

Regular Session, 2010

SENATE BILL NO. 319

BY SENATOR HEITMEIER

ELECTION CODE. Requires all individuals registering to run for local/state office submit proof to the local election official that a current state income tax return has been filed.

1 AN ACT

2 To amend and reenact R.S. 18:463(A)(2)(a)(iv) and to enact R.S. 18:492(A)(7), relative to
3 the Louisiana Election Code; to provide qualifications for candidacy for public
4 office, notice of candidacy, and grounds for objection to candidacy; and to provide
5 for related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. R.S. 18:463(A)(2)(a)(iv) is hereby amended and reenacted and R.S.
8 18:492(A)(7) is hereby enacted to read as follows:

9 §463. Notice of candidacy; financial ~~statements~~ **disclosure**; political advertising;
10 penalties

11 A. * * *

12 (2)(a) The notice of candidacy also shall include a certificate, signed by the
13 candidate, certifying all of the following:

14 * * *

15 (iv) ~~That he has attached to the notice of his candidacy the financial statement~~
16 ~~required by Subsection B of this Section, if applicable.~~ **That he has filed his federal**
17 **and state income tax returns, has filed for an extension of time for filing either**

United States senator, representative in congress, or member of a committee of a political party and that he does not owe any outstanding fines, fees, or penalties pursuant to the Campaign Finance Disclosure Act.

6. That he does not owe any outstanding fines, fees, or penalties pursuant to the Code of Governmental Ethics.
7. That all of the statements contained in it are true and correct.

Proposed law deletes the requirement that the candidate certify that he has attached the financial statement required by present law ("Subsection B of this Section"), as Subsection B of present law has been repealed by prior legislation.

Proposed law adds a requirement that the candidate certify 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 is not required to file either a federal or state income tax return or both. Proposed law otherwise retains present law.

Present law provides that an action objecting to the candidacy of a person who qualified as a candidate in a primary election must be based on one or more of the following grounds:

1. The defendant failed to qualify for the primary election in the manner prescribed by law.
2. The defendant failed to qualify for the primary election within the time prescribed by law.
3. The defendant does not meet the qualifications for the office he seeks in the primary election.
4. The defendant is prohibited by law from becoming a candidate for one or more of the offices for which he qualified.
5. The defendant falsely certified on his notice of candidacy that he does not owe any outstanding fines, fees, or penalties pursuant to the Campaign Finance Disclosure Act as provided in R.S. 18:463(A)(2).
6. The defendant falsely certified on his notice of candidacy that he does not owe any outstanding fines, fees, or penalties pursuant to the Code of Governmental Ethics as provided in present law (R.S. 18:463(A)(2)).

Proposed law retains present law, and adds as a ground for objecting to the candidacy of a person that the defendant falsely certified on his notice of candidacy 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 is not required to file either a federal or state income tax return or both.

Effective January 1, 2011.

(Amends R.S. 18:463(A)(2)(a)(iv); adds R.S. 18:492(A)(7))