HLS 10RS-1014 ORIGINAL

Regular Session, 2010

HOUSE BILL NO. 650

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BY REPRESENTATIVE EDWARDS

ELECTED OFFICIALS/STATEW: Provides that a statewide elected official who takes certain actions seeking another office has ipso facto resigned from office

AN ACT

2 To amend and reenact R.S. 18:654(A) and to enact R.S. 18:652.1 and 654(C), relative to 3 resignations from office; to specify certain actions which constitute resignation from 4 office by a statewide elected official; to provide for the effect of such a resignation; 5 and to provide for related matters. 6 Be it enacted by the Legislature of Louisiana: 7 Section 1. R.S. 18:654(A) is hereby amended and reenacted and R.S. 18:652.1 and 8 654(C) are hereby enacted to read as follows: 9 §652.1. Actions which ipso facto constitute resignation; statewide elected officials 10 A. If a statewide elected official takes any of the following actions, such 11 action shall ipso facto constitute resignation from office: 12 (1) Filing a notice of candidacy as provided in R.S. 18:463 for nomination 13 or election to any office other than the following: 14 (a) The same office held by the statewide elected official. 15 (b) An office to be filled by a regular election to be held at the same time as 16 the regular election for the office held by the statewide elected official. 17 (c) Membership on the state central committee or parish executive 18 committee of a political party. 19 (2) Taking action necessary under the laws of another state to qualify himself 20 for nomination or election to any office or position.

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CODING: Words in struck through type are deletions from existing law; words <u>underscored</u> are additions.

| 1 | (3) Making a public announcement that he seeks election or nomination to |
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| 2 | any office other than an office specified in Subparagraph (1)(a), (b), or (c) of this |
| 3 | Subsection or consenting to the making of such a public announcement. |
| 4 | B. For purposes of this Section "public announcement" shall mean a |
| 5 | communication or broadcast by any means intended to reach five hundred or more |
| 6 | persons. |
| 7 | C. The resignation of a statewide elected official pursuant to this Section |
| 8 | shall be effective immediately. |
| 9 | * * * |
| 10 | §654. Effect of filing of resignations |
| 11 | A. Except for members of the legislature and resignations pursuant to R.S. |
| 12 | 18:652.1, a notice of retirement or resignation shall not be effective until the original |
| 13 | notice of retirement or resignation is received by the secretary of state and shall |
| 14 | become irrevocable upon such receipt by the secretary of state. |
| 15 | * * * |
| 16 | C. A resignation pursuant to R.S. 18:652.1 shall be effective and irrevocable |
| 17 | immediately. |
| | |

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)]

Edwards HB No. 650

Abstract: Provides that if a statewide elected official takes certain specified actions becoming a candidate for another office, such action ipso facto constitutes resignation from office, effective and irrevocable immediately.

<u>Present law</u> relative to resignation of elected public officers, applies to the resignation of all elected officials of this state and its political subdivisions, except members of the congress. <u>Present law</u> provides specific provisions for members of the legislature. <u>Present law</u> provides that except for members of the legislature and the congress, all resignations of elected officials shall be filed with the secretary of state. Requires that the resignation be in writing and dated, and allows the resignation to specify a prospective date on which the resignation will be effective. Further requires the resignation to be signed by the official and duly acknowledged by him before an officer authorized to administer oaths. <u>Present law</u> provides that a resignation becomes irrevocable upon receipt by the secretary of state.

<u>Proposed law</u> retains <u>present law</u> and further provides that if a statewide elected official (a) files a notice of candidacy as provided in <u>present law</u> for nomination or election to any office (other than his same office, an office to be filled by a regular election held at the same time as his regular election, or membership on the state central committee or parish executive committee of a political party); (b) takes action necessary under the laws of another state to qualify himself for nomination or election to any office or position; or (c) makes a public announcement that he seeks election or nomination to any office (other than his same office, an office to be filled by a regular election held at the same time as his regular election, or membership on the state central committee or parish executive committee of a political party) or consenting to the making of such a public announcement shall ipso facto constitute resignation from office.

<u>Proposed law</u> provides that such a resignation becomes effective and irrevocable immediately.

<u>Proposed law</u> defines "public announcement" as a communication or broadcast by any means intended to reach 500 or more persons.

(Amends R.S. 18:654(A); Adds R.S. 18:652.1 and 654(C))