

Regular Session, 2014

HOUSE BILL NO. 1226

BY REPRESENTATIVE NORTON

ELECTED OFFICIALS: Requires a former elected official to remove certain signs and avoid using certain letterhead following the termination of the holding of elected public office

1 AN ACT

2 To enact R.S. 42:5, relative to former elected officials; to require a person who formerly
3 held an elected public office to remove certain signs that indicate that the person
4 continues to hold the office; to prohibit a person who formerly held an elected public
5 office from using a letterhead that indicates that the person continues to hold the
6 office; to provide relative to the authority and duties of district attorneys; to provide
7 for enforcement; to provide for penalties; and to provide for related matters.

8 Be it enacted by the Legislature of Louisiana:

9 Section 1. R.S. 42:5 is hereby enacted to read as follows:

10 §5. Former elected official; removal of signs; use of letterhead; enforcement;
11 penalty

12 A. Within six months from the date on which a person who was elected to
13 public office ceases to hold such office, the person shall remove all signs erected by
14 him or on his behalf that indicate to the public that the person continues to hold such
15 elected public office.

16 B. No person who was elected to public office who has ceased to hold such
17 office shall use a letterhead that indicates that the person continues to hold such
18 elected public office.

1 C.(1) A district attorney may bring a judicial action to enforce the provisions
2 of this Section. In any such action, the court may impose a civil penalty not to
3 exceed five hundred dollars.

4 (2) Notwithstanding the provisions of Paragraph (1) of this Subsection, prior
5 to instituting an action to enforce the provisions of this Section, the district attorney
6 shall send notice to the person informing the person of the alleged violation, and the
7 district attorney shall allow the person thirty days from the date the notice is sent to
8 remove the sign or signs or to cease the use of and destroy any remaining letterhead,
9 as applicable. If the person fails to comply, the district attorney may bring an action
10 pursuant to Paragraph (1) of this Section.

11 (3) Costs and reasonable attorney fees shall be awarded to the district
12 attorney in all actions when the district attorney successfully enforces the provisions
13 of this Section.

14 Section 2. Each former elected official who ceased to hold elected public office prior
15 to the effective date of this Act shall comply with the provisions of this Act within six
16 months from the effective date of this Act.

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)]

Norton

HB No. 1226

Abstract: Requires a person who formerly held elected public office to remove signs and cease using letterhead that indicates that the person continues to hold such elected public office, provides for civil penalties, and provides district attorneys with enforcement authority.

Proposed law provides that within six months from the date on which a person who was elected to public office ceases to hold such office, the person shall remove all signs erected by him or on his behalf that indicate to the public that the person continues to hold such elected public office.

Proposed law prohibits a person who was elected to public office who has ceased to hold such office from using a letterhead that indicates that the person continues to hold such elected public office.

Proposed law provides that a district attorney may bring a judicial action to enforce proposed law. Provides that in any such action, the court may impose a civil penalty not to exceed \$500.

Proposed law provides, however, that prior to instituting an action to enforce proposed law, the district attorney shall send notice to the person informing the person of the alleged violation, and the district attorney shall allow the person 30 days from the date the notice is sent to remove the sign or signs or to cease the use of and destroy any remaining letterhead, as applicable. Provides that if the person fails to comply, the district attorney may bring an enforcement action.

Proposed law provides that costs and reasonable attorney fees shall be awarded to the district attorney in all actions when the district attorney successfully enforces the provisions of proposed law.

Proposed law provides that each former elected official who ceased to hold elected public office prior to the effective date of proposed law shall comply with the provisions of proposed law within six months from the effective date of proposed law.

(Adds R.S. 42:5)