DIGEST

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Huval   HB No. 443

Abstract: Requires the secretary of state to compare the names of candidates with certain criminal history records and to inform the appropriate district attorney of his findings under certain circumstances and requires the district attorney to initiate an action objecting to candidacy if grounds for such an action exist.

Present constitution (Art. I, Sec. 10) provides that the following persons shall not be permitted to qualify as a candidate for elective public office or take public elective office or appointment of honor, trust, or profit in this state:

(1)   A person who has been convicted within La. of a felony and who has exhausted all legal remedies, or who has been convicted under the laws of any other state or of the U.S. or of any foreign government or country of a crime which, if committed in La., would be a felony and who has exhausted all legal remedies and has not afterwards been pardoned either by the governor of La. 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.

(2)   A person actually under an order of imprisonment for conviction of a felony.

Present constitution provides, however, that a person who desires to qualify as a candidate for or hold an elective office, who has been convicted of a felony and who has served his sentence, but has not been pardoned for such felony, shall be permitted to qualify as a candidate for or hold such office if the date of his qualifying for such office is more than 15 years after the date of the completion of his original sentence.

Present law (R.S. 18:461 and 463) requires a person who desires to become a candidate in an election to qualify by timely filing notice of his candidacy. Provides for the content of the notice; requires, among other things, the candidate's name, the office he seeks, the address of his domicile, and the parish, ward, and precinct where he is registered to vote.

Present law (R.S. 18:462) provides that state candidates qualify with the secretary of state and that local and municipal candidates qualify with the clerk of court for the parish in which the candidate is registered to vote.

Present law (R.S. 18:470) provides that after the close of the qualifying period, the secretary of state shall transmit a list of the candidates who have qualified with him to the clerk of court in

each parish in which the office is to be voted on. Provides that after the close of the qualifying period for candidates in a primary election, the clerk of court shall immediately transmit to the secretary of state a certified list of the candidates for each office who have qualified with him. Requires the list to include the name of each candidate as the candidate designated his name to appear on the ballot on his notice of candidacy form.

Proposed law provides that upon receipt of a notice of candidacy and upon receiving the certified list of candidates from the clerk of court, the secretary of state shall compare the name of each candidate against the records of the Dept. of Public Safety and Corrections maintained pursuant to present law (R.S. 44:9(F) and (G)) to determine whether any candidate might be disqualified from seeking or holding public office pursuant to present constitution. Provides that if the secretary of state determines there is reason to believe that a candidate might be disqualified from seeking or holding public office pursuant to present constitution, the secretary of state shall inform the district attorney in the appropriate parish.

Present law (R.S. 18:491) relative to objections to candidacy provides that a registered voter may bring an action objection to the candidacy of a person who qualified as a candidate in an election for an office for which the voter is qualified to vote. Provides that a registered voter may present evidence that a candidate has illegally qualified for elective office to the respective parish district attorney, who shall determine whether or not the evidence presented establishes grounds for objecting to such candidacy and if the district attorney makes such a determination he shall file an action objecting to candidacy within the time limitation provided in present law (R.S. 18:493).

Proposed law retains present law and additionally provides that if a district attorney receives information concerning a candidate from the secretary of state pursuant to proposed law, the district attorney shall determine whether there are grounds for objecting to such candidacy, and if the district attorney determines that such grounds exist, the district attorney shall file an action objecting to candidacy as provided in present law.

Present law (R.S. 44:9) provides for the expungement of records of arrest and conviction. Provides for expungement of felony convictions under certain limited circumstances. Provides procedures and requirements. Provides that for investigative purposes, the Dept. of Public Safety and Corrections may maintain a confidential, nonpublic record of arrest and disposition. Provides that upon specific request, the information in the record may be released to certain specified entities.

Proposed law retains present law and adds the secretary of state to the list of entities that may access the expungement records of the Dept. of Public Safety and Corrections.

(Amends R.S. 44:9(F) and (G); Adds R.S. 18:470(A)(4) and 491(D))