



LOUISIANA DEPARTMENT OF STATE

LEGISLATIVE OVERSIGHT REPORT

NOTICE OF INTENT

**TITLE 31
ELECTIONS**

PART II. VOTER REGISTRATION AND VOTER EDUCATION

CHAPTER 1. REGISTRARS OF VOTERS

MERIT EVALUATION FOR THE REGISTRARS OF VOTERS (LAC 31:II.107-109)

SUMMARY OF TESTIMONY FROM THIS PUBLIC HEARING:

A Notice of Intent was published in the December 20, 2014 issue of the Louisiana Register to: 1) amend Section 107 regarding merit evaluations for the registrars of voters; and 2) amend Section 109 regarding merit evaluations for the chief deputies and confidential assistants. In addition, Section 108 would be adopted to provide for the appeal of merit evaluations for the registrars of voters. According to the Notice of Intent, a public hearing was scheduled for Monday, January 26, 2015 at 1:00 p.m. A public hearing was held on that date and minutes from the public hearing is attached. At the public hearing, written comments were received from Brian Champagne (Registrar of Voters, St. Charles Parish).

SUMMARY OF COMMENTS RECEIVED:

Prior to the public hearing, the Department had not received any written comments or emails concerning the notice of intent. The last day for accepting written comments from the public was the close of business on Tuesday, January 27, 2015 and the only written comments received by the Department were from Brian Champagne.

COPY OF RESPONSE TO COMMENTS PREPARED BY THE DEPARTMENT:

The response to Brian Champagne is attached.

STATEMENT OF TENTATIVE/PROPOSED ACTION BY THE DEPARTMENT ON ORAL AND WRITTEN COMMENTS RECEIVED:

Since the Department will not be revising the Notice of Intent that was published in the December 20, 2014 issue of the Louisiana Register, it is the intent of the Department to proceed with publishing the Rule amending LAC 31:II.107 and 109 and adopting LAC 31:II.108 in the March 20, 2015 issue or the next available issue of the Louisiana Register.

REVISION OF PROPOSED RULE OR STATEMENT THAT NO CHANGES HAVE BEEN MADE:

The Department will not be making any revisions to the Notice of Intent that was published in the December 20, 2014 issue of the Louisiana Register.

CONCISE STATEMENT OF REASONS FOR OR AGAINST ADOPTION OR AMENDMENT OF CHANGES SUGGESTED:

Mr. Champagne's letter raised four objections, but did not offer specific amendments to the Notice of Intent. Three of the objections raised by Mr. Champagne did not pertain to the Notice of Intent, therefore there were no amendments or suggested changes to adopt or reject.

The fourth objection raised by Mr. Champagne states: "The Registrar [sic] of Voters at their 2014 Association Seminar revised the Board of Review for Evaluation in fairness to ourselves and your office. We have equal membership and provide for alternate members. I contend that our Association can choose an unbiased Chairman just as surely as yourself. (Section 108 B. 2.)"

According to the Notice of Intent, it is proposed that: "The Registrars of Voters Evaluation Appeals Committee shall consist of seven members. Three members shall be registrars of voters appointed by the Registrar of Voters Association. Four members shall be appointed by the secretary of state, one of which shall be a registrar of voters who shall act as chairperson of the committee. The chairperson shall vote only to break a tie. The director of registration and the commissioner of elections shall not be appointed to the committee."

As the State's chief election official, the secretary of state is ultimately responsible for the conduct of voter registration and elections and is not bound by unilateral decisions made by the Registrar of Voters' Association. Therefore, Section 108 of the proposed rules will not be amended.



**DEPARTMENT OF STATE
PUBLIC HEARING**

NOTICE OF INTENT

**TITLE 31
ELECTIONS**

PART II. VOTER REGISTRATION AND VOTER EDUCATION

CHAPTER 1. REGISTRAR OF VOTERS

SECTIONS 107, 108, AND 109

**State Archives Building
Auditorium
3851 Essen Lane
Baton Rouge, Louisiana**

**JANUARY 26, 2015
1:00 PM**

- I. Introduction**
- II. Discussion of legislation and the legislative requirement for the adoption of rules and regulations**
- III. Presentation of Notice of Intent**
- IV. Presentation of the Fiscal and Economic Impact Statement for Administrative Rules**
- V. Receive oral comments from interested parties**
- VI. Acknowledge the receipt of comments received as of January 26, 2015**
- VII. Announcement of the deadline for written comments (4:30 p.m. January 27, 2015)**
- VIII. Open discussion**
- IX. Timetable for the adoption of the rule**
- X. Closing Comments**

DEPARTMENT OF STATE
PUBLIC HEARING

Title 31 Part II Chapter 1 ROV Merit Evaluation
Monday, January 26, 2015

NAME	PARISH
CAROL H. GUIDRY	SOS
Patricia Chesne	SOS
Joanne C Reed	SOS
DWAYNE WALL	St. Tammany
Sandra R. Spino	morehouse
Brian Champagne	St. Charles
Juanita Powell	Rapides
Sandra Bennette	Rapides
Jim Stewart	Rapides
Ashley Pantreano	SOS
Lani Durio	SOS

NOTICE OF INTENT

Department of State Elections Division

Merit Evaluation for Registrars of Voters

(LAC 31:II.Chapter 1 Sections 107-109)

Pursuant to the provisions of the Administrative Procedure Act (R.S. 49:950 et seq.), and under the authority of R.S. 18:18, R.S. 18:55, R.S. 18:59, and R.S. 36:742, the secretary of state is proposing to adopt this Rule which would amend LAC 31:II.Chapter 1 Section 107 to modify the procedure for merit evaluations of the registrars of voters, adopt LAC 31:II.Chapter 1 Section 108 to codify the appeal process for merit evaluations of the registrars of voters, and amend LAC 31:II.Chapter 1 Section 109 to modify the procedure for merit evaluations of the chief deputies and confidential assistants.

Title 31

ELECTIONS

Part II. Voter Registration and Voter Education

Chapter 1. Registrar of Voters

§107. Merit Evaluation for the Registrar of Voters

A. The secretary of state hereby designates the director of registration in the Department of State to conduct the annual evaluation of each parish registrar of voters by reviewing the completed evaluation and data submitted by each registrar of voters. The evaluation will consider the timely performance of the registrar's job responsibilities as required by Title 18 of the Louisiana Revised Statutes. Upon completion of the rating of a registrar by the director of registration, the director of registration shall submit the evaluation to the commissioner of elections for review and either approval or disapproval depending on the information submitted. If the commissioner of elections does not approve the rating given by the director of registration, the registrar will be given the rating recommended by the commissioner of elections. The registrar's evaluation is then submitted to the Department of State Human Resources Office. If the registrar receives an "excellent" rating, Human Resources will process the merit increase. If the registrar receives a "satisfactory" rating, Human Resources will not process the merit increase.

B. Annually, the criteria and procedure for the merit evaluation shall be determined by the secretary of state or his designee in conjunction with the Registrar of Voters Association. The secretary of state or his designee shall prepare written instructions and forms to be utilized for the evaluation. Evaluation forms with instructions shall be submitted to the registrars of voters no later than November 1 for completion. The form shall include mandated duties required of the registrar's office in accordance with Title 18 of the Louisiana Revised Statutes and other applicable laws with input from the Board of Review for Evaluation of the Registrar of Voters

Association; however, the form is not intended to be all inclusive of all of the duties mandated in Title 18 of the Louisiana Revised Statutes and other applicable laws. If a registrar receives an "excellent" rating, the registrar is eligible for a merit increase in January. If a registrar does not receive an "excellent" rating, the registrar will be rated "satisfactory" and is not eligible to receive a January merit increase. Also, if a registrar is a Certified Elections Registration Administrator (CERA) and does not receive an "excellent" rating, the registrar is not eligible to receive the seven percent CERA certification pay increase for that year pursuant to R.S. 18:59.4.

C. The parish registrar of voters will have until December 15 to submit a completed evaluation form with supporting documentation to the Department of State.

AUTHORITY NOTE: Promulgated in accordance with R.S. 18:18, R.S. 18:55, and R.S. 36:742.

HISTORICAL NOTE: Promulgated by the Department of State, Elections Division, LR 34:705 (April 2008); amended LR 41:

§108. Appeal of Merit Evaluation for the Registrar of Voters

A. Submission of a Request for Appeal

1. A registrar of voters who does not receive an "excellent" rating on his or her annual merit evaluation may appeal that rating to the Registrars of Voters Evaluation Appeals Committee.

2. The request for appeal shall be in writing and shall be postmarked or received by the human resources director in the Department of State, or the human resources director's designee, no later than January 30.

3. The request for appeal shall explain the reasons for the request and may provide supporting documentation.

4. If the request for appeal is timely and contains the required explanation, the human resources director shall submit a notification of the request to the chairperson of the Registrars of Voters Evaluation Appeals Committee and to the director of registration. The notification of request for appeal shall include copies of the written request of the registrar of voters, the original annual merit evaluation, and any supporting documentation provided by the registrar of voters with his or her written request for appeal.

5. The Department of State grievance process shall not be used to review or reconsider evaluations or a procedural violation of the evaluation process.

B. The Registrars of Voters Evaluation Appeals Committee

1. All written requests for appeal of annual merit evaluations that meet the requirements of Part A of this Section shall be considered by the Registrars of Voters Evaluation Appeals Committee.

2. The Registrars of Voters Evaluation Appeals Committee shall consist of seven members. Three members shall be registrars of voters appointed by the Registrar of Voters Association. Four members shall be appointed by the secretary of state, one of which shall be a registrar of voters who shall act as chairperson of the committee. The chairperson shall vote only to break a tie. The director of registration and the commissioner of elections shall not be appointed to the committee.

3. The chairperson shall convene a meeting of the Registrars of Voters Evaluation Appeals Committee within 15 days of receipt of notification of the request for appeal to discuss the request and render a decision regarding the rating. The committee may vote to uphold the "satisfactory" rating or to change the rating to "excellent".

4. The chairperson of the committee shall give written notice of the committee's decision to the affected registrar of voters, the director of registration, and the human resources director within 15 days.

C. The annual merit evaluation form, the written request for appeal of the registrar of voters, the written notice of the committee's decision, and all supporting documentation shall be maintained in the official confidential personnel file of the registrar of voters on file in the Department of State Human Resources Office.

AUTHORITY NOTE: Promulgated in accordance with R.S. 18:18, R.S. 18:55, and R.S. 36:742.

HISTORICAL NOTE: Promulgated by the Department of State, Elections Division, LR 41:

§109. Merit Evaluations of the Chief Deputy and Confidential Assistant

A. The parish registrar of voters shall perform the annual evaluation of the chief deputy and confidential assistant.

B. Annually, the criteria and procedure for the merit evaluation shall be determined by the Registrar of Voters Association. The association shall prepare written instructions and forms to be utilized for the evaluation. The forms and instructions shall be submitted to the registrars of voters for reviewing the chief deputy and confidential assistant's performance no later than November 1.

C. The parish registrar of voters shall be responsible for evaluating his or her chief deputy and confidential assistant. These evaluations shall be submitted to the Department of State Human Resources Office no later than December 15 of each year.

AUTHORITY NOTE: Promulgated in accordance with R.S. 18:18, R.S. 18:59, and R.S. 36:742.

HISTORICAL NOTE: Promulgated by the Department of State, Elections Division, LR 34:705 (April 2008); amended LR 41:

Family Impact Statement

The proposed amendments to various sections of Rule LAC 31:II.Chapter 1 Sections 107-109 regarding merit evaluations for registrars of voters, chief deputies, and confidential assistants 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 amendments to various sections of Rule LAC 31:II.Chapter 1 Sections 107-109 regarding merit evaluations for registrars of voters, chief deputies, and confidential assistants 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 impact of the proposed amendments to various sections of the Rule on small business has been considered and it is estimated that the proposed action 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 impact of the proposed amendments to various sections of the 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.

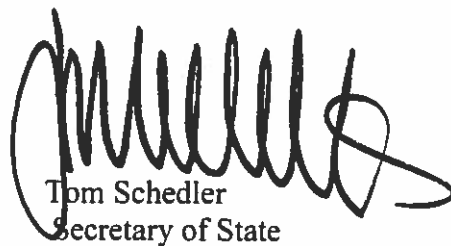
Public Comments

Interested persons may submit written comments to Merietta Norton, General Counsel, 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 amendments to various sections of the Rule. The deadline for the Department of State to receive written comments is 4:30 p.m. on Tuesday, January 27, 2015 after the public hearing.

Public Hearing

A public hearing on the proposed amendments to various sections of the Rule is scheduled for Monday, January 26, 2015 at 1:00 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: 225.362.5142 Office: Elections Division
Return
Address: P.O. Box 94125 Rule
Baton Rouge, LA 70804-9125 Title: Merit Evaluation for Registrars
of Voters
Date Rule
Takes Effect: March 20, 2015

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)

There are no estimated implementation costs or savings to state or local governmental units as a result of the proposed rule change. The Department of State is proposing to amend LAC 31:II § 107 to clarify the procedure and to modify the language for merit evaluations of the registrars of voters and to amend LAC 31:II § 109 to modify the procedure for merit evaluations of the chief deputies and confidential assistants. In addition, the Department of State is adopting LAC 31:II § 108 to codify the appeal process for merit evaluations of the registrars of voters.

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

There is no estimated effect on revenue collections of state or local governmental units as a result of the proposed rule change.

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

There are no estimated costs and/or economic benefits to directly affected persons or non-governmental groups as a result of the proposed rule change.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

The proposed rule change will have no effect on competition and employment.



Signature of Agency Head or Designee
Joe R. Salter, Undersecretary of M & F

Typed Name & Title of Agency Head or Designee
11/17/2014

Date of Signature



Legislative Fiscal Officer or Designee

12/8/14

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).

The Department of State is proposing to amend LAC 31:II Chapter 1 Section 107 to modify the procedure for merit evaluations of the registrars of voters, adopt LAC 31:II.Chapter 1 Section 108 to codify the appeal process for merit evaluations of the registrars of voters, and amend LAC 31:II.Chapter 1 Section 109 to modify the procedure for merit evaluations of the chief deputies and confidential assistants.

- 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 change will have no impact on the expenditure of funds for the Department of State.

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

N/A

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 15	FY 16	FY 17
Personal Services			
Operating Expenses			
Professional Services			
Other Charges			
Equipment			
Major Repairs & Constr.			
TOTAL	0	0	0
POSITIONS (#)			

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.

There is no effect on costs to implement the proposed action.

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

SOURCE	FY 15	FY 16	FY 16
State General Fund			
Agency Self-Generated			
Dedicated			
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?

N/A

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.

There is no estimated effect on revenue collections of 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 15	FY 16	FY 17
State General Fund			
Agency Self-Generated			
Dedicated Funds*			
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.

N/A

FISCAL AND ECONOMIC IMPACT STATEMENT

WORKSHEET

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 rule change will have no effect on costs and/or economic benefits to directly affected persons or non-governmental groups.

- 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.

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.

There will be no impact of the proposed policy on competition and employment.



**DEPARTMENT OF STATE, SECRETARY OF STATE
PUBLIC HEARING, NOTICE OF INTENT, ROV MERIT EVALUATION
MINUTES OF HEARING HELD JANUARY 26, 2015**

The Public Hearing was held at the State Archives Building Auditorium, 3851 Essen Lane, Baton Rouge and was called to order at 1:00 p.m. by Carol Guidry.

PRESENT:

Secretary of State Employees -

Ashley Gautreaux (AG), Secretary of State's Office
Carol Guidry (CG), Secretary of State's Office
Joanne Reed (JR), Secretary of State's Office
Lani Durio (LD), Secretary of State's Office
Merietta Norton (MN), Secretary of State's Office
Patricia Chesne (PC), Secretary of State's Office

Registrar of Voters' Employees -

Brian Champagne (BC), St. Charles Parish Registrar of Voters
Dwayne Wall (DW), St. Tammany Parish Registrar of Voters
Juanita Powell, Rapides Parish
Lin Stewart (LS), Rapides Parish
Sandra Bonnette, Rapides Parish
Sandra Sims (SS), Morehouse Parish Registrar of Voters

Carol Guidry presented the Notice of Intent and discussed the legislative requirements for adoption of rules and regulations, as well as, the Fiscal and Economic Impact Statement for Administrative Rules.

CG: I am Carol Guidry. I would like to introduce the rest of our staff. Merietta Norton, in the back, is our general counsel. Lani is an attorney now for the Department that works with registrars of voters. Ashley Gautreaux which is in HR. Joanne Reed which is director of registration. And then you have Tricia Chesne who is our paralegal.

We have a notice of intent that we will be looking at today. The notice of intent went in and made some changes to Section 107 of the registrar of voters' rules. Section 107 regards merit evaluation for the registrars of voters. Section 109 is an amendment, that's the merit evaluation of the chief deputy and confidential

assistant. And we added a new section. And that would be Section 108 which is appeal of merit evaluation for the registrar of voters. The notice of intent was published in the December Register. And copies of the notice of intent has been distributed to all the registrars of voters which was the copy of the agenda, the notice of intent that we sent out, plus the Fiscal and Economic Impact Statement. And basically the Fiscal and Economic Impact Statement for the Department goes in and there was no estimated costs or savings to the state or to any governmental units or any effects on competition. What it does make alterations to is the process that we do the evaluations. I'm not sure if everybody wants to go in and do each line item. Maybe what we might want to do is let's look and see if we have oral comments and then depending on the comments that we have and then look at each one of the individual sections.

I am looking for my copy. I printed up a copy that shows all of the actual changes line by line. Anyone would prefer me to do the changes line by line or do we want to do a general review.

We will go ahead and look at each Section.

Section 107: There were some changes that were basically codification changes so you will see stuff that were uppercases went to lower case. Secretary of State's director of registration, director of NVRA, which we don't use anymore. With regard to the conduct of the annual evaluation for each parish registrar of voters by reviewing completed originally it said "forms" we said we would change that to "evaluation" and to date submitted by originally was "the registrar of voters" to "each registrar of voters". So basically there was nothing there. The section that said "Upon approval of an evaluation by the director of registration, this information is then submitted to the human resources to process the pay increase. If needed, the director of registration may..." and then it starts. That section was taken out and now reads "Upon completion of the rating of a registrar by the director of registration, the director of registration shall submit the evaluation to the commissioner of elections for review and either approval or disapproval depending on the information submitted." This section was added in, "If the commissioner of elections does not approve the rating given by the director of registration, the registrar will be given the rating recommended by the commissioner of elections. The registrar's evaluation is then submitted to the Department of State Human Resources Office. If the registrar receives an "excellent" rating, Human Resources will process the merit increase. If the registrar receives a "satisfactory" rating, Human Resources will not process the merit increase." That is the change that we actually did.

- SS: Why would the commissioner of elections change a rating because of documentation? Would you mind explaining to me how the Director of Registration would give an excellent rating and the Commissioner of Elections can reverse that?
- CG: Joanne, do you want to answer that? I am not familiar. I didn't know that had happened.
- JR: In some cases, Angie Rogers, Commissioner of Elections, would know of things that I do not have knowledge of, nor would I need knowledge of, so based on that she could go in and change the rating.
- CG: Did everybody hear? Joanne said that the commissioner of elections may make a change because she may be privy to some information that is not available to her that she has no knowledge of.
- SS: But wait a minute, I thought that when I send in my evaluation, I am sending in documentation and that documentation is what I am evaluated on. So why would not the director of registration not have access to everything is what I do not understand?
- CG: This would be a question for Ashley.
- AG: The only thing that I am aware of is in personnel matters.
- SS: Could she come upfront so that I can hear?
- BC: This is all being recorded. Correct? She needs to come up to the mic.
- CG: Yes. That is why she is coming up front.
- AG: The only situation that I am aware of where it may occur is that the commissioner of elections may have some information that the director of registration would not have is in a personnel related matter that involves disciplinary or corrective actions. The knowledge of that type of action is on a need to know basis so we try to keep it as strict as possible. There have been circumstances in the past that I have only worked with the commissioner of elections and only she is aware of it. And usually, if I am remembering it correctly, it is a communication issue that there be a mandated duty that everybody signs off on that they will communicate within 24 hours any elections, human resources, or other concerns. I am not sure how it is worded exactly, but

I am sure you all are aware of what it says. So that may or may not have been met and that would be an example of a situation in which that would occur.

SS: Are y'all not aware that when something major comes up that you may be in the throws of trying to correct something and sometimes 24 hours is just not a reasonable time. If I was trying to handle something in my office when something major happened and I may be scrambling and not think at that time.

BC: Is Sandra being picked up?

PC: Yes.

SS: Sometimes you are trying to pull documentation, you're trying to look. You are trying to make a determination and you know there are many times different people will call me and I will say wait a minute the district attorney called me and there are issues of a candidate and challenge and I say well let me look at the old map and new map. There are a number of things that I had to get back to my district attorney and I certainly wasn't thinking about the Secretary of State. Nor did I ever call y'all because the situation resolved itself but I wasn't thinking about you know. The district attorney was handling that matter not Sandra but I was questioned.

AG: I do not have any personal knowledge of that. The stuff that I usually deal with is going to be personnel actions that involve classified employees. Nobody can complete that sort of transaction in 24 hours anyway, but due to the guidelines it could be something as simple as an email or a heads up that this is coming. But with my experience which is limited related to the elections issues or ERIN or any other issues.

SS: Carol, I am just saying that if I did not get an excellent then I'd like more specific information to tell me what I have got to do or not to do because I bend over backwards every day to make sure that I am following the law and doing everything in my power to run my office like it's supposed to be run.

CG: Sandra is it something that has actually happened? Or are you just putting this out there that there is a possibility of this happening?

SS: I am just saying that if a situation like this happens then it kind of needs to be a little more specifically on what causes me to fail my evaluation.

CG: Joanne what do you think?

BC: I have something that I composed and that is one of the issues that I am raising. I brought that issue up when we met on October 15th in the Secretary's office with the members of the evaluation committee that was appointed after the registrar's conference in 2014. I made the point at the meeting of the 24 hour notice. Where is it in the Election Code? Where is it in any sort of human resources handbook or anything that we are required to report within 24 hours? It needs to be more specific because I may not think that this rises to the level or it may start off as a little issue with somebody then it may turn into a bigger issue and that could mean a week later. Especially in personnel problems it could fester and then the registrar may take action may take it to civil service policy or not. But I still do not see where and in this evaluation is it a mandated duty and I don't see where it is mandated anywhere else.

SS: Let me just run you a scenario that happened to me this last election.

CG: Okay.

SS: This is actually the second time that we have had this has happened about a wrong precinct, but this December election I was called at 7:30 in the morning. Our commissioners didn't have the books and then the machines were obviously in the wrong place. Our voters were after 7:30 voting. Well I mean I was not happy because it involved two precincts and the voters were being turned away. Well when I finally I asked the drayage man to give me documentation he said when he dropped off the machines something didn't look right with the paper work. The numbers didn't jive and he called the warehouse guy and he said its ok y'all keep on going. Had a commissioner not called me I would have never known about this. So I asked the drayage to give me a letter so I would have documentation. I am the president of the parish board. I asked the warehouse guy would he give me documentation and he finally talked to the clerk and he said the clerk said "I don't have to give you anything." So I called the board together at the warehouse and the board had this discussion and I said I want documentation. And on his documentation, he put that he had the matter resolved at 7:00. At 7:30 on his own cell phone he was in route to Bastrop High School. It wasn't even close and so what he put, that the matter was resolved at 7:00 was not correct and I have a number of individuals that would tell me that it was not correct. So I finally did contact Sherri Hadskey or what not and it was just like oh well. So that to me was a major problem.

BC: Let's think about what she's doing and I am in a similar situation. I am the president of our board but yet the delivery of those machines, that is the clerk of courts.

- CG: That is what I was getting ready to say.
- BC: He gets paid extra to do that but if he doesn't fulfil his duties you are going to be hung out to dry because you are president of the board.
- CG: I would think that once it has left the warehouse it is the clerk of court's responsibility at that point. So that I don't think that you would be held responsible but I don't know. Merietta, would you know?
- BC: If the drayman and the clerk do not take corrective action and I am chairman of the board. Whether I have knowledge of it or not, am I going to be held accountable?
- SS: So there is a mix up with the machines and the warehouse guy says the problem was resolved at 7:00 which it was absolutely not true.
- MN: A mix-up of the machines is not a registrar issue
- SS: I am the president but also a member of the parish board but our clerk of court is the chief elections officer but the parish board is responsible for elections not just the clerk.
- MN: This is talking about your duties as registrar. Something like a jurisdiction that is incorrect that our office doesn't get notified for sometimes days at a time but something like that is not a registrar issue that you should bring to us. That should be the clerk's office.
- CG: I don't think that something like that would be considered part of the 24 hour time frame. I mean it is good that you are doing this but it is really that clerk of courts responsibility to get it done.
- BC: But Merietta, where in the Election Code is the 24 hours mandated? It is listed as a mandated duty and I don't see it.
- MN: That is part of the duties. Is it of the form Ashley?
- AG: Yes.
- BC: But where is it in law?
- MN: The 24 hours?

BC: Mandated. It is mandated by law to compel us to do something right? It is not anywhere in the law that we have 24 hours to get something notified.

MN: There are other things that are encompassed in the evaluation it is not just everything listed.

BC: It is specifically listed under mandated duties. The old evaluation had it in un-mandated duties and that taken and put into mandated duties. And that was my argument when we sat in October that where is the law that states we would be accountable for that? How do we know what rises to that point that we have to say oh I missed the notification it was supposed to be in 24 hours and it's been 42 hours?

MN: I am thinking more along the lines of having a jurisdiction issue. When the jurisdiction is incorrect, those types of things.

BC: That is one example that is being come to light but it is wide open to interpretation.

MN: That is correct. That is one of the main functions of the registrar. We have to rely on the registrars to verify the jurisdiction. If we have a registrar that doesn't have the jurisdiction correct and doesn't let us know that is a real problem.

SS: Let me run this by you. This happened to me. We were out we spent a lot of hours on the roads for the reapportionments and we have these districts. We ride and two of us ride and I mean we are paying attention and we go to the office and we work and we go back and we look. I mean we spend a lot of time and put in a lot of effort. This happened to me, I was thinking in my brain it was Cypress Creek well it was the road right beside Cypress Creek and there are three houses in between. Well in my brain, I was thinking Cypress Creek but it was a road next to Cypress Creek even though I read those legal descriptions. We read legal descriptions and check the map and everything. One of the ladies, my confidential assistant says Sandra reread that because I thought it was the road not Cypress Creek and I said oh my goodness. So I would have made a mistake on those three people. But my brain didn't catch that and that is part of being human.

MN: I understand that. It is more than notification that is an issue. This past election we had an issue with jurisdiction being incorrect and it ended up causing three election contests being filed. So I mean that was a definite issue. In fact, people had to be moved over the correct jurisdiction between the primary and the general election.

SS: That could happen in multiple parishes

MN: It could

SS: Because ..

MN: I mean but you knew though

BC: Is that fundamentally compared? You worked the whole year. There is a mistake, an error whether you are aware of it or it becomes a problem bring it to light. Is it fair that that one mistake with the thousands of voters, is it fair to fail a year's worth of work over that one mistake and if that one mistake didn't change the outcome of the election?

MN: I think to me the issue is when you have knowledge of it.

BC: But is it fundamentally fair to fail a registrar on that one issue for a whole year's worth of work?

MN: I mean I have to be honest with you Brian. I don't do the evaluations. Probably Angie Rogers needs to be answering this.

BC: I mean who else in state government is held to this kind of accountability?

AG: Classified employees.

MN: We all have to be evaluated.

BC: I mean on your evaluation if you make one mistake do you lose your merit?

MN: I mean that is Ashley.

AG: Yes

BC: I thought in civil service they could make up to two mistakes and not lose their merit.

AG: The civil service rules state that if you make any error of rule on the evaluation rating document or miss it by one day you are not eligible. Anyone in the chain of command is not eligible for their merit increase. I have had to sit across group

managers with 50 employees and they have one employee whose evaluation is one day late and they are not eligible. There are

- BC: Ok I am talking from a manager situation but that employee, that civil service employee, I don't have any civil service employees so I am trying to understand what I have read in talking with people who do. That civil service employee they could miss two of their duties in their evaluation and still get their merit increase.
- AG: That rule is not, I am talking about the people who conduct the evaluations.
- BC: Alright let's start there. Let's start at the bottom. So the management fails once, a civil service manager?
- AG: There is not two for the employees that I am aware of.
- BC: I thought that they still could get their merit if they had a satisfactory
- AG: There are three levels of evaluation. If they get either of the two higher rankings
- BC: So they still get their merit?
- AG: Not necessarily, it is called successful and exceptional so but that one is not quantified as specifically as the ROVs they are individually tapered
- BC: Ok so we.
- AG: They may or may not have all of the same things.
- BC: So you have a civil servant, you are saying a manager.
- MN: If I don't do the evaluation timely I am not eligible for a raise.
- BC: That is the only thing you can be held accountable?
- MN: No. I have a whole list of things on my evaluation that I have to do.
- BC: But if you miss any one of the other ones you lose your merit?
- MN: It is up to your supervisor as to your rating. Being the head of the Legal Division I have the responsibility to do the ratings for my employees but yes you can still get unsatisfactory.

BC: For one mistake?

AG: It is possible. Yes.

MN: It depends on what the mistake is though. You're saying one mistake but I don't know the gravity of the mistake too that makes a big difference.

BC: That is the problem here. Who decides the gravity of the mistake?

AG: All 64 have to be made. Well there is no variation between, there is not various supervisors or managers administering them so there is a level of uniformity for the ROV evaluation that exists but doesn't exist for classified employees so there is a significant difference in that.

BC: That is what I am saying. Is it fundamentally fair?

AG: I can't speak to fair.

CG: It is really kind of in a bad situation because in one situation if you have to rehold an election and it costs a lot of money that one would probably weigh a little more.

BC: But in the case, it didn't result in a new election.

MN: Well the three election contests that were filed last fall, the judge could have easily ordered new elections.

DW: If it is a jurisdiction's mistake and the jurisdiction mistake is based on information provided erroneously from a map or legal description or whatever will the Registrar still be held accountable even if it goes to the level of election contests? Even though it wasn't a mistake of the registrar the mistake was on the map and everything said to but it was still incorrect. Are we still going to be held to that standard?

MN: In this particular situation the map was correct and I saw the street that was left off and this is what I am talking about.

AG: The turning point in that particular section is the communication of the fact that it occurred. As soon as the registrar became aware that the jurisdiction had an issue, did they let the department of state know within 24 hours that they became aware of it so that we could all work together to rectify it before we end

up having to have a second election. This particular duty is talking about the urgency of communication. The registrar is not necessarily, in the particular one that we talking about, is not necessarily being held accountable for whatever the problem was. It is the communication of the problem to the Department of State.

- SS: Ashley that is the point I am trying to make. When it is a legitimate mistake and it doesn't matter if it was the map or I made it or whatever but we are problem solvers too so you are frantic, if that is the case then you are frantically trying to figure it out with all of your documentation and verification and what not. In those situations it is easy to let 24 hours slip by.
- AG: Right. But, me personally there have been situations I would want all the help I can get. So to send a notification of what the issue is as opposed to not sending notification. Not looking for a solution within 24 hours but looking for notification within 24 hours. That is the communication part.
- SS: But that problem solver is going to be me in that situation. Let me look at it now so I can figure it out and I have to go out and drive and do different things. And the secretary of state cannot solve that problem. I might let you know about it but that solution is going to come from me for Morehouse Parish.
- BC: So y'all do agree it is not mandated?
- AG: The 24 hours? It is not written in statute anywhere.
- LS: That is what I was going to say, if it is not in the statute how on the evaluation form can it say it mandated?
- CG: What you are discussing is you can have, like with legislation you can have legislation and then you can have rules that have been adopted. As long as it does not go back and change the legislation those rules add to that legislation. It adds more emphasis. It goes into detail. I think it is not as much that it was done. Maybe if we would have gotten communication as soon as you get it, this is a problem and sends the email off. You can go ahead and go about but at least we know that it occurred. Maybe we could have gotten it resolved or something done on it before these voters went to go vote. It is just real... Go ahead Brian.
- BC: I stated this at the meeting we had. You all know the issue about this current evaluation came up. It was not done in conjunction with the Registrar of Voters' Board for Review and Evaluation. It was done by a couple of registrars that came here, not under the pervance of the committee and agreed to this evaluation and we all have to comply with it. The evaluation that we ... when I

came into office in 07, for the non-mandated duties it was keeps Department of State advices of potential problems, by cooperating with Department of State. Now this new evaluation happens, not worked in conjunction at any time with the Board of Review of Evaluation's duly appointed by the association comes up with the 24 hour notification. To me that was completely wrong and it should have been taken out. I argued that point at the meeting we had in October and I told them the same thing we are going through here. I still want to go on record that it is not mandated. Prior to the change, the original evaluation I filled out it wasn't mandated. It only said to cooperate and notify. It did not say 24 hours.

MN: The statute says that it is the criteria and procedure for the merit evaluation so ...

LD: That is what is determined by the secretary and the association.

BC: It was not worked properly by the duly appointed committee of the Registrar of Voters' Association.

LD: I understand that part of your complaint but what I am attempting to say ...

Brian Champagne speaks over Lani Durio and what is being said is inaudible

LD: Let me finish. What I am attempting to answer is that it doesn't say mandated by law. It says criteria and procedure for merit evaluation is determined by Secretary of State and the Association so ...

BC: Which it was not.

LD: I understand that part of your complaint. I am addressing the mandated by law.

SS: You know the one thing that concerns me again, the director of registration sends papers that we drew up that we were going to do our evaluations by. I go right down the list and that is what I give y'all. So I thought that you used that paperwork submitted and I don't know how you can have a director check it and say I graded it and then a commissioner say no because of some information that she is was not aware of. I would hope that the next year when I do this evaluation that it would pretty much black and white and I would clearly understand what I would have to do. I understand laws can only be included. I understand that and the (inaudible) and different things under different statutes but I would be more comfortable if it were black and white. And then I would know that I was fulfilling Sandra's responsibilities.

- LN: Right. I understand that too. I guess the way I see it is for my evaluation, I am told some of the key things are expected out of me. But then I know that even if I present documentation of all those things that are expected out of me, Merietta knows what I have been doing throughout the year beyond that that goes to my ratings. So I understand that you want to know black and white, but I think it's more grey than black.
- SS: That little grey you put in there. (Inaudible) Y'all are going to be inundated with complaints and potential problems to precome me to protect myself from me performing an evaluation if you put in the 24 hour mandate.
- CG: Let me ask you a question okay. I am sitting up looking at the rule. Okay. I know the law and I am looking at the rule. Basically, what the complaint it has nothing to do with the rule itself but it has to do with the form. We are talking about we are going to have a form that's going to put it in. So really what you are complaining is not about us doing this rule, but the actual form that you are looking at for the review. Is that correct?
- SS: No. I am not complaining about ... I have an interest in it. But you know in the legal system we are entitled to insure our opinion. You know your civil law and the secretary of state truly does not know our day to day like the registrars. And in my opinion the registrars are my peers not the secretary of state. So as to substance I would think that every organization is entitled to review and especially if it say that an individual is not performing his duties is certainly not the mandated legal duties but I think I would be entitled to a jury of my peers.
- LD: That's where the appeal process comes in. And maybe that's moving on to Section 108.
- MN: That is why the appeal process was changed. Because the way it used to be, is that either the director of registration or the commissioner of elections could be on the board that heard the appeal. So they were completely left out of the process. In fact, I know the HR director was the only one that was left. I mean ...
- SS: And then you know, as the secretary/treasurer I am working on the seminar booklet. And so I had sent an email trying to find out for the booklet, and that is the only reason I was calling to find out, who was on the committee. And Mr. Ardoin sent me an email that the committee that individual for the secretary of state had not been appointed. Well our evaluations have been back since I guess January I can't remember what date. But if I am to be evaluated an appeal process by my peers or by this committee in this case I don't even know who I

would be appealing to. In fact, I don't think that it is quite fair that I don't know who is going to be on my appeal. (Inaudible) I guess that is what I was saying.

DW: Could you explain what is the emergency is for this rule?

MN: Well the emergency was that we wanted to have an emergency rule in place because your evaluations were due back in what December and because normally a permanent rule takes how long Carol?

CG: Just by doing it in December the rule has up to a year to be approved. Or the earliest would be March. So we went ahead and we did the evaluations and at least had some form, some process in place for this current evaluation process. So that is the reason we did the emergency rule. So we actually had a process for doing the formal appeal. That does give us time to go through and do what we did today, have a public hearing and accept written comments. Up to this point I had no written comments so that is why I wasn't prepared to answer all of the questions that y'all may have had coming up. But we are going to look at the comments coming up and everyone is going to go through and look at it and determine how we can proceed from here on. The soonest the rule can be done is in March. But if we make any changes to the rule. Because I had one request to change the date from **January 30th to the 31st**. I have to stop the process and send the request over to the Legislative Fiscal Office and have them determine whether or not that one change is going to be a substantive change or not. Whether or not we have to start the whole process over. So by having the emergency rule we have something in place so here we are doing the evaluations. So that is the main reason for the emergency rule in place.

SS: So this emergency rule, so if I appealed my evaluation I want to know who my jury was today

LD: That is covered under Section 108. So it does discuss the members of the appeals committee.

CG: I think if we had an appeal somebody would automatically be, if we haven't already done an appointment, an appointment would be made. But I don't know of any formal appeal that has been submitted to the department so I don't know the makeup of the committee at this point.

DW: Can you explain why the original notice of intent is different from what was published or what the actual rule is?

CG: How is it different, what do you mean?

DW: That is what I am asking you.

CG: The notice of intent is identical to the declaration of emergency except that we made a few codification changes that were made. Okay we submitted it to the State Register to be published, they made a few changes and we made the changes.

DW: But this is not what is on the Louisiana Register.

BC: There are two things that you went over that are different on what you went over than what is actually published in the State Register.

DW: Correct

LD: Were there any issues that you had between the two?

DW: The effective date of this.

CG: Well the opening paragraph is different but that was ...

DW: Correct

CG: Is that what you were talking about is just the opening paragraph?

DW: Yes.

MN: The opening paragraph for the emergency rule is for the emergency and the one for the permanent rule is for just a permanent rule. So that is why it is different.

DW: So the effective date for the rule is it March 2015 or is it December or November?

MN: It was actually October to the emergency rule...

CG: Yes, it went from October 24th to February 20th

LD: The emergency rule and the permanent rule are going to have different effective dates.

CG: Of course, for the notice of intent there are other parts: provider impact statement, small business statement, a family impact statement, information from public comment, and information from public hearing. We will be accepting any

written public comments through close of business tomorrow. If you have written comments you can submit them today. If you do not you can submit them tomorrow by 4:30 p.m. So far the one complaint I heard was the 24 hour notification process and why the Commissioner of Elections can overrule the Director of Registration.

SS: I would think the main thing would be that I am evaluated on documentation provided and if that is the case then the Director of Registration is looking at the same information that I as the Registrar has submitted. How can it be overruled by the Commissioner of Elections who is looking at the same information?

LD: Because there might be additional documentation for additional issues. Like I was saying that Joanne may not know but Angie may know. That was our response to that.

CG: At this point, I don't know of any situation that occurred. Do you know of a specific situation that this may have occurred? Where the opinion was changed from the Director of Registration to the Commissioner of Elections or is it just ...

SS: I know of one registrar last year where that was the case.

BC: We all know that was the registrar in Calcasieu. It went before the committee.

LD: Well in that case the documentation that was submitted wasn't the whole picture.

SS: If that were me, may I ask you a question? If that were me and y'all were privy to some information would y'all not share that with me? If the Commissioner of Elections had access to something that would prevent me from getting an excellent, would the Commissioner of Elections had not contacted me to point out that?

BC: It is not a two way street.

SS: I would think that is pretty significant. If you are aware of problem, shouldn't I be given the same courtesy the second that you know?

LD: I understand but I am pretty sure that the registrar was notified of the reasons why.

SS: (Inaudible) ... just like that that you were aware of the problem?

- BC: We have 24 hours to tell y'all something.
- CG: Normally if someone has a problem though it is probably an ongoing problem that I would think that the registrar already knew about it. I don't even know what happened last year but I would think that by the time you got your evaluation that if I had something that was really wrong then I would be already be in communications with the office when it first happened and I would be told if I did something right or wrong and I would have known what it might be.
- SS: Two points, one if on Election Day if I think I might have made a mistake I can rectify that on Election Day so that person can be voting for the right person in the right location. But one time several years ago we had someone put the paper in backwards. Well I was directed by the commissioner of elections to go bring paper ballots. Got into a whole lot of trouble with the Justice Department but I still you know. I guess what you are now telling me is that I shouldn't have done that I should have said clerk of court you handle all of those problems.
- CG: Now we do have emergency paper ballot procedures now because something like that occurred to try to something like that from occurring.
- SS: So on Election Day I think we can solve any problem that comes my way but I would like if I were in that situation that I would hope and pray that I would be contacted so I could start work on solving the problem it was on election day.
- CG: I don't know of any situation that it would be totally out there that the registrar would not have already known there was a problem that they didn't try to rectify. I could be wrong. We have enough communication between us. Like I said a 24 hour notice now with the way you have emails that's not hard. That's not tough. I am just saying. If that is one thing that people have a problem with well maybe that is one thing y'all need to look at getting resolved during the convention.
- SS: I think a line being drawn wrong and totally innocently and by mistake and then you have the voters that are turned away for hours I think that is big problem too.,
- CG: I think in that situation too the clerk of court not taking responsibility is a problem.
- SS: What can the clerk of court do? Other than try to hurry and try to get those things and she did. She was working but our warehouse man was ...

- CG: If you got a problem with the warehouse man, you should talk to Sherri about that.
- SS: We did.
- CG: Get it on record. Now days, the best thing is to email. Do an email and get everything on record. This rule that we are doing now, we are going to have a form. This is the form. Y'all can work on the form and the format what is in the form. We can do that between now and next year. Okay?
- BC: That is another point I wanted to raise because in the original rule and I didn't deal with this and get concerned until what happened last year. In the original rule it did say annually that the secretary of state or his designee in conjunction with the Registrar of Voters Association. For seven years up until this past year, I have not seen where any sort of committee met officially to review the rule and send a message to all registrars. They would have a meeting to discuss the evaluation process or the criteria and notify us that this is what we would have to answer to November, December. And I am asking this now. So there will be cooperation and this evaluation will be looked at each year?
- CG: Ashley? We have Ashley here. You know we have had a changeover in staff as you know. Ashley is new. This is the point. You can make that recommendation and I will make sure that this is done. Right Ashley?
- AG: If it were to remain the same so it will remain the same.
- BC: That is my point. When it was changed it was not changed in conjunction with the proper committee of the registrars.
- CG: And now it is going to be done with which committee?
- BC: We don't know,
- CG: The Board of Review for Evaluation. Who sat for it?
- SS: Today. It is: Jolene Holcombe, Brian, Lisa Medine, and the alternates are Debbie Waskom and Melanie Smith oh and Consuella Skidmore. Oh change that: Consuella Skidmore, Brian Champagne, Jolene Holcombe, and Lisa Medine, and the alternates will be Debbie Waskom and Melanie Smith.
- CG: I do know that y'all have an annual meeting so this is something that y'all should make a part of it,

BC: We did. We were told the secretary wanted to see a change in the committee. We deliberated a long time. I have the minutes included in my documentation. That is what we came out with. October 15th we had a meeting and I thought we were going to go over the items in the evaluation and come to an agreement on the committee. We were told that the secretary didn't have to abide by our association's bylaws, rules or whatever we decided. That is what Mr. Ardoin told us. So now you're going to abide until this rule comes out the way he wants the committee made of.

CG: Right now the only thing I can say is I didn't go to the October meeting. Okay. I don't ...

BC: (Brian interrupted CG but it was inaudible.)

CG: I will look at what you have. This is the point now that we will look at what you have. You can submit your written comments. We will do a response to the written comments. If you want to do written comments submit to me what you have or you want to make comments. We do have through till tomorrow to get those comments in to 4:30 tomorrow to Merietta. Okay then a written response will be done on any of the comments that we have. I am standing here before you but like I said I don't know anything about the October meeting. This is the point where we all say you know there are many rules that have been done in the past not just the registrars but many state agencies. What we have done is Tom has been taking each section at a time trying to make sure that we get them all up to date. That is what we are doing here getting the process up to date doing the appeal process. You get those written comments to us and a written response will be sent to you and anybody here we will distribute them out to you and after we get all the written comments we will sit down with secretary of state and all the staff and then we will let everyone know what we are looking at if we are going to make a change or if we are going to make a substantive change. We will go through that process which would be we would have to do another notice, having another public hearing setting out the changes. There is a process but the process is we allow everybody to come in and do oral comments but if you want a specific question answered the written response will guarantee you that we will get that specific thing addressed and we will go through and look at all of the stages of it and answer. Yes? Brian.

BC: I'd like to just read this into the record. I address this to Secretary Schedler. (A copy of the letter was read and is attached to the minutes.)

As the Registrar of Voters for St. Charles Parish I would like to state my objections to the proposed Rule on the Merit Evaluation for the Registrar of Voters:

1. The criteria and procedures for the merit evaluation was not determined annually by your designee working in conjunction with the Registrar of Voters Association with the duly elected Board of Review for Evaluation as mandated by R.S. 18:55(A)(4)(b) and Section 107 of this rule.
2. Un-mandated duties are on the present evaluation. I do not find within the election code any statutes regarding 24 hour notice for any issue involving elections, human resources, or the ERIN system.
3. The evaluation criteria with an all or nothing failure is inherently unfair in comparison to the state civil service evaluation that many registrar offices comply with annually and state civil servant does not lose their merit increase for failing one criteria of their evaluation. A registrar will also lose not only the merit, but also a salary increase.
4. The registrars of voters at their 2014 association seminar revised the Board of Review for Evaluation and in fairness to ourselves and your office we have equal membership and provide for alternate members. I contend that our association can choose an unbiased chairman just as surely as yourself, Section 108(B)(2) on the makeup of the Evaluation Review Committee. The secretary would like to choose the registrar as chairman and our association decided we should be not only evaluated by our peers but we should be choose the four registrars and that registrar should be just as unbiased as any registrar the secretary pick.
Sincerely, Brian Champagne

That documentation has all previous evaluations, minutes of the October 15th meeting, a recent ethics board opinion, the ethics board opinion on a case against myself in the issue of lobbying and the ethics board agreed we are state officials. Also, a federal judge in the case against Robert Poche, Registrar of Voters in Ascension the judge ruled we are state officials and also an attorney general's opinion that we are state officials.

CG: Okay. Does anybody else have any written comments that they would like to do? Okay. Let us go over one more thing on Section 109. Is there any recommended changes?

SS: Can we go back to 108? Let me ask a question. Basically the same thing. The seminar where registrars, who are my peers, met in open session and it was voted on by majority rule stating how it was to be set up, but the secretary of state's office paid no attention to that and I don't understand the problem or

maybe you can explain to me why that is not put into place or what were the issues of the secretary of state had in ignoring what the entire association of the registrars across the state had voted?

CG: Well. I am not real familiar with this. I hate to keep saying that. But up until ... (inaudible).

BC: If you had a magic wand, I'm sure you would do away with all of this that we disagree on ...

CG: This is information we'll go through all of it. We will have everybody look at it. We cannot proceed until after we do all of this. We have to look at everything, do a response, and do a legislative narrative report. The legislative narrative report will be sent out to everybody. It will be published on our webpage and then if we have to start over we will have to start over. If we have to do what they call a... Lani get me the word. Uh?

LD: If we have to start with a new notice of intent?

CG: No. If we have to do a substantive change. Excuse me I couldn't remember. That is the age here. If we have done what they consider a substantive change and believe it or not a date can be considered a substantive change. Anything that is changed from this permanent document is a substantive change and we will actually have to republish that section in the potpourri section and then we will go into another public hearing and then we will have to do another legislative narrative report. It is not that it is just finalized here. But I wanted to make sure that everybody knew. So you have a question about the makeup of the committee. What I want y'all to understand, when we say that we are going to do a form instead we did not do it to a specific level so at this point we didn't put it into the rule but if it is going to have to be put into the rule then we will have to go in and we will have to do that part of it. So we still have a process here that is going to have to be done. We won't do a response to you from the meeting today. Okay a response will be done. We will answer all written comments with information. Yes or no. But you can still ... even if we went with it and stayed there still would be another hearing normally with the legislature. That is the next stage once we do this process. So I am talking about a process going here. If this is something that, and of course I do know now what the comments are so this is something we will have to go to Secretary Schedler have him look at, have him tell us how he wants us to address it, if we want to change it, if we want to do a comment or whatever we are going to do everyone know about it.

- BC: I just want to raise this point across. Exactly what Dwayne said. The criteria and procedures shall be determined by the secretary of state in conjunction with the Registrar of Voters. When it says shall and in conjunction with the registrars of voters. Well the registrar of voters met and formed the committee. Isn't that mandated for the secretary to cooperate with us? But there seems to be no cooperation.
- CG: Okay. Well I will put that in the minutes. Anybody else wants to make a comment? This is your opportunity to make a comment. If you don't, you can do a written comment but you get it to Merietta by 4:30 tomorrow.
- SS: Well I don't think anything can be more stronger or as strong as the entire association voting on their wishes on this and it was actually voted on. It was a very long drawn out meeting. As secretary, I typed the minutes verbatim. And it is very clearly outlined that the registrars spoke how we thought it should be. In my opinion, registrars know what I do on a daily basis what I am required to do and not the secretary of state. You have a good understanding. Don't misunderstand me I don't mean that in an ugly manner, but the registrars know what we are supposed to do and they know the particulars on how we do it and really no one else really truly understands the depth of our responsibilities or takes it any deeper than a fellow registrar.
- CG: Okay. Ms. Gautreaux. Look at the agenda. We acknowledge receipt ... this is the only written comments I have as of today. Does anyone else want to ...?
- SS: A few more questions though. Basically B3 says the chairperson and this rule say the secretary of state names the chairperson but the committee has met and named the chairperson. What if that is in direct conflict of each other? Whereas a registrar, does the appealing stop? This rule says the secretary of state names the chairperson. Our association says it will be ... the committee will choose the chairperson at its first meeting. Who am I going to submit my appeal to?
- AG: You should address it to human resources as it states in number 2.
- SS: That is what I am saying that it is directly opposed to what the association voted on in open session last year.
- CG: Okay. Well if you want to send that as a record, you can send that to us.
- BC: That is one of our concerns too.

- CG: Okay. Brian has already sent it. Okay. Let's go back and see if there is anything else.
- BC: I just have a question. I was going to shoot Merietta an email. Okay. I noticed it gives a P.O. Box to Merietta in the Legal Division for comments. So if we fax comments tomorrow or email a stan letter tomorrow that's acceptable under the rule? It's a common practice right. Merietta?
- MN: Yes.
- BC: So if I fax you any else tomorrow is it acceptable?
- MN: Carol, give them the Legal Division's fax number.
- CG: Okay. Do you know it off hand?
- PC: It's 225-922-1180.
- BC: I was curious if those would be acceptable or if it had to be in the post office box.
- CG: You don't want to do it in the post office box. It won't get here for 4:30. But you can make a copy of it or scan a copy of it and attach to an email. Or you can ...
- BC: And still mail the original?
- CG: I would still put the original yeah. I would just go ahead and put the original in the mail, but we will accept the fax copy as being received as of 4:30. Okay. Nobody else have any questions?
- SS: One more thing. I don't see how it can say no impact on family budget because in this particular situation if you fail your evaluation you have an immediate dramatic impact on your family earnings and family budget. So that's not a true statement. Because if you don't get your merit you not only have you lost that income but you have lost your CERA if you're CERA certified. That is a 7% negative impact on your budget.
- CG: I will get in contact with the Legislative Fiscal Office and ask them on that to get a clarification from them because they go in and they looked at the actual rule and they know that a person may or may not get it. So that was done as a part of the fiscal economic impact and they agreed too but what they were looking at was different from these impact statements. They have added so many of these statements so I will get Stephanie on that and will get back with you on that.

SS: Well you know that is something terribly wrong. CERA you know most of the time (inaudible) is a certification over and above and would the secretary of state consider if an individual's fails their evaluation and often times it is one issue that is immediately recognized can that CERA be stricken from the penalty phase of the evaluation process?

BC: It's in the law.

SS: Maybe that law can be changed.

DW: What's in the law?

BC: It's in CERA laws the evaluation process.

SS: But individuals have spent thousands and thousands of dollars to obtain that CERA and to maintain it. And often times it comes out of that registrars' pocket.

CG: Yes. A lot of things have changed because I know when I first started salaries for registrars were half and half and now the state pays probably 80 to 90% of the salary cost, unless you are an unclassified employee that just starts.

???: That is ridiculous.

CG: It had a big change there.

BC: But to be fair the parishes has been picking up more and more expenses.

CG: I hope so.

BC: I was amazed too when I sat on the council with the salaries have become and what we pay to operate the registrars' office and seeing what I am not able to operate to do early voting and to pay for security and get reimbursed somewhat for all other expenses.

CG: You may be one of the lucky one because I know there are a lot of them out there that are really suffering really bad and can't get anything let alone their salary that they do have. So okay. That is it. We will get responses out and then we will get back with you.

Meeting adjourned 2:21pm.

Brian Champagne continues with a question for Carol Guidry and asked that the recorder be switched back on.

BC: (inaudible)

Because the meeting was adjourned others in the room are talking over everyone and it is difficult to hear what is being said.

CG: If you go in and take a form and you want to put specific detail in the rule. We could do that but it would limiting us as to that form. We have to go in and look at the annual thing

Recording ends at 2:25pm.



Secretary of State
State of Louisiana
February 26, 2015

TOM SCHEDLER
SECRETARY OF STATE

P.O. Box 94125
BATON ROUGE, LA 70804-9125
www.sos.louisiana.gov

Honorable Brian J. Champagne
Registrar of Voters
Parish of St. Charles
Post Office Box 315
Hahnville, Louisiana 70057

Dear Mr. Champagne:

On October 24, 2014, I adopted a Declaration of Emergency to amend LAC 31:II.Chapter 1, which modifies the procedure for merit evaluations of the registrars of voters in Section 107, adopts Section 108 to provide for an appeal of merit evaluation for the registrars of voters, and amends the procedure for merit evaluations of the chief deputies and confidential assistants in Section 109.

On December 20, 2014, a Notice of Intent for Merit Evaluation for Registrars of Voters was published in the *Louisiana Register*. A public hearing was held on January 26, 2015. At the public hearing, you submitted the attached letter objecting to the Notice of Intent. This objection letter, addressed to me and dated January 26, 2015, was read into the record by you at the public hearing and will be made a part of the file for the Notice of Intent.

Objections 1, 2, and 3 are complaints regarding the content of the merit evaluation form and the criteria and procedures upon which prior evaluations were based. These objections, however, do not appear to be a critique of the proposed rules. Rather, they appear to be based on the 2014 performance evaluation criteria. Specific performance evaluation criteria and the content of the evaluation forms are not part of the proposed Rules. According to the Notice of Intent, it is proposed that either I or my designee will annually determine the criteria and procedure to be used to evaluate registrars of voters in the annual performance of their jobs in conjunction with the Registrar of Voters Association. Therefore, the Department finds that there is no actual objection to the Notice of Intent in Objections 1, 2, and 3.

Objection 4 states: "The Registrar [*sic*] of Voters at their 2014 Association Seminar revised the Board of Review for Evaluation in fairness to ourselves and your office. We have equal membership and provide for alternate members. I contend that our Association can choose an unbiased Chairman just as surely as yourself. (Section 108 B. 2.)"

Page 2

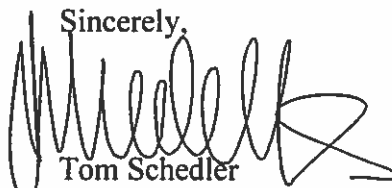
Honorable Brian J. Champagne

February 26, 2015

According to the Notice of Intent, it is proposed that: "The Registrars of Voters Evaluation Appeals Committee shall consist of seven members. Three members shall be registrars of voters appointed by the Registrar of Voters Association. Four members shall be appointed by the secretary of state, one of which shall be a registrar of voters who shall act as chairperson of the committee. The chairperson shall vote only to break a tie. The director of registration and the commissioner of elections shall not be appointed to the committee."

Please note that as the State's chief election official, the secretary of state is ultimately responsible for the conduct of voter registration and elections and is not bound by unilateral decisions made by the Registrar of Voters Association. Therefore, Section 108 of the proposed rules will not be amended.

Thank you for your input and continued cooperation.

Sincerely,

Tom Schedler
Secretary of State

TS:cg

Attachment



Brian J. Champagne
Registrar of Voters

Parish of St. Charles

REGISTRAR OF VOTERS

January 26, 2015

Honorable Tom Schedler
Secretary of State
3851 Essen Lane
Baton Rouge, LA 70804

Mr. Schedler,

As the Registrar of Voters of St. Charles Parish I would like to state my objections to the proposed Rule on the Merit Evaluation for the Registrar of Voters:

1. The criteria and procedures for the merit evaluation was not determined annually by your designee working in conjunction with the Registrar of Voters Association with the dully elected Board of Review for Evaluation as mandated by R.S. 18:55 A.(4)(b).. (Section 107 B.)
2. Un- mandated Duties are on the present Evaluation. I do not find within the Election Code any Statute regarding 24 hours' notice for any issue involving Elections, Human Resources or the ERIN system.
3. The evaluation criterion with an all or nothing failure is inherently unfair in comparison to the State Civil Service Evaluation that many Registrar Offices comply with annually. A State Civil Servant does not lose their Merit Increase for failing 1 criteria of their evaluation. A Registrar will lose his Merit Increase and CERA.
4. The Registrar of Voters at their 2014 Association Seminar revised the Board of Review for Evaluation in fairness to ourselves and your office. We have equal membership and provide for alternate members. I contend

that our Association can choose an unbiased Chairman just as surely as yourself. (Section 108 B. 2.)

Thank you for hearing my concerns.

Sincerely,

A handwritten signature in blue ink that reads "Brian J. Champagne". The signature is written in a cursive style with a large, looped initial "B".

Brian J. Champagne

Documentation Enclosed

Documentation on SOS/ROV Merit Evaluation:

1. 12-14-2014 LA board of Ethics Ruling (ROV State Official)
2. U.S. District Court Ruling –Wilson vs. Poche (pages 3 & 5)
3. Attorney General’s Opinion 79-998 (ROV State Official)
4. Board of Review for Evaluation Meeting 10-15-2014 Agenda & Minutes
5. R.S. 18:55 SOS & ROV in conjunction on Evaluation. R.S. 18: 59 Chief Deputy & Confidential Assistant Evaluation by ROV Assoc..
6. R.S. 18:59.4 CERA (Excellent Evaluation)
7. Dept. of Elections & Registration (1st Merit Evaluation 12-30-1991)
8. Performance Evaluation of Registrars (Used until 2013)Checklist for Documentation(Rev. 2/07)
9. Performance Evaluation for Chief Deputy and Confidential Assistant (2013)
10. Merit Evaluation of Registrars (2013)
11. Performance Evaluation for Chief Deputy and Confidential Assistant (Used until 2013)
12. Evaluation & Review Board Procedure for Appeals (Revised 2-23-2005)
13. Evaluation & Review Board Procedure for Appeals (Revised October 2013)
14. Evaluation & Review Board Procedure for Appeals (Revised December 2013)
15. Emails: Ken Landry, Shanika Olinde & Kyle Ardoin, 1st Assitant and other Registrars in response to New Evaluation
16. ROV Assoc. Seminar 2/20/2014 Closing Business Session (Form new Evaluation Comte.)
17. Chapter 10: Performance Evaluation System (LA Civil Service 7/1/2012)



STATE OF LOUISIANA
DEPARTMENT OF STATE CIVIL SERVICE
LOUISIANA BOARD OF ETHICS
P. O. BOX 4368
BATON ROUGE, LA 70821
(225) 219-5600
FAX (225) 381-7271
1-800-842-6630
www.ethics.state.la.us

December 24, 2014

Mr. Brian Champagne
P.O. Box 315
Hahnville, LA 70057-0315

CONFIDENTIAL

Pursuant to
LSA-R.S. 42:1141.4k

Re: Ethics Board Docket No. 2014-536

Dear Mr. Champagne:

The Louisiana Board of Ethics, at its December 18, 2014 meeting considered an investigation report regarding an allegation that you were lobbying against HB 497 and 498 during the 2014 regular session of the Louisiana Legislature in violation of La. R.S. 24:56F.

The investigation report concluded that you are a Registrar of Voters for St. Charles Parish. At the March 19, 2014 House Committee on Governmental Affairs meeting, pertaining to HB 497 and HB 498, you filled out a card to and provided information on the proposed bills.

The investigation further elicited information which concludes that Registrars of Voters are given their authority by La. R.S. 18:51, which provides that there shall be one registrar for each parish appointed by the parish governing authority. Registrars receive compensation from the State (through the Secretary of State) and the Parish and the compensation is fixed by statute according to the population of the Parish.

La. R.S. 24:56F prohibits a state employee in his official capacity from lobbying for or against any matter intended to have the effect of law pending before the legislature or any committee thereof. After careful consideration, the Board has instructed me to close its file in regards to this matter, as Registrars of Voters are considered State Officials, rather than a "state employee" as contemplated in La. R.S. 24:56F.

The Board issues no opinion as to laws other than the Code of Governmental Ethics. If you have any questions, please contact me at (800) 842-6630 or (225) 219-5600.

Sincerely,

LOUISIANA BOARD OF ETHICS


Michael Dupree
for the Board

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF LOUISIANA

ANTHONY WILSON, JERRY RAVEN,
AND BARRY RAVEN

CIVIL ACTION

VERSUS

NO. 12-187-BAJ-SCR

ROBERT J. POCHE, IN HIS OFFICIAL
CAPACITY AS REGISTRAR OF VOTERS
FOR THE PARISH OF ASCENSION

RULING AND ORDER

This matter is before the Court on a Motion to Dismiss (doc. 8). No further briefing is required.

The Court has carefully reviewed this matter and finds that the motion should be granted for the reasons advanced by Defendant's, Robert J. Poche, in his Official Capacity as Registrar of Voters for the Parish of Ascension ("Defendant"), supporting memorandum. The Court concludes that Plaintiffs, Anthony Wilson, Jerry Raven, and Barry Raven ("Plaintiffs") fail to show subject matter jurisdiction pursuant to Rule 12 (b)(1) of the Federal Rules of Civil Procedure. Alternatively, the Court finds that the complaint should be dismissed on the merits for failure to state a claim. Specifically, the Court concludes that Plaintiffs fail to "state a claim to relief that is plausible on its face." *Ashcroft v.*

Iqbal, 556 U.S. 662, 678 (2009) (quoting *Bell Atlantic Corp. v. Twombly*, 550 U.S. 544, 570 (2007)).¹ The Court reaches these conclusions for several reasons.

First, Defendant asserts, and the Court agrees, that any claims for monetary relief against Defendant in his official capacity as the Registrar of Voters for the Parish of Ascension, State of Louisiana constitute claims against the “State” and, therefore, are barred by the Eleventh Amendment.

Under the Eleventh Amendment to the United States Constitution, an unconsenting state is immune from suits seeking monetary damages brought in Federal court by her own citizens as well as citizens of another state. *Edelman v. Jordan*, 415 U.S. 651, 94 S.Ct. 1347, 1355 (1974). Although Congress has the power to abrogate this immunity through the Fourteenth Amendment, it has not done so as to claims for the deprivation of civil rights under color of state law. See *Fitzpatrick v. Bitzer*, 427 U.S. 445, 96 S. Ct. 2666, 49 L.Ed. 2d 614 (1976); *Quern v. Jordan*, 440 U.S. 332, 99 S. Ct. 1139, 59 L.Ed.2d 358 (1979); *Edelman v. Jordan*, *supra*.

Further, suits brought against a state official in his official capacity “generally represent only another way of pleading an action against an entity of which an officer is an agent.” *New Orleans Towing Ass’n v. Foster*, 248 F.3d 1143 (5th Cir. 2001), (citing *Hafer v. Melo*, 502 U.S. 21, 25, 112 S. Ct. 358, 116

¹ Defendant states, preliminarily, that he will seek dismissal pursuant to Rule 12(b)(1). However, in his supporting memorandum, Defendant also discusses dismissal of the claim pursuant to Rule 12(b)(6) and cites case law to that effect (doc. 8-1, at 16). The Court presumes that Defendant seeks dismissal pursuant to Rule 12(b)(1) and Rule 12(b)(6).

L.Ed.2d 301 (1991)) (internal quotations omitted) (quoting *Kentucky v. Graham*, 473 U.S. 159, 165, 105 S. Ct. 3099, 87 L.Ed.2d 114 (1985)).

Here, Plaintiffs sue Defendant only in his official capacity. Plaintiffs contest that Defendant is a state official by asserting that he is really a parish official. In contrast, Defendant asserts multiple grounds for which his position as the Registrar of Voters is a state position. Specifically, Defendant supports this assertion by stating that: (1) the legislature provides for the office of the registrar of voters (La. R.S. 18:51, *et seq.*) and provides for the registrar's compensation as required by Article XI § 5 of the Louisiana Constitution (La. Const. 1974) in La. R.S. 18:55; (2) the Attorney General has opined that the registrar of voters and his employees are properly classified as state and not parish officials or employees, See La. Atty. Gen. Op. La. Atty. Gen. Op. No. 85-355; and (3) The Commissioner of Elections is authorized to prescribe uniform rules and regulations subject to the approval of the Attorney General for general procedures to be used by the Registrar of Voters. La. R.S. 18:18(3) (doc. 8-1, at 3-5). Thus, Defendant offers persuasive authority to support his assertion that his position with the Office of the Registrar of Voters is a state position.

Because Defendant demonstrates that his position as the Registrar of Voters is a state position, any claims for monetary relief against Defendant in his official capacity as the Registrar of Voters for the Parish of Ascension, State of

Louisiana constitute claims against the "State" and, therefore, are barred by the Eleventh Amendment.²

Second, Plaintiffs' claims under section 1983 against Defendant do not amount to a constitutional violation entitled to a section 1983 remedy in a Federal court. The Fifth Circuit has held that section 1983 provides a remedy for cases where the violation of due process rights is through "willful conduct which undermines the organic processes by which candidates are elected." *Duncan v. Poythress*, 657 F.2d 691, 701 (5th Cir. 1981) (citing *Hennings v. Grafton*, 523 F.2d 861, 864 (7th Cir. 1975). Further, the Supreme Court has held that negligent acts by state actors do not effect a "deprivation" for the purposes of the Due Process Clause. *Daniels v. Williams*, 474 U.S. 327 (1986). Moreover, the random and unauthorized conduct of a government actor, even intentional, does not implicate the Due Process Clause if the state provides a meaningful post-deprivation remedy. *Hudson v. Palmer*, 468 U.S. 517, 533 (1984).

Here, not only are Plaintiffs unable to show willful conduct on the part of Defendant, but the record shows that they have already benefited from a judgment in their favor in state court. Plaintiffs' state court suit (Docket Number 99,722) was filed in the 23rd Judicial District Court of Louisiana on April 11, 2011, assigned to the Honorable Alvin Turner, and resulted in a judgment in their

² The findings of this ruling pertain to Plaintiffs' claims under 42 U.S.C. §§ 1983 and 1988. Where a plaintiff fails to prevail, either because of legal immunity or merits of the claim, § 1988 does not authorize a fee award against that defendant. *Kentucky v. Graham*, 473 U.S. 170, 105 S. Ct. 3099, 87 L.Ed.2d 114 (1985).

favor (doc. 8-2). In that suit, there was no finding indicating that there was willful conduct on the part of Defendant. The court found that due to a failure to exercise due diligence, there was an omission of the names of qualified voters from the official voting list, which resulted in the denial of the right of eight voters to fully participate in the voting process (doc. 8-2, at 5). Because Plaintiffs fail to allege willful conduct on the part of Defendant, Plaintiffs fail to plead a constitutional violation entitled to a section 1983 remedy.

Similarly, Plaintiffs received an adequate remedy at the state court level.³ As per the state court's judgment, Plaintiffs in this instant action were beneficiaries of a restricted election conducted on May 21, 2011. Plaintiffs cast their votes in the restricted election, and as such, their claims for general or equitable relief must be denied as moot.

Therefore, because: (1) Defendant offers persuasive authority that his position as the Registrar of Voters is a state position; and (2) Plaintiffs' claims under section 1983 against Defendant do not amount to a constitutional violation entitled to a section 1983 remedy in a Federal court, Plaintiffs' claims must be dismissed.

³ The Court notes that Plaintiffs seek damages resulting from a deprivation of their right to vote as guaranteed under the Constitutions of the State of Louisiana and the United States of America (doc. 1 ¶ 10). This is despite their previous suit in state court in which they were granted relief under the Constitution of the State of Louisiana.

Accordingly, Defendant's Motion to Dismiss (doc. 8) is hereby **GRANTED**.

The case is dismissed with prejudice.

Baton Rouge, Louisiana, March 8, 2013.



BRIAN A. JACKSON, CHIEF JUDGE
UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF LOUISIANA

Office of the Attorney General
State of LOUISIANA

Opinion No. 79-998
August 31, 1979

31--Elections--Registration of voters
89--Police Juries--Disabilities of members
92-A-1--Registrars of Vote R.S. 36:662 R.S. 18:51 Art. 11, Sec. 1, Const. of
1974, Art. 4, Sec 12, Const. of 1974.

Registrar of voters is an officer in state government as opposed to an
officer in parish government.

Honorable Charles O. Naquin
Vice President
Lafourche Parish Police Jury
P.O. Drawer 1236
Thibodaux, LA 70301

Dear Mr. Naquin:

Your opinion request addressed to the Attorney General has been referred to
me for handling.

You inquire whether a former police juror may be appointed the Registrar of
Voters for Lafourche Parish, when the Lafourche Parish Charter prohibits a
police juror from being appointed to a parochial office within one year after
the end of his term as police juror.

As you correctly note, the legal issue is whether the registrar of voters is
a state officer or a parochial officer.

It is our opinion that the registrar of voters is not an officer in the
parish government but an officer in the state government, and is therefore a
state officer.

The Constitution of 1974 provides in Article 11, Section 1:

'The legislature shall adopt an election code which shall provide for
permanent registration of voters and for the conduct of all elections.'

Pursuant to this constitutional authority, the Legislature enacted a revised
Election Code, which provides for the appointment of a registrar of voters in
each parish by the governing authority subject to supervision and dismissal by
the State Board of Election Supervisors. R.S. 18:51, 53.

The functions of the registrars and their offices are subject to the rules
and regulations of the Department of Elections and Registration, a part of the
executive branch of state government. Art. 4, Sec. 12, Const. of 1974; R.S.
36:662.

It is our opinion that for these reasons the registrar of voters performs
functions in state government, is part of the executive branch of state

government, and is therefore a state officer.

If we can be of any further assistance to you, please do not hesitate to contact us.

Very truly yours,

William J. Guste, Jr.
Attorney General

By: Donald Ensenat
Assistant Attorney General
La. Atty. Gen. Op. No. 79-998, 1979 WL 39122 (La.A.G.)
END OF DOCUMENT

Board of Review for Evaluation

Lincoln ROV

Sent: Thursday, September 18, 2014 9:43 AM

To: Kyle Ardoin

Cc: Assumption ROV; St. James ROV A; Natchitoches ROV; St. Mary ROV A; St. Charles ROV A; Natchitoches ROV; Angie Rogers; Joanne Reed; Ashley Gautreaux

Kyle,

I know everyone is so busy right now, but we need to schedule a time for the Board of Review for Evaluation to meet in order to establish what guidelines will be used for the ROV and staff evaluations due in December. Everything was confused last year and nothing was formally approved. Officially, we are still under the 2012 evaluations. Please let me know what the Secretary and you think about this. I would like to schedule a meeting for this board.

Dianna Stone, CERA
Lincoln Parish
Registrar of Voters
100 W. Texas Ave. #10
Ruston, LA 71270
Phone: (318) 251-5110
Fax: (318) 251-5126

**Louisiana Registrar of Voters Association
Board of Review for Evaluation**

**Agenda of: Committee Meeting 10:00 am Wednesday October 15, 2014
LA Secretary of State Office, 8585 Archives Ave., Baton Rouge, LA**

Members Registrar of Voters Association:

3 Year Term - Jolene Holcombe
3 Year Term – Brian Champagne
2 Year Term – Lisa Medine
1 Year Term - Consuella Skidmore
Alternate 2 Year Term – Deborah Waskom
Alternate 1 Year Term – Melanie Smith

Members LA Secretary of State Office:

Director of Human Resources – Ashley Gautreaux
Elections Division –
Elections Division -

Welcome: Thank Host / Sign In

Minutes: Sent to all Members of the 2014 Registrar of Voters Seminar, Closing Business Session, Thursday February 20, 2014 (Established new Board Of Review for Evaluation Committee)

Old Business:

New Business:

- A) Election of Committee Chairman
- B) Election of Committee Vice-Chairman
- C) 2014 Merit Evaluation for Registrar of Voters

Title 31 Election Part II Voter Registration and Voter Education Page 16

§107. Merit Evaluation of the Registrar of Voters

A. The Secretary of State hereby designates the Director of NVRA, commonly referred to as the Director of Registration, in the Department of State to conduct the annual evaluation of each parish registrar of voters by reviewing completed forms and data submitted by the registrar of voters. The evaluation will consider the timely performance of the registrar's job responsibilities as required by Title 18 of the Louisiana Revised Statutes. Upon approval of an evaluation by the Director of Registration, this information is then submitted to Human Resources to process the pay increase. If needed, the Director of Registration may submit an evaluation to the commissioner of elections for either approval or disapproval depending upon the information submitted.

B. Annually, the secretary or his designee in conjunction with the Registrars' of Voters Association shall prepare written instructions and forms which shall be submitted to the

registrars of voters no later than November 1 for their evaluations. The form shall include mandated duties required by Title 18 of the Louisiana Revised Statutes, non-mandated duties (e.g., attendance at meetings conducted by the Department of State), and extended duties (e.g., going to nursing homes and registering patients).

C. The parish registrar of voters will have until December 15 to submit his completed form with supporting documentation to the department.

AUTHORITY NOTE: Promulgated in accordance with R.S. 18:18, R.S. 18:55, and R.S. 6:742.

HISTORICAL NOTE: Promulgated by the Department of State, Elections Division, LR 34:705 (April 2008).

D) 2014 Merit Evaluation for Chief Deputy & Confidential Assistant

Title 31 Election Part II Voter Registration and Voter Education Page 16 - 17

§109. Merit Evaluations of the Chief Deputy and Confidential Assistant

A. The parish registrar of voters shall perform the annual evaluation of the chief deputy and confidential assistant.

B. Annually, the secretary or his designee in conjunction with the Registrars' of Voters Association shall prepare written instructions and forms which shall be submitted to the registrars of voters for reviewing the chief deputy and confidential assistant's performance no later than November 1.

C. The parish registrar of voters shall be responsible for evaluating his chief deputy and confidential assistant. These evaluations shall be submitted to the department no later than December 15 of each year.

AUTHORITY NOTE: Promulgated in accordance with R.S. 18:18, R.S. 18:59, and R.S. 36:742.

HISTORICAL NOTE: Promulgated by the Department of State, Elections Division, LR 34:705 (April 2008).

Announcements:

Adjourn:

**Louisiana Registrar of Voters Association
Board of Review for Evaluation**

Minutes of: Committee Meeting 10:00 am Wednesday October 15, 2014
LA Secretary of State Office, 8585 Archives Ave., Baton Rouge, LA

Members Registrar of Voters Association:

3 Year Term – Lisa Medine (correction)
3 Year Term – Brian Champagne
2 Year Term – Jolene Holcomb (correction)
1 Year Term - Consuella Skidmore
Alternate 2 Year Term – Deborah Waskom
Alternate 1 Year Term – Melanie Smith

Members LA Secretary of State Office:

Director of Human Resources –
Elections Division –
Elections Division –
Alternate Elections Division –
Alternate Elections Division –

Welcome: Thank Host / Sign In

Registrars & Staff in attendance: Dianna Stone, Jolene Holcomb, Lisa Medine, Deborah Waskom, Consuella Skidmore, Brian Champagne, Joni Ronsonet & Melanie Smith on Conference Call.

Secretary of State Staff: Kyle Ardoin, Angie Rogers, Joanne Reed, Merietta Norton, Ashley Gautreaux & Ken Landry

Minutes: Sent to all Members of the 2014 Registrar of Voters Seminar, Closing Business Session, Thursday February 20, 2014 (Established new Board of Review for Evaluation Committee)

Discussion Organize Committee: Brian Champagne asked to correct the Agenda, Jolene Holcomb will serve a 2 Year Term and Lisa Medine will serve 3 Year Term as per Seminar Minutes.

Brian Champagne asked Kyle Ardoin who will represent the Secretary of State's Office on the Evaluation Committee? Kyle responded that the Secretary of State does not abide by our By-Laws or are Members of our Association.

Brian asked so you have no intention of complying with the Election Code and working in conjunction with the Association to improve the Evaluation Process ? Kyle answered that the Secretary is going to propose a Rule for the Evaluation and Appeal Process with 3 Registrars appointed by the Association, 3 Secretary of State Staff and 1 Registrar chosen by the Secretary as Chairman who can only vote to break a tie.

Brian said that he was told at the Seminar that whatever we decided to change the make-up of the Board of Review for Evaluation was going to be acceptable to the Secretary of State as long as it was fair. Again, Kyle responded that the Secretary of State does not adhere to the decisions of the ROV Association.

Kyle presented an updated version of the 2013 Evaluation with some verbiage corrections and changing the "Non-Excellent " Rating to "Satisfactory" (see below).

Discussion took place on issues of concern to the Registrars. After a lengthy conversation about Mandated Duties and Non Mandated Duties, Dianna Stone recommended striking in the "INSTRUCTIONS" of the ROV Merit Evaluation (including those not listed on this form). Kyle agreed to strike that language. Kyle stressed that this is a self-evaluation that the ROV is submitting.

Brian pointed out that the Rule for the Merit Evaluations of the Chief Deputy and Confidential Assistant is in conflict with the Election Code. The Election Code states that the ROV Association shall determine the Evaluation to be used for the Chief Deputy and Confidential Assistant. Kyle agreed that the language would be corrected in the new Rule.

Brian asked Kyle if a Draft of the new Rule is available ? Kyle said it is still being worked on.

Old Business: None

New Business:

A) Election of Committee Chairman

Motion by Brian to elect Jolene as Chairman, Second by Lisa Yeas 4 Nays 0

B) Election of Committee Vice-Chairman

Motion by Debbie to elect Brian Vice-Chairman, Second by Lisa Yeas 4 Nays 0

C) 2014 Merit Evaluation for Registrar of Voters

Motion by Brian to accept the ROV Merit Evaluation as amended to strike (including those not listed on this form), Second by Lisa Yeas 4 Nays 0

R.S.18:55. Compensation of registrar of voters; amount and manner of payment; reduction during tenure prohibited; prohibited increase

A.(4)(b) Each registrar whose salary is at the level of step one or higher shall be evaluated as to merit in January. **The criteria and procedure for the merit evaluation shall be determined by the secretary of state in conjunction with the Registrar of Voters Association.** It shall provide that each registrar be evaluated by the secretary of state or his designee acting on his behalf. Upon a finding of "excellent" on a merit evaluation, the registrar shall receive a salary increase to the next step until the registrar's salary is equal to the highest step of the appropriate population range.

Title 31 Election Part II Voter Registration and Voter Education Page 16

§107. Merit Evaluation of the Registrar of Voters

A. The Secretary of State hereby designates the Director of NVRA, commonly referred to as the Director of Registration, in the Department of State to conduct the annual evaluation of each parish registrar of voters by reviewing completed forms and data submitted by the registrar of voters. The evaluation will consider the timely performance of the registrar's job responsibilities as required by Title 18 of the Louisiana Revised Statutes. Upon approval of an evaluation by the Director of Registration, this information is then submitted to Human Resources to process the pay increase. If needed, the Director of Registration may submit an evaluation to the commissioner of elections for either approval or disapproval depending upon the information submitted.

B. Annually, the secretary or his designee in conjunction with the Registrars' of Voters Association shall prepare written instructions and forms which shall be submitted to the registrars of voters no later than November 1 for their evaluations. The form shall include

mandated duties required by Title 18 of the Louisiana Revised Statutes, non-mandated duties (e.g., attendance at meetings conducted by the Department of State), and extended duties (e.g., going to nursing homes and registering patients).

C. The parish registrar of voters will have until December 15 to submit his completed form with supporting documentation to the department.

AUTHORITY NOTE: Promulgated in accordance with R.S. 18:18, R.S. 18:55, and R.S. 6:742.

HISTORICAL NOTE: Promulgated by the Department of State, Elections Division, LR 34:705 (April 2008).

D) 2014 Merit Evaluation for Chief Deputy & Confidential Assistant

Motion by Brian to keep the 2013 Performance Evaluation for the Chief Deputy and Confidential Assistant to be used for 2014, Second by Consuella Yeas 4 Nays 0

R.S. 18:59. Deputies, confidential assistants, and other permanent office employees; temporary employees; appointment and compensation; prohibited increase in compensation

B.(4)(b) Each chief deputy whose salary is at the level of step one or higher shall be evaluated as to merit in January. The criteria and procedure for the merit evaluation shall be determined by the Registrar of Voters Association. It shall provide that each confidential assistant be evaluated by the registrar of his parish. Upon a finding of "excellent" on a merit evaluation, the confidential assistant shall receive a salary increase to the next step until the confidential assistant's salary is equal to the highest step of the appropriate population range.

C.(4)(b) Each confidential assistant whose salary is at the level of step one or higher shall be evaluated as to merit in January. The criteria and procedure for the merit evaluation shall be determined by the Registrar of Voters Association. It shall provide that each confidential assistant be evaluated by the registrar of his parish. Upon a finding of "excellent" on a merit evaluation, the confidential assistant shall receive a salary increase to the next step until the confidential assistant's salary is equal to the highest step of the appropriate population range.

Title 31 Election Part II Voter Registration and Voter Education Page 16 - 17

§109. Merit Evaluations of the Chief Deputy and Confidential Assistant

A. The parish registrar of voters shall perform the annual evaluation of the chief deputy and confidential assistant.

B. Annually, the secretary or his designee in conjunction with the Registrars' of Voters Association shall prepare written instructions and forms which shall be submitted to the registrars of voters for reviewing the chief deputy and confidential assistant's performance no later than November 1.

C. The parish registrar of voters shall be responsible for evaluating his chief deputy and confidential assistant. These evaluations shall be submitted to the department no later than December 15 of each year.

AUTHORITY NOTE: Promulgated in accordance with R.S. 18:18, R.S. 18:59, and R.S. 36:742.

HISTORICAL NOTE: Promulgated by the Department of State, Elections Division, LR 34:705 (April 2008).

Discussion: Kyle and Dianna requested that the Committee make a Motion to support the Secretary's proposed new Rule to change the Appeal Process to 3 Registrars appointed by the Association, 3 Secretary of State Staff and 1 Registrar chosen by the Secretary as Chairman who can only vote to break a tie. No one would make that Motion. Brian commented that was not the wishes of the ROV Association as they created this new Board of Review for Evaluation at the Conference on February 20, 2014.

Announcements: None

Adjourn: 11:27am

Motion by Brian to Adjourn, Second by Lisa Yeas 4 Nays 0

See Updated Merit Evaluation on next pages.

R.S.18:55. Compensation of registrar of voters; amount and manner of payment; reduction during tenure prohibited; prohibited increase

A.(4)(b) Each registrar whose salary is at the level of step one or higher shall be evaluated as to merit in January. **The criteria and procedure for the merit evaluation shall be determined by the secretary of state in conjunction with the Registrar of Voters Association.** It shall provide that each registrar be evaluated by the secretary of state or his designee acting on his behalf. Upon a finding of "excellent" on a merit evaluation, the registrar shall receive a salary increase to the next step until the registrar's salary is equal to the highest step of the appropriate population range.

R.S. 18:59. Deputies, confidential assistants, and other permanent office employees; temporary employees; appointment and compensation; prohibited increase in compensation

B.(4)(b) Each chief deputy whose salary is at the level of step one or higher **shall be evaluated as to merit in January.** The criteria and procedure for the merit evaluation **shall be determined by the Registrar of Voters Association.** It shall provide that each confidential assistant be evaluated by the registrar of his parish. Upon a finding of "excellent" on a merit evaluation, the confidential assistant shall receive a salary increase to the next step until the confidential assistant's salary is equal to the highest step of the appropriate population range.

C.(4)(b) Each confidential assistant whose salary is at the level of step one or higher shall be evaluated as to merit in January. The criteria and procedure for the merit evaluation **shall be determined by the Registrar of Voters Association.** It shall provide that each confidential assistant be evaluated by the registrar of his parish. Upon a finding of "excellent" on a merit evaluation, the confidential assistant shall receive a salary increase to the next step until the confidential assistant's salary is equal to the highest step of the appropriate population range.



§59.4. The Louisiana Voter Registration Administrators' Certification Program; requirements; compensation

A. The Louisiana Voter Registration Administrators' Certification program is hereby established to formalize and recognize the professional standards of registrars of voters, chief deputy registrars, and confidential assistants to registrars of voters in the state.

B. The voter registration administrators' certification program is designed to provide registrars of voters, chief deputy registrars, and confidential assistants educational courses and a curriculum to develop core skills required for election and voter registration administration and to establish additional professional bonds of achievement. The program will accomplish these goals by introducing registrars of voters, chief deputy registrars, and confidential assistants to registrars of voters to new ideas that will enhance effective performance in registration administration; creating opportunities to enhance professional development through attendance and involvement in respective state associations; emphasizing the need for continued maintenance of high standards for the registrars of voters offices; and providing recognition for the attainment of enhanced managerial and administrative skills.

C. Only those persons holding the position of registrar of voters, chief deputy registrar, and confidential assistant to a registrar of voters shall be eligible for participation in the voter registration administrators' certification program.

D.(1) The requisite education and training will be provided through courses of the Certified Elections Registration Administrator program administered through Auburn University and the Election Center, a national certification designation. Any course taken by a registrar of voters, chief deputy registrar, or confidential assistant shall be a course that is required for the attainment of certification or maintenance of such certification.

(2) The voter registration administrators' certification program requires the following: a minimum of twelve courses of twelve hours in length for a total of one hundred forty-four hours to be completed within five years; **maintenance of a yearly rating of "excellent" as determined through the standards specified in R.S. 18:55(A)**; five years work experience related to the administration of elections and voter registration; and completion of all continuing education course hours required to maintain certification. **If these requirements are not met, the registrar of voters, chief deputy registrar, or confidential assistant, as the case may be, will lose certification and certification compensation until certification requirements are once again attained.**

E.(1) The voter registration administrators' certification program committee is hereby created to govern the certification program. The certification committee shall be composed of five members who shall serve one-year terms and who may be reappointed. The members shall be appointed as follows:

(a) One member shall be the chairman of the Legislative Committee of the Registrar of Voters Association who shall serve as chairman of the committee.

(b) One member shall be the chairman of the subcommittee of the Legislative Committee of the Registrar of Voters Association appointed to explore the creation of a certification program.

(c) Three members shall be registrars of voters, chief deputy registrars, or confidential assistants to registrars of voters who have received the designation of Certified Elections Registration Administrator.

(2)(a) Documents establishing the successful completion of the certification program shall be submitted to and approved by the certification committee. Upon approval of the application for certification, a person holding the position of registrar of voters, chief deputy registrar, or confidential assistant to a registrar of voters shall receive the designation of Louisiana Certified Elections Administrator and notice of the approval shall be forwarded to the legislative auditor by the certification committee.

(b) If, on July 1, 2006, a registrar of voters, chief deputy registrar, or confidential assistant to a registrar of voters has completed the educational and experience requirements as provided in Subsection D of this Section and the documents showing the successful completion of the program have been submitted to and approved by the certification committee and such approval documented to the secretary of state, the registrar of voters, chief deputy registrar, or confidential assistant to a registrar of voters shall be granted a seven percent increase in his annual salary as set forth in R.S. 18:55 or 59.

(c) A registrar of voters, chief deputy registrar, or confidential assistant to a registrar of voters shall complete the requirements of Subsections D and E of this Section in order to receive the seven percent compensation enhancement. If a registrar of voters, chief deputy registrar, or confidential assistant to a registrar of voters does not complete the certification program as provided in Subsections D and E of this Section, his salary shall remain as provided in R.S. 18:55 or 59. If, after certification, a registrar of voters, chief deputy registrar, or confidential assistant to a registrar of voters does not receive certification renewal within each five-year period, his salary shall revert back to the salary scale provided for in R.S. 18:55 or 59. Notwithstanding the provisions of R.S. 18:57, the failure to maintain certification shall result in the loss of the compensation enhancement provided for in this Section.

Acts 2004, No. 785, §1, eff. July 1, 2004.




State of Louisiana
DEPARTMENT OF ELECTIONS & REGISTRATION

JERRY M. FOWLER
Commissioner of Elections

December 30, 1991

MEMORANDUM

TO: All Registrars, Chief Deputy Registrars and Confidential Assistants

FROM: Alan Elkins 

SUBJECT: Merit Evaluations

A committee composed of Department of Election staff and members from the Registrar of Voters Association has drafted instruments to be used in evaluation of all unclassified employees. It was decided that two instruments, one for Registrars and one for Chief Deputy Registrars and Confidential Assistants, would be used. Please review these documents and forward any comments to me.

The instrument for Chief Deputy Registrar and Confidential Assistant is fairly self-explanatory. It will be completed by the Registrar for any employee to which it applies. The criteria for each level of evaluation (unsatisfactory, needs improvement, ..., outstanding) should be reviewed closely. This must not become an automatic pay raise. It will become a part of the employees' personnel file and will affect any and all future personnel actions.

The instrument for Registrars is divided into two sections: Mandated and non-mandated duties. In order to be considered for a merit increase the Registrar must perform all mandated duties applicable to him/her.
NOTE: Not all of the duties listed are applicable to each Registrar.

Each Registrar begins with 3.0 points. Each mandated duty not performed will result in the loss of one-half point. Failure to perform an applicable mandated duty will result in the Registrar not being considered for an excellent rating.

Every Registrar with at least 3.0 points on mandated duties will then be rated on the two factors included in the non-mandated duties. The points that can be accumulated for each factor are listed on the instrument. A Registrar need only accumulate an additional 1.1 points out of a possible 2.5 points to achieve an excellent rating. The ratings will be assigned by the Director of Registration in the Department of Elections and Registration.

MEMORANDUM
December 30, 1991
Page 2

An appeal process has been suggested to give every individual an opportunity for due process. Anyone who disagrees with their individual evaluation must appeal, in writing, to the Commissioner of Elections within fifteen (15) days of the notification of the rating. Within thirty (30) days of the appeal, a committee chaired by the President of the Registrar's Association and composed of the First Assistant Commissioner, Assistant Director of Registration, Personnel Director of the Department of Elections and Registration, one Registrar, one Chief Deputy Registrar and one Confidential Assistant (to be chosen at the Registrars Association annual meeting), will meet and review the evaluation and appeal. All parties concerned will have the right to present testimony in executive session. The outcome will be resolved by a vote of the committee. The chairman will vote only to break ties. The action of the committee will be final. It was decided that the committee that drew up the instruments would serve as the appeals committee until members are selected at the next annual meeting.

I ask that you review these documents carefully. They will become a part of your permanent personnel file.

Department of Elections and Registration
PERFORMANCE EVALUATION FOR
REGISTRARS OF VOTERS

EMPLOYEE DATA:

Name _____ Parish _____
Current Salary without merit increase _____
Salary maximum for year reached _____ Yes _____ No

I. MANDATED DUTIES

Total Rating Value: 3.0

- _____ Conducts canvass
- _____ Conducts schools for volunteer deputy registrars
- _____ Processes death notices and felony convictions upon receipt of reports
- _____ Conducts schools for employees of driver's license facilities if applicable
- _____ Visits high schools and universities to conduct voter registration
- _____ Files reports as required by law
- _____ Conducts absentee voting in a lawful manner

Each mandated duty applicable to the registrar and not performed by the registrar will result in an automatic minus .5 rating.

If the average score is:

<u>At Least</u>	<u>Not less than</u>
2.6	4.0
1.6	2.5
0	1.5

Rating is:

Good
Needs Improvement
Unsatisfactory

Rating value for I. _____

II. NON MANDATED DUTIES

FACTOR A - ADMINISTRATIVE DUTIES Total Rating Value 1.0

- Processes reports from data processing on possible duplicate name registrations and possible duplicate social security numbers
- Keeps Department of Elections and Registration advised of potential problems
- Utilizes volunteer deputy registrars if any certified
- Responds to survey requests from Department of Elections and Registration

Each administrative duty has a .25 value.

FACTOR B - EXTENDED DUTIES Total Rating Value 1.0

- Off-site voter registration other than high schools and universities
- Extended office hours
- Cooperation with Department of Elections and Registration
- Active in Louisiana Registrar of Voters Association and professional improvement
- Community involvement

Each extended duty has a .20 value.

FACTOR C - PUBLIC COMMENT Total Rating Value .50

- Favorable
- Unfavorable

Comments _____

Please note public comment can only increase rating value, not decrease.

Rating Values for II:

Factor A _____
Factor B _____
Factor C _____
Total _____

OVERALL RATING AND EVALUATION:

Registrar of Voters must perform all applicable mandated duties and receive a 3.0 rating for mandated duties to be considered for "excellent" rating.

Rating for I. _____
Rating for II. _____
Total _____

If the average score with at least a 3.0 rating for mandated duties is:

<u>At Least</u>	<u>Not less than</u>	<u>Overall Rating is:</u>
4.1	5.0	Excellent

Overall Evaluation _____

CERTIFICATION:

Evaluator:

This form was completed by me personally and rated to the best of my ability.

Name _____ Title _____
Date _____

Used until 2013

Department of State
PERFORMANCE EVALUATION FOR
REGISTRARS OF VOTERS

EMPLOYEE DATA:

Name _____ Parish _____

I. MANDATED DUTIES

Total Rating Value: 3.0

- _____ Conducts canvass (in accordance with R.S. 18:192.A.(1)(a) (annual canvass) and/or publishes list of inactives 90 days prior to a federal primary (R.S. 18:193.F.)
- _____ Processes death notices and felony convictions upon receipt of reports (in accordance with R.S. 18:171 and R.S. 18:173)
- _____ Files reports timely: Expenditure Report (defined in R.S. 42:283); Performance Evaluations (in accordance with LAC 31:II.109: chief deputy R.S. 18:59.B.(4)(b); confidential assistant R.S. 18:59.C.(4)(b); and, classified employees in accordance with C.S. Rule 10.1(c); and voter education reports (in accordance with R.S. 18:18.A.(8)(a))
- _____ Conducts absentee advertising and voting by mail and early voting (in accordance with R.S. 18:134.D.)
- _____ Conducts Voter Education Week (in accordance with R.S. 18:18(8)(b))
- _____ Notifies the governing authority of a parish of number of registered voters within every precinct (in accordance with R.S. 18:196.A.(1), R.S. 18:532.B.(3) and R.S. 18:532.B.(4)(a))

Each mandated duty has a .5 value.

Registrar of voters must perform all applicable mandated duties and receive a 3.0 rating for mandated duties to be considered for "excellent" rating.

II. NON MANDATED DUTIES

FACTOR A - ADMINISTRATIVE DUTIES Total Rating Value 1.0

- _____ Processes reports from data processing on possible duplicate name registrations
- _____ Processes possible duplicate social security numbers
- _____ Keeps Department of State advised of potential problems
- _____ Responds to survey requests from Department of State in a timely manner
- _____ Provide Department of State with notice of increase in supplement pay and biannually file parish salary certifications

Each administrative duty has a .20 value.

FACTOR B - EXTENDED DUTIES Total Rating Value 1.0

- _____ Maintain list of individuals/groups requesting mail-in registration forms, cooperate with organized voter registration drives
- _____ Cooperation with Department of State
- _____ Active in Louisiana Registrar of Voters Association and professional improvement

_____ Community service (providing information regarding the duties of a registrar of voters through speaking engagements or participating in civic organizations' events in the parish. Parochial activities are not included.

Each extended duty has a .25 value.

CERTIFICATION BY REGISTRAR OF VOTERS

I certify that the information on the duties performed by me, _____ as indicated on the evaluation form, are true and correct.

(Registrar of Voters)

(Date)

**SECRETARY OF STATE INTERNAL CHECKLIST FOR DOCUMENTATION
FOR REGISTRAR OF VOTERS PERFORMANCE EVALUATION (Rev. 2/07)**

_____ **Canvass** – Copy of publication notice of voters and/or copy of publication notice of inactive voters every even numbered year (Federal Election year) (need one page only showing date published).

_____ **Reports Required by Law** – Copy of Expenditure Report (from prior year).

_____ **Conducts Early Voting** – Provide proof of newspaper publication of early voting times and dates. Provide a copy of the letter addressed to the voter advising of time and date of early voting at the nursing home, if applicable

_____ **Voter Education Week** – Registrars submit reports as required by Department of State by December 15 to verify activities conducted during the voter education week and the year.

_____ **Under 300/Over 2,200 Active Registered Voters within Precinct** – Registrars notify parish governing authority within 30 days after the completion of each canvass and provides a copy of the notification to the Director of Registration, Department of State.

_____ **Keep Department of State informed of potential problems (that could affect other jurisdictions/parishes)** – Documentation of reported machine or procedural issues or problems in their parish sent to Director of Registration (by telephone and in writing as soon as noticed and no later than 24 hours of knowledge thereof).

_____ **Maintain list of persons/groups requesting mail-in forms/cooperate with organized voter registration drives** – Copy of "Summary Report of Requests for Louisiana Mail Voter Registration Applications" list as described above or notation of "no requests" received.

_____ ***Registrar of Voters Association and professional improvement** – Documentation showing attendance at conferences (other than attending the annual Voter Registration Conference), training (i.e. Secretary of State training), meetings, etc.; copy of Certificate of Achievement for the number of hours of Continuing Education through Registrar of Voters Association, (John Russell, Registrar of Voters, Tangipahoa Parish, also provides list to Department of State), Election Center, IACREOT and/or other similar organizations.

_____ ***Community service** – List any awards for promotion of office, commendations recognizing work as Registrar of Voters, etc., names of local committees or organizations within parish promoting office. Parochial activities excluded.

*Could be overlapping

Used until 2015

Department of State

PERFORMANCE EVALUATION FOR
CHIEF DEPUTY REGISTRARS AND CONFIDENTIAL ASSISTANTS

EMPLOYEE'S NAME	_____	CLASS TITLE	_____
SUPERVISOR'S NAME	_____	CLASS TITLE	_____
NO. OF MONTHS UNDER SUPERVISOR DURING YEAR	_____	DATE THIS REPORT DISCUSSED WITH EMPLOYEE	_____

OVERALL RATING IS: _____

A. PERFORMANCE RATING FACTORS:

The supervisor should review the employee's demonstrated job performance and check the box which most clearly describes that performance. Use the Comments section to give specific examples which support the evaluation.

<u>PERFORMANCE MEASURES</u>	<u>UNSATISFACTORY</u>	<u>NEEDS IMPROVEMENT</u>	<u>MEETS REQUIREMENTS</u>	<u>EXCEEDS REQUIREMENTS</u>	<u>OUTSTANDING</u>
1. <u>Job Knowledge</u> Consider knowledge needed to do required duties. Include knowledge gained through experience, education, training or observed.	Can't do easy, routine, or normal parts of the job without asking supervisor or other workers for help. Often has trouble doing some parts of the job.	Sometimes has to ask supervisor or co-workers about how to do even simple job duties.	Knows the job enough to do routine duties. Has to talk to supervisor before handling harder parts of the job.	Good knowledge of the job and understanding of its relationship to other jobs. Seldom needs to ask supervisor about how to do the job.	Exceptionally broad and detailed knowledge of the job and its relationship to other jobs.
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Comments: _____

2. <u>Quality of Work</u> Consider the accuracy, thoroughness, neatness and general workmanship of the employee	Often produces a poor quality of work. Often work has many errors or mistakes.	Produces work of fair quality but which contains errors.	Work is acceptable but occasionally needs to be corrected.	Produces high quality and accurate work. Seldom makes mistakes.	Produces exceptional, precise, neat, and well-organized work. Very rarely makes mistakes.
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Comments: _____

PERFORMANCE MEASURES	<u>UNSATISFACTORY</u>	<u>NEEDS IMPROVEMENT</u>	<u>MEETS REQUIREMENTS</u>	<u>EXCEEDS REQUIREMENTS</u>	<u>OUTSTANDING</u>
3. <u>Volume of Work</u> Evaluate job productivity in terms of number and volume of assignments completed by the employee under normal conditions.	Slow worker.	Often turns out less than normal amount of work.	Regularly turns out a normal amount of work at an average speed.	Frequently turns out more than normal quantity of work.	Consistently turns out an exceptional volume of work.
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Comments: _____

4. <u>Dependability</u> Evaluate employee's reliability on the job. Consider absenteeism, tardiness, breaks, and responsibility for getting the job done on time.	Unreliable. Cannot be counted on to show up for work or to finish work on time.	Not always reliable. Frequently tardy or absent. Abuses leave or breaks. Frequently does not complete work on time.	Satisfies reliability requirements of the job. Usually completes work on time. Regularly punctual and present for work.	More conscientious than the average worker. Reliable. Seldom late in completing work. Seldom tardy or absent.	Very reliable. Consistently completes work on time. Excellent attendance except for major illness. Consistently punctual.
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Comments: _____

5. <u>Cooperation</u> Apprise the employee's ability to work with others, acceptance of supervision, and willingness to learn and adapt to change.	Uncooperative. Disinterested in work. Unduly sensitive. Is the source of friction.	Indifferent to importance of cooperation. Has difficulty accepting change. Occasionally needs counseling.	Adjusts to change easily. Maintains a businesslike manner. Works well with others.	Very flexible. Conscientious and considerate of others. Positive behavior towards co-workers and supervisor.	Outstanding. Consistently willing to learn. Accepts supervision and adjusts to change easily.
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Comments: _____

<u>PERFORMANCE MEASURES</u>	<u>UNSATISFACTORY</u>	<u>NEEDS IMPROVEMENT</u>	<u>MEETS REQUIREMENTS</u>	<u>EXCEEDS REQUIREMENTS</u>	<u>OUTSTANDING</u>
6. <u>Initiative</u> Consider enthusiasm, versatility, creativity, and resourcefulness of the employee in taking actions on projects and assignments.	Seldom does anything extra unless pushed. Uninterested in pursuing new avenues.	Slow starter and/or somewhat inflexible. Must be led.	Handles all assignments well. Occasionally acting on or improving tasks which have not been assigned.	Enthusiastic, creative and contributes innovative ideas. Seeks additional responsibilities.	Exceptionally innovative and eager, outstanding versatility. Highly resourceful. Self-starter.
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Comments: _____

B. OVERALL EVALUATION:

List below in column two the total number of time you have checked each of the different performance rating factors in items 1 through 6 above. Column two will always total (6), the total number of performance measures. Multiply column two times column three and list answer in column four. Add column four and then divide column four total by six to determine the Average Score. Use the scale below to find the overall rating. The overall rating should usually be based on the average score. However, there will be occasions when the overall rating does not produce the proper rating. For example, an employee may have an average score of 2.0, but if his dependability is very bad due to absenteeism, his overall rating may be reduced to unsatisfactory even though the mechanical scoring process indicates a rating of average. In these cases, an explanation should be provided in the Comments Section. Circle the overall rating to be given for the employee's overall job performance.

<u>Performance Rating Factors</u> (1)	<u>Number of Times Factor Checked</u> (2)	<u>Score Per Factor</u> (3)	<u>Total Score</u> (4)
Unsatisfactory	_____	X 1 =	_____
Needs Improvement	_____	X 2 =	_____
Meets Requirements	_____	X 3 =	_____
Exceeds Requirements	_____	X 4 =	_____
Outstanding	_____	X 5 =	_____
TOTAL	_____		_____
Average Score (Divided by 6)			_____

<u>If the Average Score is:</u>		<u>Overall Rating is:</u>
<u>At Least</u>	<u>But Less Than</u>	
3.6	5.0	Excellent
2.0	3.5	Good
1.6	2.5	Average
1.0	1.5	Unsatisfactory

Comments: _____

C. SUMMARY COMMENTS:

1. Strengths: List employee's areas of strength. Give specific incidents or examples. If there are no strengths, write NONE.

2. Areas for Improvements: List areas in which employee needs improvement. Give specific incidents of examples. If there are no areas of improvements, write NONE.

3. Is the employee well-suited for the work he or she is doing? If no, indicate the type of work to which would be well-suited.

D. CERTIFICATIONS:

Supervisor:

This form was completed by me personally and rated to the best of my ability.

Signature: _____

Date: _____

Employee:

My supervisor has discussed this performance review and job counseling report with me. My signature does not indicate my approval or disapproval of the ratings contained herein.

Signature: _____

Date: _____

Registrars of Voters
Performance Evaluation for Chief Deputy and Confidential Assistant

Employee Name: _____	Personnel #: _____
Position: _____	Parish: _____
Rating Year: _____	

IMPORTANT: If you receive an "Excellent" rating, you will be eligible for your merit increase in January. If you do not receive an "Excellent" rating, you will **NOT** be eligible for your January merit increase. Also, if you are CERA certified and do not receive an "Excellent" rating, you will lose your 7% CERA certification pay increase for that year.

Mission: The mission of this office is to serve the public by meeting its legal responsibilities of collecting, securing and communicating information that enhances and ensures the integrity of Louisiana's elections and preserves, presents and makes accessible government information essential to Louisiana' election process.

Goals:

- A. To provide the Parish Registrar of Voters office with the leadership & management necessary to meet its Program's objectives while performing the constitutional and statutory responsibilities of this office.
- B. To maintain an efficient and accurate election system and provide essential, comprehensive information that instills public confidence in the State's electoral process.
- C. To serve voters by ensuring that elections are conducted in a professional and non-partisan manner.

Standards: The Parish Registrar of Voters office will be a role model for elections in our openness and accessibility to our data and remain responsive to our customer's needs and the citizens of Louisiana.

Work and Behavior Expectations:

- Work product is complete, accurate and neat.
- Work is submitted timely.
- Adhere to attendance procedures and is punctual.
- Agreeable to cover or substitute for fellow workers.
- Interact with fellow workers and the public in a positive manner.
- Interact respectfully and courteously with other employees and contributes to the team.
- Handle changes in law and procedures.
- Become familiar with new responsibilities.
- Speak clearly and calmly with others in an effort to convey your message in an appropriate tone.
- Look for ways to improve efficiency in the office.

COMMENTS: _____

RATING: _____ EXCELLENT _____ Non-Excellent

EMPLOYEE SIGNATURE _____ DATE _____

SUPERVISOR SIGNATURE _____

SUPERVISOR NAME (PRINT) _____ DATE _____

EVALUATION AND REVIEW BOARD PROCEDURE FOR APPEALS
(Revised 2-23-2005)

1. The applicant has 10 days to file a written appeal with the evaluator.
2. From the date an applicant receives written notice, he/she has 30 days to file a written grievance based on his/her rating.
3. Grievances would be filed with the Human Resource Administrator or designee of Department of State.
4. The Human Resource Administrator will notify, in writing, the board members and all concerned parties that a grievance has been filed.
5. Within 5 days from receipt of a grievance from the Human Resource Administrator, the chairman shall set a hearing date, time and location to meet with the applicant and all parties concerned.
6. The applicant will be notified in writing of the decision of the board.
7. Any decision requires a majority vote.
8. If the evaluator is sitting on the board, he/she is prohibited from voting if he/she is directly involved in the evaluation.
9. If the grievance is upheld, any merit increase shall become effective retroactive.
10. The board's decision is definitive.
11. The evaluation appeals procedure may be amended by a majority vote of members in good standing attending the annual seminar.
12. In addition to appeals filed, the Evaluation Appeals Board shall meet annually at the Registrar of Voters Annual Seminar.

EVALUATION AND REVIEW BOARD PROCEDURE FOR APPEALS

(Revised 2013)

1. The Registrar of Voters has 30 days from receipt of decision on Evaluation to file a written appeal with Human Resource with the Department of State.
2. The Human Resource Director or designee shall notify, in writing, within 7 working days, the Chairperson of the Evaluation and Review Board that an appeal has been filed.
3. Acknowledge receipt of appeal by ROV and within 7 working days from receipt of notification of an appeal the chairperson shall set a meeting date, time and location to meet with the applicant and all parties concerned.
4. Any decision requires a majority vote.
5. If the evaluator is sitting on the board, he/she is prohibited from voting if he/she is directly involved in the evaluation.
6. The board's decision is definitive
7. If the appeal is granted, any merit increase shall become effective retroactive.
8. The ROV will be notified in writing by the chairperson of Board of Review for Evaluation the decision from the board.

EVALUATION AND REVIEW BOARD PROCEDURE FOR APPEALS

(Revised December 2013)

1. If a Registrar of Voters disagrees with the final merit evaluation rating issued by the Secretary of State, he/she may request a review of that rating by the Board of Review for Evaluation.
2. The Board of Review for Evaluation shall have 7 members. Three of the members shall be Registrars appointed by the Registrar of Voters Association, one Registrar appointed by Secretary of State and three of the members shall be appointed by the Secretary of State.
3. Members of the Board of Review for Evaluation who participated in the rating process for the Registrar in question shall not vote on the review of the evaluation.
4. The agency's grievance process shall not be used to review or reconsider evaluations or a procedural violation of the evaluation process.
5. Only a Registrar of Voters who receives an overall merit evaluation of "Non-excellent" may request a review of that evaluation by the Board of Review for Evaluation.
6. A request for review must be submitted in writing to the Human Resources Director or designee and be postmarked or received in the Human Resources Office no later than January 30.
7. In the request for review, the Registrar of Voters must explain his reason for the request and may provide supporting documentation.
8. If the request for review is timely and contains the required explanation, the Human Resources Director shall submit a copy of the request to the Chairperson of the Board of Review for Evaluation and to the Director of Registration. The HR Director must include the Registrar of Voters request, the original evaluation as rendered, and any supporting documentation provided.
9. The Chairperson of the Board of Review for Evaluation shall convene a committee meeting within 15 days of the notification that a request for review has been received.
10. The Board of Review for Evaluation shall convene a meeting to discuss the request and render a decision regarding the rating. The Board may vote to uphold the "non-excellent" rating or to change the rating to "excellent."
11. The Chairperson of the Board shall give the Registrar of Voter, the Director of Registration, and the Human Resources Director written notice of the results of their review. This notification shall be provided within 15 days of the committee meeting required in item 9 of this procedure.
12. The performance evaluation form, the employee's request for review, the Board's decision, and the supporting documentation attached to the performance evaluation, as well as any documents requested from the employee or supervisor during the review, shall be maintained in the employee's official confidential personnel file in the Human Resources Office.

Evaluation and Appeals Process

Kyle Ardoin

Sent: Thursday, December 19, 2013 3:22 PM

To: SOS-ROV

Cc: Tom Schedler; Joe Salter; Ashley Gautreaux; Angie Rogers; Joanne Reed; Merietta Norton

Importance: High

Dear Registrars,

Before things get out of hand and before rumors get out of control I am sending this email to let you know how we got to where we are in the evaluation process. As I stated at the last seminar **the Secretary cannot be bound by the Association bylaws or constitution because he is bound by OATH to follow the Louisiana Constitution and the laws of the state of Louisiana.**

The Secretary felt that the evaluation and appeals process needed to be changed, **which I stated at the last Seminar and we agreed to meet and work with Shanika and her committee. I was very clear in my message from the Secretary at Seminar that an appeal board of 5 ROV association members to 1 SOS (because two would have to recuse themselves) was not fair or appropriate and that it would have to be changed.**

We met with Shanika and representatives of her committee; what she sent you all is what we developed with a whole lot of debate. I hope you all will support Shanika and her committee folks who've spent a lot of time on this important issue.

Happy Holidays!

Kyle

R. Kyle Ardoin

First Assistant

Executive Office

Secretary of State Tom Schedler

225.922.2880 (o)

225.922.2003 (f)



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Administrative Rule/ Committee Hearing

Kyle Ardoin

Sent: Tuesday, December 03, 2013 2:17 PM
To: SOS-ROV
Cc: Joe Salter
Importance: High

Dear ROV,

It is my understanding that perhaps some of you were caught off guard by the email from Mrs. Norton and Undersecretary Joe Salter regarding the hearing tomorrow. The reason for placing the Time and Attendance Policy as an administrative rule is for your protection. A policy can be changed by any secretary of state at any time upon their signature but an administrative rule requires a public notice, public hearing, legislative oversight and gubernatorial oversight. This administrative rule process insures that the association would continue to have input for any changes that may be contemplated by either side of the equation.

We've also been asked why not put this into law? If this policy were to become law then the only way to change it would require going through the legislative process. That means that if the Association and the Secretary agreed changes needed to be made then we would have to wait a full year until the legislature is in session and then we still aren't guaranteed passage of the legislation. However, an administrative rule can be changed at any time and has the safeguards enumerated in the previous paragraph.

I trust this clarifies the questions.

Thanks,
Kyle

R. Kyle Ardoin
First Assistant
Executive Office
Secretary of State Tom Schedler
225.922.2880 (o)
225.922.2003 (f)



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LA REGISTRAR OF VOTERS' ASSOCIATION, INC.
69TH ANNUAL SEMINAR
Hilton Baton Rouge Capitol Center
201 Lafayette St., Baton Rouge, LA 70801
Closing Business Session
Thursday, February 20, 2014

The closing business session of the 69th Annual Seminar of the Louisiana Registrar of Voters Association, held at the Baton Rouge Hilton Capitol Center in Baton Rouge, LA, was called to order by President John Russell at 8:30 am on Thursday, February 20, 2014.

President John Russell called upon Reverend Delmas Taylor to give the invocation. President John Russell led the Pledge of Allegiance.

Sandra Sims, Secretary-Treasurer, announced 63 parishes are being represented at the seminar. Franklin, Richland and Catahoula Parishes were delayed due to qualifying of candidates in their parishes.

Patricia Sanders, Chairman of the Continuing Education Committee, requested that all continuing education sheets either be turned in to her or mailed to her at the Claiborne Parish Registrar of Voters' office to enable the Continuing Education Committee to give proper credit for continuing education hours.

President Russell said Ms. Rita James has requested the President to order personal privilege to give her a moment to speak to the Association.

Ms. James said: "When I took the oath of office as Winn Parish Registrar of Voters with due diligence and I gave it my all every day with the satisfaction of doing a good job. I always try to give more than expected and do it cheerfully. I've always been a person of extreme work ethic on the side of everything being done efficiently and correctly and I take pride in doing it. The first seminars I attended were fun. We learned – we shared – and there was comradery among everyone. Slowly the teamwork and togetherness has seemed to fade. I want that back for me and I want that back for the Association. I want our Association to be strong and to become as one and to stand together and support each other. The Registrars before me made this a great Association. I feel I made a great Registrar with the help of all of you. I contacted you. You came to my office and I went to your office. You helped me become who I am. I thank you and I appreciate you. Working together – we all benefit. We have our own opinions and disagreements – but we can do it respectfully!

Tuesday there was a misunderstanding as to the Board of Review for Evaluation Committee and how they became a Committee. They are elected by the Association as it states in the By-Laws. The Secretary of State and the Board of Review for Evaluation Committee has implemented a change in the merit evaluation form. We, as an Association, need to modify the By-Laws to accommodate this change and protect us Registrars and our Association.

For the Review Board to function properly with the new evaluation form, changes have to be made with the Appeals Board.

In the evaluation process, Registrars are entitled to be evaluated by our peers. Our peers are our Registrars – not our staff. Therefore, I believe the Board of Review for Evaluation should consist of only Registrars - for a one, two or three year period. I want you to think about this, and if you agree with me, contact your By-Laws Committee members and voice your opinion and be supportive. We need to extend an olive branch to one another.”

Robert Poche made a motion to suspend the Rules to bring this subject matter back up to the Board for a vote today. President Russell asked for a motion from the floor to bring this issue up. Sandra Sims requested Mr. Poche to further explain the issue to allow it to be properly included in the minutes. Mr. Poche stated his motion was to suspend the Rules to allow a discussion regarding the Board of Review for Evaluation, the appeal process, the membership/structure of the committee and all matters related thereto. Dennis DiMarco seconded the motion, and motion carried.

Mr. Poche then addressed the Association, stating he “was not sure everyone understood the importance of this issue being handled this year. We can act on this ourselves or have it done to us – that is the only two options we have. Today is our last chance for us to act on it on our own, so at the proper time, I would like to offer a motion to decide the method of selection to that Board and you will let me know when that time is.”

Mr. Robert Poche then made a motion to discuss and make a decision regarding the possible alteration of the existing structure of the Board of Review for Evaluation and its procedures, seconded by Billie Meyer.

President Russell stated the topic is now on the floor, and asked everyone to please speak through the microphone.

Shanika Olinde stated she wanted to “explain because I hadn't been able to exactly explain everything before. The way the Board is now is we have one Registrar appointed by the Association, we have a Chief Deputy and a Confidential. And then we have three SOS employees, which is Human Resource, we also have Commissioner of Elections and Director of Registration. With the way we go in, once we have an appeal, when we go in, the Secretary of State has already lost two votes because the Director of Registration and the Commissioner of Elections are the ones who actually evaluated your evaluation so they can't have a vote in that. So, to make it fair, we discussed with them doing three ROVS, three SOS and not going in there with six, we decided to work with them and they would give us another ROV but they would appoint that ROV. That ROV would be one of us so I am not really understanding the big deal with the SOS appointing one of us. That's okay. That is how it is supposed to be with the new change where we have four ROVs going in and they will have three SOS employees. Getting rid of the Chief Deputy and the Confidential – absolutely nothing personal, I mean, we all know we couldn't do anything without the Confidentials and our Chief Deputies, but if we are sitting there appealing to the Board, we want to appeal to other ROVs who are actually doing what we do every day.”

A question was raised about the President and First Vice President serving on the Board of Review for Evaluation.

Ms. Olinde responded, “I am sorry, originally I did leave off the President and First Vice President on the original – the way it is now. So we go in, that is why we go in with three ROVS, when we go into

the way it is now. So the President and Vice President will no longer serve on the committee. We have three ROVs, a one, a two, and a three year. elected by the membership.”

Robert Poche stated, “It was not clear to some of us whether the Registrar of Voters appointed by the Secretary of State's office would serve as Chairman or would there be a Chairman elected at your first meeting...that was what was not clear, I have heard it both ways.”

Shanika Olinde replied, “I mean, I am sure we could do it at the first meeting. They just want their ROV to be appointed so I think we would elect a Chairman at the actual first meeting”.

President Russell said, “I think that is a good question, Robert, and in deference to your uncertainty, which I can understand, this a work in progress. But I would suggest to the membership it needs to be clearly established. Go again, whether or not the Chairperson of this committee will be selected by the other Registrars or by the Secretary of State, it should be discussed the possibility this Chairperson would not be able to vote except to break a possible tie, which caused this re-visitation to begin with”.

Sandra Wilson stated, “Just to be clear, the total Board make-up would be better. So, in other words, there will be three Registrars from the Association and there will be one Registrar appointed by the Secretary of State, so there will be four. Then you are saying, John, is that the Chairperson would be elected from that four and that would be something possibly the membership should do. I don't think the Chairperson should be appointed by the SOS. I think the Chairperson should be appointed by the ROV”.

President Russell then stated, “Three Registrars would be elected to represent the Association and conduct the required services on behalf of the Association, one Registrar would be appointed by the Secretary of State, the Registrar chosen to chair the committee would be selected by the Registrars' Association. The three employees or staff members of the Secretary of State's office would be assigned by the Secretary of State. Do I have that right?”

Sandra Wilson said, “On the Secretary of State side, if you are removing the Commissioner of Elections and the Director, those people would also need to be replaced so they would have their three people. So, should we also discuss who those people possibly could be?”

President Russell responded, “Negative. What we are doing is eliminating the names because that is part of the problem with being a quorum on behalf of the Secretary of State to have due representation. It is conceivable, given the workload they face and the fact they take care of all 64 of us or they are heavily involved from time to time, and as needed with all 64 parishes, that either of their appointed – whether it is the Human Resources representative or the Director of Registration or the Assistant Director – whatever their name is or their title or position, may require them being dispatched to an urgent situation to some distant part of the state, thereby prohibiting their attendance and participation in the meeting. This way you don't have to name the specific position they are going to be in – he can fill the slots as the meetings require but there will be only three members of his staff. It puts the problem on him, not us, to pick out which ones they are – it is pre-established which ones they can be. That's my understanding of the structure.”

Jolene Holcombe stated, “There are three SOS employees, three members of his staff. Can it be any three employees?”

President Russell responded, "Good point. I think it should stipulate possibly. I submit for your suggestion or your consideration. I think it should be limited to the Elections Division – someone needs to be there that understands some of what we do. I mean, that seems reasonable. That is a good point."

Jolene Holcombe said, "Absolutely, I would not be comfortable with language that said any three SOS employees. I agree. I am also not comfortable with an ROV that is appointed by the Secretary of State because then she has more allegiance with the Secretary of State (someone in background disagreed with this statement). Well, that is a matter of opinion. Everyone has an opinion. That is my opinion and I am entitled to my opinion. That is my opinion and I am not in favor of that. I think there are others that may disagree and others that may share that same opinion."

President Russell commented, "That is a good point. And if the four Registrars are all elected by the Association or chosen by the Secretary of State, which one will serve as Chair. Obviously he may have some allegiance to the Secretary of State, but he or she is still also a Registrar who stands to benefit or be penalized by potential decisions and maybe that is the balance where it's still an effort of concert between our Association and the Secretary of State. On the side, a little remark of my own and if you want to get angry, fine. If you want to get mad at me, fine – just don't kick my chair hard enough to damage it and please refrain from kicking me personally. I believe we are a great organization. I have been in this organization almost 20 years and I have been amazed at some of the messes we get ourselves into. But the fact of the matter is, I have not found a more dedicated group of public servants that I have enjoyed in my relationship with you, my colleagues as Registrars and your Chief Deputies and Confidential Assistants. I think we need to man up and step up and handle this thing and work as a team in concert, as stipulated in statutes, and let's get this thing behind us and go ahead and do what we have to do to keep going down the road, working the best we can in concert. Let's be the professionals we are appointed to be."

Joanell Wilson from Rapides Parish stated, "I have been in this Association over 46 years. I am an old timer and, believe me, I feel it every time I get up or sit down. But the thing about it is, for 46 years, I have watched and been involved in everything this Association does – from the top to the bottom. I have never had a legislator, and as many of you know, I worked in the legislative group, either as Chairman or Vice Chairman for approximately 22 years. I have never had a legislator tell me anything but we did a fantastic job and they meant it truly from their heart. We never had the types of problems other states had. And going to CERA seminars, I saw that as a fact. I think, and discussions with Mr. Schedler this week, he assured me that he had as much as he could do that he could possibly do. He did not want to interfere with what we were doing. He just wanted us and the Secretary of State's office to have an open channel of communication and agreement. The best way to do that, as far as I am concerned, is to let the Registrars and the Association handle any problems we may have with anyone in the office within ourselves. We have done that in past years and it has worked well, extremely well. There have been many people brought before the Board of Review for Evaluation – some retired, some left and others were found not to have done anything wrong. No one knows what goes on in our offices except us. As willing as the Secretary of State's office is to help us, they do not sit in those offices eight hours a day. They look at it from a higher plateau, but we know the day to day grind that we have to do and how we have to do to deal with the general public. Some offices have an easier time than other offices. It depends upon the political environment in your parish. We always need the assistance and their guidance, but guidance is what we need. We need to handle Association problems."

Brian Champagne, St. Charles Parish, was the next speaker. Mr. Champagne said, "For clarification, what we are discussing is the matter that was tabled Tuesday"

President Russell said, "The request came to me to revisit and I feel it is incumbent upon my responsibilities as your chosen leader, as least as it stands. I may be patting myself on the back, but the point is the clarifications of perceived oversights, whatever the immediate past and the opportunity to do what we are doing right now, which is to transparently discuss and revisit the issue is certainly something I should prosper."

Brian Champagne replied, "This is the motion that we are discussing."

President Russell said, "As submitted."

Brian Champagne questioned, "What Sandra (Wilson) just spoke of – three Registrars voted by the Association. That was not put in the form of a motion? Right? That was a general discussion? Are we trying?"

President Russell replied, "I appreciate you, Mr. Champagne, that was a general discussion. I have not heard a specific recommendation."

Brian Champagne stated, "So everything Sandra (Wilson) suggested has to be put in the form of a motion?"

President Russell "Exactly."

Mr. Champagne responded, "Okay, I was just trying to understand what was going on. There is no amendment yet? I would like to offer to add – all of this put in here, in the complexion of an original motion, is being changed. I would also like to see that, whoever is elected to the Board of Review for Evaluation not be a member of the Professional Review Board and I also feel two alternates should be elected to represent us in case someone is ill, or someone can't make it. So this should be also put in the motion."

President Russell stated, "Alternates should also apply to the Secretary of State."

Brian Champagne responded, "I am talking about alternates elected by us who shall attend meetings in case one of us has to recuse themselves or cannot make a meeting – we still have equal representation."

President Russell asked if everyone was clear on that, "The suggestion is that this new committee be structured such that four members are to be elected by this Association, three members appointed by the Secretary of State, and one Registrar chosen as Chairman by designation or in concert with the Secretary of State. Then two alternates from the Registrars' Association and two from the Secretary of State who could change out to fill the need of the quorum if circumstances elsewhere required, certain sickness or other responsibilities, we would always have a functioning committee, hopefully."

Sandra Sims said she heard two things - "The Chairman is elected by the committee and you said selected by the Secretary of State."

Billie Meyer, Acadia Parish, said, "I have a question. Instead of the Secretary of State choosing a Registrar, why couldn't the Board of Elections of Supervisors do that if we are going to wind up going before them anyway? That would eliminate any confusion."

President Russell responded, "I do not know if you could get their attention, depending upon what else they have going. As you well know, one member is the Speaker of the House, one member is the President of the Senate, another member is this or that. They have overwhelming responsibilities. I think if the membership of the Association of the Registrar of Voters Association selects four people and the Secretary of State, from one of among those four, they have already been approved by the membership of this Association. If the Secretary of State still wants a Chairperson who cannot vote unless it is a tie, then we have the Secretary of State very much involved, intimately involved, in our concerted efforts. That is the way I look at it. I do not think it is realistic to expect a member of the State Board of Election Supervisors to come and travel to another meeting. I am sorry, but I don't know. Are there any other ideas?"

Debbie Waskom, Natchitoches Parish, said, "I do not understand what is this about the Secretary of State appointing a Chairman. Every one of our committees, within the committee, appoints their Chairman, not the Secretary of State."

Janet Burks, Bossier Parish, said, "I was thinking, why does the Secretary of State have to choose one of our Registrars. Why can't we, as an Association, pick all four of those?" (Loud applause)

President Russell next stated, "You are exactly right. I heard earlier we would pick four, and from those four, the Secretary of State would appoint a Chairman who could not vote except when there is a tie. What I hear now from everyone is that we elect four and from those four, we decide who the Chairperson is." (Loud applause) That sounds like it has universal appeal. However, the suggestion submitted to us by the Secretary of State doesn't read that way, so are we going to try to get them to accept it or – hold on a second, Shanika Olinde wants to say something."

Shanika Olinde stated, "I just wanted to say how it came up that the SOS was going to appoint the ROV. When we discussed it, they wanted three ROVs and three SOS, which would have made it equal. So what we decided, instead of giving them another employee to give them four and three of us, we compromised to the fact that they could pick the fourth ROV. I am not asking, I am just telling you how it came about. So that is how it came about, that we would pick, they would pick our fourth ROV. As far as the Chairperson and all of that, none of that was discussed. I kinda agree with Debbie, once the committee is formed, the committee can pick the Chairperson at that time would work. That is just how it came about."

Robert Poche stood and said he stood ready to make a motion.

Sandra Wilson, Orleans Parish, stated, "What about this. Whoever is selected for appointment by the Secretary of State, it would be have to be like voir dire – you know when attorneys go up and say I will take Dwayne and you take this one and both sides agree on that appointment. I need to say something else too. This organization represents everybody and I think it is utterly ridiculous for someone to think that because the ROV is appointed that they are going to do whatever the Secretary of State. I am going to tell you something. When I first came on board in this organization and I have sat there and watched, pretty much the same people are the ones making the decisions for us all the time. So I think,

and I don't mean this in a bad way, because I love everybody in this room and, just like Rita said earlier, everybody has to work together as a team. I think that because people have a different view or a different opinion, it is appalling to me to think that if the Secretary of State appointed any one of us, that we would feel that person would not work for the benefit of this organization. So, maybe whoever was appointed would be okay with the ROVs and okay with the Secretary. I don't have a problem with that because everybody in here should not represent their own little group. People are supposed to work for all of us and not for one person. I have thought for a long time when there was something going on in this organization when the majority have made a decision and then there is a small group that veers from that decision. So I think we all need to do our job thing, step up and be women and do this thing in the right way so that everybody can benefit from whatever we are supposed to be doing and that is called strength."

Joanell Wilson stood and raised the question, "Shanika, you keep referring to meetings. Could you tell the Association what brought about the meeting, and who, beside yourself, was in the meeting with the Secretary of State's office? Was it your entire committee? How many people were in the meeting?"

Shanika Olinde responded, "In the sub-committee is when we met with the Secretary of State and it was myself, John Moreau, Stacy Ryan, Kyle Ardoin, Joanne Reed, Angie Rogers and Ashley Gautreaux, who is with Human Resources. That was your sub-committee meeting."

Joanell Wilson asked, "Did you bring it before your entire committee to discuss it before and recognize it and learn about it?"

Shanika Olinde responded, "We brought it to the workshop. We went through everything and we brought it to the workshop. I announced it at that time. What happened was that these changes were being made. Everything we changed during the year, except the actual committee, which was the issue the entire time. So we could not make any changes on the actual committee itself. So we just brought it to the workshop with everyone there and brought it up at that time. As far as the committee, that is what we are doing now."

President Russell said, "This is part of the awfulness and drudgery of transparency because if we start second guessing and trouble shooting our own committees, what are we doing? Here is your chance, if you are sitting there quiet and you have an idea that would help us resolve, you should be saying something or you cannot call yourself an active member of the Association that you claim to be protecting or acting on behalf of."

Joanell Wilson stated, "In the committee book we got this year, the committees of the Board of Review for Evaluation are Shanika Olinde, Chairperson, John Russell, President, Dianna Stone, First Vice President, Ashley Gautreaux, Secretary of State, Jessica Petry, Confidential Assistant, Jeanene Clark, Chief Deputy, Joanne Reed and Angie Rogers. So how did you comprise a sub-committee from members that are not on your committee?"

Shanika Olinde responded, "I was on the committee, John was on the committee, John Russell was on the committee, Angie was on the committee, Joanne was on the committee, and Ashley was on the committee."

President Russell said, "JoJo, at the risk of making everyone have a blame under the circumstances, I

would suggest we are here now and we are duly under suspension of the Rules and whatever was happening by the sub-committee or ghost committee or whatever it was, is what it is and is irrelevant at this point. We have discovered everything through the Chairperson of the committee that appointed the sub-committee and that is history. Right now in front of us we have to make a decision, and that is why earlier I suggested we be the professionals we are, work this thing out, and get on down the road before someone says that bunch is going up there or down there and playing government or whatever. We need to solve problems and we need to claim, rightfully and proudly so, to be the professionals that we are. Let's act like it. This is not a monumental thing."

Stacy Ryan made the comment, "I would like to clarify why I was in the room. I was not there as a member of the sub-committee. I was not a part of the evaluations session. I was asked to come as Chairman of Constitution & By-Laws at the time and also as Chairman of the Computer User Group. I did notify the committee members of the Computer User Group, giving suggestions on what would be practical, reporting any item to be included on the evaluation that we could present in our office. Deaths, felons, it was very specific. I notified the Computer User Group members for suggestions as I do with every single item brought before the Association. I was not there and I absolutely left the room when the discussion ended with Computer User Group issues or the By-Laws. I recused myself, went out, and they did their thing and I went downstairs and did something else. I want that clear – I did not sit on the sub-committee of the evaluations. Does anybody have any questions about what happened – now is the time. Thank you."

Rita James said, "The Board of Review for Evaluation Committee is a standing committee and we can create a sub-committee."

John Russell read from the By-Laws, "The Chairman of a Standing Committee may appoint a sub-committee to that committee comprised of as many members of the same as he deems necessary."

President Russell stated it was time for us to take care of business and please jump in and participate if you have anything else to say.

Dennis DiMarco asked, "Is it appropriate to call for the question now?"

Robert Poche made the following motion: "To change the make-up of the Board of Review for Evaluation, to abolish the current method of selecting those members and replace it with four Registrars of this Association with seven years of service in good standing to be elected by the general membership; three people shall be appointed by the Secretary of State, with the suggestion from the Association that one member be appointed from Human Resources; the initial elections of Registrars shall be staggered terms with one Registrar being elected for a one-year term, one Registrar for a two-year term, and two Registrars being elected for a three-year term, and thereafter all elections for Registrars shall be elected for 4-year terms; that the Chairman shall be elected at the first meeting by the Committee from among its members." Motion was seconded by Shanika Olinde.

Joni Ronsonet requested Mr. Poche to include – that we have one member from SOS be the Human Resources Director and the other two SOS members be appointed from within the Elections Division. Mr. Poche agreed to include this in his original motion.

Mr. Poche agreed to this change, then restated his motion to read, "To change the make-up of the Board

of Review for Evaluation, to abolish the current method of selecting those members and replace it with four Registrars of this Association with seven years of service in good standing to be elected by the general membership; three people shall be appointed by the Secretary of State and these individuals shall be the Human Resources Director and two members to be appointed from the Elections Division of the Secretary of State's office; the initial elections of Registrars shall be staggered terms with one Registrar being elected for a one-year term, one Registrar being elected for a two-year term, and two Registrars being elected for a three-year term and thereafter all elections for Registrars shall be elected for four-year terms; the Chairman shall be elected at the first meeting of the Committee from among its members. Shanika Olinde again seconded Mr. Poche's motion.

Dwayne Wall moved for a substitute motion, "The Registrar of Voters Association shall have two alternates elected by the Registrar of Voters Association and the Secretary of State's office shall have two alternates appointed in the same manner: that the initial elections of alternate Registrars of Voters shall be for staggered terms with one Registrar of Voters to be elected for a one-year term and one Registrar of Voters to be elected for a two-year term, and thereafter, all elections for alternate Registrar of Voters shall be for four-year terms." Motion seconded by Brian Champagne, and motion carried.

Brian Champagne moved for a substitute motion, "No member of the Board of Review for Evaluation shall serve as a member of the Professional Review Committee." Mr. Champagne said, "I have talked with several other Registrars, that some of these issues that may cause you to fail your evaluation may have already been sent to the Professional Review and that member of the Board of Review for Evaluation may have already formed an opinion beforehand. So, I feel that these two committees should be kept separate." Motion seconded by Angie Quienalty, and passed.

Shanika Olinde said, "The one where Brian is saying the one who serves on the Board of Review for Evaluation can now serve on the Professional Review Board. That would be me. I do not see anything wrong with me serving on both boards. Personally, I make my own decisions on what's brought to me at that particular time. So, I just want you to know how I feel about that."

Brian Champagne responded, "I was not particularly singling anyone out, but to make it fair for all concerned."

Brian Champagne further stated, "I believe it was at the conference last year in Lake Charles, there was an effort to increase the experience of someone getting on the Board of the Association from five to seven years and the Association did not agree with it then. I do not know how seven years became a magic number, but I feel five years is adequate enough for someone to have enough experience, who has gone through a whole election cycle, you either come from experience from working in the office or you have been tried by fire through that election cycle. I really feel five years is enough. Like Sandra (Wilson) said, there are not many who stand up and do things for the Association. And, I see a lot of young faces in the room that need to get engaged. It's like the same old horse pulling the cart, so I would like to make a motion that, "Members of the Board of Review for Evaluation shall be a member in good standing with a minimum of five years of service to the Association". Sandra Wilson seconded the motion, and motion carried.

At this time, Robert Poche requested all amendments be incorporated into one motion, seconded by Dwayne Wall, and motion carried. The motion that read in its entirety and passed by the Association, is:

To change the make-up of the Board of Review for Evaluation, to abolish the current method of selection for those members and replace it with four (4) Registrars of Voters of the Association who shall be elected by the general membership. Each Registrar of Voters shall have a minimum of five years of service and be in good standing. The Board of Review for Evaluation shall include three Secretary of State employees appointed by the Secretary of State and one employee shall be the Human Resources Director and the remaining two employees shall be appointed from the Elections Division. The initial elections of Registrars of Voters shall be staggered terms with one Registrar of Voters being elected for a one-year term, one Registrar of Voters being elected for a two-year term, and two Registrars of Voters being elected for a three-year term. All elections, after the initial election, for Registrars of Voters, shall be for four-year terms. The Chairman of the Board of Review for Evaluation shall be elected at the first meeting of the Committee from among its members. The Registrar of Voters Association shall have two alternates elected by the Registrar of Voters Association by the membership. The Secretary of State's office shall have two alternates appointed in the same manner. The initial elections of alternate Registrars of Voters shall be staggered terms, with one Registrar of Voters to be elected for a one-year term and one Registrar of Voters to be elected for a two-year term. Each alternate Registrar of Voters shall have five years of service and be in good standing. Thereafter, all elections for alternate Registrars of Voters shall be for four-year terms. No member of the Board of Review for Evaluation shall simultaneously serve as a member of the Professional Review Committee.

President Russell thanked the Association for handling this issue and accomplishing it in a manner becoming the professionalism of our membership.

Brian Champagne stood and resigned from the Qualifying Committee due to the fact he would like to be considered for a position on the Board of Directors.

Mr. Poche asked President Russell to call for a twenty minute recess to allow the Qualifying Committee to meet and submit names to be considered for election to the Board of Review for Evaluation. Following the recess, President Russell reconvened the afternoon business session.

At this time, President Russell recognized the Qualifying Committee members comprised of Joni Ronsonet, Brian Champagne, Melanie Smith, Randy Strickland, Lisa Medine and Lin Stewart. He thanked them for their efforts on behalf of the Association and asked Sandra Sims, Secretary-Treasurer, to assist with the Qualifying Committee report.

The first name submitted was the position of President. The Qualifying Committee submitted the name of Dianna Stone. Mike Bertrand moved to accept the recommendation of the Qualifying Committee to elect Dianna Stone as President, seconded by Dwayne Wall. President Russell then made three calls from the floor for any additional nominations from the floor. Hearing none, Dwayne Wall moved nominations be closed and Dianna Stone be elected as President of the Association, seconded by Christa Medaries. Motion carried.

The next name submitted was the position of First Vice President. The Qualifying Committee submitted the name of Patricia Sanders. Elaine Lamb moved to accept the recommendation of the Qualifying Committee to elect Patricia Sanders as First Vice President, seconded by Joni Ronsonet.

President Russell then made three calls from the floor for any additional nominations from the floor. Hearing none, Christa Medaries moved nominations be closed and Patricia Sanders be elected as First Vice President of the Association, seconded by Elaine Lamb. Motion carried.

The next name submitted was the position of Second Vice President. The Qualifying Committee submitted the name of Shanika Olinde. Elaine Lamb moved to accept the recommendation of the Qualifying Committee to elect Shanika Olinde as First Vice President, seconded by Billie Meyer. President Russell then made three calls from the floor for any additional nominations from the floor. Jolene Holcombe nominated Brian Champagne, seconded by Angie Quienalty, for the position of Second Vice President. Michael Bertrand moved that nominations be closed, seconded by Lucas Buller and motion passed. At this time, Sandra Sims, Secretary-Treasurer, called out the names of members who had paid dues for 2014 and all members eligible to vote were given ballots. Following the election, the Qualifying Committee counted the ballots cast and Brian Champagne was announced as elected to the Board of Directors as the Second Vice President.

Note: The election was postponed until all unopposed positions on the Board of Directors and the Board of Review for Evaluation were elected.

The next name submitted was the position of Secretary-Treasurer. The Qualifying Committee submitted the name of Sandra Sims. Lucas Buller moved to accept the recommendation of the Qualifying Committee to elect Sandra Sims as Secretary-Treasurer, seconded by Dwayne Wall. President Russell then made three calls from the floor for any additional nominations from the floor. Hearing none, Dwayne Wall moved nominations be closed and Sandra Sims be elected as Secretary-Treasurer of the Association, seconded by Christa Medaries. Motion carried.

The next name submitted was the position of member to the Board of Directors - One Year Term. The Qualifying Committee submitted the name of Rita James. Robert Poche moved to accept the recommendation of the Qualifying Committee to elect Rita James as member, Board of Directors - One Year Term, seconded by Billie Meyer. President Russell then made three calls from the floor for any additional nominations from the floor. Hearing none, Janet Burks moved nominations be closed and Rita James be elected as member to the Board of Directors - One Year Term of the Association, seconded by Christa Medaries. Motion carried.

The next name submitted was the position of member to the Board of Directors - Two Year Term. The Qualifying Committee submitted the name of Lucas Buller. Dwayne Wall moved to accept the recommendation of the Qualifying Committee to elect Lucas Buller as member, Board of Directors - Two Year Term, seconded by Billie Meyer. President Russell then made three calls from the floor for any additional nominations from the floor. Patricia Moses nominated Patricia Guidry, seconded by Brian Champagne, for the position of member to the Board of Directors - Two Year Term. All members eligible to vote had previously been given ballots earlier in the business meeting. Following the election, the Qualifying Committee counted the ballots cast and Patricia Guidry was announced as the elected member to the Board of Directors - Two Year Term.

Note: The election was postponed until all unopposed positions for the the Board of Directors and the Board of Review for Evaluation were elected.

The next name submitted was the position of member to the Board of Directors - Three Year Term. The Qualifying Committee submitted the name of Michael Bertrand. Robert Poche moved to accept the recommendation of the Qualifying Committee to elect Michael Bertrand as member, Board of

Directors – Three Year Term, seconded by Angie Quienalty. President Russell then made three calls from the floor for any additional nominations from the floor. Hearing none, Christa Medaries moved nominations be closed and Dwayne Wall be elected as member to the Board of Directors – Three Year Term, seconded by Christa Medaries. Motion carried.

The next name submitted was the position of Registrar of Voters member to the Board of Review for Evaluation - One Year Term. The Qualifying Committee submitted the name of Consuella Skidmore. Christa Medaries moved to accept the recommendation of the Qualifying Committee to elect Consuella Skidmore as Registrar of Voters member, Board of Review for Evaluation – One Year Term, seconded by Michael Bertrand. President Russell then made three calls from the floor for any additional nominations from the floor. Hearing none, Michael Bertrand moved nominations be closed and Consuella Skidmore be elected as Registrar of Voters member to the Board of Review for Evaluation – One Year Term, seconded by Linda Rodrigue. Motion carried.

The next name submitted was the position of member to the Board of Review for Evaluation - Two Year Term. The Qualifying Committee submitted the name of Jolene Holcombe. Michael Bertrand moved to accept the recommendation of the Qualifying Committee to elect Jolene Holcombe as Registrar of Voters member, Board of Review for Evaluation – Two Year Term, seconded by Isabelle Butler. President Russell then made three calls from the floor for any additional nominations from the floor. Hearing none, Angie Quienalty moved nominations be closed and Jolene Holcombe be elected as member to the Board of Directors – Two Year Term of the Association, seconded by Janet Burks. Motion carried.

The next name submitted was the position of member to the Board of Review for Evaluation - Three Year Term. The Qualifying Committee submitted the name of Lisa Medine. Angie Quienalty moved to accept the recommendation of the Qualifying Committee to elect Lisa Medine as Registrar of Voters member, Board of Review for Evaluation – Three Year Term, seconded by Christa Medaries. Sandra Sims, Secretary-Treasurer, then made three calls from the floor for any additional nominations from the floor. Hearing none, Dwayne Wall moved nominations be closed and Lisa Medine be elected as member to the Board of Review for Evaluation – Three Year Term of the Association, seconded by Janet Burks. Motion carried.

The next name submitted was the position of Registrar of Votes member to the Board of Review for Evaluation – Three Year Term. The Qualifying Committee submitted the name of Brian Champagne. Christa Medaries moved to accept the recommendation of the Qualifying Committee to elect Brian Champagne as Registrar of Voters member, Board of Review for Evaluation – Three Year Term, seconded by Angie Quienalty. Sandra Sims, Secretary-Treasurer, then made three calls from the floor for any additional nominations from the floor. Hearing none, Dwayne Wall moved nominations be closed and Brian Champagne be elected as member to the Board of Review for Evaluation – Three Year Term of the Association, seconded by Mike Bertrand. Motion carried.

The next name submitted was the position of alternate Registrar of Voters member to the Board of Review for Evaluation – One Year Term. The Qualifying Committee submitted the name of Melanie Smith. Christa Medaries moved to accept the recommendation of the Qualifying Committee to elect Melanie Smith as alternate Registrar of Voters member, Board of Review for Evaluation – One Year Term, seconded by Brian Champagne. Sandra Sims, Secretary-Treasurer, then made three calls from the floor for any additional nominations from the floor. Hearing none, Debbie Waskom moved

nominations be closed and Melanie Smith be elected as alternate Registrar of Voters member to the Board of Review for Evaluation – One Year Term of the Association, seconded by Angie Quienalty. Motion carried.

The next name submitted was the position of alternate Registrar of Voters member to the Board of Review for Evaluation – Two Year Term. The Qualifying Committee submitted the name of Debbie Waskom. Dwayne Wall moved to accept the recommendation of the Qualifying Committee to elect Debbie Waskom as alternate Registrar of Voters member, Board of Review for Evaluation – Two Year Term, seconded by Christa Medaries. Sandra Sims, Secretary-Treasurer, then made three calls from the floor for any additional nominations from the floor. Hearing none, Robert Poche moved nominations be closed and Debbie Waskom be elected as alternate Registrar of Voters member to the Board of Review for Evaluation – Two Year Term of the Association, seconded by Paula Stewart. Motion carried.

Note: At this time during the session, a recess was called to allow time for the election to be conducted and ballots counted. Sandra Sims, Secretary-Treasurer, stated two elections would be held. One election would be for the position of Second Vice President to the Board of Directors, and the two candidates running are Shanika Olinde and Brian Champagne. The second election would be the position of member to the Board of Directors – Two Year Term, and the two candidates running are Lucas Buller and Patricia Guidry. The results of these elections are included above in the appropriate positions.

Sandra Sims, hosting the seminar with Christa Medaries, stated the one hotel big enough to host the 2015 seminar is currently undergoing renovation and, under the circumstances, the seminar may be held in another city.

At this time, Sandra Sims announced Charlene Menard, Lafayette Parish Registrar of Voters, had offered to host the 2016 seminar. Ms. Menard had stepped out of the meeting for a moment when the announcement was made. When Ms. Menard came back in, she stated Lafayette Parish was excited to have us come back to Lafayette!

Lorraine Dees was asked to come forward and field questions concerning the retirement system. Ms. Dees stated, "I am the Director of your retirement system and I am also the Registrar of Voters in Jefferson Davis Parish. Just so you know, I would like to introduce my staff. Joann Blair is my Chief Deputy, Hollie Miller is my Confidential Assistant and Darlene Richard is my new assistant to the retirement system.. Any time you need something from retirement, feel free to call me. If I am not there, Darlene takes the message, calls me, and we get you settled. The election for the Board of Trustees with the Retirement System was changed a few years ago. We conduct our elections in the middle of July, so I will be sending each and every person in the retirement system an application to qualify. If you want to qualify, you fill it out and mail it back to me before the deadline date on the bottom of the form. At that point, when all the forms are sent in, I notify the Chairman and the Board and he will call a special meeting of the Board. We will open all the envelopes and see who has qualified. There will be an election."

Robert Poche said, "I suggest it be certified, return receipt requested."

Ms. Dees responded, "You are suggesting it be certified, but our administrative law does not say it has to be mailed. Robert is suggesting that if you send something in to me, you certify it through the mail."

Our law does not say it has to be certified, it says it just has to be postmarked prior to the date it needs to be delivered to me. We will have an election. The election will be on a paper ballot. Each and every one of you will receive it at your home. I suggest, if you don't know that your address with me is correct, make sure you send me an email to the Retirement office, giving your new address. If you have moved, if you have a P O box, if you dropped the P O box, let me know because that ballot will be sent to the address we have on file. If it is not correct, it will be returned and I will have to hunt you down. Those ballots will be opened at a Board meeting, probably in October. There will be two positions to fill. One position will begin on January 1, 2015 and one is going to run for three years and one is going to run for four years. One is the unexpired term of John Moreau. The second one is Ms. Linda Rodrigue's position and it will be completed on December 31st of this year. Any questions on the elections.

Any questions about retirement now. We do have two tiers of retirement people, those that work and came to work prior to January 1, 2013 and those who came to work after January 1, 2013. 2013 is a pivot point for us. We changed several of the benefits for new employees because our funding level with the state is, because of investments and low interest earnings, we have to make some changes. We had to do something. We either do it or the legislators will mandate we do it. We would rather do it ourselves. We do have new employees who now earn three percent per year, not three and a third. Under the new tier, seniors age 62, twenty years at age 60, and thirty years at age 55. So, for new employees, there will be no thirty years and you are out like the old employees. You cannot get out at twenty years at age 55 like the older one cans. Ten years and out at age 60, you have to wait until you are 62."

Brian Champagne questioned, "Didn't you have a great year last year?"

Ms. Dees responded, "We did. We did have a good year last year. However, when the actuary who does our actuarial evaluations, are amortized over five years, so all of our down years are being leveled off. But, with only one good year of investments coming in, we have to continue to make those high interest amounts for the next two, three, four or five years. Now, there is a bill that was passed in the Legislature whereby the Board, and your Board did agree, that we would follow this act because in the past we had not been able to, according to the way we are structured, we can not give cost of living raises to retirees. Of course, none of you in here are retired. And you say, oh, well, I am not going to worry about that until it is my time. But when it is your time, you are going to want that COLA. So, this new law will allow this system to give a COLA every two years. We will not be under the structure that it was presently under where you had to make to maintain so much percentage over your actuarial evaluation amount. The Board has decided to go with the new structure, so our new retirees should be getting a raise. I cannot tell you when, that has not been actually decided, but it should be within the next year.

Anybody have any questions about employment, about retirement, you worked for another system, you want to buy back, you want to repay?"

Sandra Sims stated, "We have good news, our returns this year were up significantly and we are especially very proud of that."

Ms. Dees responded, "We have a new consultant this year and this new investment consultant did a very good job. He pulled a lot of our securities out of what they were invested in and he invested larger portions of existing or new investments. By virtue of that, we did very, very well in our investment

earnings this year. We have to continue to do that. We have to try to continue to out perform the market, which is hard to do, but our consultant seems to be very confident he can pull it off. So, we watch him every quarter, he comes and gives us information, and we are looking forward to this coming year and how that is going to come across. We had a very positive return this year. At this time, she recognized Dennis DiMarco, Linda Rodrigue, Dwayne Wall, Charlene Menard, Sandra Sims, and Billie Meyer, appointed by the Board last month. Billie will fill the vacancy until the election in the fall. So, these are your Board members. Mr. DiMarco is now Chairman of our Board. If you have anything you would like, or can't get a hold of me, call Mr. Dennis. Dennis can get a hold of me at any time. Are there any questions?"

Debbie Waskom questioned, "I was just wondering how does our system compare to other systems actuarially?"

Ms. Dees stated, "I have not looked at those statistics. I am just concerned about my system right now. When Greg talked to us, he said he thought we had earned about the same as other systems but I don't look at that."

Debbie Waskom questioned, "The Legislature is planning on putting something in place?"

Ms. Dees said, "That is always a possibility. You just have to be diligent, watch what is being introduced, and make sure you are not included."

Ms. Waskom said, "The other thing, I would really like to see an agenda filed, at the very least, a week before the meeting, and not forget the agenda for those that show up for the meeting from the Association. And changes in the meeting being posted on the website."

Lorraine Dees said, "We have our own website."

Debbie Waskom then said, "I know and you don't put all meetings on it, and when the last meeting got changed, it was not changed on the website."

Lorraine Dees acknowledged, "That was my fault. I have been out some with personal illness in my family, so I apologize that meeting was not put on that website. It will be from now on, along with an agenda."

Sandra Wilson said, "In relation to the other retirement systems and what they are doing now, pretty much the same story about them beginning to make a little money, and things are looking up. But, also, a good thing to keep your eye on is what the government is doing with trust funds and also with retirement funds because that is what is most dangerous right now."

Brian Champagne said, "Lorraine, I would like to see not only the website, but to go back to getting our meeting notices through the state emails, or if there was something like signing up on your website to get an alert. Is that something you are proposing? That would be one way for the word to get around a little better."

Dwayne Wall asked, "Lorraine, if you don't mind, would you mention something on the employer portion. We, as a Board, voted to keep it flat and actually we are going the other way as far as the

actuary is concerned.

Lorraine Dees stated, "This year it was projected to be a 26% amount that would be owed from your employer on each of your salaries. When the actual numbers came out, it came out about 22.5%. The Board can opt to bump it up by three percent, but your Board voted to keep it where it is now, which is 24.75% and that way the additional amount will go toward our unfunded level."

Consuella Skidmore questioned Ms. Dees about the election procedure, "The ballots will be mailed to our house, then we will vote, then mail it back to you. Will it have just our parish on it?" (Not sure last sentence was correct - could not clearly pick up Ms. Skidmore's question on the tape.)

Ms. Dees shared, "No, you are going to mail it back in an envelope that has your return on it, but the envelope on the inside of it will be blank. The envelopes will be opened by the Board at a meeting to be called."

Robert Poche, "I would like to just reiterate what Mr. Champagne just said. Everybody, when they go into their offices are going to open their state email, but not everyone goes to the site, which is actually a very good site, but they will positively see the notification placed on the state email. I would very much appreciate you all giving that consideration."

A question was raised from the audience "Is there anyway to put the handbook on the website so we can get to it?"

Ms. Dees said, "I will work on that, it will take a while to put it on, but I will see what I can do. Anybody else? The Board has done a very good job this year making sure everything is done the way it is supposed to be, and I think they need to be applauded because this has been a very good year for us. We hope it continues. I don't have a lot more to say. If you have any more questions or comments, feel free."

Dwayne Wall commented, "I also wanted to note, as a Board member, we had an audit of the retirement system and the audit came back with the accountant stating we received the highest, cleanest audit that could be received. I think we need to give Lorraine a round of applause."

Brian Champagne, Legislative Chair, said, "The Legislative session will begin March 10th. I have been trying to follow the pre-filed bills and I have the burden to tell you there is a bill filed to require us to work early voting on Sundays. We will keep track of that. Please keep a good relationship with your legislators. Make contact with them, send them an election calendar for this year, shoot them an email to let them know what is going on this year. Keep your legislatures posted and let them know we appreciate all they do for us. That way, when we really need them, they will accept a phone call from us. Soon as the bills are pre-filed, maybe the second week or so of the session, we will have to call a Legislative Committee meeting to look at what was filed. We will meet and decide upon the position we will take. Thank y'all."

President Russell adjourned the closing business session.

Chapter 10: Performance Evaluation System

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EFFECTIVE 7/1/12

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10.1 Performance Evaluation System; Required Components

(a) The Performance Evaluation System is a tool used to measure individual performance and to develop employees into high-performing individuals. This Performance Evaluation System is effective July 1, 2012, and applies to all classified employees except for those serving as classified When Actually Employed (WAE) employees. The performance evaluation year shall be July 1st through June 30th of each year. The Performance Evaluation System shall consist of at least the following components:

1. A performance plan that lists the performance factors on which the employee's overall performance will be evaluated,
2. A planning session at which the evaluating supervisor and the employee discuss the performance plan,
3. A standard planning and evaluation form approved by the Director,
4. A three-level evaluation system, and
5. A planning and evaluation instruction manual that is accessible to all employees.

(b) An appointing authority may make variations to the performance planning and evaluation form or instructions with prior written approval from the Director.

10.2 Evaluating Supervisor

(a) The Appointing Authority shall designate an Evaluating Supervisor for each employee. Generally, the Evaluating Supervisor should be the person who, in the Appointing Authority's judgment, is in the best position to observe and document the employee's performance. Failure to designate an Evaluating Supervisor shall be a violation of these rules.

(b) The Evaluating Supervisor shall be responsible for administering the performance evaluation system for his designated employees in accordance with these Rules and any applicable agency policies. An Evaluating Supervisor who fails to administer the performance evaluation system in accordance with these Rules shall not be eligible for a performance adjustment for that year.

10.3 Second Level Evaluator

(a) The Appointing Authority shall designate a Second Level Evaluator for each employee. Generally, the Second Level Evaluator is the Evaluating Supervisor's supervisor. The Second Level Evaluator must approve the performance plan and the performance evaluation prepared by the Evaluating Supervisor before they are given to the employee for signature.

(b) The Second Level Evaluator shall be responsible for administering the performance evaluation system in accordance with these Rules and any applicable agency policies. A Second Level Evaluator who fails to administer the performance evaluation system in accordance with these Rules shall not be eligible for a performance adjustment for that year.

10.4 Performance Evaluations

(a) Each employee shall be evaluated on his overall performance based on work tasks and behavior standards determined by the evaluating supervisor to be requirements of the employee's job.

(b) Additionally, each supervisory employee shall be evaluated on his administration of the performance evaluation system as required by these rules.

10.5 Performance Plan and Performance Planning Session

(a) The Evaluating Supervisor shall prepare a performance plan at the beginning of each evaluation period. The performance plan shall list work tasks and behavior standards on which the employee's overall performance will be evaluated. These shall be recorded on the planning and evaluation form.

(b) The Evaluating Supervisor shall obtain the Second Level Evaluator's signature approval of the performance planning and evaluation form prior to presenting it to the employee for final signature.

(c) After obtaining the Second Level Evaluator's signature approval of the performance plan, the Evaluating Supervisor will conduct a performance planning session with the employee.

(d) During the planning session, the Evaluating Supervisor shall present the performance planning and evaluation form to the employee and discuss the performance work tasks and behavior standards on which he will be evaluated and the performance that will be expected of him during the coming evaluation period.

(e) The Evaluating Supervisor and the employee shall sign and date the performance planning and evaluation form to document the planning session. The employee shall be given a copy of the form. Should the employee decline to sign the performance planning and evaluation form, the Evaluating Supervisor shall note this on the form and record the date that the planning session occurred. An employee cannot prevent the planning session from becoming official by refusing to sign the form.

(f) Planning sessions shall be conducted during the first three (3) calendar months following:

1. the appointment of a new employee;
2. the permanent movement of an employee into a position having a different position number with significantly different duties;
3. the beginning of the new performance evaluation year (no later than 9/30).

(g) A performance planning session may be conducted when:

1. the employee gets a new Evaluating Supervisor,
2. performance expectations change, or
3. the Evaluating Supervisor deems a performance planning session is appropriate.

10.6 Overall Performance Evaluation

(a) At the end of the performance evaluation period, the Evaluating Supervisor shall assign one of the three values listed below to the employee's overall performance based upon the work tasks and behavior standards established in the performance plan.

Exceptional: Work and behavior consistently exceeded the performance criteria.

Successful: Work and behavior met the performance criteria.

Needs Improvement/Unsuccessful: Work and/or behavior did not meet the performance criteria.

(b) An Evaluating Supervisor may elect to assign an employee who worked less than three calendar months within the performance evaluation year a default overall evaluation of "Not Evaluated." An overall evaluation of "Not Evaluated" shall have the same effect as an evaluation of "Successful." "Not Evaluated" evaluations may be given only when:

1. the employee is active as of June 30th, the end of the performance year, and

2. the employee has worked less than three (3) months at the evaluating agency within the performance year, and
3. the appointing authority determines that not enough time has elapsed to create an evaluation for the employee.

(c) When an evaluation is in violation of these rules, the employee shall receive an overall evaluation of "Unrated." "Unrated" evaluations shall have the same effect as an evaluation of "Successful."

10.7 Official Performance Evaluations and Evaluation Sessions

(a) Official performance evaluations are required for all classified employees except those serving as classified WAE employees. The Evaluating Supervisor shall base the official evaluation of the employee's performance on the work tasks and behavior standards as stated on the performance planning and evaluation form.

(b) Official evaluations shall be made after the performance year has ended and must be rendered no later than August 31st. All official overall evaluations will be recorded with an effective date of July 1st.

(c) Evaluations become official on the date they are rendered. No evaluations shall be rendered after August 31st. To render an official evaluation, the Evaluating Supervisor shall:

1. complete a performance evaluation form after June 30th of the evaluation year,
2. provide documentation to support an evaluation of "Needs Improvement/Unsuccessful" or "Exceptional,"
3. obtain the Second Level Evaluator's signed approval of the evaluation form prior to discussion with the employee,
4. discuss the evaluation with the employee and present the evaluation form to the employee to be signed and dated, and
5. give the employee a copy of the evaluation form with his official overall evaluation noted.

(d) When an employee is not available, the provisions of this rule shall be satisfied when notification to the employee is made by mail. If the employee is notified by mail, the notification shall be deemed timely if it was mailed to the employee's most recent address on or before August 31st, as evidenced by official proof of mailing. The agency must maintain documentation that the employee was notified on or before August 31st.

(e) Should the employee decline to sign the performance evaluation form, the Evaluating Supervisor shall note this on the form and record the date that the evaluation session occurred. An employee cannot prevent the evaluation from becoming official by refusing to sign the form.

(f) Evaluations of "Unrated" shall be indicated on the final overall performance evaluation form by the Evaluating Supervisor, Second Level Evaluator, or Human Resources officer. An employee shall be notified when he has been assigned an official overall evaluation of "Unrated".

10.8 Effects of the Needs Improvement/Unsuccessful Evaluation

(a) An evaluation of "Needs Improvement/Unsuccessful" is not a disciplinary action.

(b) Any employee whose official overall evaluation is "Needs Improvement/Unsuccessful" shall not be:

1. eligible for a performance adjustment, a promotion or permanent status, or
2. detailed to a higher level position unless approved in advance by the Director of Civil Service.

(c) An employee whose official overall evaluation is "Needs Improvement/Unsuccessful" may be separated or disciplined in accordance with the rules applicable to the employee's status.

(d) Permanent employees shall have a right to request a review in accordance with the provisions of rules 10.11 and 10.12.

10.9 Effect of the Absence of an Official Evaluation

An employee who is not evaluated in accordance with the provisions of these rules shall have an official overall evaluation of "Unrated" on the evaluation effective date of July 1st. Permanent employees shall have a right to request a review in accordance with the provisions of rule 10.11.

10.10 Record Keeping and Reporting Requirements

(a) Each completed performance evaluation form shall be kept in the agency Human Resource office or other designated, secure location not accessible to the public, and shall not be considered a public record. Completed forms must be available upon request to the Department of Civil Service for auditing purposes, to other agencies of the State of Louisiana for purposes of checking employment references and to the employee.

(b) Each Appointing Authority shall annually report to the Director of Civil Service, in such manner as the Director prescribes, information about evaluations given during the previous year ending June 30th. The Director of Civil Service may require more frequent reporting as needed.

10.11 Agency Review

(a) A permanent employee who receives an overall performance evaluation of "Unrated" or "Needs Improvement/Unsuccessful" may request an official review of that evaluation by an Agency Reviewer(s).

(b) The appointing authority shall designate the Agency Reviewer or an Agency Review Panel. The Reviewer(s) shall not be either the Evaluating Supervisor or the Second Level Evaluator who signed the evaluation being reviewed.

(c) The official overall evaluation may only be changed by the Agency Reviewer(s).

(d) A request for review must be submitted in writing and be postmarked or received in the employing agency's Human Resources office no later than September 15th following the evaluation year. In the request for review, the employee must explain and provide supporting documentation for the request for review.

(e) If the request for review is timely, the Agency Reviewer(s) must review the employee's request, the evaluation given and any supporting documentation provided. The contested evaluation must be discussed with the employee and the Evaluating Supervisor.

(f) The Agency Reviewer(s) shall give the employee, the Evaluating Supervisor, and the Human Resources office written notice of the results of their review. This notification shall be provided no later than October 15th. Any change in evaluation shall be retroactive to July 1st.

(g) The performance evaluation form, the employee's request for review, the Agency Reviewer(s)' decision, and the supporting documentation attached to the performance evaluation, as well as any documents requested from the employee or supervisor during the review, shall be maintained in the employee's official personnel file or other secured performance file maintained in Human Resources.

10.12 Request for Review by the Director of Civil Service

(a) A permanent employee who receives an overall evaluation of "Needs Improvement/Unsuccessful" following an Agency Review may request to have his performance file reviewed by the Director or the Director's designee.

(b) A request for review under this rule must be postmarked or received by the Director no later than 10 calendar days following the date the employee received the Agency Review decision. In the request, the employee must explain why he is contesting the decision of the Agency Reviewer(s).

(c) If the request for review is timely, the Director or his designee shall obtain and review the employee's performance file. The Director may either affirm the overall evaluation or change the overall evaluation to "Unrated". The Director's decision shall be final.

(d) The Director shall provide a written decision to the employee, the Evaluating Supervisor, and the Human Resources Officer no later than thirty (30) calendar days following the date the request for review was received.

10.13 Exceptions

The Director may approve exceptions to these Rules.

10.14 Grievance Process

The agency's grievance process shall not be used to review or reconsider evaluations or a procedural violation of these rules.

10.15 - 10.18 Repealed

[Email SCSinfo@la.gov](mailto:SCSinfo@la.gov) Phone: 225-342-8274 Fax: 225-342-0966

Toll Free: 866-783-
5462

[Office and Staff Phone](#)

[Listing](#)

[Statewide Email](#)

Administrative Office - 1201 North Third St, Suite 3-280, Baton Rouge, Louisiana 70802

Mailing Address - P.O. Box 94111, Capitol Station, Baton Rouge, LA 70804-9111

Information and Testing Office - 5825 Florida Boulevard, Baton Rouge, LA 70806, Phone: 225-975-1911
An Equal Opportunity Employer

Step #1 - Evaluating Supervisor (SCS Rule 10.2):

Signature:	
Personnel #:	Date Given to Second Level Evaluator:

Step #2 - Second Level Evaluator (SCS Rule 10.3):

Signature	
Personnel #:	Date Approved (Must be on or before evaluation session):

Step #3 - Employee:

Employee Signature:	Date:
---------------------	-------

By dating this form, I am certifying that my supervisor conducted an evaluation session with me on the date shown.

Employee Statement (Only if Employee is NOT Signing Form for purposes of Evaluation): I have decided not to sign this form, but I acknowledge that I received a copy of the evaluation and understand that my failure to sign will not prohibit the evaluation from becoming official for the performance year.

If employee did not sign above, or chose not to sign the form, please indicate whether the employee was given or mailed a copy of the evaluation below:

Mailed	<input type="checkbox"/>	Given	<input type="checkbox"/>
--------	--------------------------	-------	--------------------------

Overall Evaluation:
(Select only one evaluation)

- Not Evaluated
 Exceptional
 Successful
 Needs Improvement/Unsuccessful
 Unrated - If Unrated, select sub-category:
 Never Rendered
 Untimely
 Violation of Chapter 10

Agency Human Resources Office Use Only (Optional)

Date Evaluation Received in Human Resources:	Human Resources Staff initial:	Evaluating Supervisor Compliance (Y/N)	Second Level Evaluator Compliance (Y/N)
--	--------------------------------	--	---

Employee Name:	Employee Personnel #:
Agency Mission / Goals / Standards:	
Department Mission / Goals:	

Work and Behavior Expectations (at least one each):	<u>Bank of Expectations</u>
Documentation / Comments (attach supporting documentation):	



SCS Performance Evaluation System – Planning & Evaluation Form
Form Revision Date: 1/2014

Employee Information

Dept/Office/Section/Unit: _____ Employee Personnel #: _____
 Employee Name: _____ Performance Year: _____
 Employee Title: _____ Evaluation Period: _____

Initial Planning Session

Step #1 - Evaluating Supervisor (SCS Rule 10.2):

Signature: _____ Date Given to Second Level Evaluator: _____
 Personnel #: _____

Step #2 - Second Level Evaluator (SCS Rule 10.3):

Signature: _____ Date Approved (Must be on or before planning session): _____
 Personnel #: _____

Step #3 - Employee:

Employee Signature: _____ Date: _____

By dating this form, I am certifying that my supervisor conducted a planning session with me on the date shown.

Updated Planning Sessions (Optional):

Date Conducted:	Supervisor Initial:	Employee Initial:
Date Conducted:	Supervisor Initial:	Employee Initial:
Date Conducted:	Supervisor Initial:	Employee Initial:

Agency Human Resources Office Use Only (Optional)

Date Planning Received in Human Resources:	Human Resources Staff Initial:	Evaluating Supervisor Compliance (Y/N)	Second Level Evaluator Compliance (Y/N)
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SCS Performance Evaluation System (PES) - Request for Review

STEP 1: PERFORMANCE EVALUATION-REQUEST FOR AGENCY REVIEW

C.S. Rule 10.11 (a) A permanent employee who receives an overall performance evaluation of "Unrated" or "Needs Improvement/Unsuccessful" may request an official review of that evaluation by an Agency Reviewer(s).
C.S. Rule 10.11 (d) A request for review must be submitted in writing and be post-marked or received in the employing agency's HR office no later than September 15th following the evaluation year.

EMPLOYEE INFORMATION (Permanent Employees Only)

Dept/Office/Section/Unit:	Date Submitted to HR:
Employee Name:	Personnel #:
Home Address:	
Employee Title:	Performance Year: 7/1/ - 6/30/
PES Rating Received:	<input type="checkbox"/> Needs Improvement/Unsuccessful <input type="checkbox"/> Unrated
Explain why you disagree with the rating given to you by your supervisor and attach supporting documents (if applicable).	

All supporting documents must be attached to this form at the time you submit your request.

HUMAN RESOURCES USE ONLY

Confirm Employee's Rating:	<input type="checkbox"/> Needs Improvement/Unsuccessful <input type="checkbox"/> Unrated	<input type="checkbox"/>	The Request was not received or postmarked by September 15 th and is not compliant according to C.S. Rule 10.11(d). (Sign/Date: provide employee copy and file, no further action required)
Date Received in Human Resources:			
If all elements of Step 1 are complete and in accordance with Chapter 10, Sign/Date/provide email address, then move to Step 2 on the next page.		Human Resources Officer Signature	
		Date	
		HR Officer's email Address:	

SCS Performance Evaluation System (PES) - Request for Review

Employee Name: _____

Performance Year: _____

STEP 2: PERFORMANCE EVALUATION-AGENCY REVIEW

HUMAN RESOURCES USE ONLY

Required steps for submission to Agency Reviewer(s)

Employee's Request for Review with supporting document, if applicable

Employee's current PES form with required documentation, if applicable

I certify that all elements required in State Civil Service Chapter 10 are present:

Date submitted to Agency Reviewer(s) _____ Human Resources Officer's Signature _____

AGENCY REVIEWER(S) USE ONLY

C.S. Rule 10.11 (f) The Agency Reviewer(s) shall give the employee, the Evaluating Supervisor, and the HR office written notice for the results of their review. The notification shall be provided no later than OCTOBER 15th.

Interviewed/Discussed with Employee & Evaluating Supervisor (Required but not at the same time)
*Additional documentation can be requested by the Reviewer(s)

Evaluating Supervisor Initial	Date	Employee Initial	Date

Notes (attach if needed):

AGENCY REVIEWER(S) DECISION

10.11 (c) The Official Overall Evaluation may only be changed by the Agency Reviewer(s)

OVERTURNED **AFFIRM**

Unrated

Needs Improvement/ Unsuccessful

Successful

Exceptional

Given _____

Mailed _____

DATE of Notification to Employee _____

Agency Reviewer(s) Signature _____

STEP 3: PERFORMANCE EVALUATION-STATE CIVIL SERVICE DIRECTOR REVIEW

C.S. Rule 10.12 (a) ONLY those employees who receive an overall evaluation of Needs Improvement/Unsuccessful following an Agency Review may request a Director's Review

C.S. Rule 10.12 (b) A request for review under this rule must be postmarked or received by the Director no later than 10 days following the date the employee received the Agency Reviewer(s) decision

C.S. Rule 10.12 (c) C.S. Director may either affirm the overall evaluation or change to Unrated

MAIL ONLY THIS FORM: LA Dept. of State Civil Service, P.O. Box 94111, Capitol Station, Baton Rouge, LA 70804
C.S. will request the Employee's PES file after receiving this request by the employee

Explain why you disagree with the Agency Reviewer(s) Decision (Required)
(If more space is needed attach ONLY your reasoning for requesting a review)

CIVIL SERVICE USE ONLY

<input type="checkbox"/>	Employee was given copy of Decision by Agency Reviewer(s)	Date
<input type="checkbox"/>	Received employee's request for Director's Review	Date
<input type="checkbox"/>	Requested employee's PES file from Agency's HR	Date
<input type="checkbox"/>	Received employee's PES file from Agency's HR	Date

DIRECTOR'S DECISION

* A decision by Civil Service is considered final and cannot be challenged

*FINAL DECISION rendered by Director	<input type="checkbox"/> Overturn rating to Unrated	<input type="checkbox"/> Uphold rating rendered by Agency Reviewer(s)
	<input type="checkbox"/> Request was not received in accordance with C.S. Rule 10.12 (b).	
Director/Designee Signature _____		Date _____

PES Planning & Rating Periods

Ken Landry

Sent: Monday, June 23, 2014 9:36 AM**To:** SOS-RC.v**Cc:** Ashley Gautreaux; Burgundy Cummings [Burgundy.Cummings@LA.GOV]; Carol Guzzardo; Janice Branch; Lori Gautreaux; Renee Bennett; Stacie Evans**Attachments:** Revised PES Form 2014.pdf (94 KB) ; Revised PES Form 2014.docx (51 KB)

Dear Registrars,

Under the Performance Evaluation System (PES) for classified employees, the planning and rating processes start on July 1st. At that time you may begin rating and planning with your employees. You should send two documents to HR: (1) the original of the 2014 planning and rating (2) a copy of the 2015 planning (you keep the original).

Please keep the following guidelines in mind:

RATING:

- Completed between 7/1/14 and 8/31/14
- Period to be evaluated is 7/1/13 to 6/30/14
- Rating is effective 7/1/14
- Second level supervisory review is required **before** presenting evaluation to employee
- Completed on each employee's planning form from last year
- Original completed form is due to HR no later than 9/5/14

PLANNING:

- Completed between 7/1/14 and 9/30/14
- Planning period is 7/1/14 to 6/30/15
- Second level supervisory review is required **before** presenting the plan to employee
- Planning and rating may be discussed with the employee in the same meeting, if desired
- Completed on a new PES Form (attached)
- Copy of the completed form is due to HR no later than 10/3/14

Keep in mind that 8/31/14 is a Sunday. The last day of the workweek is 8/29/14 which is a Friday. Any rating conducted after 8/31/14 is untimely (late).

Review the PES courses available in the LEO system for more information, if needed. If you have any additional questions, please contact Human Resources at 225-925-4696.

Thank you,

Ken Landry

HR Specialist

HR Division

Secretary of State Tom Schedler

225.922.1420 (o)

225.925.6034 (f)



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Performance Evaluation System (PES) PERFORMANCE DEVELOPMENT TOOL

NAME	POSITION	SUPERVISOR	AGENCY
<i>Click here to enter text</i>			
DATE DISCUSSED WITH EMPLOYEE		PROJECTED TIMEFRAME	
<i>Click here to enter a date</i>			

The purpose of this document is to establish communication and document areas that require further performance development to reach expectations or achieve stated goals in the performance plan. This document may also reflect an agreement between supervisor and employee on the plan for development, and may also be used as supporting documentation to the overall performance evaluation to show the steps taken to enhance performance.

STEP 1: SUPERVISOR COMMENTS

DESCRIBE THE AREA OF PERFORMANCE THAT REQUIRES FURTHER DEVELOPMENT:

PROVIDE SPECIFIC EXAMPLES OR INCIDENTS (what is causing/caused the problem):

PROVIDE SUGGESTED ADJUSTMENTS THAT WILL IMPROVE/ENHANCE PERFORMANCE:

IDENTIFY TOOLS/RESOURCES THAT WILL HELP ACHIEVE THIS IMPROVEMENT (training, equipment, feedback, etc.):

STEP 2: EMPLOYEE COMMENTS

List any notable obstacles you encountered in meeting expected performance.

Do you have any questions about the expected performance or how to enhance performance?

Are there any additional goals and/or suggestions you feel will help you achieve the expected performance goal?

<i>Employee Signature</i>		<i>Date</i>	
<i>Supervisor's Signature</i>		<i>Date</i>	

STEP 3: FOLLOW-UP

A follow-up discussion may occur at some point prior to the final overall evaluation so that both supervisor and employee can touch base on results of the plan. The supervisor may wish to simply document dates of discussion to signify constant communication.

Dates of follow-up discussions with employee:

STEP 4: STATUS

Follow-Up/Status Signatures:

<i>Employee Signature</i>		<i>Date</i>	
<i>Supervisor's Signature</i>		<i>Date</i>	

Note: A signed copy should be provided to the employee and a copy retained for the supervisory file to support the final overall evaluation.

PERFORMANCE NOTES

EMPLOYEE

DEPARTMENT

<input type="checkbox"/> FAVORABLE	<input type="checkbox"/> UNFAVORABLE	DATE:	TIME:
<i>Employee Performance/Behavior Description</i>			

<input type="checkbox"/> FAVORABLE	<input type="checkbox"/> UNFAVORABLE	DATE:	TIME:
<i>Employee Performance/Behavior Description</i>			

PERFORMANCE NOTES

FAVORABLE <input type="checkbox"/>	UNFAVORABLE <input type="checkbox"/>
DATE:	TIME:
Employee Performance/Behavior Description	

FAVORABLE <input type="checkbox"/>	UNFAVORABLE <input type="checkbox"/>
DATE:	TIME:
Employee Performance/Behavior Description	

FAVORABLE <input type="checkbox"/>	UNFAVORABLE <input type="checkbox"/>
DATE:	TIME:
Employee Performance/Behavior Description	

FAVORABLE <input type="checkbox"/>	UNFAVORABLE <input type="checkbox"/>
DATE:	TIME:
Employee Performance/Behavior Description	

RULE

Department of State Elections Division

Merit Evaluation for Registrars of Voters

(LAC 31:II.Chapter 1 Sections 107-109)

Pursuant to the provisions of the Administrative Procedure Act (R.S. 49:950 et seq.), and under the authority of R.S. 18:18, R.S. 18:55, R.S. 18:59, and R.S. 36:742, the secretary of state has adopted this Rule which would amend LAC 31:II.Chapter 1 Section 107 to modify the procedure for merit evaluations of the registrars of voters, adopt LAC 31:II.Chapter 1 Section 108 to codify the appeal process for merit evaluations of the registrars of voters, and amend LAC 31:II.Chapter 1 Section 109 to modify the procedure for merit evaluations of the chief deputies and confidential assistants.

Title 31

ELECTIONS

Part II. Voter Registration and Voter Education

Chapter 1. Registrar of Voters

§107. Merit Evaluation for the Registrar of Voters

A. The secretary of state hereby designates the director of registration in the Department of State to conduct the annual evaluation of each parish registrar of voters by reviewing the completed evaluation and data submitted by each registrar of voters. The evaluation will consider the timely performance of the registrar's job responsibilities as required by Title 18 of the Louisiana Revised Statutes. Upon completion of the rating of a registrar by the director of registration, the director of registration shall submit the evaluation to the commissioner of elections for review and either approval or disapproval depending on the information submitted. If the commissioner of elections does not approve the rating given by the director of registration, the registrar will be given the rating recommended by the commissioner of elections. The registrar's evaluation is then submitted to the Department of State Human Resources Office. If the registrar receives an "excellent" rating, Human Resources will process the merit increase. If the registrar receives a "satisfactory" rating, Human Resources will not process the merit increase.

B. Annually, the criteria and procedure for the merit evaluation shall be determined by the secretary of state or his designee in conjunction with the Registrar of Voters Association. The secretary of state or his designee shall prepare written instructions and forms to be utilized for the evaluation. Evaluation forms with instructions shall be submitted to the registrars of voters no later than November 1 for completion. The form shall include mandated duties required of the registrar's office in accordance with Title 18 of the Louisiana Revised Statutes and other applicable laws with input from the Board of Review for Evaluation of the Registrar of Voters

Association; however, the form is not intended to be all inclusive of all of the duties mandated in Title 18 of the Louisiana Revised Statutes and other applicable laws. If a registrar receives an “excellent” rating, the registrar is eligible for a merit increase in January. If a registrar does not receive an “excellent” rating, the registrar will be rated “satisfactory” and is not eligible to receive a January merit increase. Also, if a registrar is a Certified Elections Registration Administrator (CERA) and does not receive an “excellent” rating, the registrar is not eligible to receive the seven percent CERA certification pay increase for that year pursuant to R.S. 18:59.4.

C. The parish registrar of voters will have until December 15 to submit a completed evaluation form with supporting documentation to the Department of State.

AUTHORITY NOTE: Promulgated in accordance with R.S. 18:18, R.S. 18:55, and R.S. 36:742.

HISTORICAL NOTE: Promulgated by the Department of State, Elections Division, LR 34:705 (April 2008); amended LR 41:

§108. Appeal of Merit Evaluation for the Registrar of Voters

A. Submission of a Request for Appeal

1. A registrar of voters who does not receive an “excellent” rating on his or her annual merit evaluation may appeal that rating to the Registrars of Voters Evaluation Appeals Committee.

2. The request for appeal shall be in writing and shall be postmarked or received by the human resources director in the Department of State, or the human resources director’s designee, no later than January 30.

3. The request for appeal shall explain the reasons for the request and may provide supporting documentation.

4. If the request for appeal is timely and contains the required explanation, the human resources director shall submit a notification of the request to the chairperson of the Registrars of Voters Evaluation Appeals Committee and to the director of registration. The notification of request for appeal shall include copies of the written request of the registrar of voters, the original annual merit evaluation, and any supporting documentation provided by the registrar of voters with his or her written request for appeal.

5. The Department of State grievance process shall not be used to review or reconsider evaluations or a procedural violation of the evaluation process.

B. The Registrars of Voters Evaluation Appeals Committee

1. All written requests for appeal of annual merit evaluations that meet the requirements of Part A of this Section shall be considered by the Registrars of Voters Evaluation Appeals Committee.

2. The Registrars of Voters Evaluation Appeals Committee shall consist of seven members. Three members shall be registrars of voters appointed by the Registrar of Voters Association. Four members shall be appointed by the secretary of state, one of which shall be a registrar of voters who shall act as chairperson of the committee. The chairperson shall vote only to break a tie. The director of registration and the commissioner of elections shall not be appointed to the committee.

3. The chairperson shall convene a meeting of the Registrars of Voters Evaluation Appeals Committee within 15 days of receipt of notification of the request for appeal to discuss the request and render a decision regarding the rating. The committee may vote to uphold the “satisfactory” rating or to change the rating to “excellent”.

4. The chairperson of the committee shall give written notice of the committee's decision to the affected registrar of voters, the director of registration, and the human resources director within 15 days.

C. The annual merit evaluation form, the written request for appeal of the registrar of voters, the written notice of the committee's decision, and all supporting documentation shall be maintained in the official confidential personnel file of the registrar of voters on file in the Department of State Human Resources Office.

AUTHORITY NOTE: Promulgated in accordance with R.S. 18:18, R.S. 18:55, and R.S. 36:742.

HISTORICAL NOTE: Promulgated by the Department of State, Elections Division, LR 41:

§109. Merit Evaluations of the Chief Deputy and Confidential Assistant

A. The parish registrar of voters shall perform the annual evaluation of the chief deputy and confidential assistant.

B. Annually, the criteria and procedure for the merit evaluation shall be determined by the Registrar of Voters Association. The association shall prepare written instructions and forms to be utilized for the evaluation. The forms and instructions shall be submitted to the registrars of voters for reviewing the chief deputy and confidential assistant's performance no later than November 1.

C. The parish registrar of voters shall be responsible for evaluating his or her chief deputy and confidential assistant. These evaluations shall be submitted to the Department of State Human Resources Office no later than December 15 of each year.

AUTHORITY NOTE: Promulgated in accordance with R.S. 18:18, R.S. 18:59, and R.S. 36:742.

HISTORICAL NOTE: Promulgated by the Department of State, Elections Division, LR 34:705 (April 2008); amended LR 41:

Tom Schedler
Secretary of State