SLS 10RS-25 ENGROSSED

Regular Session, 2010

SENATE BILL NO. 319

1

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.

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 |
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| 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 |

1 his federal or state income tax return or both, or is not required to file either a 2 federal or state income tax return or both. 3 §492. Grounds for an objection to candidacy 4 5 A. An action objecting to the candidacy of a person who qualified as a candidate in a primary election shall be based on one or more of the following 6 7 grounds: 8 9 (7) The defendant falsely certified on his notice of candidacy that he has 10 filed his federal and state income tax returns, has filed for an extension of time 11 for filing either his federal or state income tax return or both as provided in R.S. 18:463(A)(2), or is not required to file either a federal or state income tax 12 13 return or both. 14 Section 2. This Act shall become effective on January 1, 2011. 15 The original instrument and the following digest, which constitutes no part

of the legislative instrument, were prepared by Alden A. Clement, Jr.

DIGEST

Heitmeier (SB 319)

Present law provides that a notice of candidacy must be in writing and state the candidate's name, the office he seeks, the address of his domicile, the parish, ward, and precinct where he is registered to vote, and the political party, if any, with which he is registered as being affiliated. Proposed law retains present law.

<u>Present law</u> provides that the notice of candidacy also must include a certificate, signed by the candidate, certifying all 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.
- That he is not currently under an order of imprisonment for conviction of a felony 3. and that he is not prohibited from qualifying as a candidate for conviction of a felony pursuant to Article I, Section 10 of the Constitution of Louisiana.
- That he has attached to the notice of his candidacy the financial statement required 4. by present law ("Subsection B of this Section").
- 5. That he acknowledges that he is subject to the provisions of the Campaign Finance Disclosure Act (R.S. 18:1481 et seq.) if he is a candidate for any office other than

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Coding: Words which are struck through are deletions from existing law; words in **boldface type and underscored** are additions.

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.

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

<u>Proposed law</u> 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. <u>Proposed law</u> otherwise retains <u>present law</u>.

<u>Present law</u> 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 <u>present law</u> (R.S. 18:463(A)(2)).

<u>Proposed law</u> retains <u>present law</u>, 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))