
DIGEST

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HB 664 Engrossed

2024 Regular Session

Wyble

Abstract: Provides additional qualifications for U.S. senator and representative in congress and provides for the objection to candidacy for any such candidate who does not meet the qualifications for the office.

Present law sets forth the qualifications for U.S. senator and representative in congress. Provides that no person shall be a U.S. senator who has not attained the age of 30 years, who has not been a citizen of the U.S. for nine years, and who is not when elected, an inhabitant of the state. Proposed law additionally requires that the person have been actually domiciled for the preceding year in this state.

Present law provides that no person shall be a representative in congress who has not attained the age of 25 years and who has not been a citizen of the U.S. for seven years and who is not, when elected, an inhabitant of this state. Proposed law additionally requires that when elected the person is actually domiciled in the congressional district from which he seeks election, and prior to qualifying had been actually domiciled for the preceding year in the congressional district from which he seeks election, or been actually domiciled for the preceding year in a congressional district from which the congressional district from which he seeks election was created in whole or in part in a reapportionment within two years immediately preceding his qualification.

Proposed law additionally provides that no person shall be a U.S. senator or a representative in congress who meets any of the following criteria:

- (1) He is under an order of imprisonment for conviction of a felony.
- (2) He has been convicted within this state of a felony and has exhausted all legal remedies.
- (3) He has been convicted under the laws of any other state or of the United States or of any foreign government or country of a crime which, if committed in this state, would be a felony and has exhausted all legal remedies and has not afterwards been pardoned either by the governor of this state or by the officer of the state, nation, government, or country having such authority to pardon in the place where the person was convicted and sentenced, unless more than five years have elapsed since the completion of his original sentence for the conviction.
- (4) He cannot establish, for each of the previous five tax years, that he has filed his federal and state income tax returns, has filed for an extension of time for filing either

his federal or state income tax return or both, or was not required to file either a federal or state income tax return or both.

- (5) He owes any outstanding fines, fees, or penalties pursuant to the Campaign Finance Disclosure Act.
- (6) He owes any outstanding fines, fees, or penalties pursuant to the Code of Governmental Ethics.

Present law Campaign Finance Disclosure Act does not apply to candidates for U.S. senator or a representative in congress. Proposed law retains present law.

Present law requires all candidates for elective office qualify by timely filing a notice of candidacy with the appropriate official and requires the candidate to sign a certificate containing certain certifications. Requires all candidates, including a candidate for U.S. senator or representative in congress, on his notice of candidacy, to sign a certification of the following:

- (1) That he has read the notice of his candidacy.
- (2) That he meets the qualifications of the office for which he is qualifying.
- (3) That he does not owe any outstanding fines, fees, or penalties pursuant to the Code of Governmental Ethics.
- (4) That all of the statements contained in it are true and correct.

Proposed law retains present law.

Present law provides that except for candidates for U.S. senator or representative in congress, each candidate shall certify the following:

- (1) That he is not currently under an order of imprisonment for conviction of a felony and that he is not prohibited from qualifying as a candidate for conviction of a felony.
- (2) That for each of the previous five tax years, he has filed his federal and state income tax returns, has filed for an extension of time for filing either his federal or state income tax return or both, or was not required to file either a federal or state income tax return or both.
- (3) That if he claims a homestead exemption on a residence, he is registered and votes in the precinct in which that residence is located. This certification is also not required of candidates who reside in a nursing home or in a veterans' home operated by the state or federal government.

Proposed law requires candidates for U.S. senator or representative in congress to include the above

certifications in their notice of candidacy.

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 voter is qualified to vote. Further provides the grounds for objection to candidacy, which includes that the candidate does not meet the qualifications for the office he seeks in the primary election. Proposed law clarifies that the qualifications that can give rise to an objection to candidacy includes the age, citizenship, inhabitancy, residency, or domicile qualifications for the office he seeks in the primary election.

Present law provides that one of the grounds for objection to candidacy is that the candidate is prohibited by law from becoming a candidate for one or more of the offices for which he qualified. Proposed law clarifies that the candidate may be prohibited by law from becoming a candidate because of his status as a felon.

Proposed law provides as an additional ground for objection to candidacy that the candidate falsely certified on his notice of candidacy that any of the following are true and correct:

- (1) His domicile as of the date of qualifying.
- (2) That he meets the qualifications of an office when he failed to establish or maintain a domicile with the district from which he seeks election for any material period prior to the date of qualifying.
- (3) The parish or precinct in which he is a qualified elector.
- (4) That he is registered to vote in the precinct in which the residence for which he claimed a homestead exemption is located, unless he resides in a nursing home or in a veterans' home operated by the state or federal government.
- (5) That he is not currently under an order of imprisonment for conviction of a felony, or that he is not prohibited from qualifying as a candidate for the conviction of a felony.

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

(Amends R.S. 18:463(A)(2)(a)(iii),(iv), and (viii), 492(A)(3) and (4), and 1275; Adds R.S. 18:492(A)(8))