

Regular Session, 2011

HOUSE BILL NO. 561

BY REPRESENTATIVE SEABAUGH AND SENATOR CROWE

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

ELECTIONS/CANDIDATES: Requires the submission of certain documents by candidates for U.S. senator or representative, vice president, and president

1 AN ACT

2 To amend and reenact R.S. 18:1253(F), 1254(E), 1274, and 1280.24 and to enact R.S.
3 18:1253(G), 1254(F), 1259(E), and 1280.22(B)(2)(e), relative to candidates in
4 federal elections; to provide relative to candidates in congressional elections,
5 presidential preference primary elections, and elections for presidential electors; to
6 require the submission of certain documents; to provide relative to ballots in certain
7 elections; to provide for enforcement; to provide relative to objections to candidacy;
8 and to provide for related matters.

9 Be it enacted by the Legislature of Louisiana:

10 Section 1. R.S. 18:1253(F), 1254(E), 1274, and 1280.24 are hereby amended and
11 reenacted and R.S. 18:1253(G), 1254(F), 1259(E), and 1280.22(B)(2)(e) are hereby enacted
12 to read as follows:

13 §1253. Nominating by political parties; certificates of nomination; affidavit

14 * * *

15 F.(1) The chairman and the secretary of the state central committee or the
16 national chairman of the political party, as the case may be, shall file, in addition to
17 a certificate of nomination filed pursuant to this Section, an affidavit of the
18 presidential candidate and vice presidential candidate in which each candidate states
19 his citizenship, age, and residence. Each affidavit shall include references to and
20 attachment of documents that prove that the candidate meets the requirements for

1 president of the United States prescribed in Article II, Section 1, of the Constitution
2 of the United States of America, including the following:

3 (a) An original or certified copy of the candidate's birth certificate that
4 includes the date and place of birth, the names of the hospital and the attending
5 physician, and signatures of the witnesses in attendance.

6 (b) A sworn statement or form that identifies the candidate's places of
7 residence for the preceding fourteen years.

8 (2) Failure to satisfy the requirements of this Subsection shall constitute
9 grounds for an objection to the candidacy of the slate of electors pursuant to Subpart
10 D of Part IV of Chapter 5 of this Title.

11 G. If the certificate of nomination and notarized affidavit of each candidate
12 for elector are not filed timely with the secretary of state, the secretary of state shall
13 endorse the date and time of receipt upon all documents and shall return them
14 forthwith, either personally or by registered or certified mail, to the national
15 chairman of the political party.

16 §1254. Slates of independent candidates; nominating petitions and qualifying by
17 payment of qualifying fees; affidavit

18 * * *

19 E.(1) Any person filing a notice of candidacy or nominating petition
20 pursuant to this Section shall at the same time file an affidavit of the presidential
21 candidate and vice presidential candidate in which each candidate states his
22 citizenship, age, and residence. Each affidavit shall include references to and
23 attachment of documents that prove that the candidate meets the requirements for
24 president of the United States prescribed in Article II, Section 1, of the Constitution
25 of the United States of America, including the following:

26 (a) An original or certified copy of the candidate's birth certificate that
27 includes the date and place of birth, the names of the hospital and the attending
28 physician, and signatures of the witnesses in attendance.

1 congress shall file an affidavit in which the candidate states his citizenship, age, and
2 residence as provided in this Subsection.

3 (1) The affidavit for a candidate for United States senator shall include
4 references to and attachment of documents that prove that the candidate meets the
5 requirements of R.S. 18:1275, including the following:

6 (a) An original or certified copy of the candidate's birth certificate that
7 includes the date and place of birth, the names of the hospital and the attending
8 physician, and signatures of the witnesses in attendance.

9 (b) A sworn statement or form that verifies the candidate's United States
10 citizenship for at least the preceding nine years and current residence within the State
11 of Louisiana.

12 (2) The affidavit for a candidate for representative in congress shall include
13 references to and attachment of documents that prove that the candidate meets the
14 requirements of R.S. 18:1275, including the following:

15 (a) An original or certified copy of the candidate's birth certificate that
16 includes the date and place of birth, the names of the hospital and the attending
17 physician, and signatures of the witnesses in attendance.

18 (b) A sworn statement or form that verifies the candidate's United States
19 citizenship for at least the preceding seven years and current residence within the
20 State of Louisiana.

21 C. Failure to satisfy the requirements of Subsection B of this Section shall
22 constitute grounds for an objection to the candidacy of the candidate pursuant to
23 Subpart D of Part IV of Chapter 5 of this Title.

24 * * *

25 §1280.22. Candidates; procedure for qualifying

26 * * *

27 B.

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29 (2)

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(e)(i) A candidate for presidential nominee shall file along with a notice of candidacy filed pursuant to this Section an affidavit of the candidate in which he states his citizenship, age, and residence. The affidavit shall include references to and attachment of documents that prove that the candidate meets the requirements for president of the United States prescribed in Article II, Section 1, of the Constitution of the United States of America, including the following:

(aa) An original or certified copy of the candidate's birth certificate that includes the date and place of birth, the names of the hospital and the attending physician, and signatures of the witnesses in attendance.

(bb) A sworn statement or form that identifies the candidate's places of residence for the preceding fourteen years.

(ii) Failure to satisfy the requirements of this Subparagraph shall constitute grounds for an objection to the candidacy of the candidate pursuant to Subpart D of Part IV of Chapter 5 of this Title.

* * *

§1280.24. Arrangement of ballot

A. The ballot for the election provided in this Part shall contain the names of each candidate arranged by party affiliation and placed in alphabetical order within each party.

B. Notwithstanding the provisions of Subsection A of this Section, if the provisions of R.S. 18:1280.22(B)(2)(e) are not satisfied, the name of the candidate for presidential nominee shall not be included on the ballot. A registered voter may bring an action to enforce the provisions of this Subsection within the time permitted for a person to bring an action objecting to candidacy pursuant to R.S. 18:493.

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)]

Seabaugh

HB No. 561

Abstract: Requires the submission of certain documents concerning candidates in federal elections.

Present law provides qualification procedures for candidates for presidential nominee in a presidential preference primary election. Requires that the candidate file a notice of candidacy which indicates, among other things, his name and how his name should appear on the ballot, address, party identification, and a certification that the statements in the notice are correct.

Present law provides qualification procedures for elections for presidential electors. Provides for candidates nominated by a recognized political party. Requires the party to file a certificate of nomination with the secretary of state indicating, among other things, the names of the candidates for president and vice president supported by the party. Present law provides relative to candidates for presidential elector who are not nominated by a recognized political party. Requires the payment of a fee or filing of a nominating petition. In either case, requires that certain information be filed with the secretary of state, including the names of the candidates for president and vice president whom the candidates for presidential elector support.

Proposed law requires the persons filing the qualifying documents required by present law to be filed with the secretary of state to also file an affidavit of the presidential candidate and vice presidential candidate, as the case may be, in which each candidate states his citizenship, age, and residence. Provides that each affidavit shall include references to and attachment of documents that prove that the candidate meets the requirements for president of the U.S. prescribed in Article II, Section 1, of the Constitution of the U.S. of America, including the following:

- (1) An original or certified copy of the candidate's birth certificate that includes the date and place of birth, the names of the hospital and the attending physician, and signatures of the witnesses in attendance.
- (2) A sworn statement or form that identifies the candidate's places of residence for the preceding 14 years.

Proposed law provides that failure to satisfy the requirements of proposed law shall preclude the names of the candidates for president, vice president, and presidential elector, as the case may be, from being included on the ballot. Provides that a registered voter may bring an action to enforce the provisions of proposed law within the seven-day time period permitted for a person to bring an action objecting to candidacy pursuant to present law (R.S. 18:493).

Proposed law provides that failure to satisfy the requirements of proposed law shall constitute grounds for an objection to the candidacy of the slate of electors or candidate for presidential nominee, as the case may be, pursuant to present law provisions relative to objections to candidacy.

Present law provides qualification procedures for congressional candidates. Requires, among other things, the filing of a notice of candidacy.

Proposed law provides that in addition to the notice of candidacy, each congressional candidate shall file an affidavit in which the candidate states his citizenship, age, and residence. Provides that the affidavit for a candidate for U.S. senator shall include references to and attachment of documents that prove that the candidate meets the requirements of present law (R.S. 18:1275), including the following:

- (1) An original or certified copy of the candidate's birth certificate that includes the date and place of birth, the names of the hospital and the attending physician, and signatures of the witnesses in attendance.
- (2) A sworn statement or form that verifies the candidate's U.S. citizenship for at least the preceding nine years and current residence within the state.

Proposed law provides that the affidavit for a candidate for representative in congress shall include references to and attachment of documents that prove that the candidate meets the requirements of present law (R.S. 18:1275), including the following:

- (1) An original or certified copy of the candidate's birth certificate that includes the date and place of birth, the names of the hospital and the attending physician, and signatures of the witnesses in attendance.
- (2) A sworn statement or form that verifies the candidate's U.S. citizenship for at least the preceding seven years and current residence within the state.

Proposed law provides that failure to satisfy the requirements of proposed law shall constitute grounds for an objection to the candidacy of the candidate pursuant to present law.

(Amends R.S. 18:1253(F), 1254(E), 1274, and 1280.24; Adds R.S. 18:1253(G), 1254(F), 1259(E), and 1280.22(B)(2)(e))