

CONFERENCE COMMITTEE REPORT

SB 218

2020 Regular Session

Cloud

June 1, 2020

To the Honorable President and Members of the Senate and to the Honorable Speaker and Members of the House of Representatives.

Ladies and Gentlemen:

We, the conferees appointed to confer over the disagreement between the two houses concerning Senate Bill No. 218 by Senator Cloud, recommend the following concerning the Reengrossed bill:

1. That House Committee Amendment Nos. 1, 2, 3, and 4 proposed by the House Committee on House and Governmental Affairs and adopted by the House of Representatives on May 28, 2020, be rejected.
2. That House Floor Amendment No. 1 and 3 proposed by Representative Ivey and adopted by the House of Representatives on May 29, 2020, be rejected.
3. That House Floor Amendment Nos. 2 proposed by Representative Ivey and adopted by the House of Representatives on May 29, 2020, be adopted.
4. That the following amendment to the reengrossed bill be adopted:

AMENDMENT NO. 1

On page 1, line 6, after "Section 1." delete the remainder of the line and delete lines 7 through 17 and delete page 2 and insert the following:

"R.S. 18:461(A)(1) is hereby amended and reenacted and R.S. 18:461(A)(4) and (5) are hereby enacted to read as follows:

§461. Manner of qualifying

A.(1) A person who desires to become a candidate in a primary election shall qualify as a candidate by timely filing notice of his candidacy, which shall be accompanied either by a nominating petition or by the qualifying fee and any additional fee imposed **and shall provide proof of identity in the form of a valid Louisiana driver's license or Louisiana identification card issued by the Department of Public Safety and Corrections.** A candidate whose notice of candidacy is accompanied by a nominating petition shall not be required to pay any qualifying fee or any additional fee. A candidate serving in the armed forces of the United States who is stationed or deployed outside of the United States shall not be required to pay any qualifying fee or any additional fee.

* * *

(4)(a) If a notice of candidacy is filed pursuant to Paragraph (2)(a) of this Subsection, the qualifying official shall compare the name and address on the proof of identity with the information on the notice of candidacy, shall make a notation in the database of the secretary of state if the address on the proof of identity is different than the address on the notice of candidacy, and shall return the proof of identity to the candidate.

(b) If a notice of candidacy is filed pursuant to Paragraph (2)(b) or (d) of this Subsection, a copy of the candidate's proof of identity shall be sent to the qualifying official with the notice of candidacy. The qualifying official shall compare the name and address shown on the copy of the proof of identity with the information on the notice of

candidacy, shall make a notation in the database of the secretary of state if the address on the copy of the proof of identity is different than the address on the notice of candidacy, and shall destroy the copy of the proof of identity.

(c)(i) If a notice of candidacy is filed pursuant to Paragraph (2)(c) of this Subsection, a copy of the candidate's proof of identity shall be provided by the agent to the qualifying official with the notice of candidacy. The qualifying official shall compare the name and address shown on the copy of the candidate's proof of identity with the information on the notice of candidacy, shall make a notation in the database of the secretary of state if the address on the copy of the candidate's proof of identity is different than the address on the notice of candidacy, and shall destroy the copy of the candidate's proof of identity.

(ii) In addition, the agent shall provide proof of his identity in the form of a valid Louisiana driver's license or Louisiana special identification card issued pursuant to R.S. 40:1321 to the qualifying official. The qualifying official shall compare the name and address shown on the agent's proof of identity with the information on the agent's affidavit and shall return the agent's proof of identity to the agent.

(5) When the address on the proof of identity of a candidate is different than the candidate's address on the notice of candidacy, the secretary of state shall make a notation that there is a difference on any list on his website which contains the name of the candidate.

* * *

Section 2. This Act shall become effective on January 15, 2021."

Respectfully submitted,

Senators:

Representatives:

Senator Heather Cloud

Representative Dodie Horton

Senator Sharon Hewitt

Representative Stephen Dwight

Senator Edward J Price

Representative Alan Seabaugh

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

CONFERENCE COMMITTEE REPORT DIGEST

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Keyword and summary of the bill as proposed by the Conference Committee

KEYWORD. Requires that completion of qualifying forms for elected office shall include submission of valid identification. (1/15/21)

Report rejects House amendments which would have:

1. Limited the requirement to retain a redacted proof of identity to cases where the candidate does not qualify in person.
2. Added provision of proposed law regarding a difference in the addresses on the candidate's proof of identity and his voter registration.
3. Added provisions that proof of identification of person filing a notice of candidacy.
4. Added provisions regarding verification of the proof of identification by the qualifying official.
5. Added provisions for comparing a person's proof of identity with a notice of candidacy with the secretary of state.
6. Added a January 15, 2021 effective date.

Report amends the bill to:

1. Add provisions that proof of identification of person filing a notice of candidacy.
2. Add provisions regarding verification of the proof of identification by the qualifying official.
3. Add provisions for comparing a person's proof of identity with a notice of candidacy with the secretary of state.
4. Add a January 15, 2021 effective date.
5. Change the Louisiana special identification card issued by the Department of Public Safety and Corrections to an identification card issued by the same department.

Digest of the bill as proposed by the Conference Committee

Present law requires that a person who desires to become a candidate in a primary election qualify as a candidate by timely filing notice of his candidacy, which will be accompanied either by a nominating petition or by the qualifying fee and any additional fee imposed.

Proposed law retains these provisions and requires that candidate provide proof of identity in the form of a valid La. driver's license or an identification card issued by the Department of Public Safety and Corrections.

Proposed law requires that if a notice of candidacy is filed in person by the candidate, the qualifying official is to compare the name and address on the proof of identity with the information on the notice of candidacy; make a notation in the database of the secretary of state; if the address on the proof of identity is different than the address on the notice of candidacy, the qualifying official is to return the proof of identity to the candidate.

Proposed law provides that if notice of candidacy is filed by certified mail or commercial carrier, or by facsimile or electronic mail or by an agent on behalf of the candidate, then a copy of the candidate's proof of identity is to be sent to the qualifying official with the notice of candidacy. Requires the qualifying official to compare name and address shown on the copy of the proof of identity with the information on the notice of candidacy. Requires the qualifying official to make a notation in the database of the secretary of state if the address on the copy of the proof of identity is different than the address on the notice of candidacy, and then destroy the copy of the proof of identity.

Further requires that if notice of candidacy is filed by an agent on behalf of a candidate then proof of the agent's identity shall be provided in the form of a valid La. driver's license or La. special identification card.

Proposed law provides that if the address on the proof of identity of a candidate is different than the candidate's address on the notice of candidacy, the secretary of state shall make a notation that there is a difference on any list on his website which contains the name of the candidate.

Effective January 15, 2021.

(Amends R.S. 18:461(A)(1); adds R.S. 18:461(A)(4) and (5))