

2021 Regular Session

HOUSE BILL NO. 168

BY REPRESENTATIVE MIKE JOHNSON

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

ELECTIONS/CANDIDATES: Provides relative to a district attorney's responsibility in an action objecting to the candidacy of a person who qualified as a candidate in a primary election

1 AN ACT

2 To amend and reenact R.S. 18:491(B), relative to objections to candidacy for elective office;
3 to provide relative to review of evidence by a district attorney; to provide relative to
4 filing of objections by a district attorney; to provide for an effective date; and to
5 provide for related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. R.S. 18:491(B) is hereby amended and reenacted to read as follows:

8 §491. Standing to object to candidacy

9 * * *

10 B. A registered voter may present evidence that a candidate has illegally
11 qualified for elective office. The evidence may be presented to the respective parish
12 district attorney, who ~~shall~~ may determine whether or not the evidence presented
13 establishes grounds for objecting to such candidacy and if the district attorney makes
14 such a determination he ~~shall~~ may file an action objecting to candidacy within the
15 time limitation provided in R.S. 18:493.

16 * * *

1 Section 2. This Act shall become effective upon signature by the governor or, if not
2 signed by the governor, upon expiration of the time for bills to become law without signature
3 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If
4 vetoed by the governor and subsequently approved by the legislature, this Act shall become
5 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)]

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Mike Johnson

Abstract: Relative to objections to candidacy of individuals running for elective office, authorizes, rather than requires, a district attorney to review evidence presented by a registered voter. Also authorizes, rather than requires, a district attorney who finds that there are grounds for objecting to file an objection.

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 registered voter is qualified to vote. Proposed law retains present law.

Present law authorizes a registered voter to present evidence that a candidate has illegally qualified for elective office and specifically authorizes the presentation of such evidence to the district attorney. Proposed law retains present law.

Present law requires the district attorney to determine whether or not the evidence presented establishes grounds for objecting to such candidacy. Proposed law authorizes, rather than requires, the district attorney to make such a determination.

Present law requires the district attorney to file an action objecting to candidacy if he determines that there are grounds for objecting to the candidacy. Proposed law authorizes, rather than requires, the district attorney to file the action if he determines there are grounds for the objection.

Present law requires a district attorney who finds that a convicted felon has filed a notice of candidacy to file an objection to the candidacy. Proposed law retains present law.

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

(Amends R.S. 18:491(B))