

STRIKETHROUGH/UNDERScoreD
(version showing changes)

Title 46
PROFESSIONAL AND OCCUPATIONAL STANDARDS
Part I. Architects

Chapter 5. Election of Nominees to Fill Vacancy, if Required

§501. Vacancy

A. This Chapter concerns the election of the ~~three~~ five nominees to be submitted to the governor for the filling of a vacancy on the board of one or more of the five architectural members to be appointed by the governor pursuant to R.S. 37:142.B. This rule shall be applicable whether the vacancy occurs as a result of withdrawal, disability, death, completion of the term of appointment, or any other reason. This rule shall not be applicable to the board members ~~selected~~ appointed by the governor pursuant to R.S. 37:142(C) or (D).

B. If a vacancy occurs, or is about to occur, the executive director shall publish notice thereof in the official journal of the state for a period of not less than 10 calendar days. The published notice need not appear more than three times during the 10 day period. The published notice shall identify the district where the vacancy has occurred and state that any licensed architect domiciled in that district desiring to fill that vacancy shall send a letter by certified mail or email addressed to the executive director of the board indicating his or her intent to be a candidate, which ~~letter~~ transmittal shall be accompanied by a curriculum vitae and ~~shall certify certification~~ that, if elected, the architect will serve. The deadline for receipt of the certified letter or the email described in this Subsection shall be ~~at least~~ not sooner than 20 calendar days subsequent to the publication of the last notice appearing in the official journal of the state. Confirmation of receipt shall be the sole responsibility of the candidate.

C. The board shall also provide notice of any vacancy to anyone who has requested same by certified mail or email addressed to the executive director within ~~90~~ 45 days of the occurrence ~~thereof of the vacancy~~. However, any failure to provide such notice shall not ~~effect~~ affect the results of any election conducted to fill the vacancy.

§503. Waiver of Election

A. If ~~three~~ five or fewer eligible architects from any district seek nomination, no election shall be held in that district, and the names of those ~~three~~ five or fewer candidates shall be submitted to the governor without any further board action.

§505. Ballots

A. If an election is necessary, ~~an official ballot and an official return envelope shall be mailed to each licensed architect residing in Louisiana~~ the board shall prepare the ballot. The ballot shall contain the names of the candidates printed in alphabetical order for each district, the ~~date~~ deadline for the return of the ballots voting, and any other information or instructions the board believes may be helpful in the election process. Biographical information provided by the candidates may be ~~attached to~~ included with the ballot.

B. ~~If the ballot mailed by board is lost, misplaced or not received, an architect desiring to vote may request from the board a substitute or replacement ballot. This substitute or~~

replacement ballot may be used in the election, provided the requirements of §507.C are satisfied.

§507. Voting

A. All licensed architects residing in Louisiana shall have the right to vote in the election of nominees to fill the vacancy for any district. If nominees are being elected for more than one district, a licensed architect may choose to vote in one or more but less than all district elections, and no ballot shall be voided for that reason. However, any ballot for the election of nominees to fill the vacancy for any one district containing more or less than three five votes or fewer than three votes for candidates in any one district will be voided in its entirety. No write-in candidates will be allowed, and any ballot containing a vote for a write-in candidate will be voided in its entirety.

B. ~~Ballots shall be returned in the official return envelopes provided by the board to the board office in Baton Rouge emailed by the board to all licensed architects residing in Louisiana at their last email address provided to the board. The voting architect shall complete and submit the ballot as instructed and vote online. sign and provide his or her license number in the upper left hand corner of the return envelope.~~

C. ~~The ballot shall not be valid unless the signature and license number and last name of the voting architect appears on the return envelope ballot, and the ballot return envelope is received by the board office is voted on or before the deadline. Ballots returned in an envelope other than the official return envelope provided by the board shall not be voided for that reason, provided the signature and license number of the voting architect appear on the return envelope, and the return envelope is received by the board office on or before the deadline.~~

D. ~~The deadline for returning the ballots voting will be fixed by the president and will be at least not sooner than 14 20 calendar days after the ballots are mailed to all licensed architects deadline for the submission of requests to be a candidate described in Subsection §501(B). Ballots received after the deadline shall not be counted.~~

E. ~~Upon receipt, each return envelope shall be stamped by the board office showing the date received.~~

§509. Tabulation

A. ~~Within 14 calendar days of the deadline for receipt of ballots, tellers appointed by the president, including at least one board member, shall meet at the board office for the purpose of tabulating the ballots. Following a determination that each return envelope contains the required signature and license number, and was timely received, the tellers shall open and count all ballots properly prepared. The executive director will notify the governor and the candidates of the results.~~

~~B. Alternatively, when in the discretion of the president the manual tabulating of the ballots by tellers in accordance with the preceding Subsection would be burdensome, or for some other reason should be performed by an outside person, the president may refer the entire tabulating of the ballots, or any part thereof, to an accounting firm, data processing company, or other such qualified person in addition to one board member. The outside person may use such clerical or other assistance, including whatever assistance from the board staff, as he or she deems necessary. The outside person shall:~~

~~1. determine that each return envelope contains the required signature and license number, and was timely received;~~

~~—2.—~~ count all ballots properly prepared; and
~~—3.—~~ certify the number of votes received by each candidate to the board president and the executive director, who shall notify the governor and the candidates of the results. Tabulation of the ballots will be done electronically.

B. The ~~three~~ five candidates receiving the highest number of votes in each district shall have their name submitted to the governor as nominees.

§511. Tie

A. In the event the ~~three~~ five candidates receiving the highest number of votes cannot be determined because of a tie, a run-off election will be held. The only candidates in the run-off election will be those candidates who received the same number of votes so that the outcome of the election cannot be fully determined.

B. If a run-off election is necessary, an official run-off election ballot and an ~~official return envelope~~ will be emailed to each licensed architect residing in Louisiana approximately two weeks after it has been determined that such an election is necessary.

C. The official run-off election ballot shall contain the information set forth in §505.A, except only the names of and the information for those candidates in the run-off election shall be included.

D. The rules for voting, for determining the person or persons elected as nominees, and for tabulating votes set forth elsewhere in this rule shall be applicable.

E. In the event the run-off election does not decide the ~~three~~ five candidates receiving the highest number of votes, the procedure set forth herein shall be repeated.

§513. Vacancy of Person Elected as Nominee

A. If a vacancy occurs with respect to a person elected as a nominee, that vacancy shall be filled in the following manner.

1. Within 45 days of the occurrence of the vacancy, the ~~The~~ executive director shall by email give notice of the vacancy to all of the other candidates in that district and to anyone who has requested notice of any such vacancy in writing ~~by certified mail within 90 days of the election~~; however, any failure to provide such notice shall not ~~effect~~ affect any election ~~conducted~~ subsequently held to fill the vacancy.

2. The executive director shall also publish notice of the vacancy in the official journal of the state for a period of not less than 10 calendar days. The published notice need not appear more than three times during the 10 day period. The published notice shall identify the district where the vacancy has occurred and state that any licensed architect domiciled in that district desiring to fill that vacancy shall advise the board in writing before the deadline determined by the president, and may contain other information.

3. If more than one person seeks election as the nominee, the board will call another election to fill that vacancy.

§515. Election Contest

A. The executive director will notify the candidates of the results of the election by email or U.S. Mail, or both. ~~The~~ A 10 calendar days day period for contesting an election shall commence ~~three work-day workdays~~ (excluding Saturdays, Sundays, and legal holidays) after the results of

the election are emailed or deposited in the mail by the executive director, whichever occurs first.

B. Any candidate desiring to contest an election shall, within the time period mentioned in the preceding Subsection, file a written petition addressed to the board stating the basis of the complaint. Upon receipt of such petition, the president shall call a special meeting of the board to hear the complaint, which meeting shall be held within 10 calendar days from the date the petition is received and at a time and place to be designated by the president. At the hearing the board shall consider any evidence offered in support of the complaint. The decision of the board shall be announced within 72 hours after the close of the hearing.

C. ~~All ballots shall be preserved until the expiration of the time allowed for the filing and hearing of a contest. After such period has elapsed, if the election be not contested, the executive director shall destroy the ballots. If the election is contested, the executive director shall maintain the ballots until the contest is concluded, after which the executive director shall destroy the ballots.~~