



LOUISIANA DEPARTMENT OF STATE

LEGISLATIVE OVERSIGHT REPORT

NOTICE OF INTENT
(Intended Action)

TITLE 31

ELECTIONS
LAC 31:I.CHAPTER 8

VOTING TECHNOLOGY
(Brief Description)

INITIAL REPORT

COPY OF THE RULE AS IT IS PROPOSED FOR ADOPTION, AMENDMENT, OR REPEAL AND STATEMENT OF THE AMOUNT OF THE FEE TO BE ADOPTED OR THE AMOUNT OF THE PROPOSED INCREASE OR DECREASE *(The rule shall be coded with any new rule or language that is to be added to an existing agency rule underscored and any language that is to be deleted from an existing agency rule in struck-through type.)*

Attached is a copy of the notice of intent as it is proposed for Voting Technology. The legislative authorization for the rule is R.S. 18:21 and R.S. 36:742. Since this is a new rule, there is no coded rule attached.

STATEMENT OF THE PROPOSED ACTION *(Whether the rule is proposed for adoption, amendment, or repeal; a brief summary of the content of the rule if proposed for adoption or repeal; and a brief summary of the change in the rule if proposed for amendment.)*

The Secretary of State is proposing to adopt the notice of intent regarding private elections in Louisiana. The rule defines the different types of private elections in Louisiana and provides a fee schedule for conducting private elections. In addition, the rule requires the Department to establish a private elections manual regarding the conduct of private elections in Louisiana.

The rule also provides for the Department to produce and sell electronic images mapping precincts and election jurisdictions in Louisiana at a fee of \$1 per precinct.

SPECIFIC CITATION OF THE ENABLING LEGISLATION PURPORTING TO AUTHORIZE THE ADOPTION, AMENDING, OR REPEAL OF THE RULE OR PURPORTING TO AUTHORIZE THE ADOPTION, INCREASING, OR DECREASING THE FEE

Under the authority of R.S. 18:21 and R.S. 36:742, the Secretary of State is proposing to adopt rules regarding the conduct of private elections in Louisiana and the production and sale of maps of precincts and election jurisdictions in Louisiana.

STATEMENT OF CIRCUMSTANCES WHICH REQUIRE ADOPTION, AMENDING, OR REPEAL OF THE RULE OR THE ADOPTION, INCREASING, OR DECREASING OF THE FEE

Act 296 of the 2015 Regular Legislative Session authorizes the Department to conduct of private elections in Louisiana and the production and sale of maps of precincts and election jurisdictions in Louisiana.

STATEMENT OF FISCAL IMPACT OF THE PROPOSED ACTION AND STATEMENT OF THE ECONOMIC IMPACT OF THE PROPOSED ACTION, BOTH APPROVED BY THE LEGISLATIVE FISCAL OFFICE

Attached is a copy of the approved Fiscal and Economic Impact Statement for Administrative Rules.

NOTICE OF INTENT

Department of State Elections Division Registration Section

Voting Technology (LAC 31:I.Chapter 8)

Under the provisions of the Administrative Procedures Act (R.S. 49:950 et seq.), R.S. 18:21, and R.S. 36:742, the secretary of state proposes to adopt rules regarding the conduct of private elections in Louisiana and the production and sale of maps of precincts and election jurisdictions in Louisiana.

Title 31

ELECTIONS

Part I. Election Process

Chapter 8. Voting Technology

Subchapter A. Private Elections

§801. Type of Election

A. The following are the different types of private elections which may be conducted utilizing the department's staff:

1. Primary school, middle school, and high school elections. Examples include: the Reader's Choice elections; student government officers' elections, and homecoming elections. This type of private election would be considered an educational election with the purpose of informing students interested in voter registration and voting and would be done on a gratuitous basis with no charge for services or expenses by the department.

2. Disability organization elections. An example would be an election for officers of a disability organization. This type of private election would be an outreach event and would be done on a gratuitous basis with no charge for services or expenses by the department.

3. Private entity or organization elections. Examples include officers for a private entity or organization such as: a union or other association; university student government officers; and political party elections for convention delegates. Private elections would be conducted on a reimbursement basis for services and expenses as provided for herein.

AUTHORITY NOTE: Promulgated in accordance with R.S. 18:21 and R.S. 36:742.

HISTORICAL NOTE: Promulgated by the Department of State, Elections Division, LR 43:

§803. Private Elections Manual

A. Due to the department's primary function of conducting state elections, department staff may not be available to conduct private elections. The department shall develop and adopt

a Private Elections Manual providing procedural information on private elections, including but not limited to:

1. ballot format guidelines;
2. calendar of available dates for private elections;
3. deadlines for requesting and contracting for a private election; and
4. cost estimate information and sample contract.

B. Upon the request for a private election, a listing of all available recommended services and expenses for a particular private election and the associated costs, if any, will be estimated by the department and given to the requestor for the signing of a contract.

C. All private elections must have a signed contract, dated and returned to the department by the deadline set forth by the department. A signed contract evidences acceptance of the department's recommended services and expenses for a private election and associated costs, if any. The acceptable method of delivery of the contract is Federal Express or hand delivery to the Department of State, Elections Division, Elections Operations Section, Twelve United Plaza Building, 8585 Archives Blvd., Suite 110, Baton Rouge, LA 70809-2414.

D. Payment of private elections, if any, must be made at the time of the delivery of the contract to the department. The acceptable methods of payment for the department's services and expenses, shall be by certified check or money order made payable to the Department of State.

E. If drayage services are required for a private election, payment for such services must be included with the signed and dated contract prior to the deadline set forth by the department. The acceptable method of payment shall be by separate check made payable to the drayage contractor.

F. If paper ballots are required for a private election, payment for such expense must be included with the signed and dated contract prior to the deadline set forth by the department. The acceptable method of payment shall be by separate check made payable to the ballot printing contractor.

G. Cancellations will be accepted up to two weeks prior to a private election with a 50 percent refund for department services and 100 percent refund of drayage services. No refund for ballot printing expenses will be issued unless the ballots have not been printed. Any cancellation thereafter will not be refunded.

H. All private election funds received shall be deposited into the Voting Technology Fund.

AUTHORITY NOTE: Promulgated in accordance with R.S. 18:21 and R.S. 36:742.

HISTORICAL NOTE: Promulgated by the Department of State, Elections Division, LR 43:

§805. Department Election Expenses

A. The cost estimate of a private election in §801(A)(3) may include:

1. \$100 for one race or more races on the same ballot style;
2. \$100 for each additional ballot style; and
3. \$100 per voting unit.

AUTHORITY NOTE: Promulgated in accordance with R.S. 18:21 and R.S. 36:742.

HISTORICAL NOTE: Promulgated by the Department of State, Elections Division, LR 43:

Subchapter B. Maps of Precincts and Election Jurisdictions

§809. Maps of Precincts and Election Jurisdictions

A. The secretary of state may produce and sell electronic images mapping precincts and election jurisdictions in Louisiana. The fee for the digital file shall be \$1 per precinct. The acceptable methods of payment are by credit card or certified check or money order made payable to the Department of State. Payment may be made online, by mail, or in-person to the Department of State, Elections Division, Registration Section, 8585 Archives Blvd., P.O. Box 94125, Baton Rouge, LA 70804-9125.

AUTHORITY NOTE: Promulgated in accordance with R.S. 18:21 and R.S. 36:742.

HISTORICAL NOTE: Promulgated by the Department of State, Elections Division, LR 43:

Family Impact Statement

The proposed Rule cited in LAC 31:I.Chapter 8 regarding private election costs and maps of precincts and election jurisdictions should not have any known or foreseeable impact on any family as defined by R.S. 49:927 or on family formation, stability and autonomy. Specifically, there should be no known or foreseeable effect on:

1. the stability of the family;
2. the authority and rights of parents regarding the education and supervision of their children;
3. the functioning of the family;
4. family earnings and family budget;
5. the behavior and personal responsibility of children; and
6. the ability of the family or a local government to perform the function as contained in the proposed amendments to the Rule.

Poverty Impact Statement

The proposed Rule cited in LAC 31:I.Chapter 8 regarding private election costs and maps of precincts and election jurisdictions should not have any known or foreseeable impact on poverty as defined by R.S. 49:973. Specifically, there should be no known or foreseeable effect on:

1. the household income, assets and financial security;
2. early childhood development and preschool through postsecondary education development;
3. employment and workforce development;
4. taxes and tax credits; and
5. child and dependent care, housing, health care, nutrition, transportation, and utilities assistance.

Small Business Statement

The proposed Rule is not expected to have a significant adverse impact on small business as defined in the Regulatory Flexibility Act. 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 business.

Provider Impact Statement

The proposed Rule does not have any known or unforeseeable impact on providers as defined by HCR 170 of the 2014 Regular Legislative Session. In particular, there should be no known or foreseeable effect on:

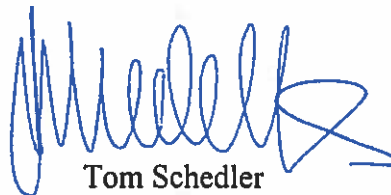
1. the effect on the staffing level requirements or qualifications required to provide the same level of service;
2. the total direct and indirect effect on the cost to the providers to provide the same level of service; or
3. the overall effect on the ability of the provider to provide the same level of service.

Public Comments

Interested persons may submit written comments to Lani Durio, Attorney, Legal Division, Department of State, P.O. Box 94125, Baton Rouge, LA 70804-9125. She will be responsible for responding to inquiries regarding the proposed amendment to Section 108 of the Rule. The deadline for the Department of State to receive written comments is 4:30 p.m. on July 25, 2017 after the public hearing.

Public Hearing

A public hearing on the proposed Rule is scheduled for July 24, 2017 at 2 p.m. in the Auditorium at the State Archives Building, 3851 Essen Lane, Baton Rouge, LA. At that time, all interested persons will be afforded the opportunity to submit data, views, or arguments either orally or in writing.



Tom Schedler
Secretary of State

**FISCAL AND ECONOMIC IMPACT STATEMENT
FOR ADMINISTRATIVE RULES**

Person
Preparing
Statement: Carol H. Guidry Dept: Department of State
Phone: (225) 229-8085 Office: Elections Division
Return
Address: P. O. Box 94125 Rule
Title: Voting Technology
Baton Rouge, LA 70804-9125
Date Rule
Takes Effect: September 20, 2017

SUMMARY
(Use complete sentences)

In accordance with Section 953 of Title 49 of the Louisiana Revised Statutes, there is hereby submitted a fiscal and economic impact statement on the rule proposed for adoption, repeal or amendment. THE FOLLOWING STATEMENTS SUMMARIZE ATTACHED WORKSHEETS, I THROUGH IV AND WILL BE PUBLISHED IN THE LOUISIANA REGISTER WITH THE PROPOSED AGENCY RULE.

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

The proposed rules may increase expenditures for the Secretary of State by a marginal amount. Included in the proposed rules are provisions requiring the department to develop a manual outlining procedural information for private elections, as well as provisions regarding the execution of contracts between the department and entities seeking to hold private elections. The Secretary of State indicates that these aforementioned provisions associated with development of a private elections manual and the execution of private elections contracts will be absorbed utilizing existing resources and budget authority.

Provisions in the proposed rules associated with the sale of precinct maps may increase expenditures for the Secretary of State by a marginal amount as a result of selling the maps that will be offset through fees (See Part II).

Provisions associated with conducting private elections in the proposed rules will not alter expenditures for the Secretary of State, as the department currently provides this service. However, these expenditures will be offset as a result of the department being able to levy fees associated with holding the private election (See Part II).

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

The proposed rules will increase revenues for the statutorily dedicated Voting Technology Fund within the Secretary of State by an indeterminable amount as a result of entities paying fees for the department to conduct private elections and for precinct maps.

The fees for private elections are new fees and were not previously collected by the department. Entities wishing to hold private elections would pay \$100 for one or more races on the same ballot style, \$100 for each additional ballot style, and \$100 for each voting unit. The \$1 per precinct fee for the precinct maps are also new fees. While the department will be collecting these new revenues, it is unknown as to the demand for conducting private elections, and the associated revenue increase is indeterminable. Similarly, the demand for the precinct maps is unknown, and therefore the revenue increase associated with precinct map sales is indeterminable. For reference, the Secretary of State reports that only three parishes can produce the electronic precinct maps. To the extent more parishes produce maps, demand may increase and the department may realize increased revenues.

The proposed rules will not affect revenue collections of local governmental units.

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

The proposed rules will result in costs for persons seeking to hold private elections using the Secretary of State's voting equipment and for persons seeking to purchase precinct maps from the department. The costs to the aforementioned parties are indeterminable because the demand for such services is unknown. However, the costs will be consistent with the fee schedules for private elections and the \$1 per precinct map fee outlined in Part II.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

The proposed rules will not affect competition and employment.



Signature of Agency Head or Designee

Joe R. Salter, Undersecretary of M & F

Typed Name & Title of Agency Head or Designee
05/25/2017

Date of Signature



Legislative Fiscal Officer or Designee

6/8/17

Date of Signature

**FISCAL AND ECONOMIC IMPACT STATEMENT
FOR ADMINISTRATIVE RULES**

The following information is required in order to assist the Legislative Fiscal Office in its review of the fiscal and economic impact statement and to assist the appropriate legislative oversight subcommittee in its deliberation on the proposed rule.

- A. Provide a brief summary of the content of the rule (if proposed for adoption, or repeal) or a brief summary of the change in the rule (if proposed for amendment). Attach a copy of the notice of intent and a copy of the rule proposed for initial adoption or repeal (or, in the case of a rule change, copies of both the current and proposed rules with amended portions indicated).

In accordance with the provisions of Act 296 of the 2015 Regular Legislative Session, the Department of State is proposing to adopt a rule to provide for conducting private elections and producing and selling electronic images mapping precincts and election jurisdictions in Louisiana. Funds collected from these activities shall be placed in the Voting Technology Fund and shall be used solely and exclusively for the acquisition and maintenance of voting machine technology, including the following: hardware and software; voting equipment and supplies; voter outreach; voter improvement; early voting; and information technology products to produce, run, and support the election and voting system. These were new services that were authorized for 2016.

The proposed rule will increase expenditures for the Department of State's Elections Division by an indeterminable amount in FY 17 and subsequent fiscal years. The expenditures will depend upon the demand for conducting private elections and producing an electronic image mapping precincts and election jurisdictions in Louisiana.

- B. Summarize the circumstances, which require this action. If the Action is required by federal regulation, attach a copy of the applicable regulation.

See A above.

- C. Compliance with Act 11 of the 1986 First Extraordinary Session

- (1) Will the proposed rule change result in any increase in the expenditure of funds? If so, specify amount and source of funding.

The proposed rule will increase expenditures for the Department of State's Elections Division by an indeterminable amount in FY 17 and subsequent fiscal years. The expenditures will depend upon the demand for conducting private elections and producing an electronic image mapping precincts and election jurisdictions in Louisiana.

- (2) If the answer to (1) above is yes, has the Legislature specifically appropriated the funds necessary for the associated expenditure increase?

(a) _____ Yes. If yes, attach documentation.

(b) X NO. If no, provide justification as to why this rule change should be published at this time

The proposed rule is being adopted to comply with the provisions of Act 296 of the 2015 Regular Legislative Session. These were new services that was authorized for 2016.

FISCAL AND ECONOMIC IMPACT STATEMENT

WORKSHEET

I. A. COSTS OR SAVINGS TO STATE AGENCIES RESULTING FROM THE ACTION PROPOSED

1. What is the anticipated increase (decrease) in costs to implement the proposed action?

COSTS	FY 18	FY 19	FY 20
Personal Services			
Operating Expenses			
Professional Services			
Other Charges	SEE BELOW	SEE BELOW	SEE BELOW
Equipment			
Major Repairs & Constr.			
TOTAL	0	0	0
POSITIONS (#)	0	0	0

2. Provide a narrative explanation of the costs or savings shown in "A. 1.", including the increase or reduction in workload or additional paperwork (number of new forms, additional documentation, etc.) anticipated as a result of the implementation of the proposed action. Describe all data, assumptions, and methods used in calculating these costs.

The proposed rules may increase expenditures for the Secretary of State by a marginal amount. Included in the proposed rules are provisions requiring the department to develop a manual outlining procedural information for private elections, as well as provisions regarding the execution of contracts between the department and entities seeking to hold private elections. The Secretary of State indicates that these aforementioned provisions associated with development of a private elections manual and the execution of private elections contracts will be absorbed utilizing existing resources and budget authority.

Provisions in the proposed rules associated with the sale of precinct maps may increase expenditures for the Secretary of State by a marginal amount as a result of selling the maps that will be offset through fees (See Part II).

Provisions associated with conducting private elections in the proposed rules will not alter expenditures for the Secretary of State, as the department currently provides this service. However, these expenditures will be offset as a result of the department being able to levy fees associated with holding the private election (See Part II).

3. Sources of funding for implementing the proposed rule or rule change.

SOURCE	FY 18	FY 19	FY 20
State General Fund			
Agency Self-Generated			
Dedicated	SEE BELOW	SEE BELOW	SEE
BELOW			
Federal Funds			
Other (Specify)			
TOTAL	0	0	0

4. Does your agency currently have sufficient funds to implement the proposed action? If not, how and when do you anticipate obtaining such funds?

Statutorily Dedicated Voter Technology Fund

B. COST OR SAVINGS TO LOCAL GOVERNMENTAL UNITS RESULTING FROM THE ACTION PROPOSED.

1. Provide an estimate of the anticipated impact of the proposed action on local governmental units, including adjustments in workload and paperwork requirements. Describe all data, assumptions and methods used in calculating this impact.

The proposed rule will not affect cost or savings to local governmental units.

2. Indicate the sources of funding of the local governmental unit, which will be affected by these costs or savings.

N/A

FISCAL AND ECONOMIC IMPACT STATEMENT

WORKSHEET

II. EFFECT ON REVENUE COLLECTIONS OF STATE AND LOCAL GOVERNMENTAL UNITS

A. What increase (decrease) in revenues can be anticipated from the proposed action?

REVENUE INCREASE/DECREASE	FY 18	FY 19	FY 120
State General Fund			
Agency Self-Generated			
Dedicated Funds*	INCREASE	INCREASE	INCREASE
Federal Funds			
Local Funds			
TOTAL	0	0	0

*Specify the particular fund being impacted.

B. Provide a narrative explanation of each increase or decrease in revenues shown in "A." Describe all data, assumptions, and methods used in calculating these increases or decreases.

The proposed rules will increase revenues for the statutorily dedicated Voting Technology Fund within the Secretary of State by an indeterminable amount as a result of entities paying fees for the department to conduct private elections and for precinct maps.

The fees for private elections are new fees and were not previously collected by the department. Entities wishing to hold private elections would pay \$100 for one or more races on the same ballot style, \$100 for each additional ballot style, and \$100 for each voting unit. The \$1 per precinct fee for the precinct maps are also new fees. While the department will be collecting these new revenues, it is unknown as to the demand for conducting private elections, and the associated revenue increase is indeterminable. Similarly, the demand for the precinct maps is unknown, and therefore the revenue increase associated with precinct map sales is indeterminable. For reference, the Secretary of State reports that only three parishes can produce the electronic precinct maps. To the extent more parishes produce maps, demand may increase and the department may realize increased revenues.

III. COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS

A. What persons or non-governmental groups would be directly affected by the proposed action? For each, provide an estimate and a narrative description of any effect on costs, including workload adjustments and additional paperwork (number of new forms, additional documentation, etc.), they may have to incur as a result of the proposed action.

The proposed rules will result in costs for persons seeking to hold private elections using the Secretary of State's voting equipment and for persons seeking to purchase precinct maps from the department. The costs to the aforementioned parties are indeterminable because the demand for such services is unknown. However, the costs will be consistent with the fee schedules for private elections and the \$1 per precinct map fee outlined in Part II.

B. Also provide an estimate and a narrative description of any impact on receipts and/or income resulting from this rule or rule change to these groups.

See A above.

FISCAL AND ECONOMIC IMPACT STATEMENT

WORKSHEET

IV. EFFECTS ON COMPETITION AND EMPLOYMENT

Identify and provide estimates of the impact of the proposed action on competition and employment in the public and private sectors. Include a summary of any data, assumptions and methods used in making these estimates.

The proposed rules will not affect competition and employment.