



LOUISIANA DEPARTMENT OF STATE  
ELECTIONS DIVISION

LEGISLATIVE OVERSIGHT REPORT

**NOTICE OF INTENT**  
*(Intended Action)*

TITLE 31  
ELECTIONS

PART I. ELECTION PROCESS

CHAPTER 9. RECOGNITION OF POLITICAL PARTIES

(LAC 31:I.CHAPTER 9)

**RECOGNITION OF POLITICAL PARTIES**  
*(Brief Description)*

**INITIAL REPORT**

**COPY OF THE RULE AS IT IS PROPOSED FOR ADOPTION, AMENDMENT, OR REPEAL AND STATEMENT OF THE AMOUNT OF THE FEE TO BE ADOPTED OR THE AMOUNT OF THE PROPOSED INCREASE OR DECREASE** *(The rule shall be coded with any new rule or language that is to be added to an existing agency rule underscored and any language that is to be deleted from an existing agency rule in struck-through type.)*

Attached is a copy of the Notice of Intent as it is being proposed related to recognition of political parties. This Notice of Intent proposes to update the Rule to ensure compliance with current statutes and procedures. A coded copy of the Notice of Intent is attached.

**STATEMENT OF THE PROPOSED ACTION** *(Whether the rule is proposed for adoption, amendment, or repeal; a brief summary of the content of the rule if proposed for adoption or repeal; and a brief summary of the change in the rule if proposed for amendment.)*

This amendment to the rule will update the Rule to ensure compliance with current statutes and procedures for recognition of political parties.

**SPECIFIC CITATION OF THE ENABLING LEGISLATION PURPORTING TO AUTHORIZE THE ADOPTION, AMENDING, OR REPEAL OF THE RULE OR PURPORTING TO AUTHORIZE THE ADOPTION, INCREASING, OR DECREASING THE FEE**

Under the authority of R.S. 18:441 and R.S. 36:742, the department is proposing to amend its Rule on recognition of political parties.

**STATEMENT OF CIRCUMSTANCES WHICH REQUIRE ADOPTION, AMENDING, OR REPEAL OF THE RULE OR THE ADOPTION, INCREASING, OR DECREASING OF THE FEE**

Under the authority of R.S. 18:441 and R.S. 36:742, the department is proposing to amend its Rule on recognition of political parties to ensure compliance with current statutes and procedures.

**STATEMENT OF FISCAL IMPACT OF THE PROPOSED ACTION AND STATEMENT OF THE ECONOMIC IMPACT OF THE PROPOSED ACTION, BOTH APPROVED BY THE LEGISLATIVE FISCAL OFFICE**

Attached is a copy of the approved Fiscal and Economic Impact Statement for Administrative Rules.

## NOTICE OF INTENT

### Department of State Elections Division

#### Recognition of Political Parties (LAC 31:I.Chapter 9)

The Department of State, pursuant to the provisions of the Administrative Procedures Act (R.S. 49:950 et seq.) and under the authority of R.S. 18:441 and R.S. 36:742, is proposing to amend the Rule regarding the recognition of political parties. This Rule shall become effective upon publication in the *Louisiana Register*.

### Title 31

### ELECTIONS

#### Part I. Election Process

#### Chapter 9. Recognition of Political Parties

§901 – 903. ...

#### §905. Political Party Recognition Based on Registered Voters

A. In order for a political party to be recognized in the state of Louisiana, the political party shall have at a minimum 1,000 or more voters who are registered as being affiliated with said political party in the state of Louisiana.

B. The political party shall be required to purchase from the Department of State a statewide list of all voters who are registered as being affiliated with the political party in the state of Louisiana pursuant to the provisions of LAC 31:II.105 (Sale of Voter Registration Lists). The list of registered voters shall be dated by the department.

C. When requesting a list of registered voters, the department shall use the exact political party name given by the requestor as the party affiliation and the name shall include the word "party." For example, a request for a list of registered voters with the name given by the requestor as "Green" will include "Green" or "Green Party," but would not include a party designation such as "Green Grass," "Green Labor," "Green Peace," or "Greenpeace."

D. All of the following requirements shall be met by the political party for recognition by the secretary of state.

1. A notarized registration statement shall be filed with the secretary of state no later than 90 days prior to the opening of the qualifying period for any election.

2. The registration statement shall be accompanied by a fee in the amount of \$1,000, made payable to the Department of State, only by certified or cashier's check on a state or national bank or credit union, United States postal money order, or money order issued by a state or national bank or credit union.

3. The registration statement shall be accompanied by the list of registered voters provided by the Department of State pursuant to §905.B with the exact political party name, showing at least 1,000 voters who are registered in the state of Louisiana as being affiliated with such political party, and dated no less than 90 days prior to the opening of the qualifying period for any election.

AUTHORITY NOTE: Promulgated in accordance with R.S. 18:441 and R.S. 36:742.

HISTORICAL NOTE: Promulgated by the Department of State, Elections Division, LR 34:703 (April 2008), amended LR 44:

### **§907. Defects in a Registration Statement**

A. No registration statement of a political party shall be accepted by the secretary of state, if the secretary of state finds any of the following defects:

1. the name of the political party is identical to or deceptively similar to the name of any other existing political party;

2. the name of the political party is deliberately misleading or fraudulent in any respect;

3. the political party's emblem is deceptively similar to an emblem or trademark of any other existing recognized political party; or

4. a political party's registration statement is incomplete and/or does not provide the required information. In such a case, the political party may resubmit a completed notarized registration statement without having to pay an additional registration fee. The secretary of state shall receive a resubmitted registration statement no less than 90 days prior to the opening of qualifying for any election.

B. The secretary of state shall return the rejected registration statement, along with the registration fee, except in the case of an incomplete statement, where the political party chooses to resubmit a completed notarized registration statement.

AUTHORITY NOTE: Promulgated in accordance with R.S. 18:441 and R.S. 36:742.

HISTORICAL NOTE: Promulgated by the Department of State, Elections Division, LR 34:703 (April 2008), amended LR 44:

### **§909. Objection to a Registration Statement**

A. Any person aggrieved by the recognition of political party based on the filing of a registration statement alleged to be false, fraudulent, deceptive, substantially misleading, or otherwise prohibited by law may file an objection in writing to the secretary of state.

B. The objection shall be filed within two years of the political party's registration filing.

C. The secretary of state shall provide written notice by certified mail, return receipt requested, to the recognized political party whose registration statement is objected to and include with the notice a copy of the objection and any related documentation provided with the objection. The recognized political party may file a written response to the objection with the secretary of state within 10 days of the date of receipt of the notice from the secretary of state.

D. The secretary of state shall determine the validity of the objection, by determining whether the political party's registration statement is defective, based on the objection, any related documentation provided with the objection, and, if applicable, the response to the objection from the recognized political party.

E. If the secretary of state determines that the objection is valid, he shall declare the political party's registration statement null and void and cancel the political party's recognition. The secretary of state shall provide written notice of his decision by certified mail, return receipt requested, and the effective date to the political party.

F. The secretary of state shall not return the registration fee when a political party's registration is canceled pursuant to the provisions herein.

AUTHORITY NOTE: Promulgated in accordance with R.S. 18:441 and R.S. 36:742.

HISTORICAL NOTE: Promulgated by the Department of State, Elections Division, LR 34:703 (April 2008), amended LR 44:

### **§911. Notification**

A. The secretary of state shall provide written notice by certified mail, return receipt requested, to a political party that seeks recognition that the political party's registration statement is rejected for any of the reasons set forth in §907 through §909 above.

AUTHORITY NOTE: Promulgated in accordance with R.S. 18:441 and R.S. 36:742.

HISTORICAL NOTE: Promulgated by the Department of State, Elections Division, LR 34:704 (April 2008), amended LR 44:

### **Family Impact Statement**

The proposed amendment to the Rule cited in LAC 31:I.Chapter 9 regarding recognition of political parties should not have any known or foreseeable impact on any family as defined by R.S. 49:927 or on family formation, stability and autonomy. Specifically, there should be no known or foreseeable effect on:

1. the stability of the family;
2. the authority and rights of parents regarding the education and supervision of their children;
3. the functioning of the family;
4. family earnings and family budget;
5. the behavior and personal responsibility of children; and
6. the ability of the family or a local government to perform the function as contained in the proposed amendments to the Rule.

### **Poverty Impact Statement**

The proposed amendment to the Rule cited in LAC 31:I.Chapter 9 regarding recognition of political parties should not have any known or foreseeable impact on poverty as defined by R.S. 49:973. Specifically, there should be no known or foreseeable effect on:

1. the household income, assets and financial security;
2. early childhood development and preschool through postsecondary education development;
3. employment and workforce development;
4. taxes and tax credits; and
5. child and dependent care, housing, health care, nutrition, transportation, and utilities assistance.

### **Small Business Statement**

The proposed amendment to the Rule on small business has been considered and it is estimated that the proposed action is not expected to have a significant adverse impact on small business as defined in the Regulatory Flexibility Act. The agency, consistent with health, safety, environmental and economic welfare factors has considered and, where possible, utilized regulatory methods in the drafting of the proposed Rule that will accomplish the objectives of applicable statutes while minimizing the adverse impact of the proposed Rule on small business.

### **Provider Impact Statement**

The proposed amendment to the Rule does not have any known or unforeseeable impact on providers as defined by HCR 170 of the 2014 Regular Legislative Session. In particular, there should be no known or foreseeable effect on:

1. the effect on the staffing level requirements or qualifications required to provide the same level of service;
2. the total direct and indirect effect on the cost to the providers to provide the same level of service; or
3. the overall effect on the ability of the provider to provide the same level of service.

### **Public Comments**

Interested persons may submit written comments to Jodie Henderson, Attorney, Legal Division, Department of State, P.O. Box 94125, Baton Rouge, LA 70804-9125. She will be responsible for responding to inquiries regarding the proposed amendments to various sections of the Rule. The deadline for the Department of State to receive written comments is 4:30 p.m. on Wednesday, October 31, 2018 after the public hearing.

### **Public Hearing**

A public hearing on the proposed Rule is scheduled for Tuesday, October 30, 2018, at 1:00 p.m. in the Executive Conference Room at the Department of State, 8585

Archives Avenue, Baton Rouge, LA. At that time, all interested persons will be afforded the opportunity to submit data, views, or arguments either orally or in writing.

A handwritten signature in black ink, appearing to read 'R. Kyle Ardoin', written in a cursive style.

R. Kyle Ardoin  
Secretary of State

**CODED COPY**

**NOTICE OF INTENT**

**Department of State  
Elections Division**

**Recognition of Political Parties (LAC 31:1.Chapter 9)**

The Department of State, pursuant to the provisions of the Administrative Procedures Act (R.S. 49:950 et seq.) and under the authority of R.S. 18:441 and R.S. 36:742, is proposing to amend the Rule regarding the recognition of political parties. This Rule shall become effective upon publication in the *Louisiana Register*.

**Title 31**

**ELECTIONS**

**Part I. Election Process**

**Chapter 9. Recognition of Political Parties**

**§901. Purpose**

~~A. The purpose of this Chapter is to establish minimum guidelines to be used by the Secretary of State in recognizing political parties pursuant to R.S. 18:441B.~~

~~AUTHORITY NOTE: Promulgated in accordance with R.S. 18:441 and R.S. 36:742.~~

~~HISTORICAL NOTE: Promulgated by the \_\_, LR 34:703 (April 2008).~~

**§903. Definitions.**

~~A. For the purposes of this Rule, the following definitions shall apply:~~

~~*Deceptively Similar*—a political party name which deceives the general public into believing that said political party is that of another party, when in fact, the two parties are not affiliated with each other.~~

~~*Identical*—the same exact political party name, even though the two parties are not affiliated with each other.~~

~~AUTHORITY NOTE: Promulgated in accordance with R.S. 18:441 and R.S. 36:742.~~

~~HISTORICAL NOTE: Promulgated by the Department of State, Elections Division, LR 34:703 (April 2008).~~

**§905. Political Party Recognition Based on Registered Voters**

~~A. A In order for a political party which seeks recognition must have at least 1,000 registered voters to be recognized in the state of Louisiana, the political party shall~~



have at a minimum 1,000 or more voters who are registered as being affiliated with such political party said:

~~B.~~ A political party in the state of Louisiana,

~~B.~~ shall request a The political party shall be required to purchase from the Department of State a statewide list of registered all voters from the Secretary of State who are registered as being affiliated with the political party who is seeking recognition in order to verify that the political party has at least 1,000 registered voters. The Secretary of State shall date this list of registered voters in the state of Louisiana pursuant to the provisions of LAC 31:II.105 (Sale of Voter Registration Lists). The

~~C.~~ This list of registered voters shall be provided dated by the department,

~~C.~~ Secretary When requesting a list of State's office, using registered voters, the department shall use the exact political party name given by the requestor, as the party affiliation and shall be limited to the exact name provided. shall include the word "party." For example, a request for a list of registered voters with the "name given by the requestor as "Green" will include "Green" or "Green Party," but would not include "Green," a party designation such as "Green Grass," "Green Labor," "Green Peace," or "Greenpeace" or "Greens."

D. All of the following requirements shall be met by the political party for recognition by the Secretary secretary of State state.

1. A notarized registration statement must shall be filed with the Secretary secretary of State state no later than 90 days prior to the opening of the qualifying period for any election.

2. The registration statement must shall be accompanied by a fee in the amount of \$1,000, made payable to the Department of State, only by certified, or cashier's check on a state or national bank or credit union, United States postal money order, or money order issued by a state or national bank or credit union.

3. The registration statement must shall be accompanied by a the list of registered voters provided by the Department of State pursuant to §905.B with the exact political party name, showing at least 1,000 voters who are registered in the state of Louisiana as being affiliated with such political party, and dated no less than 90 days prior to the opening of the qualifying period for any election.

AUTHORITY NOTE: Promulgated in accordance with R.S. 18:441 and R.S. 36:742.

HISTORICAL NOTE: Promulgated by the Department of State, Elections Division, LR 34:703 (April 2008-), amended LR 44:

### §907. Defects in a Registration Statement

A. No registration statement of a political party shall be accepted by the Secretary secretary of State state, if the Secretary secretary of State state finds any of the following defects:

1. A the name of the political party's name party is identical or deceptively similar to the name of any existing national party, yet the two political parties are not affiliated based on information from the national party;

102. A political party's name is identical or deceptively similar to the name of any other existing political party;

2. currently recognized the name of the political party-

~~3. A political party's name~~ is deliberately misleading or fraudulent in any respect;

~~3. the~~ ~~4. A political party's emblem is deceptively similar to an emblem or trademark of any other existing recognized political party;~~ ~~or~~

~~4. a political party that attempts to be recognized in this state with the name "Independent" or "the Independent Party."~~

A political party's registration statement is incomplete and/or does not provide the required information. In such a case, the political party may resubmit a completed notarized registration statement without having to pay an additional registration fee. The ~~Secretary~~ ~~secretary~~ of ~~State~~ ~~must~~ ~~state~~ ~~shall~~ receive a resubmitted registration statement no less than -90 days prior to the opening of ~~the~~ qualifying for any ~~election, for recognition to apply in that primary or general~~ election.

B. The ~~Secretary~~ ~~secretary~~ of ~~State~~ ~~state~~ shall return the rejected registration statement, along with the registration fee, except in the case of an incomplete statement, where the political party chooses to resubmit a completed notarized registration statement.

AUTHORITY NOTE: Promulgated in accordance with R.S. 18:441 and R.S. 36:742.

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A. Any person aggrieved by the recognition of political party based on the filing of a registration statement alleged to be false, fraudulent, deceptive, substantially misleading, or otherwise prohibited by law may file an objection in writing to the ~~Secretary~~ ~~secretary~~ of ~~State~~ ~~state~~.

B. The objection ~~must~~ ~~shall~~ be filed within two years of the political party's registration filing.

C. The ~~Secretary~~ ~~secretary~~ of ~~State~~ ~~state~~ shall provide written notice ~~by certified mail, return receipt requested~~, to the recognized political party whose registration statement is objected to and include with the notice a copy of the objection and any related documentation provided with the objection. The recognized political party may file a written response to the objection with the ~~Secretary~~ ~~secretary~~ of ~~State~~ ~~state~~ within 10 days of the date of ~~mailing~~ ~~receipt~~ of the notice ~~by~~ ~~from~~ the ~~Secretary~~ ~~secretary~~ of ~~State~~ ~~state~~.

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E. If the ~~Secretary~~ ~~secretary~~ of ~~State~~ ~~state~~ determines that the objection is valid, he shall declare the political party's registration statement null and void and cancel the political party's recognition. The ~~Secretary~~ ~~secretary~~ of ~~State~~ ~~state~~ shall provide written notice of his decision ~~by certified mail, return receipt requested~~, and the effective date to the political party.

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1. the effect on the staffing level requirements or qualifications required to provide the same level of service;
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R. Kyle Ardoin  
Secretary of State