

NOTICE OF INTENT
Office of the Governor
Board of Architectural Examiners

Election of Nominees to Fill Vacancy, if Required
(LAC 46:I.Chapter 5)

Notice is hereby given that the Board of Architectural Examiners, in accordance with the provisions of R.S. 49:950 et seq., and through the authority granted in R.S. 37:144(C), proposes to amend LAC 46:I.Chapter 5 pertaining to the election of nominees to fill vacancies of the architect members of the board. More specifically, the board gives notice that it proposes to amend LAC 46:I.501 pertaining to vacancies, LAC 46:I.503 pertaining to waiver of election, LAC 46:I.505 pertaining to ballots, LAC 46:I.507 pertaining to voting, LAC 46:I.509 pertaining to tabulation, LAC 46:I.511 pertaining to ties, LAC 46:I.513 pertaining to vacancy of person elected as nominee, and LAC 46:I.515 pertaining to an election contest.

Pursuant to R.S. 37:142, the board consists of seven members, five of whom shall be architects selected by the governor from a list of eligible architects submitted by the board. If the number of architects desiring appointment to the board is more than the number of nominees statutorily allowed on the list of nominees, the board is mandated by R.S. 37:142(B)(1) to conduct an election. Act 484 of 2026 allows the election, previously done by mail ballot, to be done by either mail ballot or online voting. Act 484 increased the number of architects who might be included on the list of nominees from three to five. Amending LAC 46:I.Chapter 5 is necessary to align such rule with Act 484 of 2026.

In addition, Act 192 of 2024 mandated that all state agencies which make rules systematically review in accordance with stated criteria a sufficient number of rules each year so that all rules have been reviewed within a five-year

period. Executive Order JML 25-038 issued April 1, 2025, mandated that by December 31, 2025, state agencies review at least 50 percent of the rules listed in the order or a minimum of 100 rules, whichever is greater, in accordance with stated criteria. The rules to be reviewed under the executive order included LAC 46:I.501 and LAC 46:I.503-515.

Applying the criteria required by Act 192 and EO JML 25-035, the board reviewed Chapter 5 of its rules (LAC 46:I.Chapter 5) and decided that Chapter 5 should be modernized, clarified, and aligned with Act 484 of 2026. The amendments proposed herein amend the title of Chapter 5; increase from three to five the number of nominees of the architect members of the board which can be submitted to the governor; allow for email transmissions to submit nominations, provide notice of vacancies, distribute and return ballots, and provide notice of the election results to the candidates; permit online voting; provide for the electronic tabulation of ballots; allow for the extension of the period of voting by the president; and provide for related matters.

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 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

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 indicating his or her intent to be a candidate, which transmittal shall be accompanied by a curriculum vitae and 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 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 45 days of the occurrence of the vacancy. However, any failure to provide such notice shall not affect the results of any election conducted to fill the vacancy.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:144.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Board of Architectural Examiners LR 29:560 (April 2003), amended LR 52:

§503. Waiver of Election

A. If five or fewer eligible architects from any district seek nomination, no election shall be held in that district, and the names of those five

or fewer candidates shall be submitted to the governor without any further board action.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:144.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Board of Architectural Examiners LR 29:560 (April 2003), amended LR 52:

§505. Ballots

A. If an election is necessary, the board shall prepare the ballot. The ballot shall contain the names of the candidates printed in alphabetical order for each district, the deadline for 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 included with the ballot.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:144.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Board of Architectural Examiners LR 29:560 (April 2003), amended LR 52:

§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 five votes 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 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.

C. The ballot shall not be valid unless the license number and last name of the voting architect appears on the ballot, and the ballot is voted on or before the deadline.

D. The deadline for voting will be fixed by the president and will be at least 20 calendar days after the deadline for the submission of requests to be a candidate described in Subsection §501.B. Ballots received after the deadline shall not be counted.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:144.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Board of Architectural Examiners LR 29:561 (April 2003), amended LR 52:

§509. Tabulation

A. Tabulation of the ballots will be done electronically.

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

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:144.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Board of Architectural Examiners LR 29:561 (April 2003), amended LR 52:

§511. Tie

A. In the event the 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 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 five candidates receiving the highest number of votes, the procedure set forth herein shall be repeated.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:144.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Board of Architectural Examiners LR 29:561 (April 2003), amended LR 52:

§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 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; however, any failure to provide such notice shall not affect any election subsequently held to fill the vacancy.

2. - 3. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:144.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Board of Architectural Examiners LR 29:561 (April 2003), amended LR 52:

§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. A 10-calendar-day period for contesting an election shall commence three 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. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:144.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Board of Architectural Examiners LR 29:562 (April 2003), amended LR 52:

Family Impact Statement

In accordance with R.S. 49:961(A)(2)(h)(i) and 972, the following Family Impact Statement is submitted with the Notice of Intent for publication in the *Louisiana Register*: The proposed Rule have no known impact on family formation, stability, or autonomy.

Poverty Impact Statement

In accordance with R.S. 49:961(A)(2)(h)(ii) and 973, the following Poverty Impact Statement is submitted with the Notice of Intent for publication in the *Louisiana Register*: The proposed Rule have no known impact on child, individual, or family poverty in relation to individual or community asset development as described in R.S. 49:973.

Small Business Analysis

The impact of the proposed Rule on small businesses as defined in the Regulatory Flexibility Act has been considered. It is estimated that the proposed action is not expected to have a significant adverse impact on small businesses. The agency, consistent with health, safety, environmental and economic welfare factors, has considered and, where possible, utilized regulatory methods in the drafting of the proposed Rule that will accomplish the objectives of applicable statutes while minimizing the adverse impact of the proposed Rule on small businesses.

Provider Impact Statement

In accordance with HCR 170 of the 2014 Regular Legislative Session, the following Provider Impact Statement is submitted with the Notice of Intent for publication in the *Louisiana Register*: The proposed Rule have no known effect on the staffing level requirements or qualifications required to provide the same level of service, the cost to the provider to provide such services, or the ability of the provider to provide the same level of service.

Public Comments

Interested persons may submit written comments on the proposed Rule to Tyson Ducote, Executive Director, Louisiana State Board of Architectural Examiners, 9625 Fenway Avenue, Suite B, Baton Rouge, LA 70809. All comments must be submitted by August 14, 2026.

Tyson Ducote

Executive Director

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES

RULE TITLE: Election of Nominees to Fill Vacancy, if Required

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)

The proposed rule changes are anticipated to result in savings of approximately \$1,368 per year for the Board of Architectural Examiners.

Existing rules provide for the by-mail and manual process of submitting nominations, distribution of ballots, voting, and notifications. The proposed rule changes will allow the nomination process, distribution of ballots, voting, tabulation of voting, and notifications to be done electronically. In addition, the proposed rule changes update when an election can be waived. Under existing rules, no election shall be held in a district if three or fewer eligible architects seek nomination. Under the proposed rule changes, if letters from more than five eligible architects desiring appointment to the board are received, the board is mandated by R.S. 37:142(B)(1) to conduct an election.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

The proposed rule changes have no anticipated effect on the revenue collections of state or local governmental units. The

board does not collect fees from nominees seeking appointment to the board.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS (Summary)

The proposed rule changes align the election rules for nominees seeking appointment to the board with Act 484 of 2026. In addition, the changes simplify and modernize the procedures for such elections by allowing the nomination process, distribution of ballots, voting, tabulation of voting, and notifications to be done electronically. Although the election process for nominees will become somewhat simpler, the board does not anticipate any increase or decrease in costs or economic benefits to directly affected persons, small businesses, or non-governmental groups that can be measured or calculated.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

The proposed rule changes are not anticipated to have any impact on competition or employment.

Tyson J. Ducote
Executive Director
2607#022

Patrice Thomas
Deputy Fiscal Officer
Legislative Fiscal Office