after the date and time have been endorsed
 6 thereon to the candidate at the address of his domicile as set forth in the notice of
 7 candidacy within forty-eight hours after receipt of the notice of candidacy.

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The original instrument and the following digest, which constitutes no part
 of the legislative instrument, were prepared by Tim Prather.

DIGEST

SB 36 Original

2020 Regular Session

Bernard

Present law provides that upon receipt of a notice of candidacy, the secretary of state or the clerk of court will endorse upon it the date and time of filing and either the amount of the qualifying fee paid by the candidate or a statement that a nominating petition was filed by the candidate.

Present law (R.S. 18:463) provides for the qualifications to become a candidate as well as the penalties associated with breach of such qualifications.

Proposed law provides that upon receipt and acceptance of a notice of candidacy that meets the requirements of present law, the secretary of state or the clerk of court will endorse upon it the date and time of filing and either the amount of the qualifying fee paid by the candidate or a statement that a nominating petition was filed by the candidate.

Proposed law provides that the acceptance of a notice of candidacy that meets the requirements of present law by the secretary of state or the clerk of court is mandatory and ministerial and the secretary of state or the clerk of court do not have discretion to verify the qualifications of a potential candidate.

Effective August 1, 2020.

(Amends R.S. 18:470(A)(1))