

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 Department of State, Elections Division, 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 political party which seeks recognition must have at least 1,000 registered voters in the state of Louisiana who are registered as being affiliated with such political party.

B. A political party shall request a list of registered 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.

C. This list of registered voters shall be provided by the Secretary of State's office, using the political party name given by the requestor, and shall be limited to the exact name provided. For example, a request for a list of registered voters with the "Green Party" would not include "Green," "Green Grass," "Green Labor," "Green Peace," "Greenpeace" or "Greens."

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 must 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 must be accompanied by a fee in the amount of \$1,000, made payable to the Department of State only by certified, 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 be accompanied by a 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 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).

§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. A political party's name 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.

2. A political party's name is identical or deceptively similar to the name of any currently recognized political party.

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

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

5. A political party that attempts to be recognized in this state with the name "Independent" or "the Independent Party."

6. 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 must 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 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).

§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 must be filed within two years of the political party's registration filing.

C. The Secretary of State shall provide written notice 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 mailing of the notice by the Secretary of State.

D. The Secretary of State must 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 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).

§911. Notification

A. The Secretary of State shall provide written notice 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).