



Jeff Landry
Attorney General

State of Louisiana

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

March 29, 2021
OPINION 21-0014

24 ELECTIONS – Conduct of Primaries and General

Garett Duplechain
Assistant District Attorney
St. Landry Parish District Attorney's Office
27th Judicial District
P.O. Drawer 1968
Opelousas, LA 70571

La. R.S. 18:1400.1	La. R.S. 13:5539
La. R.S. 18:1400.2	La. Const. art. 7, § 24
La. R.S. 18:452	La. Const. art. 11, § 1

The St. Landry Parish Council is responsible for the pro-rated portion of costs for the October 2019 election for St. Landry Parish Sheriff and St. Landry Parish Assessor, and the pro-rated portion of costs for the November 2019 runoff election for St. Landry Parish Assessor.

Dear Mr. Duplechain:

On behalf of the St. Landry Parish Council, you requested the opinion of this office concerning the following: (1) whether the St. Landry Parish Council or St. Landry Parish Sheriff is obligated to pay the costs of an election for the office of St. Landry Parish Sheriff in October of 2019; and (2) whether the St. Landry Parish Council or St. Landry Parish Assessor is obligated to pay the costs of an election for the office of St. Landry Parish Assessor in October of 2019 and runoff election in November of 2019.

The allocation of costs for election materials and ballots is addressed in La. R.S. 18:1400.1(A), which states:

The cost of ballots and election materials used in gubernatorial and congressional elections, whether or not a gubernatorial or congressional candidate appears on the ballot, shall be paid by the state from funds appropriated to the secretary of state for that purpose, except that when a local or municipal candidate or a local bond, debt, tax, proposition, or question also appears on the ballot, the state shall be required to pay one-half of the cost of ballots and election materials. The remaining one-half shall be prorated between the state and all local or municipal entities participating in such election. In the case of the offices of justice of the peace and constable of a justice of the peace court, the costs shall be prorated to the parish governing authority. The pro rata share of a local or municipal entity shall be determined by dividing the number of that entity's offices, propositions, or questions on the ballot by the total number of all offices, propositions, or questions on the ballot within that local jurisdiction.

Furthermore, the allocation of additional costs for elections is addressed in La. R.S. 18:1400.2(A), which states:

The costs of publication of the location of polling places; of renting polling places; of drayage; of setting up voting machines; of compensating

commissioners and deputy parish custodians; and of transmitting election returns for gubernatorial and congressional elections, whether or not a gubernatorial or congressional candidate appears on the ballot, shall be paid by the state from funds appropriated to the secretary of state for that purpose, except that when a local or municipal candidate or a local bond, debt, tax, proposition, or question also appears on the ballot, the state shall be required to pay one-half of such costs. The remaining one-half shall be prorated between the state and all local or municipal entities participating in such election. In the case of the offices of justice of the peace and constable of a justice of the peace court, the costs shall be prorated to the parish governing authority. The pro rata share of a local or municipal entity shall be determined by dividing the number of that entity's offices, propositions, or questions on the ballot by the total number of all offices, propositions, or questions on the ballot within that local jurisdiction.

The financial responsibility for costs of the election is dependent upon on the classification of the candidates appearing on the ballot in such an election. The classification of candidates is provided for in La. R.S. 18:452, which states:

Candidates are classified according to the character of the office they seek and are designated as follows:

- (1) State candidates are candidates for offices voted on throughout the state or throughout a congressional district, justice of the supreme court, judge of a court of appeal, and candidates for membership on a state board or commission.
- (2) Local candidates are candidates for the state legislature and other district offices not included in Paragraph (1) of this Section; parochial offices, including the office of parish judge; and ward offices.
- (3) Municipal candidates are candidates for city, town, and village offices.

Candidates for sheriff and assessor are classified as local candidates because these offices are parochial offices. The October 2019 election for St. Landry Parish Sheriff and St. Landry Parish Assessor, and the November 2019 runoff election for St. Landry Parish Assessor occurred during gubernatorial elections. Pursuant to La. R.S. 18:1400.1(A) and 18:1400.2(A), during a gubernatorial election one-half of the costs of the election shall be paid by the state from funds appropriated to the secretary of state for that purpose and the other one-half shall be pro-rated between the state and all local or municipal entities participating in such election. Neither of these statutes provide any further delineation of allocating costs amongst the parochial or municipal offices of a local entity for the remainder of the costs of the election.

It has been suggested that the St. Landry Parish Sheriff's Office and St. Landry Parish Assessor's Office should each pay the share of the election expenses attributable to the elections for the offices of St. Landry Parish Sheriff and St. Landry Parish Assessor, respectively. Louisiana Revised Statute 13:5539 sets forth the duties of sheriffs and La. Const. art. 7, § 24 establishes the duties of assessors. Pursuant to the aforementioned legal authorities, neither a sheriff nor an assessor is empowered to call or fund an election

for their respective offices. The legislature, however, is empowered to do so. La. Const. art. 11, § 1 provides that the legislature is mandated to "adopt an election code which shall provide for permanent registration of voters and for the conduct of all elections." "The constitutional grant of this power in a single sentence indicates the constitutional intent that the legislature have broad powers to legislate the conduct, when and how, of the election process." *Hurd v. McKeithen*, 28,371 (La. App. 2 Cir. 10/31/95), 663 So.2d 537, 541. This election authority may translate to local authorities, as specific provisions exist in the election code pertaining to local governing authorities having the ability to call local elections.¹

Our office has previously opined on issues similar to yours, and has traditionally held that the parish governing authority is responsible for the costs of an election involving local candidates. In La. Atty. Gen. Op. No. 14-0099, we reviewed whether the Union Parish Police Jury is the appropriate entity to pay for the costs associated with a special election to fill the vacancy for Union Parish Sheriff when no other issues or offices were included on the ballot.² Our office concluded that because the Sheriff is neither empowered to call nor fund an election for the office of Sheriff, the Union Parish Police Jury is responsible for the election costs to fill the vacancy in the office of Union Parish Sheriff. While our prior opinion pertains to a parish police jury and not a parish council, the exercise of authority is the same here because the St. Landry Parish Council is the governing authority of St. Landry Parish. Moreover, in La. Atty. Gen. Op. No. 03-0420, this office opined that the election costs for the justice of the peace and constable elections in Sabine Parish should be paid by the parish police jury or council because the candidates for those ward offices are local candidates, rather than state or municipal candidates.³ These opinions demonstrate that the parish governing authority is the appropriate local entity to bear financial responsibility for the non-state portion of elections of parochial and ward offices.

Considering the foregoing, it is the opinion of this office that the St. Landry Parish Council is responsible for the pro-rated portion of the costs for the October 2019 election for St. Landry Parish Sheriff and St. Landry Parish Assessor, and the prorated portion of costs for the November 2019 runoff election for St. Landry Parish Assessor.

¹ See La. R.S. 18:1400.1(C)(2).


² The election of the Sheriff was a special election held pursuant to La. R.S. 18:1400.1(C), which requires that the election costs shall be "paid by the appropriate governing authority that relates to the character of the office or the issue involved in such election."

³ La. Atty. Gen. Op. No. 03-0420 was rendered prior to the inclusion of the language in La. R.S. 18:1400.1 and La. R.S. 18:1400.2 which specifically allocates the costs of the justice of the peace and constable elections to the parish governing authority. See Act 526 of the 2004 Regular Legislative Session. 2004 La. Acts No. 526, §2.

We trust this adequately responds to your request. However, if our office can be of further assistance, please do not hesitate to contact us.

With best regards,

JEFF LANDRY
ATTORNEY GENERAL

BY: 
Amanda M. LaGroue
Assistant Attorney General

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