

IN RE: OBJECTION TO THE	*	15 TH JUDICIAL DISTRICT COURT
CANDIDACY OF BRIAN L. POPE	*	
QUALIFYING AS A CANDIDATE	*	PARISH OF LAFAYETTE
FOR THE OFFICE OF MARSHAL	*	
OF THE CITY COURT OF THE	*	STATE OF LOUISIANA
CITY OF LAFAYETTE, LA	*	
IN THE PRIMARY ELECTION OF	*	DOCKET NO. <u>20203492 A</u>
NOVEMBER 3, 2020	*	DIVISION: _____

OBJECTION TO CANDIDACY
REQUEST FOR EXPEDITED HEARING

NOW INTO COURT comes KEITH A. STUTES, in his capacity as the District Attorney of the 15th Judicial District, Parishes of Acadia, Lafayette, and Vermilion, hereinafter referred to as "the District Attorney", plaintiff herein, who with due respect avers as follows, to -wit:

1.

Qualifications for candidates for the office of Marshal of the City Court of the City of Lafayette, Louisiana, for the primary election of November 3, 2020, were duly opened on Wednesday July 22, 2020 and closed on Friday, July 24, 2020.

2.

On July 24, 2020, Brian L. Pope executed a Notice of Candidacy certifying that he will be a candidate in the Primary Election to be held on November 3, 2020, for the election to the office of City Marshal, City Court, City of Lafayette, and filed said Notice in the office of Clerk of Court, Parish of Lafayette, purporting to "qualify" as such as a candidate. Brian L. Pope is made a defendant herein.

3.

A registered and duly qualified voter of the City and Parish of Lafayette has presented evidence to the District Attorney, that defendant, Brian L. Pope, is NOT qualified to be a candidate for the office of Marshal of the City Court of the City of Lafayette, Louisiana, for the primary election of November 3, 2020, that said defendant does not meet the statutory and legal qualifications for said office, and that said evidence establishes grounds for objecting to such candidacy.

CLERK OF COURT
LAFAYETTE PARISH, LA
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4.

The District Attorney, in accordance with R.S. 18:491, elects to timely file this action objecting to the candidacy of the defendant pursuant to R.S. 18:495.

5.

The office of the Marshal of the City Court of the City of Lafayette, Louisiana, is an elective office, serving a term of six years, elected at the congressional election, R.S. 13:1879. The qualifications of the Marshal of the City Court of the City of Lafayette, Louisiana, are that "the marshal shall be a resident elector of the territorial jurisdiction of the court", among others, R.S. 13:1880. "Elector" is defined as "a duly qualified voter", a person duly qualified to vote, regardless of whether he has exercised his right to vote or not, Suarez v. Barney, 903 So2d 555 (La. App. 4th Cir. 5/9/05), writ not considered 902 So2d 999 (La. 5/10/05).

6.

Further, a person who meets the qualifications for the office of Marshal may become a candidate and be voted on in a primary election or general election if he qualifies as a candidate. However, the candidate "shall possess the qualifications for the office he seeks at the time he qualifies for that office", R.S. 18:451.

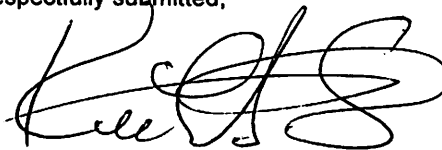
7.

The defendant does not meet the qualifications for the office of Marshal of the City Court of the City of Lafayette, R.S. 18:492, in that the defendant is NOT registered to vote, qualified to vote, and was NOT registered or qualified to vote at the time he "qualified" on July 24, 2020. When the defendant "qualified" on July 24, 2020, he **certified that he was not a duly qualified elector** in the territorial jurisdiction of the City Court of the City of Lafayette, Louisiana. (See Attached Exhibit "A")

WHEREFORE, PREMISES CONSIDERED, plaintiff, the District Attorney, prays that the defendant, Brian L. Pope, be served with this Objection to Candidacy, and ordered to appear on a day and time, in an expedited fashion as this is a time sensitive election matter to show cause why this objection should not be sustained, and a judgment rendered removing him as a candidate for the office of Marshal of the City Court of the City of Lafayette, and ordering that he

withdraw and/or be removed from the primary election of November 3, 2020 and that the defendant be cast with attorney fees and the costs of these proceedings pursuant to LSA-R.S. 18:495.

Respectfully submitted,



KEITH A. STUTES
District Attorney



DANIEL M. LANDRY III
First Assistant District Attorney



ALAN HANEY
Assistant District Attorney
P.O. Box 3306
Lafayette, LA 70502
(337) 232-5170

IN RE: OBJECTION TO THE
CANDIDACY OF BRIAN L. POPE
QUALIFYING AS A CANDIDATE
FOR THE OFFICE OF MARSHAL
OF THE CITY COURT OF THE
CITY OF LAFAYETTE, LA *
IN THE PRIMARY ELECTION OF
NOVEMBER 3, 2020

* 15TH JUDICIAL DISTRICT COURT
*
* PARISH OF LAFAYETTE
*
* STATE OF LOUISIANA
* DOCKET NO. _____
* DIVISION: _____

ORDER

IT IS ORDERED that a rule to show cause issue in the above captioned matter directed to BRIAN L. POPE, to show cause at an expedited hearing, on the ____ day of _____, 2020 at ____ a.m. before the Honorable Judge _____, why this objection should not be sustained, and a judgment rendered removing him as a candidate for the office of Marshal of the City Court of the City of Lafayette, and ordering that he withdraw and/or be removed from the primary election of November 3, 2020; and why he should not be cast with attorney fees and the costs of these proceedings.

Lafayette, Louisiana, this ____ day of _____, 2020.

DISTRICT JUDGE

PLEASE SERVE:
BRIAN L. POPE
315 Norcross Drive
Lafayette, LA 70508

8-225

STATE OF LOUISIANA - NOTICE OF CANDIDACY (QUALIFYING FORM)

This Notice of Candidacy must be signed by the candidate before a notary public or witnessed by two people. If the candidate is serving outside the state with the armed forces of the United States, the Notice of Candidacy shall be witnessed by a commissioned officer in the armed forces of the United States. This Notice of Candidacy must be filed with the appropriate qualifying official. If this Notice of Candidacy is being filed by an agent on behalf of the candidate, the Agent Affidavit required by La. R.S. 18:463(A)(1)(c) shall also be filed with the qualifying official.

SECTION 1: CANDIDATE INFORMATION

Candidate Name: Brian L. Pope

Domicile Address: 315 Norcross Dr., Lafayette, LA 70508

Mailing Address, if different: _____

Telephone (Public Record): (337) 849 - 0234

I am presently the incumbent: Y Y=Yes, N=No

STATISTICAL INFORMATION (OPTIONAL)			
Race: <u>W</u>	W=White, B=Black, O=Other	Sex: <u>M</u>	M=Male, F=Female

SECTION 2: CERTIFICATION

I HEREBY CERTIFY THAT:

1) I will be a candidate in the Primary Election to be held on November 3, 2020

for the election to the office of City Marshal, City Court, City of Lafayette

INSTRUCTIONS FOR BALLOT NAME ON LINE 2: (Failure to follow these instructions may result in your being disqualified as a candidate) La. R.S. 18:463 provides that you may designate your given, first and middle name or initials, a nickname, or any combination thereof, but you cannot designate a title, designation or deceptive name including an occupation or professional description or abbreviation. If your nickname is used in place of your first name (e.g. "Tony") or with your first name (e.g. Anthony "Tony") it must be in quotation marks in the "First Name" field below. You must include your last name in your designation. Include your suffix, if any (e.g. Sr., Jr. or III).

2) I designate that my name be printed on the ballot as follows:

First: Brian Last: Pope Suffix: _____

3) I have attached:

- (Choose One) Cash
 Certified/Cashier's Check/Money Order from a state or national bank or credit union.
 U.S. Postal Money Order
 Nominating Petition OR U.S. armed forces stationed/deployed outside the U.S.

TOTAL AMOUNT RECEIVED:
<u>\$150.00</u>

4) I am a duly qualified elector of the following: Parish: NONE Ward: _____ Precinct: _____

5) My Party affiliation is: Republican (Specify party name if affiliated with a recognized political party, with a political party that is not a recognized political party or "no party" if not affiliated with any political party.)

6) I have read this Notice of Candidacy and I meet the qualifications of the office for which I am qualifying.

7) If I am a candidate for any office other than United States senator or representative in congress, that I am not currently under an order of imprisonment for conviction of a felony and I am not prohibited from qualifying as a candidate for the conviction of a felony pursuant to Article I, Section 10.1 of the Constitution of Louisiana.

8) If I am a candidate for any office other than United States senator or representative in congress, that if I claim a homestead exemption or a residence pursuant to Article VII, Section 20 of the Constitution of Louisiana, I am registered and vote in the precinct in which that residence is located, unless I reside in a nursing home as defined in La. RS. 40:2009.2 or in a veterans' home operated by the state or federal government.

9) If I am a candidate for any office other than United States senator or representative in congress, that for each of the previous five tax years, I have filed my federal and state income tax returns, have filed for an extension of time for filing either my federal or state income tax return or both, or was not required to file either a federal or state income tax return or both.

10) I acknowledge that I am subject to the provisions of the Campaign Finance Disclosure Act if I am a candidate for any office other than United States senator, representative in congress, or member of a committee of a political party and that I do not owe any outstanding fines, fees, or penalties pursuant to the Campaign Finance Disclosure Act.

11) If I am a candidate for a major or district office as defined in La. R.S. 18:1483, I have filed each report that I have been required to file by the Campaign Finance Disclosure Act, if any were previously due.

12) I do not owe any outstanding fines, fees, or penalties pursuant to the Code of Governmental Ethics.

13) I certify that I am knowledgeable of the laws governing election offenses as provided in Chapter 10 of Title 18 and the prohibitions relative to erecting, displaying, or posting political campaign signs on any highway right-of-way, publicly owned property or right-of-way, or to or on any public utility pole or stanchion, as provided in La. R.S. 48:347(D), La. R.S. 30:2544(A), and La. R.S. 18:1470.

14) All the statements contained herein are true and correct.

SECTION 3: SIGNATURES

WITNESSES:

Signature of Candidate: Brian L. Pope

Sworn to and subscribed before me, Notary Public, this

24th day of July, 2020

Alaina R. Richard
Notary Public

Alaina R. Richard 87679
Printed Name and Notary Number

NOTICE: Copies of the Agent Affidavit required by La. R.S. 18:463(A)(1)(c) are available from the Clerk of Court or the Secretary of State. Copies of the forms and pamphlets of explanation and instruction which are distributed by the Supervisory Committee on Campaign Finance Disclosure are available from the Clerk of Court or the Committee; and the information contained in this notice of candidacy may be posted on the website of the Secretary of State, at his discretion.

OFFICIAL USE ONLY	RECEIVED: \$75.00 qualifying fee and \$75.00 additional fee OR no fee on this	Signature of Officer: <u>Alaina R. Richard</u>	24 day of July 2020	at 10:02 o'clock A.M.
			Title of Officer: <u>Reputy Clerk</u>	

