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STATE OF LOUISIANA
DEPARTMENT OF JUSTICE
OFFICE OF THE ATTORNEY GENERAL
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BATON ROUGE, LA
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May 30, 2024
OPINION 24-0050

Honorable Louis J. Perret
Lafayette Parish Clerk of Court
800 South Buchanan Street
Lafayette, Louisiana 70501

27 ELECTIONS

La. R.S. 33:385.1
La. C.C. art. 38
La. C.C. art. 45

La. R.S. 18:451
La. C.C. art. 39

The potential candidate in question would need to have been domiciled in the municipality for at least one year prior to the time of qualification for the election for chief of police.

Dear Mr. Perret,

Our office received your opinion request regarding the qualifications for a potential candidate for Chief of Police for the City of Youngsville. In your request, you ask whether a potential candidate who lived outside the city of Youngsville until August 2023 meets the qualifications to be a candidate for Chief of Police for a special election in which the qualifying dates have been set for July 17, 18, and 19, 2024. For the reasons that follow, we find that the potential candidate you have described in your request cannot meet the qualifications to be a candidate in this election.

In your request, you provided the following facts. The potential candidate executed a "Right to Sell Listing Agreement" to sell his home located outside the City of Youngsville on February 9, 2023. He subsequently purchased a lot in the City of Youngsville on April 14, 2023, to build a home. In late 2023, he hired a contractor to build the home, with an expected completion date of June 2024. In August 2023, the potential candidate executed a lease agreement for an apartment in the City of Youngsville pending the completion of his home, and on August 28, 2023, he changed his voting registration to his new address in Youngsville. Since then, he has voted three times in Youngsville elections.

You state in your request, "It is clear based on the foregoing that the individual is an elector and is in [fact] domiciled in the City of Youngsville commencing in 2023." You then ask if the individual is qualified to seek election as the Chief of Police pursuant to La. R.S. 33:385.1, contending that any doubt as to the qualifications of a candidate for office should be resolved in favor of allowing that candidate to run for office. See *Landiak v. Richmond*, 2005-0758 (La. 3/24/05), 899 So.2d 535, 541.

Louisiana Revised Statute 33:385.1(A) establishes the qualifications for a police chief and reads, in pertinent part:

Except as otherwise provided in this Section, an elected chief of police of a municipality shall be an elector of the municipality. **At the time of**

qualification as a candidate for the office of chief of police, he shall have been domiciled for at least the immediately preceding year in the municipality (Emphasis added).

First, the law requires a police chief to be an elector of the municipality. The qualifications of an elector are provided for in La. R.S. 18:101 (A)(1), which requires that an elector be “an actual bona fide resident of this state, and the parish, municipality, if any, and precinct in which he offers to register as a voter.” In Louisiana law, the “terms voter and elector are synonymous.” *State v. Dauzat*, 2002-1373 (La. App. 3 Cir. 4/2/03), 843 So.2d 526, 529. Based on the facts you have provided, it appears that this potential candidate meets the definition of an elector.

Whether the potential candidate meets the one-year domicile requirement is another question. For purposes of your inquiry, the critical provision of La. R.S. 33:385.1(A) is the requirement that the potential candidate hold the qualifications of office, including one-year domicile, **at the time of qualification**. Qualifying dates for the November 5, 2024 election are set for July 17-19, 2024.¹ Based upon the information you provided, the potential candidate did not reside in Youngsville prior to August 23, 2023, and cannot be said to have been domiciled in Youngsville before that date.

In defining “domicile” Louisiana Civil Code article 38 states, in pertinent part, that “[t]he domicile of a natural person is the place of his habitual residence.” The following article, La. C.C. art. 39, states that “[a] natural person may reside in several places but may not have more than one domicile.” A person's domicile is his principal establishment wherein he makes his habitual residence and essentially consists of two elements, namely residence and intent to remain in place. *McClendon v. Bel*, 2000-2011 (La. App. 1 Cir. 9/7/00), 797 So.2d 700, 704. Absent the residential component, a person cannot claim to have established domicile in a given place.

You ask whether the language of La. R.S. 33:385.1 may be interpreted to allow the individual seeking office to have been domiciled in Youngsville for less than one full year prior to qualifying for office. The clear language of La. 33:385.1 requires the candidate to have been domiciled “for at least the immediately preceding year in the municipality.” This language is clear and unambiguous and requires that a candidate for chief of police of a municipality must have been domiciled in the municipality for *at least one full year* prior to qualifying for the office. As such, the potential candidate described in your opinion request, who did not reside in the municipality until August 2023, does not meet the qualifications to be a candidate in the election with qualifying dates set for July 17, 18, and 19, 2024.²

¹ <https://www.sos.la.gov/ElectionsAndVoting/PublishedDocuments/ElectionsCalendar2024.pdf>

² We further call your attention to La. R.S. 18:451, which provides, in pertinent part:

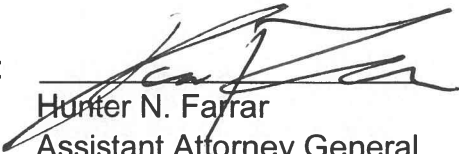
A person who meets the qualifications for the office he seeks may become a candidate and be voted on in a primary or general election if he qualifies as a candidate in the election.

We hope that this opinion has adequately addressed the legal issues you have raised. If our office can be of any further assistance, please do not hesitate to contact us.

With best regards,

LIZ MURRILL
ATTORNEY GENERAL

BY:



Hunter N. Farrar
Assistant Attorney General

LM: HNF

Except as otherwise provided by law, a candidate shall possess the qualifications for the office he seeks at the time he qualifies for that office. In the event that the qualifications for an office include a residency or domicile requirement, a candidate shall meet the established length of residency or domicile as of the date of qualifying, notwithstanding any other provision of law to the contrary.