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State of Louisiana
DEPARTMENT OF JUSTICE
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OPINION 13-0168

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24-A ELECTIONS – Recall

La. R.S. 18:3
La. R.S. 18:101
La. R.S. 18:1300.1, *et seq.*

The Petition to Recall Demetric "Deedy" Slaughter, Mayor, City of Port Allen, Parish of West Baton Rouge, meets the legal requirements for the governor to issue a proclamation ordering an election to be held for the purpose of voting on the question of the recall.

Dear Mr. Enright:

We are in receipt of your request for an Attorney General's opinion with regard to the recall petition directed toward Demetric "Deedy" Slaughter, Mayor, City of Port Allen, Parish of West Baton Rouge. The Registrar of Voters certified the recall petition and has presented it to the governor. Therefore, you have requested an opinion as to whether the governor should issue a proclamation ordering an election to be held for the purpose of voting on the question of recall.

The legal process by which recall elections are governed in Louisiana is found in La. R.S. 18:1300.1, *et seq.*, of the Election Code. Statutes dealing with elections are *sui generis* and they must be applied as written.¹ La. R.S. 18:1300.3(C)(2) requires the registrar to send the original petition to the governor immediately after certification. La. R.S. 18:1300.7 requires the governor to issue a proclamation, within fifteen days after the petition is presented to him, to order an election to be held for the purpose of voting on the question of recall of the officer "if the required number of qualified electors of the voting area sign the petition for recall...."

The petition was delivered to Stacy L. Ryan, Registrar of Voters for the Parish of West Baton Rouge, on September 3, 2013, by the Chairwoman of the recall effort subsequent to a timely filing of the three day notice as required by La. R.S. 18:1300.2(3)(a). The recall petition, containing two hundred fifty-six (256) pages, one thousand five hundred twenty one (1,521) signatures (seventy-nine (79) of which were stricken through prior to delivery to the registrar), together with thirty-three (33) written requests for names to be stricken from the recall petition, and six (6) written requests for names to be added to

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State v. Democratic Second Pub. Serv. Dist. Exec. Com., 243 La. 151, 142 So. 2d 378 (La. 1962)

the recall petition pursuant to La. R.S. 18:1300.2(B)(1), was properly certified by the registrar of voters on September 9, 2013, in accordance with La. R.S. 18:1300.3.

In summary, the registrar's certification reflected the following:

TOTAL NUMBER OF ELECTORS OF THE VOTING AREA AS OF THE DATE OF THE FILING OF THE PETITION WITH THE SECRETARY OF STATE ON JUNE 7, 2013.....	3,818
NUMBER OF NAMES APPEARING ON THE ORIGINAL PETITION.....	1,521
NUMBER OF SIGNATURES DEEMED INVALID BY THE REGISTRAR OF VOTERS.....	-124
NUMBER OF VALID SIGNATURES ON THE ORIGINAL PETITION.....	1,397
NUMBER OF VALID NAMES OF ELECTORS REQUESTING TO BE STRIKEN FROM THE PETITION.....	-16
NUMBER OF VALID NAMES OF ELECTORS REQUESTING TO BE ADDED TO THE PETITION.....	+6
NUMBER OF VALIDATED NAMES OF ELECTORS ON THE PETITION.....	1,387

La. R.S. 18:1300.2(B) requires that:

[The recall] petition be signed by a number of the electors of the voting area as will in number equal not less than thirty-three and one-third percent of the number of the total electors of the voting area wherein and for which a recall election is petitioned; however, where fewer than one thousand qualified electors reside within the voting area, the petition shall be signed by not less than forty percent of said electors.

The registrar certified that the total number of electors of the voting area within the jurisdictional boundaries of the City of Port Allen as of the date of the filing of the petition with the secretary of state was three thousand eight hundred eighteen (3,818). Therefore, in calculating thirty-three and one-third ($33 \frac{1}{3}$) percent of 3,818, a total of one thousand two hundred seventy one (1,271) signatures of qualified electors are required on the recall petition in order for the governor to issue a proclamation for a special election.

According to La. R.S. 18:1300.3(A), the registrar is required to ascertain if the petitioners are registered to vote in the voting area. The registrar is required to certify on the recall petition "[t]he number of qualified electors of the voting area within the parish whose handwritten signatures appear on the petition" and "[e]ach registrar also shall indicate on the petition the names appearing thereon who are not electors of the voting area." La. R.S. 18:1300.3(A).

The registrar is required to verify the genuineness of signatures on recall petitions, as has been done for many years by registrars throughout the state, by virtue of the legal advice from this office. See La. Atty. Gen. Op. No. 04-0265. The registrar should continue to make a reasonable comparison of a voter's signature on the petition to the voter's signature on the roll of electors and not count a signature which is not found to be a reasonable match. See La. Atty. Gen. Op. Nos. 04-0265 and 91-413.

As stated in La. Atty. Gen. Op. No. 91-413, "the registrar should not be required to be an expert in observing signatures, however, it is the opinion of this office that the registrar shall make a reasonable identification of a voter's signature prior to certifying such name on a recall petition."

In this case, our office reviewed the recall petition, and it is found to be in compliance with the requirements set forth in La. R.S. 18:3. The "Petition to Recall Demetric "Deedy" Slaughter, Mayor, City of Port Allen, Parish of West Baton Rouge" contains requisite columns for the date of birth, date of signature, precinct of registration, residence address, including the town, name of the voter typed or legibly written, name of the person who witnessed and obtained signature, and the date the signature was witnessed and obtained.

The registrar certified that there are a total of one thousand three hundred ninety seven (1,397) valid signatures on the recall petition plus six (6) valid requests to be added and sixteen (16) valid requests to be stricken from the petition, for a total of one thousand three hundred eighty seven (1,387) signatures, which does meet the required thirty-three and one-third ($33 \frac{1}{3}$) percent required by La. R.S. 18:1300.2(B).

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Therefore, it is the opinion of this office that the certified signatures on the recall petition are sufficient in number for the governor to issue a proclamation ordering a special election on the question of recall for Demetric "Deedy" Slaughter, Mayor of the City of Port Allen, Parish of West Baton Rouge, State of Louisiana.

The proclamation shall order the election to be held on the next available date as set forth in La. R.S. 18:402 (F). The governor shall publish the proclamation in the official journal of the Parish of West Baton Rouge and send by registered or certified mail a copy of the proclamation to the secretary of state and to the clerk of the district court for the Parish of West Baton Rouge within 24 hours after issuing the proclamation.

Yours very truly,

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ATTORNEY GENERAL

By:



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