Title 31

ELECTIONS

Part II. Voter Registration and Voter Education

Chapter 4. Voter Registration at Mandatory Voter Registration Agencies in the State that Provide Public Assistance or Provide State-funded Programs Primarily Engaged in Providing Services to Persons with Disabilities

§401. Objective

A. The objective of these rules is to provide procedures to implement the provisions of the National Voter Registration Act, 42 U.S.C. §1973gg, et seq., (NVRA), as interpreted by the United States District Court for the Eastern District of Louisiana in "Scott, et al. v. Schedler, et al." (docket no. 11-926), in a permanent injunction dated January 23, 2013, at those agencies designated by the state as voter registration agencies which include all offices in the state that provide public assistance and all offices in the state that provide state-funded programs primarily engaged in providing services to persons with disabilities, hereinafter referred to as "mandatory voter registration agencies," within the intent of 42 U.S.C. §1973gg-5.

AUTHORITY NOTE: Promulgated in accordance with R.S. 18:116, R.S. 36:742, 42 U.S.C. §1973gg et seq., and the Permanent Injunction issued in "Scott, et al. v. Schedler, et al." (Docket No. 11-926), United States District Court, Eastern District of Louisiana.

HISTORICAL NOTE: Promulgated by the Department of State, Elections Division, LR 39:2798 (October 2013).

§403. Definitions

Department -- an office, agency, or other instrumentality of the executive branch that contains mandatory voter registration agencies.

Employee -- a full-time or part-time classified or unclassified employee, official, or any independent contractor of any mandatory voter registration agency as defined in this Section.

Mandatory Voter Registration Agency or *Mandatory Voter Registration Agencies* -- all offices or agencies in the state that provide public assistance or that provide state-funded programs primarily engaged in providing services to persons with disabilities.

Site -- the physical location where voter registration is conducted.

AUTHORITY NOTE: Promulgated in accordance with R.S. 18:116, R.S. 36:742, 42 U.S.C. §1973gg et seq., and the Permanent Injunction issued in "Scott, et al. v. Schedler, et al." (Docket No. 11-926), United States District Court, Eastern District of Louisiana.

HISTORICAL NOTE: Promulgated by the Department of State, Elections Division, LR 39:2798 (October 2013).

§405. Services Made Available

A. At each mandatory voter registration agency, the following services shall be made available:

1. distribution of the state voter registration application with each application for service or assistance, and with each recertification, renewal, or change of address form

relating to such service or assistance, whether the application, recertification, renewal, or change of address form is in paper or electronic format;

2. provide a declaration form with each application, recertification, renewal, or change of address form as described in 42 U.S.C. §1973gg-5(a)(6)(B);

3. provide each applicant who does not decline to register to vote the same degree of assistance with regard to the completion of the voter registration application as is provided by the mandatory voter registration agency with regard to the completion of its own forms, unless the applicant refuses such assistance;

4. accept completed voter registration applications for transmittal to the appropriate parish registrar of voters; and

5. accept any change of name submitted by a registrant which shall serve as a notification of change of name for voter registration unless the registrant states at the time of submitting the change that the change is not for voter registration purposes. The transmittal procedure shall be handled in the same manner as voter registration applications.

B. If the mandatory voter registration agency provides services to a person with a disability at the person's home, the agency shall provide the services described in Paragraph A at the person's home.

AUTHORITY NOTE: Promulgated in accordance with R.S. 18:116, R.S. 36:742, 42 U.S.C. §1973gg et seq., and the Permanent Injunction issued in "Scott, et al. v. Schedler, et al." (Docket No. 11-926), United States District Court, Eastern District of Louisiana.

HISTORICAL NOTE: Promulgated by the Department of State, Elections Division, LR 39:2798 (October 2013).

§407. Declaration Form

A. Each mandatory voter registration agency shall provide a declaration form with each voter registration application that is distributed with each application for service or assistance, and with each recertification, renewal, or change of address form relating to such service or assistance.

B. The declaration form shall include the following, in order:

1. the question:

> "If you are not registered to vote where you live now, would you like to apply to register to vote here today?";

2. boxes for the applicant to check to indicate whether the applicant would like to register to vote or declines to register to vote (failure to check either box being deemed to constitute a declination to register to vote for purposes of providing assistance in completion of the registration application form), together with the statement (in close proximity to the boxes and in prominent type):

> "IF YOU DO NOT CHECK EITHER BOX, YOU WILL BE CONSIDERED TO HAVE DECIDED NOT TO REGISTER TO VOTE AT THIS TIME."

3. if the mandatory voter registration agency provides public assistance, the statement:

> "Applying to register or declining to register to vote will not affect the amount of assistance that you will be provided by this agency."

4. the statement:

> "If you would like help in filling out the voter registration application form, we will help you. The decision whether to seek or accept help is yours. You may fill out the application form in private."

5. the statement:

"For assistance in completing the voter registration application form outside our office, contact _____ at _____."

a. the first blank shall be filled in with the department's name and the second blank shall be filled in with the department's telephone number or other contact information;

6. the statement:

"If completed outside our office, this declaration form and your completed voter registration application form (if you filled one out) should be returned to _____ or _____."

a. the first blank shall be filled in with the department's local office physical location and the second blank shall be filled in with the department's mailing address used to accept applications for service or assistance, recertifications, renewals, and changes of address forms; and

7. the statement:

"If you believe that someone has interfered with your right to register or to decline to register to vote, your right to privacy in deciding whether to register or in applying to register to vote, or your right to choose your own political party or other political preference, you may file a complaint with the Louisiana Secretary of State, Commissioner of Elections, P.O. Box 94125, Baton Rouge, LA 70804-9125, Telephone (toll-free) 1-800-883-2805."

C. Completed declaration forms shall be retained by the mandatory voter registration agency for at least 24 months.

D. No information relating to a declination to register to vote in connection with an application made at a mandatory voter registration agency may be used for any purpose other than voter registration.

AUTHORITY NOTE: Promulgated in accordance with R.S. 18:116, R.S. 36:742, 42 U.S.C. §1973gg et seq., and the Permanent Injunction issued in "Scott, et al. v. Schedler, et al." (Docket No. 11-926), United States District Court, Eastern District of Louisiana.

HISTORICAL NOTE: Promulgated by the Department of State, Elections Division, LR 39:2799 (October 2013).

§409. Transmittal of Voter Registration Applications Accepted at Mandatory Voter Registration Agencies

A. Completed voter registration applications accepted by mandatory voter registration agencies shall be transmitted to the appropriate registrar of voters no later than five days after date of acceptance. If a registration application is accepted within five days before the last day for registration, the mandatory voter registration agency shall transmit the completed voter registration application to the appropriate registrar of voters at the conclusion of each business day.

AUTHORITY NOTE: Promulgated in accordance with R.S. 18:116, R.S. 36:742, 42 U.S.C. §1973gg et seq., and the Permanent Injunction issued in "Scott, et al. v. Schedler, et al." (Docket No. 11-926), United States District Court, Eastern District of Louisiana.

HISTORICAL NOTE: Promulgated by the Department of State, Elections Division, LR 39:2799 (October 2013).

§411. Qualified Employees at Mandatory Voter Registration Agencies

A. Qualifications. In order to perform the services set forth herein, an employee at a mandatory voter registration agency shall possess the following qualifications:

1. be an employee of the mandatory voter registration agency; and
2. have received in-service training on implementation of the NVRA.

B. Duties. Every qualified employee at each mandatory voter registration agency shall comply with and perform all requirements of 42 U.S.C. §1973gg-5 and R.S. 18:116, and shall comply with and perform all duties and responsibilities as set forth in training, manuals, pamphlets, rules and procedures of the secretary of state.

C. Prohibitions. A qualified employee who provides services described in Paragraph A of Section 405 of this Chapter shall not:

1. seek to influence an applicant's political preference or party registration;
2. display any such political preference or party allegiance;
3. make any statement to an applicant or take any action the purpose or effect of which is to discourage the applicant from registering to vote; or
4. make any statement to an applicant or take any action the purpose or effect of which is to lead the applicant to believe that a decision to register or not to register has any bearing on the availability of services or benefits.

AUTHORITY NOTE: Promulgated in accordance with R.S. 18:116, R.S. 36:742, 42 U.S.C. §1973gg et seq., and the Permanent Injunction issued in "Scott, et al. v. Schedler, et al." (Docket No. 11-926), United States District Court, Eastern District of Louisiana.

HISTORICAL NOTE: Promulgated by the Department of State, Elections Division, LR 39:2799 (October 2013).

§413. Review Process

A. Each mandatory voter registration agency shall appoint a qualified employee to serve as the NVRA site coordinator. Each department shall also appoint a NVRA department coordinator. The NVRA site coordinators and NVRA department coordinator shall be responsible for ensuring compliance by each mandatory voter registration agency with the duties and responsibilities provided in 42 U.S.C. §1973gg-5 and R.S. 18:116, and as set forth in training, manuals, pamphlets, rules and procedures of the secretary of state.

B. Each department shall submit the names and contact information of the NVRA site coordinators and NVRA department coordinator to the secretary of state NVRA coordinator. When a change is made, the department shall provide the name and contact information to the secretary of state NVRA coordinator within 10 days.

C. On a quarterly basis, each NVRA department coordinator shall meet with the secretary of state NVRA coordinator to review procedures, forms, and registration data, and to monitor any problem areas where changes in rules or laws may be necessary, or where improvement is needed.

D. Beginning on January 1, 2014, and on a quarterly basis thereafter, the NVRA department coordinator shall submit to the secretary of state NVRA coordinator a concise report that documents the following:

1. the total number of applications for service or assistance, recertifications, renewals, and changes of address relating to such service or assistance received by the department, by program and site;
2. the total number of declaration forms received by the department, by program and site; and
3. the total number of completed voter registration applications received by the department and forwarded to the appropriate registrar of voters, by program and site.

E. Each department shall submit its policies, procedures, and forms currently in use or to be used to implement the provisions of 42 U.S.C. §1973gg-5 and R.S. 18:116 to the

secretary of state for approval. The department shall not implement any policies, procedures, or forms until the approval of the secretary of state has been provided to the department.

AUTHORITY NOTE: Promulgated in accordance with R.S. 18:116, R.S. 36:742, 42 U.S.C. §1973gg et seq., and the Permanent Injunction issued in "Scott, et al. v. Schedler, et al." (Docket No. 11-926), United States District Court, Eastern District of Louisiana.

HISTORICAL NOTE: Promulgated by the Department of State, Elections Division, LR 39:2800 (October 2013).

§415. Training

A. Training on implementation of 42 U.S.C. §1973gg-5 and R.S. 18:116 shall be provided as follows.

1. The secretary of state shall provide annual training to the NVRA department coordinator, NVRA site coordinators, and other personnel designated by the NVRA department coordinator.

2. The NVRA department coordinator shall provide training for new employees described in Section 403 of this Chapter during employee orientation or as part of initial training within 30 days of the date of hire.

3. The NVRA department coordinator shall provide training on no less than an annual basis to all employees described in Section 403 of this Chapter.

B. All training shall include, but shall not be limited to the following:

1. review of responsibilities of employees to distribute voter registration applications and provide declaration forms;

2. discussion of information which may be used to establish an applicant's age, identity, and residency;

3. discussion of assistance that may be provided to an applicant;

4. review of responsibilities in ensuring accuracy and legibility of voter registration applications and stressing responsibility for informing each applicant that the applicant is not registered to vote until the parish registrar of voters notifies the applicant of registration;

5. review of transmittal requirements; and

6. review of prohibitions.

AUTHORITY NOTE: Promulgated in accordance with R.S. 18:116, R.S. 36:742, 42 U.S.C. §1973gg et seq., and the Permanent Injunction issued in "Scott, et al. v. Schedler, et al." (Docket No. 11-926), United States District Court, Eastern District of Louisiana.

HISTORICAL NOTE: Promulgated by the Department of State, Elections Division, LR 39:2800 (October 2013).

§417. List of Mandatory Voter Registration Agencies

A. The secretary of state shall maintain a list of the physical location of each mandatory voter registration agency. Once a year, the secretary of state shall submit the list to the NVRA department coordinator who shall verify the list within 30 days. If there is a change, the NVRA department coordinator shall notify the secretary of state NVRA coordinator within 10 days of the change.

AUTHORITY NOTE: Promulgated in accordance with R.S. 18:116, R.S. 36:742, 42 U.S.C. §1973gg et seq., and the Permanent Injunction issued in "Scott, et al. v. Schedler, et al." (Docket No. 11-926), United States District Court, Eastern District of Louisiana.

HISTORICAL NOTE: Promulgated by the Department of State, Elections Division, LR 39:2800 (October 2013).

§419. Monitoring and Compliance

A. Upon written request of the secretary of state, a department shall prepare a report on NVRA policies, procedures, and practices in sufficient detail to enable the secretary of state to assess compliance with the NVRA for any mandatory voter registration agency within that department.

B. If, based upon the department's report and such other information as may come to his attention, the secretary of state suspects a violation, deficient practice or noncompliance with the NVRA, the secretary of state may:

1. request additional information from the department;
2. send a compliance letter to the department to correct any violation, deficient practice or noncompliance; or
3. report the suspected violation, deficient practice or noncompliance to the United States Department of Justice.

AUTHORITY NOTE: Promulgated in accordance with R.S. 18:116, R.S. 36:742, 42 U.S.C. §1973gg et seq., and the Permanent Injunction issued in "Scott, et al. v. Schedler, et al." (Docket No. 11-926), United States District Court, Eastern District of Louisiana.

HISTORICAL NOTE: Promulgated by the Department of State, Elections Division, LR 39:2800 (October 2013).

§421. Application of this Chapter

A. This Chapter shall apply equally to all independent contractors, officials, as well as all full-time and part-time classified and unclassified employees of all mandatory voter registration agencies.

AUTHORITY NOTE: Promulgated in accordance with R.S. 18:116, R.S. 36:742, 42 U.S.C. §1973gg et seq., and the Permanent Injunction issued in "Scott, et al. v. Schedler, et al." (Docket No. 11-926), United States District Court, Eastern District of Louisiana.

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