

Supreme Court of Louisiana

FOR IMMEDIATE NEWS RELEASE

NEWS RELEASE #037

FROM: CLERK OF SUPREME COURT OF LOUISIANA

The Opinions handed down on the 19th day of August, 2022 are as follows:

BY Weimer, C.J.:

2022-C-01212

FRANCIS DEAL VS. ADRIAN PERKINS AND CADDO PARISH
CLERK OF COURT, MIKE SPENCE, IN HIS OFFICIAL CAPACITY
(Parish of Caddo)

REVERSED AND RENDERED. SEE OPINION.

Hughes, J., dissents and would affirm the lower courts.

Crichton, J., dissents and assigns reasons.

McCallum, J., dissents for the reasons assigned by Justice Crichton and
assigns additional reasons.

SUPREME COURT OF LOUISIANA

No. 2022-C-01212

FRANCIS DEAL

VS.

**ADRIAN PERKINS AND CADDO PARISH CLERK OF COURT, MIKE
SPENCE, IN HIS OFFICIAL CAPACITY**

On Writ of Certiorari to the Court of Appeal, Second Circuit, Parish of Caddo

WEIMER, C.J.

Certiorari was granted in this election suit to consider the interplay between La. R.S. 18:492, which sets forth the grounds for objecting to candidacy, and La. R.S. 18:463, detailing the requirements of a notice of candidacy. Specifically, this court considers whether a candidate’s incorrect certification on his notice of candidacy “that if he claims a homestead exemption on a residence pursuant to Article VII, Section 20 of the Constitution of Louisiana, he is registered and votes in the precinct in which that residence is located,” required by La. R.S. 18:463(A)(2)(a)(viii), serves as a ground for an objection to candidacy under La. R.S. 18:492. Resolving a split in the courts of appeal, this court holds that only those false certifications specifically listed in La. R.S. 18:492(A)(5) through (7) constitute grounds for objecting to a candidate. Because the certification at issue in this case is not specifically listed in La. R.S. 18:492, it cannot serve as a basis to disqualify the candidate here. For the reasons that follow, the rulings of the lower courts are reversed.

FACTS AND PROCEDURAL HISTORY

Adrian Perkins, current mayor of Shreveport, Louisiana, seeks reelection to that office. On July 22, 2022, Perkins signed and filed a notice of candidacy form,¹ as required by La. R.S. 18:461 to become a candidate in a primary election. The requirements for the notice of candidacy are set forth in La. R.S. 18:463 and include a requirement that the candidate certify nine items.² Of particular relevance are the certifications:

(ii) That he meets the qualifications of the office for which he is qualifying.

(viii) Except for a candidate for United States senator or representative in congress or a candidate who resides in a nursing home as defined in R.S. 40:2009.2 or in a veterans' home operated by the state or federal government, that if he claims a homestead exemption on a residence pursuant to Article VII, Section 20 of the Constitution of Louisiana, he is registered and votes in the precinct in which that residence is located.

La. R.S. 18:463(A)(2)(a)(ii) and (viii). It is undisputed that Perkins signed the form certifying all required statements and that his certification as to (viii), Item 8 on the notice of candidacy form, was incorrect. Perkins has two residences—Stratmore Circle and Marshall Street— both within the city of Shreveport. Although Perkins was registered to vote at the Stratmore Circle address at the time of his qualification, it is undisputed he maintained a homestead exemption at the Marshall Street residence. The two residences are in different voting precincts.

On July 29, 2022, Francis Deal, a qualified elector, filed a “Petition in Objection to Candidacy” asserting Perkins’ false certification on the notice of candidacy form disqualifies him from being a candidate for mayor pursuant to La.

¹ Notice of candidacy forms are prepared and provided by the Secretary of State.

² Items 6 through 14 on the notice of candidacy form correlate to the statutory requirements set forth in La. R.S. 18:463(A)(2)(a)(i) through (ix).

R.S. 18:492. Deal also asserted that pursuant to La. R.S. 18:101(B), Perkins was required to be registered to vote in the precinct where he claimed his homestead exemption, and his failure to do so caused him to be an unqualified elector and candidate.

On July 30, 2022, Perkins changed his voter registration to the precinct for the Marshall Street residence, where he claims a homestead exemption. On August 1, 2022, Perkins answered the petition with a general denial, and attached his affidavit with supporting documentation.³ Perkins attested to the following: he first registered to vote in the city of Shreveport in 2007 and has been registered to vote in the precinct of his Stratmore Circle residence since at least 2017; he currently resides on Marshall Street and has since 2019; he also has a residence on Stratmore Circle and resided there prior to residing on Marshall Street; his voter registration has never been cancelled. Perkins further responded that he mistakenly signed his notice of candidacy given that the residence of his homestead exemption was in a different precinct than where he was registered to vote. Perkins pointed out he corrected “his oversight.” Additionally, Perkins responded that he remained a qualified elector pursuant to La. R.S. 18:191 because his voter registration had never been cancelled.

At trial, the parties stipulated to the following facts: (1) proper service on the defendants; (2) Deal is a registered voter in Precinct 113; (3) Perkins’ voter registration was at the Stratmore Circle address in Precinct 113 until July 30, 2022, at which time it was changed to the Marshall Street address in Precinct 5B; (4) the notice of candidacy attached to the petition is a true and correct copy of the one filed

³ Perkins simultaneously filed an exception of no cause of action, arguing Deal’s petition failed to articulate a statutory ground for disqualification under La. R.S. 18:492. The district court’s ruling was silent as to the exception. The court of appeal deemed the exception overruled and noted it was not before the court for review.

by Perkins; (5) the homestead exemption filing attached to the petition is a true and correct copy; and (6) Precincts 113 and 5B are different precincts and Precinct 5B contains the Marshall Street address, but not the Stratmore Circle address. Perkins' voter registrations and his July 30, 2022 change thereof, homestead exemption documentation, and notice of candidacy were introduced into evidence pursuant to the stipulations.

Perkins was the only witness to testify. Regarding the notice of candidacy, Perkins testified that he understood he was under oath when he signed the document. He further testified that members of his campaign team helped him review the document and he conferred with his personal attorney before signing the form. Perkins understood and agreed that he had to pay certain fines in order to comply with Items 10, 11, and 12 of the form,⁴ but also conceded that he did not personally read the form the day he signed it, although he had read it before.

Regarding Item 8 of the form, concerning voter registration and homestead exemption, Perkins testified that he had conflated Items 7 and 8, both of which begin with the same phraseology.⁵ Perkins explained he thought he had already read Item 8 and continued to go down the list. Perkins also testified that both the Stratmore Circle and Marshall Street residences are within the city of Shreveport and that he has been domiciled in Shreveport since he was of voting age.

After considering the evidence, the district court disqualified Perkins as a candidate in the primary election for the office of the Mayor of the city of Shreveport. Referencing the conflicting courts of appeal opinions relied on by both parties and

⁴ These certifications concern the Campaign Finance Disclosure Act and Code of Governmental Ethics and affirm the candidate owes no "fines, fees, or penalties."

⁵ Item 7 certifies that the candidate has not been convicted of a felony.

finding some merit to both sides of the issue, the district court ultimately found it was bound to follow **Sellar v. Nance**, 54,617 (La.App. 2 Cir. 3/1/22), 336 So.3d 103, which held:

Considering the integrity necessary to the process of qualifying for public office, we agree with the Fifth Circuit’s reasoning and analysis in *Percle v. Taylor* [20-244 (La.App. 5 Cir. 8/5/20), 301 So.3d 1219]. The manner of qualifying in La. R.S. 18:461 is by filing an accurate notice of candidacy, under oath. We agree with our colleagues of the Fifth Circuit that any information on the notice of candidacy required to be given by oath is substantive and/or material information and that “any inaccuracies, mistakes, or false statements” made under oath regarding this information are grounds for disqualification under La. R.S. 18:492(A), as a failure to qualify in the manner prescribed by law.

Sellar, 54,617 at 18, 336 So.3d at 112-13. The district court here explained it could not agree that Perkins’ error was insignificant “because of the high standard of integrity the public requires of our elected officials and the clear language on the qualifying form.” However, the district court also recognized that nothing adduced at trial “suggested that the mayor had any nefarious purpose in making the error, nor that he sought any personal or political advantage from the inaccuracy. His testimony established, rather, that it was simply an oversight attendant upon changing residence while serving in public office.”

The court of appeal affirmed, with two of the three judges concurring with reasons. **Deal v. Perkins**, 54,892 (La.App. 2 Cir. 8/8/22), ___ So.3d ___. The appellate court essentially found Perkins failed to qualify in the manner prescribed by law. The court explained that La. R.S. 18:463(A)(2) sets forth the requirements for a notice of candidacy, in relevant part, as follows:

(a) The notice of candidacy also shall include a certificate, signed by the candidate, certifying all of the following:

.....

(i) That he has read the notice of his candidacy.

(ii) That he meets the qualifications of the office for which he is qualifying.

....

(viii) Except for a candidate for United States senator or representative in congress or a candidate who resides in a nursing home as defined in R.S. 40:2009.2 or in a veterans' home operated by the state or federal government, that if he claims a homestead exemption on a residence pursuant to Article VII, Section 20 of the Constitution of Louisiana, he is registered and votes in the precinct in which that residence is located.

(ix) That all of the statements contained in it are true and correct.

Deal, 54,892 at 8, ___ So.3d at ___. Further, La. R.S. 18:101(B) provides for the homestead exemption and voter registration, in relevant part, as follows:

For purposes of the laws governing voter registration and voting, "resident" means a citizen who resides in this state and in the parish, municipality, if any, and precinct in which he offers to register and vote, with an intention to reside there indefinitely. If a citizen resides at more than one place in the state with an intention to reside there indefinitely, he may register and vote only at one of the places at which he resides. If a person claims a homestead exemption, pursuant to Article VII, Section 20 of the Constitution of Louisiana, on one of the residences, he shall register and vote in the precinct in which that residence is located, except that a person who resides in a nursing home as defined in R.S. 40:2009.2 or in a veterans' home operated by the state or federal government may register and vote at the address where the nursing home or veterans' home is located.

Id., 54,892 at 9, ___ So.3d at ___. Additionally, the appellate court noted an action objecting to the candidacy of a person who qualified as a candidate in a primary election shall be based on specific grounds which may include that the defendant does not meet the qualifications for the office he seeks in the primary election under La. R.S. 18:492,⁶ which states, in relevant part:

A. An action objecting to the candidacy of a person who qualified as a candidate in a primary election shall be based on one or more of the following grounds:

⁶ **Id.**

(1) The defendant failed to qualify for the primary election in the manner prescribed by law.

....

(3) The defendant does not meet the qualifications for the office he seeks in the primary election.

Relying on these three statutory provisions and considering the record before it, the appellate court found no legal error on the part of the district court and found the outcome was governed by **Sellar. Deal**, 54,892 at 11, ___ So.3d at ___. The court noted that at the time Perkins signed the notice of candidacy under oath, he was not registered to vote in the precinct in which he claimed a homestead exemption.⁷ *Id.*, 54,892 at 10, ___ So.3d at ___. The court pointed out Perkins was elected mayor in 2018 and bought the home on Marshall Street in 2019, at which time he claimed a homestead exemption on that residence. *Id.* Consequently, Perkins held the office of Mayor of the city of Shreveport for approximately three years without changing his voter registration (see La. R.S. 18:101(B)), and changed his voter registration only after the realization that he had falsely signed the notice of candidacy. *Id.* Thus, the court rejected Perkins' argument that his false certification was an immaterial mistake having no legal significance, for which he should not be disqualified. Relying on **Sellar**, the court found any information on the notice of candidacy required to be given by oath is substantive and/or material information, and any inaccuracies, mistakes, or false statements made under oath regarding this information are grounds for disqualification under La. R.S. 18:492(A) as a failure to qualify in the manner prescribed by law. *Id.*

The court of appeal also rejected Perkins' argument that he met all qualifications for mayor under Shreveport's Home Rule Charter, Art. 5, § 5.01, which

⁷ See La. R.S. 18:101(B).

provides only that the mayor “shall be a qualified elector and a resident of the City of Shreveport.” *Id.*, 54,892 at 11-12, ___ So.3d at ___. The court reasoned there is no statute or jurisprudence that would justify negating the mandates of the Election Code, La. R.S. 18:463(A)(2), in favor of the Home Rule Charter, emphasizing that the Charter confers on the city all powers, rights, privileges, and immunities that are “not expressly denied by . . . general state law[.]” *Id.* (Citing Shreveport City Charter, Art. 2, § 2.01(b)).

Judge Stone concurred, finding Perkins’ error could not be trivialized as a mere oversight, or legally insignificant due to Perkins’ educational background and sophistication. “The use of that address may be political strategy which has served him in the past. However, the false statement on the Notice of Candidacy is grounds for disqualification.” *Id.*, 54,892 at 1, ___ So.3d at ___ (Stone, J., concurring). Judge Thompson also concurred, finding Perkins undertook affirmative acts with specific requirements that if not strictly followed result in disqualification. “Signatures are not mere ornaments” and “a person who signs a written instrument is presumed to know its contents and cannot avoid its obligations by claiming that he did not read it, that he did not understand it, or that it was not explained.” *Id.*, 54,892 at 1, ___ So.3d at ___ (Thompson, J., concurring) (Internal citations removed.).

Upon Perkins’ application, certiorari was granted to examine the interplay between La. R.S. 18:492 and La. R.S. 18:463, and to resolve the apparent split among the circuit courts of appeal as to whether any incorrect certification made under oath on the notice of candidacy serves as a ground for disqualification, or whether the grounds to challenge candidacy enumerated in La. R.S. 18:492 are exclusive. **Deal v. Perkins**, 22-1212 (La. 8/11/22), ___ So.3d ___.

DISCUSSION

The manner of qualifying as a candidate is set forth in La. R.S. 18:461, which requires a person desiring to become a candidate to timely file a notice of his candidacy. La. R.S. 18:461(A)(1). The requirements for a notice of candidacy are stated in La. R.S. 18:463, which provides:

A. (1)(a) A notice of candidacy shall be in writing and shall state the candidate's name, the office he seeks, the address of his domicile, his telephone number, his electronic mail address if available, and the parish, ward, and precinct where he is registered to vote. . . .

. . . .

(2)(a) The notice of candidacy also shall include a certificate, signed by the candidate, certifying all of the following:

(i) That he has read the notice of his candidacy.

(ii) That he meets the qualifications of the office for which he is qualifying.

(iii) Except for a candidate for United States senator or representative in congress, that he is not currently under an order of imprisonment for conviction of a felony and that he is not prohibited from qualifying as a candidate for conviction of a felony pursuant to Article I, Section 10.1 of the Constitution of Louisiana.

(iv) Except for a candidate for United States senator or representative in congress, that for each of the previous five tax years, he has filed his federal and state income tax returns, has filed for an extension of time for filing either his federal or state income tax return or both, or was not required to file either a federal or state income tax return or both.

(v) That he acknowledges that he is subject to the provisions of the Campaign Finance Disclosure Act if he is a candidate for any office other than United States senator, representative in congress, or member of a committee of a political party and that he does not owe any outstanding fines, fees, or penalties pursuant to the Campaign Finance Disclosure Act.

(vi) That, if he is a major or district office candidate as defined in R.S. 18:1483, he has filed each report he has been required to file by the Campaign Finance Disclosure Act, if any were previously due.

(vii) That he does not owe any outstanding fines, fees, or penalties pursuant to the Code of Governmental Ethics.

(viii) Except for a candidate for United States senator or representative in congress or a candidate who resides in a nursing home as defined in R.S. 40:2009.2 or in a veterans' home operated by the state or federal government, that if he claims a homestead exemption on a residence pursuant to Article VII, Section 20 of the Constitution of Louisiana, he is registered and votes in the precinct in which that residence is located.

(ix) That all of the statements contained in it are true and correct.

As previously stated in this opinion, Perkins timely filed the notice of candidacy, thereby certifying under oath his compliance with the nine statements listed on the form. However, it is undisputed that Perkins' certification as to Item 8 was not accurate. At the time he filed the notice of candidacy, Perkins claimed a homestead exemption at the Marshall Street residence but was registered to vote at the Stratmore Circle address—located in two different precincts.

The grounds for objection to candidacy are set forth in La. R.S. 18:492(A), which states:

An action objecting to the candidacy of a person who qualified as a candidate in a primary election shall be based on one or more of the following grounds:

(1) The defendant failed to qualify for the primary election in the manner prescribed by law.

(2) The defendant failed to qualify for the primary election within the time prescribed by law.

(3) The defendant does not meet the qualifications for the office he seeks in the primary election.

(4) The defendant is prohibited by law from becoming a candidate for one or more of the offices for which he qualified.

(5) The defendant falsely certified on his notice of candidacy that he does not owe any outstanding fines, fees, or penalties pursuant to the Campaign Finance Disclosure Act as provided in R.S. 18:463(A)(2).

(6) The defendant falsely certified on his notice of candidacy that he does not owe any outstanding fines, fees, or penalties pursuant to the Code of Governmental Ethics as provided in R.S. 18:463(A)(2).

(7) The defendant falsely certified on his notice of candidacy that for each of the previous five tax years he has filed his federal and state income tax returns, has filed for an extension of time for filing either his federal or state income tax return or both as provided in R.S. 18:463(A)(2), or was not required to file either a federal or state income tax return or both.

The district court disqualified Perkins pursuant to La. R.S. 18:492(A)(1), finding he did not qualify in the manner prescribed by law. Thus, the issue presented is whether any incorrect certification on a notice of candidacy serves as a basis to object to candidacy under La. R.S. 18:492(A)(1), or whether the only false certifications that can serve as a basis for objection to candidacy are those specifically listed in La. R.S. 18:492(A)(5) through (7). The courts of appeal have addressed this issue differently, resulting in conflicting opinions. In addition to the Second Circuit's opinions in this case and **Sellar**, discussed *supra*, the First and Fifth Circuits have also taken the position that any false or erroneous certification is a ground for disqualification because the candidate did not qualify in the manner prescribed by law. See **Percle v. Taylor**, 20-244 (La.App. 5 Cir. 8/5/20), 301 So.3d 1219; **Panepinto v. Smith**, 22-0830 (La.App. 1 Cir. 8/9/22), __ So.3d __.

In **Percle**, the Plaintiff objected to Taylor's candidacy on the basis that Taylor failed to qualify for the primary election in the manner required by La. R.S. 18:463. Specifically, Taylor falsely certified that she was registered to vote in the same precinct where she claimed a homestead exemption. Despite the district court's factual findings that Taylor made false certifications in her notice of candidacy, the district court determined that because the homestead exemption certification was not

expressly enumerated in La. R.S. 18:492, it could not disqualify her. The Fifth Circuit reversed, finding Taylor failed to qualify in the manner prescribed by law:

The “manner for qualifying” in La. R.S. 18:461 is the filing of an accurate notice of candidacy, under oath, accompanied by the qualifying fee. According to the trial judge’s interpretation of La. R.S. 18:492, even though La. R.S. 18:463(A) requires a candidate to certify by affidavit nine separate requirements in his notice of candidacy, a candidate is only subject to disqualification for making false certifications if the false certification he made in his notice of candidacy is with regard to subsections (5), (6), or (7); *i.e.*, that he does not owe fines, fees or penalties pursuant to the Campaign Finance Disclosure Act or the Code of Governmental Ethics, or that for the previous five years, he filed his federal and state income tax returns, filed for extensions of time, or was not required to file such returns. This interpretation of the statute would render meaningless the remaining language of La. R.S. 18:463(A)(1) and is inaccurate. Therefore, we find that any information in the notice of candidacy that correlates to subsection (1) through (7) of La. R.S. 18:463(A), and that requires a candidate’s certification by affidavit, is substantive and/or material information. Any inaccuracies, mistakes or false statements made in the notice of candidacy concerning or regarding this substantive and/or material information are grounds for disqualification under La. R.S. 18:492(A)(1). This interpretation is what gives effect to La. R.S. 18:461(A).

Percle, 20-244 at 11, 301 So.3d at 1226-27.

Likewise, in **Panepinto**, the First Circuit affirmed the district court’s disqualification of the candidate for erroneously attesting that he claims a homestead exemption in the same precinct in which he is registered to vote. Citing with approval the analyses in **Percle** and **Sellar**, the First Circuit stated:

We agree with our colleagues in the Second and Fifth Circuits that the information on the notice of candidacy, which is required by law and is given under oath, is substantive and/or material, and that any inaccuracies, mistakes, or false statements therein, including those with respect to the homestead exemption, are grounds for disqualification under La. R.S. 18:492(A), as a failure to qualify in the manner prescribed by law.

Panepinto, 22-0830 at 11, ___ So.3d at ___.⁸

⁸ A writ application challenging the First Circuit’s opinion is currently pending in this court. **Panepinto v. Smith**, Case No. 22-C-1218.

By contrast, the Fourth Circuit has held that a false certification not expressly listed as a ground for objection in La. R.S. 18:492 does not disqualify the candidate. See Kiefer v. Lombard, 21-0453 (La.App. 4 Cir. 7/30/21), ___ So.3d ___; writ denied, 21-1139 (La. 8/6/21), 322 So.3d 785; **Ellsworth-Fletcher v. Boyd-Robertson**, 21-0455 (La.App. 4 Cir. 8/2/21), ___ So.3d ___.

In **Kiefer**, the plaintiff objected to the defendant’s candidacy on the basis he failed to qualify for the primary election in the manner prescribed by law as required by La. R.S. 18:463. Specifically, the plaintiff asserted the defendant falsely swore in the notice of candidacy that there were no outstanding campaign finance reports due under the Campaign Finance Disclosure Act. The district court ruled in favor of the defendant in its interpretation of La. R.S. 18:492(A), noting that the statute contains the mandatory word “shall” in its direction that the objection to a person’s candidacy “shall be based one or more of the following grounds.” The district court further explained:

This mandatory shall establishes that the seven enumerated grounds are the seven exclusive grounds upon which a challenge can be brought. This mandatory language also implies that, when the Legislature decided to expressly designate which aspects of the Notice of Candidacy requirements included in La. R.S. 18:463 would be grounds for disqualifying someone from candidacy—namely subsection five, regarding outstanding fees, fines, or penalties pursuant to the Campaign Finance Disclosure Act, subsection six, regarding outstanding fines, fees, or penalties pursuant to the Code of Governmental Ethics, and subsection seven, regarding the past five years of tax filings—that it also made the express decision not to include the remaining aspects of the Notice of Candidacy Requirements, namely the inaccuracies or falsities of any of the other certifications.

Kiefer, 21-0453 at 3-4, ___ So.3d at ___. The Fourth Circuit affirmed, noting that the only provision in La. R.S. 18:492(A) relating to “false statements” are contained in subsections (5), (6), and (7). The court reasoned:

Whether or not Mr. Lombard falsely certified that he did not have any outstanding campaign finance reports due is not expressly contained in La. R.S. 18:492. Ms. Kiefer’s argument suggests this Court expand the exclusive provisions of La. R.S. 18:492 to include any and all false statements under the “catch all” provision in La. R.S. 18:492(A)(1). We decline to do so.”

....

La. R.S. 18:492 sets forth the exclusive grounds of disqualification. Falsely swearing to anything other than those specific provisions enumerated in the statute is not a basis for disqualification. There is nothing more fundamental to our society than the ability of our electorate to choose its leaders. The purpose of the election process is to provide the electorate with a wide choice of candidates. The interests of the state and its citizens are best served when election laws are interpreted so as to give the electorate the widest possible choice of candidates. Thus, as an intermediate appellate court, we must be guided by the latter precepts and fundamental principles interpreting the laws to give the electorate the widest possible choice of candidates. Should we accept the interpretation of Ms. Kiefer, we would thwart the intent of our legislature and our civilian doctrine which guides our courts. Accordingly, we decline to expand La. R.S. 18:492 beyond those exclusive provisions contained therein.

The lawmaking power of our State is vested in the Legislature. Legislative power, conferred under constitutional provisions, cannot be delegated by the Legislature either to the people or to any other body or authority. The resolution to any doubt concerning the qualifications of a candidate should be to allow the candidate to run for public office. In light of the foregoing, we find the trial court properly found that Ms. Kiefer failed to state an enumerated ground for disqualification of Mr. Lombard under La. R.S. 18:492. We find no error in the trial court’s determination.

Kiefer, 21-0453 at 8-9, ___ So.3d at ___ (internal quotations and citations omitted).

Finding its reasoning in **Kiefer** controlling, the Fourth Circuit again rejected a challenge to candidacy related to a false certification concerning the timely filing of campaign finance reports in **Ellsworth-Fletcher**, 21-0455 at 6-7, ___ So.3d at ___. Noting such a false certification was not specifically delineated in La. R.S. 18:492(A) as a basis for disqualification, the Fourth Circuit rejected the suggestion that La. R.S.

18:492(A)(1) was expansive enough to include any and all false, incorrect, or misguided statements. *Id.*

Considering these differing opinions from Louisiana's courts of appeal, this court is tasked with determining the correct interpretation of the relevant statutory provisions. Because the issue presented is a question of law, review of this matter is *de novo* without deference to the legal conclusions of the courts below. This court is the ultimate arbiter of the meaning of the laws of this state. **Durio v. Horace Mann Ins. Co.**, 11-0084, p. 14 (La. 10/25/11), 74 So.3d 1159, 1168; **Red Stick Studio Dev., L.L.C. v. State ex rel. Dep't of Econ. Dev.**, 10-0193, p. 9 (La. 1/19/11), 56 So.3d 181, 187. The fundamental question in all cases of statutory interpretation is legislative intent. **Hartman v. St. Bernard Par. Fire Dep't & Fara**, 20-0693, p. 8 (La. 3/24/21), 315 So.3d 823, 829. That intent is ascertained through the rules of statutory interpretation. **Moss v. State**, 05-1963, p. 15 (La. 4/4/06), 925 So.2d 1185, 1196.

Pursuant to the rules of statutory construction, the starting point in the interpretation of any statute is the language of the statute itself. **M.J. Farms, Ltd. v. Exxon Mobil Corp.**, 07-2371, p. 13 (La. 7/1/08), 998 So.2d 16, 26-27. When a law is clear and unambiguous and its application does not lead to absurd consequences, the law must be applied as written, and no further interpretation may be made in search of the legislative intent. La. C.C. art. 9; La. R.S. 1:4. However, “[w]hen the language of the law is susceptible of different meanings, it must be interpreted as having the meaning that best conforms to the purpose of the law.” La. C.C. art. 10. “When the words of a law are ambiguous, their meaning must be sought by examining the context in which they occur and the text of the law as a whole.” La. C.C. art. 12.

Further, it is presumed that every word, sentence, or provision in a statute was intended to serve some useful purpose, that some effect is to be given to each such provision, and that no unnecessary words or provision were employed. **Moss**, 05-1963 at 15, 925 So.2d at 1196. Consequently, courts are bound, if possible, to give effect to all parts of a statute and to construe no sentence, clause, or word as meaningless and surplusage if a construction giving force to, and preserving, all words can legitimately be found. *Id.* Finally, laws on the same subject matter are to be interpreted in reference to each other. La. C.C. art. 13.

Guided by these principles, consideration is first given to the language of the statutes to determine if Perkins' incorrect certification regarding the precincts of his voter registration and homestead exemption serve as a ground to challenge and disqualify him as a candidate. As previously indicated, La. R.S. 18:492(A) sets forth seven grounds for an objection to candidacy.⁹ The First, Second, and Fifth Circuits have applied the language of La. R.S. 18:492(A)(1) broadly to hold that an erroneous or false certification, under oath, means the candidate "failed to qualify for the primary election in the manner prescribed by law," thus, resulting in disqualification. The Fourth Circuit has applied the statutory language strictly, holding that only the list of false certifications specifically outlined in La. R.S. 18:492(A) (*i.e.*, section 492(A)(5) through (7)) can serve as a basis for disqualification. The express language of section 492(A) reveals that both interpretations by the courts of appeal are plausible. Thus, legislative intent must be examined.

The first ground for objecting to a candidacy is that "[t]he defendant failed to qualify in the manner prescribed by law." La. R.S. 18:492(A)(1). The manner in which one qualifies as a candidate is procedural in nature and set forth in La. R.S.

⁹ Statute is quoted in full *supra*.

18:461, entitled “Manner of qualifying.” Louisiana R.S. 18:461(A)(1) mandates that a person who desires to become a candidate in a primary election “shall qualify as a candidate by timely filing notice of his candidacy” accompanied by either a nominating petition or by the qualifying fee.¹⁰ As it pertains to the issues before the court, the requirements of the notice of candidacy are detailed in La. R.S. 18:463, quoted *supra*. The notice must be in writing and shall state the candidate’s name, the office he seeks, the address of his domicile, his telephone number, his electronic mail address if available, and the parish, ward, and precinct where he is registered to vote. Additionally, the notice must include a certificate, signed by the candidate, certifying nine statements set forth in the statute and previously outlined in this opinion.

Thus, to “qualify in the manner prescribed by law” requires a potential candidate to file a notice of candidacy and pay a fee (or submit a nominating petition). Perkins submitted a notice of candidacy and paid the fee. Further, based on our review, this court finds Perkins’ notice of candidacy form facially complies with all of the stated requirements in La. R.S. 18:463—Perkins supplied the mandatory identifying information and certified all nine statements. Louisiana R.S. 18:463 does not address or provide for consequences relative to an incorrect certification on the form. Certainly, La. R.S. 18:463 itself does not mandate a candidate be disqualified if one of the nine certifications is factually incorrect. Qualifying for a primary election “in the manner prescribed by law” is accomplished by complying with the procedural requirements of La. R.S. 18:461 and 18:463, which Perkins did. Thus, Perkins’ incorrect certification relative to Item 8 on the notice of candidacy form does not serve as a basis of disqualification under La. R.S. 18:492(A)(1).

¹⁰ A person can be nominated as a candidate in a primary election by persons who are registered to vote on the office he seeks who sign a nominating petition for him. The specific statutory requirements for nominating petitions are set forth in La. R.S. 18:465.

Examination of the remainder of La. R.S. 18:492 further supports this conclusion. The statute provides that an action objecting to candidacy shall be based on one or more of seven enumerated grounds. Notably, only three of these grounds pertain to false certifications on the notice of candidacy form, none of which pertain to a candidate's certification that he is registered to vote in the precinct where he claims a homestead exemption. See La. R.S. 18:492(A)(5) through (7). In **Kiefer**, the Fourth Circuit reasoned that “[t]he inclusion of seven exclusive provisions, three pertaining to false statements, implies that the Legislature made the express decision to specifically delineate which false statements would serve as a basis for disqualification of a candidate.” **Kiefer**, 21-0453 at 7, ___ So.3d at ___ (citing La. R.S. 18:492(A)(5) through (7)); see also **Ellsworth-Fletcher**, 21-0455 at 6, ___ So.3d at ___. This court agrees with the analysis of the **Kiefer** court.

The legislature has expanded the grounds for objecting to candidacy over time. As it relates to false certifications on the notice of candidacy, the legislature amended La. R.S. 18:492 in 2004 to add as a ground that “[t]he defendant falsely certified on his notice of candidacy that he does not owe any outstanding fines, fees, or penalties pursuant to the Campaign Finance Disclosure Act.” 2004 La. Acts 896. A correlating certification requirement was added to La. R.S. 18:463 in the same Act. *Id.* Likewise, in 2008, the legislature amended La. R.S. 18:492 to provide as a ground for objection that “[t]he defendant falsely certified on his notice of candidacy that he does not owe any outstanding fines, fees, or penalties pursuant to the Code of Governmental Ethics” 2008 La. Acts 16. A correlating certification requirement was also added to La. R.S. 18:463 in the same Act. *Id.* Finally, in 2010, the legislature amended La. R.S. 18:492 to provide as a ground for objection that “[t]he defendant falsely certified on his notice of candidacy that for each of the previous five

tax years he has filed his federal and state income tax returns, has filed for an extension of time for filing either his federal or state income tax return or both ... or was not required to file either a federal or state income tax return or both.” 2010 La. Acts 827. Louisiana R.S. 18:463 was amended to add that certification requirement at the same time. *Id.* Significantly, the legislature has since twice amended La. R.S. 18:463 to add additional certification requirements in the notice of candidacy, but did not amend La. R.S. 18:492 to include the false certification of these two items as bases to object to candidacy. In 2012, the legislature amended La. R.S. 18:463 to add a requirement that the candidate certify that “he has filed each report he has been required to file by the Campaign Finance Disclosure Act, if any were previously due.” 2012 La. Acts 758. No corresponding amendment was made to La. R.S. 18:492. Furthermore, in 2019, the legislature added to La. R.S. 18:463 the certification requirement at issue in this case—“that if he claims a homestead exemption on a residence ... he is registered and votes in the precinct in which that residence is located.” 2019 La. Acts 374. The legislature did not amend La. R.S. 18:492 to provide a reciprocal basis to challenge candidacy.

It is presumed the legislature enacts each statute with deliberation and with full knowledge of all existing laws on the same subject. Thus, legislative language is interpreted on the assumption the legislature was aware of existing statutes, well established principles of statutory construction, and with knowledge of the effect of their acts and a purpose in view. **M.J. Farms, Ltd.**, 07-2371 at 13-14, 998 So.2d at 27. This court must give meaning to the legislature’s decision to amend La. R.S. 18:492 three times to add potential disqualification consequences. The legislature’s historical actions relative to these two statutes indicate its deliberate choice to connect three specific certification requirements in La. R.S. 18:463 to potential

disqualification under La. R.S. 18:492. As indicated above, had the legislature intended to include false certifications relative to all of the certification requirements in La. R.S. 18:463 as grounds to object to candidacy, it clearly was aware of how to amend La. R.S. 18:492 and could have easily done so. Further, interpreting La. R.S. 18:492(A)(1) to include all false certifications would render the statutory language in La. R.S. 18:492(A)(5) through (7) superfluous.

This court is cognizant of concerns related to integrity and of the necessity of obtaining truthful and accurate information from candidates. However, courts do not make the law, and their fundamental duty is to give effect to the legislature's intent in passing a statute. **Harrah's Bossier City Inv. Co., LLC v. Bridges**, 09-1916, p. 11 (La. 5/11/10), 41 So.3d 438, 447. Thus, this court cannot manufacture a consequence of disqualification for Perkins' incorrect certification when the legislature has not specifically provided for such a consequence. The legislature has chosen to give more weight to certain certifications by providing for potential disqualification when those certifications are falsely made. Any political consequence for Perkins' incorrect certification in this instance lies with the voters.

In summary, the court of appeal here went beyond the statutory language in La. R.S. 18:492(A) to find Perkins is disqualified for "a failure to qualify in the manner prescribed by law." Following its precedent in **Sellar**, the court held that the manner of qualifying in La. R.S. 18:461 requires an accurate notice of candidacy under oath. The court further held that "any information on the notice of candidacy required to be given by oath is substantive and/or material information and that 'any inaccuracies, mistakes, or false statements' made under oath regarding this information" is disqualifying. **Deal**, 54,892 at 10, __So.3d at __. The courts in **Percle** and **Panepinto** held the same. By following an overly expansive interpretation of La.

R.S. 18:492(A)(1), and essentially mandating perfection in executing the notice of candidacy form, these appellate courts have added a new rule that is not statutorily dictated. As previously explained, qualifying pursuant to La. R.S. 18:461 is not dependent on the accuracy of the notice of candidacy. Whether a candidate should be disqualified as a result of an inaccuracy is governed by La. R.S. 18:492(A). Louisiana R.S. 18:492(A) does not state that any inaccuracy or mistake on the notice of candidacy is disqualifying. The entirety of the notice of candidacy form is designed to be completed and signed by the candidate under oath. This includes basic identifying information such as address, telephone number, and email address. If allowed to stand, these appellate court decisions would allow a candidate to be disqualified for a simple mistake such as a typographical error in a phone number or email address. The legislature clearly did not intend this result. Furthermore, laws governing disqualification of candidates must be interpreted in a manner that gives the electorate the widest possible set of candidates and those laws must be construed so as to promote rather than defeat candidacy. **Becker v. Dean**, 03-2493, p. 6-7 (La. 9/18/03), 854 So.2d 864, 869. There is nothing more fundamental to our society than the ability of our electorate to choose its leaders. *Id.*, 03-2493 at 6, 854 So.2d at 869. Today's ruling is consistent with these principles.

Finally, consideration must be given to Deal's argument that Perkins was properly disqualified because he "does not meet the qualifications for the office he seeks in the primary election." See La. R.S. 18:492(A)(3).¹¹ Louisiana R.S. 18:451 provides that "a candidate shall possess the qualifications for the office he seeks at

¹¹ Although the court of appeal did not address this issue, and the district court did not base the disqualification on La. R.S. 18:492(A)(3), the issue was raised by Deal in the petition objecting to candidacy and argued in the district and appellate courts.

the time he qualifies for that office.” Shreveport’s Home Rule Charter provides the qualifications for mayor of Shreveport:

At the time of his qualification for election, the mayor **shall be a qualified elector** and a resident of the City of Shreveport. During his term of office, he shall hold no other public office or position of public employment, except that of a notary public or as a member of the National Guard or any reserve component of the armed forces of the United States of America. If the mayor ceases to be a qualified elector or ceases to reside in the city, his office shall be deemed vacant. [Emphasis added.]

Shreveport City Charter, § 5.01. Similarly, La. R.S. 33:384 requires that a mayor “shall be **an elector** of the municipality who, at the time of qualification as a candidate for the office of mayor, shall have been domiciled and actually resided for at least the immediately preceding year in the municipality.” (Emphasis added.) Deal argues Perkins was not a “qualified elector” at the time of qualifying because Perkins was not registered to vote in the precinct where he claimed his homestead exemption. Louisiana R.S. 18:101(B) provides that “[i]f a citizen resides at more than one place in the state with an intention to reside there indefinitely, he may register and vote only at one of the places at which he resides. If a person claims a homestead exemption ... on one of the residences, he shall register and vote in the precinct in which that residence is located.”

Louisiana R.S. 18:101 does not define “qualified elector,” nor does a definition appear elsewhere in the Election Code. The very limited jurisprudence in this case suggests the term is broadly related to being qualified to vote. See, e.g., **Sciambra v. Orleans Par. Republican Exec. Comm.**, 69 So.2d 171, 173 (La. Cir. App. 1954) (“The term ‘duly qualified elector’ employed in the foregoing statutory provision can only be used in its broadest sense, meaning a person qualified to vote in the primary at which he seeks the nomination of the political party holding the primary.”). In

cases where the issue of “qualified elector” has been raised, courts have looked to whether a candidate’s voter registration has been cancelled in determining whether a candidate was not a qualified elector. See, e.g., **Martin v. Robinson**, 20-0687, p. 8 (La.App. 1 Cir. 8/6/20), 311 So.3d 378, 383 (in dicta); **McClendon v. Bel**, 00-2011, p. 5 (La.App. 1 Cir. 9/7/00), 797 So.2d 700, 704; **Walsh v. Rogillio**, 00-1995, p. 6 (La.App. 1 Cir. 9/7/00), 768 So.2d 653, 656; **Smith v. Lombard**, 480 So.2d 1077, 1079 (La.App. 4 Cir. 1986).

Although the district court did not rule on the issue of whether Perkins could be disqualified pursuant to La. R.S. 18:492(A)(3) for failure to meet the qualifications for office, it is apparent the district court found no merit to the argument that Perkins was not a qualified elector. In its ruling, the district court stated that Perkins “correctly points out that both addresses at issue in this case qualify him to serve as an ‘elector’ in the race, that he has never been disqualified from voting, and, therefore, that the admitted error is of no moment in considering his legal qualifications.” The district court’s conclusion is supported by statutory law.

The requirements of La. R.S. 18:101 address the qualifications and guidelines for voter registration. In this case, there is no evidence Perkins ever registered to vote in an incorrect precinct. Although Perkins did not change his voter registration when he purchased the Marshall Street residence in 2019 and claimed a homestead exemption at that address, no authority is found which suggests this failure disqualifies Perkins as a voter. To the contrary, La. R.S. 18:191, entitled “Permanent Registration,” provides: “The registration of any person as provided in this Chapter shall remain in effect for so long as the registration is not canceled for a cause and in the manner set forth in this Chapter.” Louisiana R.S. 18:193 and 18:198 set forth

detailed procedures the registrar of voters must follow before a voter's registration can be cancelled.

Similarly, La. R.S. 18:110 governs removal of a voter's registration from a precinct or parish when the voter changes residences. Louisiana R.S. 18:110(B)(2) recognizes when a person moves to a new precinct in the same parish, he retains the right to vote in the old precinct until he updates his voter registration:

The change of residence of a registrant from one precinct to another in the same parish does not deprive him of the right to remain as a legal registrant, as to all issues upon which he was entitled to vote prior to his change of residence, in the precinct from which he has removed until he changes his registration as provided in Subsection A of this Section and has the right to vote in the precinct to which he has moved.

Based on the above, there is no merit to the argument that Perkins should be disqualified based on La. R.S. 18:492(A)(3). Perkins has never registered in an incorrect parish or precinct, and Perkins' voter registration has never been cancelled. Thus, Perkins did not lose his status as a "qualified elector" when he purchased the Marshall Street property and designated it as his address for purposes of homestead exemption.

CONCLUSION

In resolving the split in the courts of appeal, this court agrees with the analysis of the Fourth Circuit in **Kiefer** and **Ellsworth-Fletcher** and declines to interpret La. R.S. 18:492(A)(1) as a "catch all" phrase to provide for disqualification of a candidate for any incorrect certification on the notice of candidacy form.¹² Moreover, any holding that "inaccuracies" or "mistakes" are grounds for disqualification casts too wide a net and is merely judicial gloss that has no statutory basis. Nothing is

¹² To the extent Deal argues there were additional errors on the notice of candidacy form, resolution of this argument is subsumed by our analysis and interpretation of La. R.S. 18:461, 18:463 and 18:492.

more fundamental and sacred to our system of democracy than the ability of citizens to choose their leaders as many other fundamental rights flow from the right to vote and elect who will serve.

This court finds that La. R.S. 18:492(A)(5) through (7) provides the exclusive list of false certifications that can serve as a ground to challenge candidacy. Because Perkins' inaccurate certification as to Item 8 on the notice of candidacy form is not expressly listed in La. R.S. 18:492 as a basis to challenge candidacy, it cannot serve as a basis to disqualify him as a candidate. Therefore, the rulings of the lower courts disqualifying Perkins as a candidate for mayor of the city of Shreveport are reversed.¹³

REVERSED AND RENDERED.

¹³ La. Sup. Ct. Rules, Rule X, § 5(C) provides that no application for rehearing shall be entertained in election cases.

SUPREME COURT OF LOUISIANA

No. 2022-C-01212

FRANCIS DEAL

VS.

**ADRIAN PERKINS AND CADDO PARISH CLERK OF COURT, MIKE
SPENCE, IN HIS OFFICIAL CAPACITY**

On Writ of Certiorari to the Court of Appeal, Second Circuit, Parish of Caddo

CRICHTON, J., dissents and assigns reasons:

In my view, a majority of this Court has made an enormous mistake in failing to uphold the sanctity and integrity of our electoral process.¹ In this case, under the clear language of La. R.S. 18:492(A)(1) and (3), I find that Mr. Perkins has “failed to qualify for the primary election in the manner prescribed by law” and does “not meet the qualifications for the office he seeks in the primary election” and therefore should be disqualified as a candidate for the office of Mayor of the City of Shreveport.

On July 22, 2022, with the help of “several members of [his] campaign team” and his personal attorney, Perkins signed and filed his Notice of Candidacy for Mayor before a Deputy Clerk of Court² and swore that he read the Notice of Candidacy,³ which stated that he was registered to vote and domiciled at an address

¹ Section 3 of Article 5 of the Louisiana Constitution states in part that this Court “shall be composed of a chief justice and six associate justices, four of whom must concur to render judgment.” Three members of this Court strenuously disagree with the majority decision in this matter and would have disqualified Perkins. Additionally, it is significant that a unanimous three judge panel at the court of appeal affirmed the thorough ruling of the trial court with two of those appellate judges issuing additional concurrences emphasizing the importance of their decision.

² The Notice of Candidacy (Qualifying Form) provides in its first line: “This Notice of Candidacy must be signed by the candidate before a notary public or witnessed by two people.”

³ This, in fact, was untrue. Perkins testified at the hearing in the trial court:

Q: Did you fill out a Notice of Candidacy in connection with that [the 2018] race?

(9605 Stratmore Circle) different than the address at which he claimed a homestead exemption (719 Marshall Street). Indeed, the Notice of Candidacy is a one-page qualifying form, which requires that a candidate certify and swear under oath that all statements on the form are “true and correct,”⁴ including item 8, in which the candidate swears that he is “registered and votes in the precinct in which [the] residence [on which he claims a homestead exemption] is located” This language is mirrored in La. R.S. 18:463(A)(2)(a)(viii), which mandates that a candidate for office other than senator or representative in congress be registered to vote at the address at which he or she claims a homestead exemption.⁵

A: I’m not sure what that document is. I filled out several documents to qualify for that race.

Q: Mr. Mayor, are you telling us you don’t know what a Notice of Candidacy is?

A: I filled out several documents for that race.

Q: Do you know what a Notice of Candidacy is?

A: I’m not sure exactly what’s on that document, Attorney Harper.

Q: And when you decided to run for reelection as Mayor of the City of Shreveport, did you understand that would require you to again fill out a Notice of Candidacy?

A: Yes.

Q: All right. Did you read the Notice of Candidacy before you signed it in 2022?

A: I did not read the entire document on that day. My team reviewed it with me, and we looked over multiple aspects of it. . . .

⁴ Notably, this certification contains no condition that it is “true and correct *to the best of the candidate’s knowledge, information and belief.*” I find such a distinction significant as it leaves no room for subjective belief or intent.

⁵ See also La. R.S. 18:101(B), which provides:

B. For purposes of the laws governing voter registration and voting, “resident” means a citizen who resides in this state and in the parish, municipality, if any, and precinct in which he offers to register and vote, with an intention to reside there indefinitely. If a citizen resides at more than one place in the state with an intention to reside there indefinitely, he may register and vote only at one of the places at which he resides. ***If a person claims a homestead exemption, pursuant to Article VII, Section 20 of the Constitution of Louisiana, on one of the residences, he shall register and vote in the precinct in which that residence is located,*** except that a person who resides in a nursing home as defined in R.S. 40:2009.2 or in a veterans' home operated by the state or federal government may register and vote at the address where the nursing home or veterans' home is located. For purposes of voter registration and voting, the residence of a married woman shall be determined in the same manner as is required for any other citizen. A citizen of this state shall not be or remain registered or vote in more than one place of residence at any one time.

(Emphasis added.)

Despite Perkins' qualification as a candidate in elections prior to the instant one, which presumably required he execute the same document found on the Louisiana Secretary of State's website, he argues this was an honest and immaterial mistake for which he should not be disqualified. To the contrary, not only is his subjective state of mind irrelevant to the inquiry at hand, I do not find this inaccuracy inconsequential; it is a substantive, false statement⁶ made on a sworn affidavit.⁷ As aptly noted by the trial court in this matter:

This court cannot agree that the mayor's error is of no moment – it allowed him the ability to vote in a precinct in which he no longer resided which could have affected the outcome of elections for City Council, various judicial offices, and other matter in which eligibility to vote varied between the two locations. **Attention to these details matters, and the *Pericle* opinion sets forth the case that because of the high standard of integrity the public requires of our elected officials and the clear language of the qualifying form, the error is so profound that it essentially makes a nullity of the qualification.**

Ruling of the Trial Court, August 2, 2022, pp. 5-6. (Emphasis added.)⁸

While I am cognizant of our jurisprudence favoring a liberal construction of candidacy,⁹ allowing a certification of proven material false information listed on a

⁶ See La. R.S. 14:125, which provides:

A. False swearing is the intentional making of a written or oral statement, known to be false, under sanction of an oath or an equivalent affirmation, where such oath or affirmation is required by law; provided that this article shall not apply where such false statement is made in, or for use in, a judicial proceeding or any proceeding before a board or official, wherein such board or official is authorized to take testimony.

B. Whoever commits the crime of false swearing shall be fined not more than five hundred dollars, or imprisoned for not more than one year, or both.

⁷ An affidavit must be based on personal knowledge and show affirmatively that an affiant was competent to testify to the matters stated therein. "The fact that it is stated as a conclusion that the affiant has personal knowledge of the facts will not suffice. The facts as set forth in the affidavit must show that he has such knowledge." *Barnes v. Sun Oil Co.*, 362 So.2d 761, 763 (La. 1978), citing La. C.C.P. art. 967, *Antonio v. Barnes*, 464 F.2d 584 (4th Cir. 1972); *Benoit v. Burger Chef Systems of Lafayette, Inc.*, 257 So.2d 439 (La. App. 1st Cir. 1972)

⁸ Moreover, in contrast to the majority, I do not find the lower courts' interpretations that Perkins' misrepresentations under these circumstances warrant disqualification to constitute "mere[] judicial gloss." For the reasons set forth herein, both the trial court and the court of appeal employed an appropriate statutory interpretation in harmony with our obligation to honor the integrity of the electoral process.

⁹Not specifically prescribed in the election code in Revised Statutes Title 18, the notion of interpreting objections to candidacy in favor of the candidate, while applicable in many cases, is a

notice of candidacy form, filed in the public record, belies the purpose of the form itself and is inconsistent with the integrity with which elections must be conducted. As the Second Circuit stated in *Sellar v. Nance*, 54, 617 (La. App. 2 Cir. 3/1/22), 336 So.3d 103, 112-13 (citing *Percle v. Taylor*, 20-244 (La. App. 5 Cir. 8/5/20), 301 So.3d 1219, *writ denied*, 20-0983 (La. 8/10/20)), “any information on the notice of candidacy required to be given by oath is substantive and/or material information and that ‘any inaccuracies, mistakes, or false statements’ made under oath regarding this information are grounds for disqualification under La. R.S. 18:492(A), as a failure to qualify in the manner prescribed by law.” **To be clear, this case does not involve a typographical, clerical, or grammatical error on a Notice of Candidacy Form, and my research has yielded no case in the State of Louisiana in which an intermediate appellate court or this Court has disqualified a candidate on that basis. None. Zero. Nor can the majority cite to any case with such an absurd result.** It is quite the opposite here, as Perkins submitted and certified knowingly false substantive information on a sworn form filed in the public record. Such a statutory interpretation is not mandating perfection. It is mandating the truth under oath. The magnitude of Perkins’ deliberate action in this case cannot be understated.

It is of no moment that both residences belonging to Perkins are within the city limits of Shreveport, as this does not alter the fact that he made a false certification under oath. His own actions have placed him in direct violation of La. R.S. 18:463(A)(2)(a)(viii) and thereby failing “to qualify for the primary election in

jurisprudential creation that does not have a place under these facts and circumstances. *See Landiak v. Richmond*, 05-758 (La. 3/24/05), 899 So.2d 535, 541, citing *Becker v. Dean*, 03-2493, p. 7 (La.9/18/03), 854 So.2d 864, 869 (a court determining whether the person objecting to candidacy has carried his burden of proof must liberally construe the laws governing the conduct of elections “so as to promote rather than defeat candidacy.”)

the manner prescribed by law” under La. R.S. 18:492(A)(1).¹⁰ The majority’s position, which rejects the sound ruling of the trial court and a unanimous decision from the court of appeal,¹¹ renders the Notice of Candidacy form meaningless. The law exacts a procedure and the citizens of this state expect their highest court to honor it. In my view, the majority makes a critical error in failing to enforce both the letter and spirit of the election code, thus compromising the integrity and sanctity of the process. Accordingly, I would affirm the decisions of the lower courts, finding Perkins disqualified from seeking re-election for the office of Mayor of the City of Shreveport.

Finally, today’s opinion highlights the necessity of legislative intervention to make clear that *all* material and substantive statements enumerated in a sworn notice of candidacy must actually be true, and any violation thereof is grounds for disqualification.^{12 13} The absence of such a specific requirement has paved the way

¹⁰See also, *Veronica Braggs v. Simeon Dickerson et al.* 22-1227 (La. 8/13/22), -- So.3d -- (Crichton, J., concurring, noting that pursuant to La. R.S. 18:492(A)(1) and (7), candidate has failed to qualify in a manner prescribed by law by falsely certifying he filed his tax returns, and any other interpretation would render the Notice of Candidacy meaningless.).

¹¹ The court of appeal also highlighted the magnitude of Perkins’ misrepresentation:

The record before us contains stipulations, expressly agreed to by Perkins, that establish that at the time he signed, under oath, the Notice of Candidacy, he was not registered to vote in the precinct in which he claimed homestead exemption. La. R.S. 18:101(B). Indeed, Perkins was elected Mayor in 2018 and bought the home on Marshall Street in 2019, at which time he claimed homestead exemption on that residence. Thus, Perkins held the Office of Mayor of the City of Shreveport for approximately three years without changing his voter registration to comply with the statute and changed his voter registration only after the realization that he had falsely signed the Notice of Candidacy. Against these undisputed facts, we do not find compelling Perkins’s argument that his false certification was an honest, technical, and immaterial mistake having no legal significance, for which he should not be disqualified.

Francis Deal v. Adrian Perkins and Caddo Parish Clerk of Court, Mike Spence, in his Official Capacity, 54,892, pp. 8-9 (La. App 2 Cir. 8/8/22), -- So.3d --.

¹² “The legislature shall adopt an election code which shall provide for permanent registration of voters and for the conduct of all elections.” La. Const. art. 11, § 1.

¹³ And apparently, the legislature should make clear what I deem to be elementary and obvious: that a mere typographical, clerical, or grammatical error on a Notice of Candidacy Form shall not be cause for disqualification.

for this decision, wherein Perkins' neglect, inattention, and asserted distraction have evidently excused his admittedly false statements on a sworn qualifying form filed in the public record.

As noted in *Percle v. Taylor*, what is at stake here is no less than the integrity of the process of qualifying for elected public office. In my view, allowing a candidate to provide false or inaccurate information under oath, without allowing the corresponding remedy of disqualification for making those false statements, renders the Notice of Candidacy (Qualifying Form) meaningless. *See Percle v. Taylor*, 20-244, p. 12 (La. App. 5 Cir. 8/5/20), 301 So.3d 1219, 1228, *writ denied*, 20-0983 (La. 8/10/20).

SUPREME COURT OF LOUISIANA

No. 2022-C-01212

FRANCIS DEAL

VS.

**ADRIAN PERKINS AND CADDO PARISH CLERK OF COURT, MIKE
SPENCE, IN HIS OFFICIAL CAPACITY**

On Writ of Certiorari to the Court of Appeal, Second Circuit, Parish of Caddo

**McCALLUM, J., dissents for the reasons assigned by Justice Crichton and
assigns additional reasons.**

The fidelity of the results of any process is dependent on the integrity of the inputs or component parts. So it is in science and manufacturing, and so it is with our system of elections. The people of Louisiana, through their elected representatives, have enacted the Louisiana Election Code in an effort to secure a fair and honest system of elections. Public confidence in the integrity of elections is critical in an ordered society. Even though this writer might disagree with the application of the statutes and potential harsh results that may result, it is the province of the people, through the legislature, to enact these laws. Therefore, although I applaud the majority for the equity of the result rendered, I am unfortunately unable to join with them.

This case requires the mere reading of statutes, not divination of legislative intent. The majority correctly recognizes that “[t]he manner of qualifying as a candidate is set forth in La. R.S. 18:461, which requires a person desiring to become a candidate to timely file a notice of his candidacy. La. R.S. 18:461(A)(1). The requirements for a notice of candidacy are stated in La. R.S. 18:463[.]” *Deal v. Perkins*, 22-1212, p. 9 (La. 8/19/22), --- So. 3d ---. A simple reading of the statutes should then resolve the case.

The Court should read the clear statutory language and apply that language to the undisputed facts. We need not look to the intent of the legislature, nor the jurisprudential policy previously set forth by this Court in dicta, when the statutory language and facts of the matter before us are unambiguous and clear, and provide all we need to render a correct decision.

Our civilian tradition guides our inquiry. “When a law is clear and unambiguous and its application does not lead to absurd consequences, the law shall be applied as written, and no further interpretation may be made in search of the intent of the legislature.” La. C.C. art. 9. Here, there is no ambiguity in the statutes. They may bring about severe consequences, but they are certainly not absurd. The most simple and direct reading of a statute renders its meaning.

“When the language of the law is susceptible of different meanings, it must be interpreted as having the meaning that best conforms to the purpose of the law.” La. C.C. art. 10. The language of the statutes clearly conforms to the purpose of the Louisiana Election Code (Title 18); that is to “regulate the conduct of elections.” La. R.S. 18:1 B. The legislature obviously wants to ensure the orderliness and integrity of elections. These statutes work towards that purpose.

“The words of a law must be given their generally prevailing meaning. Words of art and technical terms must be given their technical meaning when the law involves a technical matter.” La. C.C. art. 11. “When the words of a law are ambiguous, their meaning must be sought by examining the context in which they occur and the text of the law as a whole.” La. C.C. art. 12. The subject statutes contain no words of art, technical or ambiguous terms. The words used are plain, simple and in common usage. Language is the servant of the people and not the other way around. We do not have to cede interpretation of statutes to legal professionals alone. If the words of a statute are understandable to lay people, as in this case, jurists should not seek deeper, esoteric meanings in the name of legislative

intent. “Laws on the same subject matter are to be interpreted in reference to each other.” La. C.C. art. 13. Indeed, La. R.S. 18:461 A (1) and La. R.S. 18:463 work together, hand in glove. The context within which they occur only serves to underpin their plain meaning. Additionally, as the majority acknowledges, the legislature has been sternly clear that “[w]hen the wording of a Section is clear and free of ambiguity, the letter of it shall not be disregarded under the pretext of pursuing its spirit.” La. R.S. 1:4.

Titled “Notice of candidacy; campaign finance disclosure; political advertising; penalties,” La. R.S. 18:463 provides the requirements for the mandatory written notice of candidacy. More specifically, La. R.S. 18:463 A (2)(a)(viii) provides:

A. (2)(a) The notice of candidacy also shall include a certificate, signed by the candidate, certifying all of the following:

...

(viii) Except for a candidate for United States senator or representative in congress or a candidate who resides in a nursing home as defined in R.S. 40:2009.2 or in a veterans' home operated by the state or federal government, that if he claims a homestead exemption on a residence pursuant to Article VII, Section 20 of the Constitution of Louisiana, he is registered and votes in the precinct in which that residence is located.

Titled, “Grounds for an objection to candidacy,” La. R.S. 18:492 provides the following:

A. An action objecting to the candidacy of a person who qualified as a candidate in a primary election shall be based on one or more of the following grounds:

(1) The defendant failed to qualify for the primary election in the manner prescribed by law.

The plain language of La. R.S. 18:492 A (1) is unambiguous that one ground for objecting to the candidacy of a person who qualified as a candidate in a primary election is that the candidate failed to qualify for the primary election in the manner prescribed by law. The plain language of La. R.S. 18:463 is equally unambiguous, as it mandates the clear, unequivocal manner prescribed by law in which a candidate

must qualify for a primary election, which includes La. R.S. 18:463 A (2)(a)(viii). Applicant simply failed to adhere to the manner prescribed by law to qualify for the primary election. He candidly admitted such error.

Our consideration of the relevant parts of the Louisiana Election Code should end there. However, the majority goes beyond our civilian rules of statutory interpretation, and instead relies heavily on judicially created means. This it does even as it acknowledges in passing that “the starting point in the interpretation of any statute is the language of the statute itself.” *Deal*, 22-1212, p. 15, --- So. 3d --- (citing *M.J. Farms, Ltd. v. Exxon Mobil Corp.*, 07-2371, p. 13 (La. 7/1/08), 998 So.2d 16, 26-27).

As the majority states: “Further, it is presumed that every word, sentence, or provision in a statute was intended to serve some useful purpose, that some effect is to be given to each such provision, and that no unnecessary words or provision were employed. Consequently, courts are bound, if possible, to give effect to all parts of a statute and to construe no sentence, clause, or word as meaningless and surplusage if a construction giving force to, and preserving, all words can legitimately be found.” *Deal*, 22-1212, p. 16, --- So. 3d --- (internal citation omitted) (citing *Moss v. State*, 05-1963, p. 15 (La. 4/4/06), 925 So. 2d 1185, 1196, 925 So.2d at 1196). Yet, it is the majority that renders La. R.S. 18:492 A (1-4) meaningless and of no effect; legislative prattle.¹

Justice Antonin Scalia warned:

As Dean Landis of Harvard Law School (a believer in the search for legislative intent) put it in a 1930 article: ‘The gravest sins are perpetrated in the name of the intent of the legislature. Judges are rarely willing to admit their role as actual lawgivers, and such admissions as

¹ See *Deal*, 22-1212, p.1, --- So. 3d --- (“Resolving a split in the courts of appeal, this court holds that only those false certifications specifically listed in La. R.S. 18:492(A)(5) through (7) constitute grounds for objecting to a candidate.”).

are wrung from their unwilling lips lie in the field of common and not statute law.²

² *Deciphering A Civil Code: Sources of Law and Methods of Interpretation*, Alain A. Levasseur, Carolina Academic Press, 2016, p. 72-73 (citing *A Matter of Interpretation, An Essay by Antonin Scalia*, Princeton Univ. Press, 1997, p.16-18).