



Jeff Landry  
Attorney General

## State of Louisiana

DEPARTMENT OF JUSTICE  
CIVIL DIVISION  
P.O. BOX 94005  
BATON ROUGE  
70804-9005

September 15, 2016  
OPINION 16-0130

Hon. Arthur A. Morrell  
Clerk of Criminal District Court  
Orleans Parish  
2700 Tulane Ave. #114  
New Orleans, LA 70119

35 ELECTIONS

La. C.C.P. art. 5059  
La. R.S. 18:434  
La. R.S. 18:1414

The selection of election commissioners and alternate commissioners may be made on the day following Columbus Day.

Dear Mr. Morrell:

You have requested this opinion regarding the selection of election commissioners for the upcoming November 8, 2016 election. La. R.S. 18:434(A)(1) requires that the “parish board of election supervisors shall meet at 10:00 a.m. on the twenty-ninth day before a primary election to select the commissioners and alternate commissioners for each precinct.” This statute also provides that the selection of commissioners shall be open to the public and take place within the courthouse.

However, as you stated in your request, the Orleans Parish Criminal Court is closed on the twenty-ninth day before the election, October 10, 2016. The closure is due to the Columbus Day holiday. The Local Rules of the Orleans Parish Criminal Court allow the court to set court holidays by en banc order.<sup>1</sup> The court has named Columbus Day as a court holiday, and Columbus Day is designated as a legal holiday by La. R.S. 1:55(A)(1).<sup>2</sup>

As a result, you have asked if the election commissioners and alternate commissioners may be selected on the following day. The Election Code does not govern the computation of time in this scenario. However, La. R.S. 18:1414 provides that, “[a]ny procedural matter not specifically provided for in this Code shall be governed by the Code of Civil Procedure.” Therefore, the Code of Civil Procedure must be used to determine the answer. The provision governing this situation is found in La. C.C.P. art. 5059, which provides:

In computing a period of time allowed or prescribed by law or by order of court, the date of the act, event, or default after which the period begins to run is not to be included. The last day of the period is to be included,

<sup>1</sup> Louisiana District Court Rules Appendices. <https://www.lasc.org/rules/dist.ct/CRDCAppendices.PDF>. Last accessed August 8, 2016.

<sup>2</sup> Orleans Criminal District Court 2016 Holiday Calendar. <http://www.criminalcourt.org/holiday-calendar.html>. Last accessed August 8, 2016.


unless it is a legal holiday, in which event the period runs until the end of the next day which is not a legal holiday.

Therefore, the period to select commissioners runs to the next day which is not a legal holiday.<sup>3</sup> The day following Columbus Day in 2016 is not a legal holiday. Therefore, the selection of election commissioners and alternate commissioners may be made on the day following Columbus Day.

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,

JEFF LANDRY  
ATTORNEY GENERAL

BY:   
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<sup>3</sup> Legal holidays are governed by La. R.S. 1:55.