

Regular Session, 2012

SENATE BILL NO. 417

BY SENATOR RISER

ELECTION CODE. To provide relative to qualifying for an election for certain candidates.  
(8/1/12)

1 AN ACT  
2 To amend and reenact R.S. 18:461(A)(1), and to enact R.S. 18:461(A)(2)(d) and 462(C),  
3 relative to the Louisiana Election Code; to provide for the manner of qualifying for  
4 elections for candidates serving outside of the United States in the armed forces; to  
5 provide relative to fees; to provide for filing by facsimile or electronic mail; to  
6 provide for qualifying with the secretary of state or a person in his office designated  
7 to receive qualifying papers; and to provide for related matters.

8 Be it enacted by the Legislature of Louisiana:

9 Section 1. R.S. 18:461(A)(1) is hereby amended and reenacted and R.S.  
10 18:461(A)(2)(d) and 462(C) are hereby enacted to read as follows:

11 §461. Manner of qualifying

12 A.(1) A person who desires to become a candidate in a primary election shall  
13 qualify as a candidate by timely filing notice of his candidacy, which shall be  
14 accompanied either by a nominating petition or by the qualifying fee and any  
15 additional fee imposed. A candidate whose notice of candidacy is accompanied by  
16 a nominating petition shall not be required to pay any qualifying fee or any  
17 additional fee. **A candidate serving in the armed forces of the United States who**

1           **is stationed outside of the United States shall not be required to pay any**  
2           **qualifying fee or any additional fee.**

3                       (2) The notice of candidacy may be filed in any of the following ways:

4   \*       \*       \*

5                       **(d) By facsimile or electronic mail to the secretary of state or a person in**  
6                       **his office designated to receive qualifying papers if filed by a candidate serving**  
7                       **in the armed forces of the United States who is stationed outside of the United**  
8                       **States.**

9   \*       \*       \*

10                   §462. Officials with whom candidates qualify

11   \*       \*       \*

12                       **C. Candidates serving in the armed forces of the United States who are**  
13                       **stationed outside of the United States shall qualify for a primary election with**  
14                       **the secretary of state or a person in his office designated to receive qualifying**  
15                       **papers.**

The original instrument and the following digest, which constitutes no part of the legislative instrument, were prepared by Lauren Bailey.

DIGEST

Riser (SB 417)

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

Present law 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 and provides that a candidate serving in the armed forces who is stationed outside of the US will not be required to pay any qualifying fee or any additional fee.

Present law provides for the notice of candidacy to be filed in any of the following ways:

1. In person by the candidate.
2. By certified mail or commercial carrier, provided the notice is received within the qualifying period provided by law by the qualifying official.
3. By an agent on behalf of the candidate.

Proposed law retains present law and provides that a candidate serving in the armed forces

who is stationed outside of the US may file his notice of candidacy by facsimile or electronic mail to the secretary of state or a person designated to receive qualifying papers.

Present law provides that state candidates qualify for a primary election with the secretary of state or a person in his office designated to receive qualifying papers and that local and municipal candidates qualify for primary elections with the clerk of court for the parish in which the candidate is registered to vote.

Proposed law retains present law and provides that candidates serving in the armed forces who are stationed outside of the US will qualify for a primary election with the secretary of state or a person in his office designated to receive qualifying papers.

Effective August 1, 2012.

(Amends R.S. 18:461(A)(1); adds R.S. 18:461(A)(2)(d) and 462(C))