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The original instrument and the following digest, which constitutes no part of the legislative instrument, were prepared by Alden A. Clement, Jr.

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## DIGEST

Present law provides that a person who desires to become a candidate in a primary election must qualify as a candidate by timely filing notice of his candidacy, which must be accompanied either by a nominating petition or by the qualifying fee and any additional fee imposed.

Proposed law retains present law.

Present law further provides that a candidate whose notice of candidacy is accompanied by a nominating petition will not be required to pay any qualifying fee or any additional fee.

Proposed law retains present law.

Proposed law provides that any other candidate in a primary election may request a criminal background check on any other candidate. Proposed law further provides that the challenging candidate will be required to pay the cost of such criminal background check provided for by proposed law.

Present law provides that no person, whether or not currently registered as a voter with the registrar of voters, can qualify to become a candidate if he is under an order of imprisonment for conviction of a felony.

Proposed law retains present law, and adds that each person who desires to become a candidate in a primary election must sign a form prescribed by the secretary of state authorizing the qualifying official to forward the person's name and identifying information to the office of state police for purposes of a criminal background check pursuant to proposed law.

Proposed law provides that on the day following the close of qualifying for a primary election, the qualifying official is to forward the name of and all identifying information in his possession regarding each candidate who qualified with his office for that election to the office of state police.

Proposed law provides that upon receipt of the name of and identifying information regarding a candidate from a qualifying official, the office of state police is to conduct a criminal background check on the candidate. Proposed law provides that such criminal background check is to be paid for out of the qualifying fee provided for by present law or the criminal background check fee paid by the candidate to the qualifying official pursuant to proposed law. Proposed law provides that the qualifying official is to forward such funds to the office of state police at the same time as the name and identifying information are forwarded.

Proposed law provides that if the criminal background check on a candidate reveals that the candidate has been convicted of a felony, the office of state police is to immediately send the information regarding the candidate and the relevant portions of the criminal background check to the district attorney whose jurisdiction includes the office for which the candidate has sought to qualify.

Proposed law provides that if a district attorney receives information from a sheriff in accordance with proposed law, he is to immediately proceed in accordance with present law relative to an action objecting to the candidacy of the person.

Effective August 15, 2010.

(Amends R.S. 18:461(A)(1) and (3); adds R.S. 18:462.1)