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DEPARTMENT OF JUSTICE
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To: Mr. Tyson Ducote
Executive Director
Louisiana State Board of Architectural Examiners

From: Jessica Weimer
Louisiana Department of Justice
Occupational Licensing Review Program

Date: October 22, 2026

Subject: Louisiana State Board of Architectural Examiners
Proposed Amendments to LAC 46:I.Chapter 5
Election of Nominees to Fill Vacancy, if Required

I. SUMMARY

The Louisiana State Board of Architectural Examiners (the “**Board**”) proposes amending LAC 46:I.501 *et seq.* (the “**Proposed Amendments**”) to align its nomination and election procedures with Act 484 of 2026 (La. R.S. 37:142) and modernize the administration of elections. The Proposed Amendments increase the number of nominees from three to five, revise the circumstances in which an election is waived, provide for electronic communications and online voting, and revise notice, voting, tabulation, and election-contest procedures.

The Board published a Notice of Intent to promulgate the Proposed Amendments on July 20, 2026.¹ The Board invited public comments on these Proposed Amendments through August 14, 2026, and received none.²

Pursuant to La. R.S. 49:260, the Board submitted the Proposed Amendments to the Louisiana Department of Justice’s Occupational Licensing Review Program (“**OLRP**”) on August 19, 2026. The OLRP invited public comments on the Proposed Amendments from August 20 through September 2, 2026, and received none. The OLRP requested clarification on §§501, 507, and 511 on October 12, 2026. The Board responded with the requested clarifications on October 14, 2026.

The OLRP has the statutory authority to review the substance of each proposed occupational regulation submitted to ensure compliance with clearly articulated state policy and adherence to applicable state law³. An occupational regulation is a “rule defined in the Administrative Procedure Act that has reasonably foreseeable anticompetitive effects. Any license, permit, or

¹ Louisiana Register, Vol. 52, No. 7, July 20, 2026, pp. 1225–1227

² Id. at 1227.

³ La. R.S. 49:260(D)(2)

regulation established by a ... board not composed of a controlling number of active market participants is excluded.⁴” Anticompetitive behavior is an act, or series of acts, that have the effect of harming the market or the process of competition among businesses, or a tendency to reduce or eliminate competition, with no legitimate business purpose.⁵

The Louisiana Administrative Procedure Act (“APA”) defines a rule as any agency statement, guide, or requirement of general applicability that implements or interprets substantive law or policy, or that prescribes agency procedures or practices, excluding statements governing only internal agency management, declaratory rulings or orders, and provisions adopting, increasing, or decreasing fees⁶. The term includes provisions establishing fines, penalties, preferential status, or licensure or certification criteria, as well as the amendment of an existing rule⁷. A rule may be generally applicable, even if it applies only to an identifiable class or a limited geographical area⁸.

As set forth below, the OLRP determines that the Proposed Amendments do not constitute occupational regulations within the meaning of La. R.S. 49:260 because they do not create reasonably foreseeable anticompetitive effects. Accordingly, the Board may proceed with promulgation in accordance with the Louisiana APA.

II. ANALYSIS

The Louisiana State Board of Architectural Examiners is authorized to adopt and amend rules and regulations reasonably necessary to perform its duties and regulate the practice of architecture to safeguard life, health, and property and promote the public welfare.⁹ The Board consists of seven members appointed by the Governor as prescribed in La. R.S. 37:142. For each of the five district-based architect positions, the Governor appoints a member from a list of no more than five eligible nominees.¹⁰ If five or fewer eligible architects seek nomination by letter, the Board must submit all their names without conducting an election¹¹. If more than five seek nomination, the Board must conduct a statewide election by mail ballot or online voting and submit the five candidates receiving the highest vote totals¹². Candidates seeking ballot placement must submit a certified-mail letter accompanied by a curriculum vitae and certification that they will serve if elected¹³. Only one architect from the same firm or other specified entity may seek nomination, and all licensed architects residing in Louisiana are

⁴ La. R.S. 49:260(G)(4)

⁵ Black’s Law Dictionary, 12th Edition p. 116

⁶ La. R.S. 49:951 (8)

⁷ Id.

⁸ Id.

⁹ La. R.S. 37:141; LA R.S. 37:144(F)

¹⁰ LA R.S. 37:142(B)(1)

¹¹ Id.

¹² LA R.S. 37:142(B)(3)

¹³ LA R.S. 37:142(B)(2)

eligible to vote¹⁴. Elections must be completed within ninety days of the effective vacancy¹⁵, and the Board may not impose additional eligibility requirements for membership¹⁶.

The proposed changes to §§501(A), 503(A), 509(B), and 511(A) and (E) increase the number of nominees from three to five and revise the election-waiver threshold accordingly. These changes implement the revised statutory framework of Act 484 without altering qualifications to practice architecture or limiting participation in the architectural-services market. The proposed changes to the Chapter title and related terminology clarify the operation of that framework.

The changes to §§501(B) and (C), 505, 507(B) and (C), 511(B) and (C), 513(A)(1), and 515(A) provide for electronic submissions, notices, ballot distribution, and voting, and revise associated procedures. These changes affect the manner in which architects participate in Board nominations and elections. They do not change licensure qualifications, scope of practice, prices, the supply of architectural services, or access to customers. Restrictions on participation in an election are not restrictions on competition in architectural services. Allowing electronic submissions, ballot distribution, notices, and voting may reduce administrative burdens on the Board and licensees, facilitate greater participation in elections, and expedite election results.

Proposed §501(B) permits candidate letters to be submitted by certified mail or email. In response to the OLRP's request for clarification, the Board explained that it interprets La. R.S. 37:142(B)(1), as amended by Act 484 of 2026, as establishing an alternative to the certified-mail requirement in La. R.S. 37:142(B)(2). La. R.S. 37:142(B)(1) addresses requests for nomination generally and provides that "[a]n eligible architect desiring nomination shall write a letter to the board so stating." La. R.S. 37:142(B)(2), however, expressly requires certified mail for an architect seeking placement on an election ballot. Read together, these provisions present an interpretive question concerning the submission requirements applicable when an election is required. Although the OLRP reviews proposed occupational regulations for compliance with clearly articulated state policy and applicable law, resolving the potential conflict between La. R.S. 37:142(B)(1) and (B)(2), including determining legislative intent or which provision controls, is beyond the scope of this determination.

The changes to §507(A) and (D) revise the number of selections required on a ballot and measure the voting deadline from the candidate-submission deadline. The amendments also remove the replacement-ballot procedure in §505(B), receipt-date stamping in §507(E), and the manual verification, tabulation, and certification procedures in §509, substituting electronic tabulation. The Board explained that proposed §507(D) preserves the president's discretion to establish voting deadlines based on the circumstances of each election while allowing time for any necessary run-off elections within the statutory ninety-day completion period.¹⁷ These are substantive changes to election administration; however, they do not create new barriers to entry, restrict competition, reduce consumer choice, or otherwise produce reasonably foreseeable anticompetitive effects within the meaning of La. R.S. 49:260.

¹⁴ LA R.S. 37:142(B)(3)

¹⁵ LA R.S. 37:142(B)(4)

¹⁶ LA R.S. 37:142(B)(1)

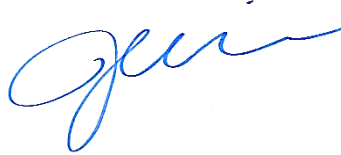
¹⁷ LA R.S. 37:142(B)(4)

The Proposed Amendments also repeal §515(C), concerning ballot preservation and destruction. However, the deletion is not reflected in the published Notice of Intent, and the discrepancy should be reconciled in accordance with the APA prior to promulgation.

III. DETERMINATION

Based on the foregoing, the OLRP determines that the Proposed Amendments constitute rules under the APA but do not create reasonably foreseeable anticompetitive effects within the meaning of La. R.S. 49:260. The changes concern nomination and election procedures and do not alter entry into the profession, the practice of architecture, consumer choice, or competition in architectural services. Accordingly, the Proposed Amendments do not constitute occupational regulations, and the Board may proceed with promulgation in accordance with the Louisiana APA.

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