



**DEPARTMENT OF STATE
PUBLIC MEETING**

NOTICE OF INTENT

TITLE 31

ELECTIONS

PART I. ELECTION PROCESS

**CHAPTER 8 SECTION 801
VOTING TECHNOLOGY
SUBSTANTIVE CHANGE**

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

**Tuesday
September 26, 2017
11:00 AM**

- I. Introduction**
- II. Discussion of substantive change process**
- III. Presentation of Potpourri**
- IV. Presentation of the fiscal and economic impact of substantive change**
- V. Receive oral comments from interested parties**
- VI. Acknowledge the receipt of comments received as of 10:00 AM on September 26, 2017**
- VII. Announcement of the deadline of close of business on September 27, 2017 for written comments**
- VIII. Open discussion**
- IX. Timetable for the adoption of the rule with substantive changes**
- X. Closing Comments**

POTPOURRI

Department of State Elections Division

Public Hearing -- Substantive Changes to Proposed Rule Voting Technology

In accordance with the applicable provisions of the Administrative Procedure Act (R.S. 49:950 et seq.), R.S. 18:21, and R.S. 36:742, the Department of State published a Notice of Intent in the June 20, 2017 edition of the *Louisiana Register* (LR 43:1220-1222) to establish a Rule for voting technology in the State of Louisiana, including the conduct of private elections and for the production and sale of maps of precincts and election jurisdictions in Louisiana.

The department conducted a public hearing on this Notice of Intent on July 24, 2017 to solicit comments and testimony on the proposed Rule. The department did not receive any oral or written comments at the public hearing or written comments from the public through the July 25, 2017 deadline for written comments. After a thorough review and careful consideration by the staff of the Elections Division, the department is proposing to clarify the various types of private elections the department can conduct. In addition, the department has decided not to pursue going through the Rule process for LAC 31:I.Chapter 8 until the provisions of LAC 31:I.801 have been resolved. The department will conduct a public hearing on substantive changes to LAC 31:I.801, as set forth below. The fiscal and economic impact of the proposed revisions to LAC 31:I.801 of the Notice of Intent was sent to the Legislative Fiscal Office for review and evaluation and a decision was made that the substantive changes had no fiscal or economic impact. A public hearing will be held to receive comments and testimony on the proposed revisions to the Notice of Intent.

Title 31

ELECTIONS

Part I. Election Process

Chapter 8. Voting Technology

Subchapter A. Private Elections

§801. Type of Election

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

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

2. public service organizations. Examples include: active military organizations, Louisiana State Legislature, Louisiana State Police. This type of private election would be considered a public service and would be done on a gratuitous basis with no charge for services or expenses by the department;

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

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

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

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

Public Comments

Interested persons may submit written comments to Lani Durio, Attorney, Department of State, P.O. Box 94125, Baton Rouge, LA 70804-9125. She will be responsible for responding to inquiries regarding the proposed adoption of LAC 31:I.Chapter 8. The deadline for the Department of State to receive written comments is 4:30 p.m. on September 27, 2017 after the public hearing.

Public Hearing

A public hearing on these substantive changes to the proposed Rule is scheduled for Tuesday, September 26, 2017 at 11:00 a.m. in the auditorium, State Archives Building, 3851 Essen Lane, Baton Rouge, LA. At that time, all interested persons will be afforded an opportunity to submit data, views, or arguments either orally or in writing with regard to the substantive changes to §801.

Tom Schedler
Secretary of State

Carol Guidry

From: Rau, Zachary <rauz@legis.la.gov>
Sent: Thursday, August 10, 2017 9:20 AM
To: Carol Guidry
Subject: Re: Substantive Change to Voting Technology Rule

Adding that to the rules is fine. The FEIS does not mention which entities are exempt from private elections, so it does not constitute a substantive change on our end. Thank you.

From: Carol Guidry <cguidry@sos.la.gov>
Date: Thursday, August 10, 2017 at 9:11 AM
To: Zachary Rau <rauz@legis.la.gov>
Subject: Fwd: Substantive Change to Voting Technology Rule

Urgent

Zach,

Did you look at the FEIS? I need to turn Potpourri announcing public hearing by noon! Thanks!

Sent from my iPhone

Begin forwarded message:

From: Carol Guidry <cguidry@sos.la.gov>
Date: August 9, 2017 at 2:50:51 PM CDT
To: Zach Rau <rauz@legis.la.gov>
Subject: Substantive Change to Voting Technology Rule

URGENT

Zach,

Attached is the Fiscal and Economic Impact Statement that accompanied the Notice of Intent for Voting Technology and was published in the June 20, 2017 issue of the *Louisiana Register*. After our public hearing on July 24, 2017, the Elections Division informed me that they left off "public service organizations" in the Type of Elections and asked if I could include this group in the final version of the Rule.

In the past, the Department has not charged for this type of private election. Rather than starting the rule process from the beginning, we are treating this revision as a substantive change that will not have any impact on the FEIS since we have never charged these organizations in the past when they held a private election.

I need your assistance in letting me know ASAP if you concur with my determination that this change does not alter our FEIS. I would like to publish the substantive change public hearing notice in the August 20, 2017 issue of the *Louisiana Register* in the Potpourri Section.

Carol

Carol H. Guidry
Director of HAVA
Legal Division
Secretary of State Tom Schedler
(225) 362-5142
(800) 883-2805 (Ext. #614)
(225) 922-1180 (FAX)

This communication may contain confidential information intended only for the person to whom it is addressed. Any views or opinions expressed are solely those of the author and do not necessarily represent those of the Secretary of State's Office. Any improper use, dissemination, forwarding, printing, or copying of this email without the consent of the originator is strictly prohibited. If you have received this email in error, please immediately notify the sender.