

**ACT No. 889**

Regular Session, 2004

HOUSE BILL NO. 1605

BY REPRESENTATIVE DANIEL

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AN ACT

To amend and reenact R.S. 18:441, 551(D), and 1461(A)(6), relative to political parties; to provide for recognition of certain political parties; to provide for procedures to object to recognition of certain political parties; to prohibit certain parties from being recognized; to provide relative to the application of provisions of law relative to state central committees and parish executive committees; to provide for certain party affiliations to appear on the ballot with candidates' names; to provide for penalties for deceiving or misinforming a voter relative to matters involving party affiliation; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 18:441, 551(D), and 1461(A)(6) are hereby amended and reenacted to read as follows:

§441. Recognition

~~A. A political party shall be recognized in this state if one of its candidates for presidential elector received at least five percent of the votes cast in this state for presidential electors in the last presidential election, or if at least five percent of the registered voters in the state are registered as being affiliated with the political party pursuant to the provisions of Subsection B or C of this Section.~~

B.(1) A political party shall be recognized if ninety days prior to the opening of the qualifying period for any election at least one thousand registered voters in the state are registered as being affiliated with such political party; such political party has filed a notarized registration statement as described in Paragraph (2) of this Subsection with the secretary of state; and the political party has paid a registration

1           fee of one thousand dollars to the secretary of state upon filing the registration  
2           statement.

3                   (2) The registration statement filed with the secretary of state by a political  
4           party shall be sworn to by an officer of the party, notarized, and shall include the  
5           following information:

6                           (a) The name of the political party.

7                           (b) The mailing address of the party within the state of Louisiana.

8                           (c) If the party is affiliated with a national political party, the name of the  
9           national party and the address of its national headquarters.

10                          (d) The names, addresses, and official titles of the party's state officers in  
11           Louisiana.

12                          (e) A copy of the party's emblem, if any.

13                          (f) Copies of the state party's charter or constitution, its governing bylaws,  
14           rules, and regulations.

15                          (3) No registration statement of a political party shall be accepted by the  
16           secretary of state, if the secretary of state finds any of the following defects:

17                           (a) The name of the party is identical to or deceptively similar to the name  
18           of any other existing political party.

19                           (b) The name of the party is deliberately misleading or fraudulent in any  
20           respect.

21                           (c) An emblem submitted by the party is deceptively similar to an emblem  
22           or trademark of any other existing political party.

23                          (4) Notwithstanding any other provision of law to the contrary, no political  
24           party shall be recognized in this state which declares its name solely to be  
25           "Independent" or "the Independent Party".

26                          (5) Any person aggrieved by the filing of a registration statement pursuant  
27           to Paragraph (2) of this Subsection alleged to be false, fraudulent, deceptive,  
28           substantially misleading, or otherwise prohibited by Paragraph (3) of this Subsection  
29           may, within two years of such filing, object to the filing in writing to the secretary of

1           state. The secretary of state, upon determination that the registration statement is  
2           defective, shall declare such registration statement null and void, and such political  
3           party shall no longer be considered as recognized.

4           (6) A political party that has been recognized pursuant to the provisions of  
5           this Subsection shall cease to be a recognized political party if no registered member  
6           of the party qualifies as a candidate in a primary election for any period of four  
7           consecutive years.

8           (7) The secretary of state shall promulgate and adopt rules as necessary to  
9           effectuate the provisions and purposes of this Section. Any act or omission of the  
10          secretary of state in the implementation of the provisions of this Subsection shall be  
11          reviewable upon filing a petition for judicial review in the Nineteenth Judicial  
12          District Court.

13          C.(1) A political party shall be recognized if any one candidate of the  
14          political party for presidential elector received at least five percent of the votes cast  
15          in this state for presidential electors in the last presidential election, or if any one  
16          candidate of the political party for any statewide office received at least five percent  
17          of the votes cast for the statewide office in any primary or general election.

18          (2) A political party that has received recognition pursuant to the provisions  
19          of Paragraph (1) of this Subsection shall no longer be recognized if, within any  
20          period of four consecutive years, the party no longer complies with the provisions of  
21          Paragraph (1) of this Subsection.

22          D.(1) A political party which receives more than five percent but less than  
23          ten percent of the votes cast in the last presidential election that has received  
24          recognition pursuant to Subsection B of this Section shall not be entitled to  
25          representation on a parish board of election supervisors, nor shall such party be  
26          subject to the provisions of R.S. 18:443 through 446, unless at least five percent of  
27          the registered voters in the state are registered as being affiliated with such political  
28          party. A political party that has been recognized pursuant to Paragraph (1) of  
29          Subsection C of this Section shall not be entitled to representation on a parish board

1 of election supervisors nor be subject to the provisions of R.S. 18:443 through 446  
 2 unless such candidate as provided for in Paragraph (1) of Subsection C of this  
 3 Section received at least ten percent of the votes cast for such office in the most  
 4 recent election in which a candidate for such party received the number of votes as  
 5 specified in Paragraph (1) of Subsection C of this Section.

6 (2) Any political party recognized pursuant to Paragraph (1) of Subsection  
 7 B of this Section shall not be considered to be a recognized political party pursuant  
 8 to R.S. 18:1505.2(H).

9 \* \* \*

10 §551. Ballots

11 \* \* \*

12 D. Political party designation. The political party designation of a candidate  
 13 who is registered as being affiliated with a recognized political party shall be listed  
 14 on the primary or general election ballot on the same line and immediately after or  
 15 below the candidate's name. If a candidate is ~~not~~ affiliated with a political party, but  
 16 such party is not a recognized political party, the space after his name shall be left  
 17 blank. If a candidate is not affiliated with any political party, the words "no party"  
 18 or an abbreviation thereof shall be placed after his name. The secretary of state shall  
 19 promulgate and adopt rules as necessary to effectuate the provisions and purposes of  
 20 this Subsection.

21 \* \* \*

22 §1461. Election offenses; penalties

23 A. No person shall knowingly, willfully, or intentionally:

24 \* \* \*

25 (6) Intimidate, deceive, or misinform, directly or indirectly, any voter or  
 26 prospective voter in matters concerning voting or nonvoting or voter registration or  
 27 nonregistration, including but not limited to any matter concerning the voluntary  
 28 affiliation or nonaffiliation of a voter with any political party.

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1           Section 2. This Act shall become effective on January 1, 2005.

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SPEAKER OF THE HOUSE OF REPRESENTATIVES

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PRESIDENT OF THE SENATE

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GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: \_\_\_\_\_