

Regular Session, 2014

HOUSE BILL NO. 1030

BY REPRESENTATIVES THOMPSON, BERTHELOT, STUART BISHOP, BROADWATER, BROWN, BURFORD, CARMODY, CARTER, CHAMPAGNE, CHANEY, CONNICK, CROMER, FANNIN, FOIL, GEYMAN, GREENE, GUINN, HARRIS, HARRISON, HAVARD, HAZEL, HENRY, HOFFMANN, HOWARD, KLECKLEY, NANCY LANDRY, LEOPOLD, LORUSSO, MACK, JAY MORRIS, PEARSON, PONTI, POPE, PYLANT, RICHARD, ROBIDEAUX, SCHEXNAYDER, SEABAUGH, SHADOIN, STOKES, TALBOT, AND WILLMOTT AND SENATORS ADLEY, CHABERT, JOHNS, LONG, GARY SMITH, AND THOMPSON

ELECTIONS: Repeals additional fees imposed on candidates by political party committees

1 AN ACT

2 To amend and reenact R.S. 18:447(A) and (B), 461(A)(1), 463(A)(1)(d), 464(E), and
3 1280.22(A) and (B)(2)(d) and to repeal R.S. 18:464(C), (D), (G), and (H), relative
4 to political party committees; to repeal provisions that authorize the imposition on
5 candidates of additional fees by certain political party committees; to repeal
6 provisions relative to notice and use of such fees; to repeal provisions prohibiting
7 clerks of court from retaining a portion of such fees; to provide relative to the use of
8 such fees previously collected; and to provide for related matters.

9 Be it enacted by the Legislature of Louisiana:

10 Section 1. R.S. 18:447(A) and (B), 461(A)(1), 463(A)(1)(d), 464(E), and 1280.22(A)
11 and (B)(2)(d) are hereby amended and reenacted to read as follows:

12 §447. Parish executive committees; fundraising

13 A. A parish executive committee of a political party may accept donations,
14 conduct fundraising activities, and accept funds from such activities for the purpose
15 of funding the operation of the committee, ~~in addition to collecting the fees assessed~~
16 ~~to candidates pursuant to R.S. 18:464.~~

1 B. Funds accepted by a parish executive committee pursuant to this Section
2 may be used ~~only as provided in R.S. 18:464(G) for the use of fees received from~~
3 ~~candidates solely for the operation of the committee. No such funds shall be used~~
4 for the direct benefit of any particular candidate for public office.

5 * * *

6 §461. Manner of qualifying

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

15 * * *

16 §463. Notice of candidacy; campaign finance disclosure; political advertising;
17 penalties

18 A.(1)

19 * * *

20 (d) When a candidate serving in the armed forces of the United States who
21 is stationed or deployed outside of the United States files his notice of candidacy and
22 does not pay any qualifying fees ~~or any additional fee,~~ he shall file with the
23 qualifying official a certification prepared by the secretary of state certifying that at
24 the time of qualifying he is serving in the armed forces of the United States and he
25 is stationed or deployed outside of the United States and that he is eligible to become
26 a candidate pursuant to United States Department of Defense Directive 1344.10.

27 * * *

28 §464. Qualifying fees; ~~additional fees imposed by political party committees;~~
29 financial statements

* * *

E. Clerks' fees. Each clerk of court may retain from the qualifying fees of each local and municipal candidate and each candidate for membership on a political party committee a fee of not more than ten percent, but not less than ten dollars, which shall be retained by the clerk and used by him to cover his office expenses for filing and recording the candidate's qualifying papers. ~~However, the sums retained by the clerk of court shall be retained only from those qualifying fees that are remitted to the secretary of state.~~

* * *

§1280.22. Candidates; procedure for qualifying

A. Candidates for presidential nominee shall qualify in accordance with procedures established by the party. Prior to qualification as a candidate of a political party for presidential nominee, a person shall pay a qualifying fee of seven hundred fifty dollars ~~and any additional fee as authorized by R.S. 18:464(C)~~ or shall have obtained a nominating petition, bearing the handwritten signatures of no less than one thousand registered voters affiliated with the party from each of the congressional districts into which the state is divided. If the candidate is qualifying by paying a fee, the fee shall be paid in cash, by certified or cashier's check drawn on a state or national bank or credit union, by United States postal money order, or by a money order issued by a state or national bank or credit union.

B.

* * *

(2)

* * *

(d) A notice of candidacy shall be accompanied by the qualifying fee ~~and any additional fee imposed~~ or a nominating petition.

* * *

Section 2. R.S. 18:464(C), (D), (G), and (H) are hereby repealed in their entirety.

1 Section 3. Funds collected by a state central committee or parish executive
2 committee from fees imposed pursuant to R.S. 18:464(C) or (D) prior to the effective date
3 of this Act shall be used solely for the operation of such committees. No such funds shall
4 be used for the direct benefit of any particular candidate for public office.

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)]

Thompson

HB No. 1030

Abstract: Repeals provisions that authorize the imposition on candidates of additional fees by certain political party committees and provisions related thereto.

Present law (R.S. 18:442) provides that a recognized political party shall be controlled and directed by one state central committee and a parish executive committee for each parish.

Present law (R.S. 18:447) authorizes a parish executive committee of a political party to accept donations, conduct fundraising activities, and accept funds from such activities for the purpose of funding the operation of the committee. Provides that such funds may be used solely for the operation of the committee and that no such funds may be used for the direct benefit of any particular candidate for public office. Requires reporting concerning such funds. Proposed law retains present law.

Present law authorizes a parish executive committee of a political party to collect fees assessed to candidates. Proposed law repeals present law.

Present law (R.S. 18:461) provides that a person who desires to become a candidate in a primary election shall qualify as a candidate by timely filing notice of his candidacy, which shall be accompanied either by a nominating petition or by the qualifying fee. Present law (R.S. 18:464) provides for the method of payment and amount of the qualifying fee. Proposed law retains present law.

Present law (R.S. 18:464) authorizes a state central committee to impose additional fees on state candidates, candidates for presidential nominee, candidates for membership on the committee, and local and municipal candidates. Authorizes a parish executive committee to impose additional fees on local and municipal candidates and candidates for membership on the committee. Provides for collection of the fees and transmission of the fees to the committee. Provides limitations on the use of the fees by the committee. Requires notice of the imposition of the fees. Proposed law repeals present law.

Present law (R.S. 18:464(E)) authorizes a clerk of court to retain a portion of qualifying fees submitted by local and municipal candidates and candidates for membership on a political party committee. Proposed law retains present law.

Present law prohibits a clerk from retaining a portion of any additional fee imposed by a political party committee. Proposed law repeals present law.

Proposed law provides that fees collected by a state central committee or parish executive committee pursuant to present law (R.S. 18:464(C) or (D)) prior to the effective date of proposed law shall be used solely for the operation of such committees. Provides that no such fees shall be used for the direct benefit of any particular candidate for public office.

(Amends R.S. 18:447(A) and (B), 461(A)(1), 463(A)(1)(d), 464(E), and 1280.22(A) and (B)(2)(d); Repeals R.S. 18:464(C), (D), (G), and (H))