

NOTICE OF INTENT

Department of State Elections Division

Pursuant to the provisions of the Administrative Procedures Act (R.S. 49:950 et seq.) and under the authority of R.S. 18:31 and R.S. 36:742, the secretary of state hereby gives notice of his intent to amend LAC 31:II.105 with regard to the sale of voter registration lists.

Title 31

ELECTIONS

Part II. Voter Registration

Chapter 1. Registrars of Voters

§105. Sale of Voter Registration Lists

A. The Department of State generates voter registration lists through ERIN and establishes guidelines that shall be provided to the registrars of voters for the sale of voter registration lists to the general public.

B. Voter registration lists can either be requested through the department's website www.GeauxVote.com or through a registrar of voters' office. All lists must be paid for in advance based upon an estimate provided by either the department or registrar of voters to the client. All estimates will be signed by the client, unless the estimate is submitted electronically. Checks, money orders and credit cards are the acceptable forms of payment. Payment shall either be given to the department or the registrar of voters' office. If the registrar of voters' office receives the payment, the registrar shall fax a copy of the check or money order to the department and mail the check or money order to the department within 48 hours.

C. The department hereby establishes the cost schedules detailed below for the sale of voter registration lists.

1. List of Voter Registrations in PDF Format

Number of Voters	Cost
1-2,000 voters	\$20
2,001 +	\$0.01 x number of voters, not to exceed \$5,000

a. This list can be requested without districts and should contain the following information: parish, registration number, ward, precinct, name, party, age, sex, race, last-vote-date, residence, and mailing addresses. If requested, the list will provide telephone numbers.

b. This list can be requested with districts and should contain the same information above plus the following information: congressional, senatorial, representative, police jury/council, justice of the peace, school board, city district, district court, public service commission, board of elementary and secondary education, tax ward district, and eight special districts. If requested, the list will provide telephone numbers.

c. This list can be ordered for delivery via electronic mail or CD-ROM. Each duplicate copy of the CD-ROM costs one-fourth the cost of the original.

2. Mailing Labels in PDF Format

Number of Voters	Cost
1-2,000 voters	\$20
2,001 +	\$0.01 x number of voters, not to exceed \$5,000

a. Label formatted PDF files may be ordered with the following information:

- i. voter's name and mailing address only; or
- ii. voter's name, mailing address, ward and precinct.

b. The mailing labels in PDF format can be ordered for delivery via electronic mail or CD-ROM. Each duplicate copy of the CD-ROM costs one-fourth the cost of the original.

3. List of Voter Registrations in Text Format

Number of Voters	Cost
1-2,000	\$20
2,001 +	\$0.01 x number of voters, not to exceed \$5,000

a. The data is in text format.

b. The text format list should provide the following information: parish, name, ward, precinct, party, residence and mailing addresses, sex, race, age, status, registration date, registration number, last 20 dates voted, and all district information.

c. If requested, the telephone number will be provided.

d. The text format list can be ordered for delivery via electronic mail or CD-ROM. Each duplicate copy of the CD-ROM costs one-fourth the cost of the original.

4. Delivery. The minimum cost for the delivery service shall be \$7.50 per shipment.

5. Special Requests. The prices above apply to requests using the standard criteria. A \$100 per hour programming charge will be added for any "special request."

Registrars of voters must check with the information technology section of the department prior to agreeing to a request that does not conform to the standard criteria.

D. The client shall review the list immediately upon receipt. If there is a problem with the list, the client must immediately notify the department or registrar of voters. If the client has a valid reason for seeking a new list or getting a refund, the client has seven days to return the original voter registration list to the department or registrar of voters to receive a new list or a refund. If the original list has been reproduced, no refund will be issued and a new list will be subject to the appropriate costs. If the list was delivered via electronic mail, the list must be deleted prior to receiving a new list or getting a refund. If the reasoning is determined to be justifiable by the department, a new list will be provided or a refund issued.

E. Notwithstanding any provision of this Section to the contrary, a statewide voter registration list may be available electronically to the state chair of a political party recognized pursuant to R.S. 18:441 from the department by subscription agreement. Such statewide voter registration list shall be transmitted electronically on a quarterly basis at a subscription rate of \$7,500 per year payable to the Department of State.

AUTHORITY NOTE: Promulgated in accordance with R.S. 18:18, R.S. 18:31, 18:441 and R.S. 36:742.

HISTORICAL NOTE: Promulgated by the Department of State, Elections Division, LR 34:704 (April 2008); LR 40:

Family Impact Statement

The proposed amendment to Section 105 of the Rule LAC 31:II.Chapter 1 regarding the sale of voter registration lists 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 amendment to Section 105 of the Rule LAC 31:II.Chapter 1 regarding the sale of voter registration lists 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

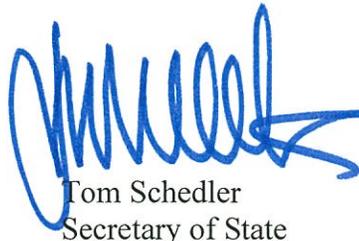
The impact of the proposed amendment to Section 105 of the Rule LAC 31:II.Chapter 1 regarding the sale of voter registration lists on small business has been considered and it is estimated that the proposed action is not expected to have a significant adverse impact on small business as defined in the 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.

Public Comments

Interested persons may submit written comments to Merietta Norton, General Counsel, Department of State, P.O. Box 94125, Baton Rouge, LA 70804-9125. She will be responsible for responding to inquiries regarding the proposed Rule. The deadline for the Department of State to receive written comments is 4:30 p.m. on Tuesday, December 31, 2013 after the public hearing.

Public Hearing

A public hearing on the proposed Rule is scheduled for Monday, December 30, 2013 at 10:00 am in the Auditorium at 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.: State

Phone: (225) 362-5142 Office: State

Return
Address: P.O. Box 94125 Rule
Title: Sale of Voter Registration Lists

Baton Rouge, LA 70804

Date Rule
Takes Effect: February 20, 2014

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 the state or local governmental units as a result of the proposed rule change. The proposed rule change would eliminate the sale of voter registration lists/labels in print format and would make the sale of voter registration lists/labels available only in PDF format. The proposed rule also changes the method of payment to include credit cards. The proposed rule change also offers an optional subscription service for the sale of statewide voter registration lists to recognized political parties (see R.S. 18:44) at a cost of \$7,500 annually.

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

The estimated effect on state revenues resulting from the proposed rule change is not known. The number of voter registration lists sold varies each year and is dependent on the type of elections (local/state, regular/special) and the number of candidates on the ballot. Additionally, the cost to print voter registration lists has increased. Discontinuing the sale of voter registration lists/labels in printed format will result in the loss of approximately \$10,000 - \$37,000 revenue to the state annually. The agency is not able to determine the amount of revenue to be generated from the sale of voter registration lists/labels in PDF format. Voter registration lists/labels in PDF format that contain 1-2,000 voters cost \$20. Voter registration lists/labels in PDF format that contain 2,001 or more voters cost \$0.01 per voter, not to exceed \$5,000. It is not known how many recognized political parties would purchase a subscription service that costs \$7,500 per year, rather than purchase voter registration lists on an as needed basis.

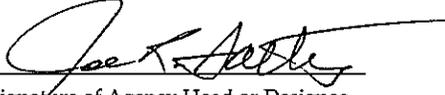
The proposed rule change will not have any estimated effect on revenue collections of local governmental units.

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

The purchase of voter registration lists/labels in PDF format will cost less than printed copies of such lists. Printed copies of voter registration lists/labels that contain 1 - 2,000 voters cost \$35, whereas a PDF copy of such lists costs \$20. Printed copies of voter registration lists/labels that contain 2,001 or more voters cost \$0.0175 per voter not to exceed \$5,000, whereas a PDF copy of such lists costs \$0.01 per voter, not to exceed \$5,000. There will be a \$5 charge for each transaction paid with a credit card.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

The proposed rule change is not anticipated to have any effect on competition and employment.

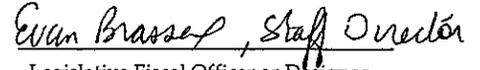


Signature of Agency Head or Designee
Joe R. Salter, Undersecretary of Management & Finance

Typed Name & Title of Agency Head or Designee

11/09/2013

Date of Signature



Signature of Legislative Fiscal Officer or Designee

11/8/13

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 proposed amendment to the Rule regarding the sale of voter registration lists eliminates the sale of voter registration lists/labels in paper format due to a reduction in the demand for paper format and the increasing age of the Department's printers. Lists/labels will be made available to clients in PDF format. The Department is also proposing to change the method of payment for services rendered to include credit card payments. Finally, the Department is proposing to offer an optional subscription service for the sale of statewide voter registration lists to recognized political parties (see R.S. 18:441) by the Department at a cost of \$7,500 annually. It is unknown as to how many of the recognized political parties (currently 5) would take advantage of the subscription service rather than purchasing voter registration lists on an as-needed basis.

- 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.

There will be a no increase in the expenditure of funds.

- (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

Not applicable

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 13-14	FY 14-15	FY 15-16
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 estimated effect on costs or savings to the state as the result of implementing the proposed amendment to the Rule.

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

SOURCE	FY 13-14	FY 14-15	FY 15-16
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?

Not applicable

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 costs or savings to local governmental units as the result of amending the Rule.

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

Not Applicable

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 13-14	FY 14-15	FY 15-16
State General Fund			
Agency Self-Generated	Unknown	Unknown	Unknown
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.

The proposed amendment to the Rule will have a minimal impact on revenues to the state. While the proposed amendment provides for an optional subscription service to recognized political parties, they are not required to subscribe to this service and can continue to purchase voter registration lists on an as-needed basis.

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 amendment to the Rule will have a minimal impact on estimated costs and/or economic benefits to directly affected persons or non-governmental groups. While the proposed amendment provides for an optional subscription service to recognized political parties, they are not required to subscribe to this service and can continue to purchase voter registration lists on an as-needed basis.

- 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.

The amendment to the Rule will not have any effect on competition and employment.