

2020 Regular Session

SENATE BILL NO. 36

BY SENATOR BERNARD

ELECTION CODE. Provides for the acceptance of a notice of candidacy. (gov sig)

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.

8 * * *

9 Section 2. This Act shall become effective upon signature by the governor or, if not
 10 signed by the governor, upon expiration of the time for bills to become law without signature
 11 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If
 12 vetoed by the governor and subsequently approved by the legislature, this Act shall become
 13 effective on the day following such approval.

The original instrument was prepared by Tim Prather. The following digest,
 which does not constitute a part of the legislative instrument, was prepared
 by Dawn Romero Watson.

DIGEST

SB 36 Engrossed

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

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

Summary of Amendments Adopted by Senate

Committee Amendments Proposed by Senate Committee on Senate and
Governmental Affairs to the original bill

1. Adds emergency effective date.