



LOUISIANA DEPARTMENT OF STATE
CALENDAR YEAR 2015
ADMINISTRATIVE PROCEDURE ACT
ANNUAL LEGISLATIVE OVERSIGHT REPORT

TOM SCHEDLER
SECRETARY OF STATE
FEBRUARY 12, 2016

BUSINESS SERVICES DIVISION

NOTICE OF INTENT

Title 19

CORPORATIONS AND BUSINESS

Subpart 3. Foreign Corporations

Chapter 7. Foreign Corporations Not Registered with the Department of State (LAC 19:V.701 and 703)

The Secretary of State, pursuant to the provisions of the Administrative Procedure Act (R.S. 49:950 et seq.), and under the authority of R.S. 12:314.1 and R.S. 36:742, proposed a Rule to adopt a penalty schedule for foreign corporations transacting business in this state without a valid certificate of authority from the Department of State. The Notice of Intent was published in the September 20, 2015 issue of the *Louisiana Register*. A public hearing was scheduled for October 27, 2015, but was not attended by anyone other than the Department's staff. The last day for accepting written comments from the public was the close of business on October 28, 2015. No written comments were received by the Department. On November 30, 2015, an electronic copy of the Legislative Oversight Report was submitted to the President of the Senate, Speaker of the House of Representatives, and the standing committees of the Legislature. No oversight committee meetings were held. The Rule for Foreign Corporations was promulgated in the January 20, 2016 issue of the *Louisiana Register*.

ELECTIONS DIVISION

DECLARATION OF EMERGENCY

Title 31

ELECTIONS

Part II. Voter Registration and Voter Education

Chapter 1. Registrars of Voters

(LAC 31:II.Chapter 1 Sections 107, 108, and 109)

The Secretary of State, pursuant to the emergency provisions of the Administrative Procedure Act (R.S. 49:953(B)), and under the authority of R.S. 18:18, R.S. 18:55, R.S. 18:59, and R.S. 36:742, adopted a Declaration of Emergency 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 on an emergency basis. The adoption of the Rule on an emergency basis was necessary, as the registrars of voters were sent their merit evaluation forms on November 1, 2014, the evaluations were due to the Department of State on December 15, 2014, and the appeals process needed to be codified to give the registrars of voters the opportunity to appeal evaluations that resulted in the registrars of voters not receiving their merit increases.

The Declaration of Emergency became effective on October 24, 2014 and remained in effect until February 20, 2015.

Copies of the Declaration of Emergency were forwarded on October 24, 2014 to the: Governor, Attorney General, Office of State Register, President of the Senate, Speaker of the House of Representatives, and the legislative oversight committees. The Declaration of Emergency was published in the November 20, 2014 issue of the *Louisiana Register*.

DECLARATION OF EMERGENCY

Title 31

ELECTIONS

Part II. Voter Registration and Voter Education

Chapter 1. Registrars of Voters

(LAC 31:II.Chapter 1 Sections 107, 108, and 109)

The Secretary of State, pursuant to the emergency provisions of the Administrative Procedure Act (R.S. 49:953(B)), and under the authority of R.S. 18:18, R.S. 18:55, R.S. 18:59, and R.S. 36:742, adopted a new Declaration of Emergency 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 on an emergency basis. The new Declaration of Emergency was necessary to ensure the continuity of the ongoing appeals process until the final Rule was adopted.

The initial Declaration of Emergency became effective on October 24, 2014 and remained in effect until February 20, 2015. The new Declaration of Emergency became effective on February 18, 2015 and remained in effect until the final rule was promulgated in the April 20, 2015 issue of the *Louisiana Register*.

Copies of the Declaration of Emergency were forwarded on February 18, 2015 to the: Governor, Attorney General, Office of State Register, President of the Senate, Speaker of the House of Representatives, and the legislative oversight committees. The Declaration of Emergency was published in the March 20, 2015 issue of the *Louisiana Register*.

**NOTICE OF INTENT
AND
RULE**

**Title 31
ELECTIONS**

**Part II. Voter Registration and Voter Education
Chapter 1. Registrars of Voters
(LAC 31:II.Chapter 1 Sections 107, 108, and 109)**

The Secretary of State, 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, proposed to adopt this Rule 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.

The Notice of Intent was published in the December 20, 2014 issue of the *Louisiana Register*. A public hearing was held on January 26, 2015. At the public hearing, the Department received written comments concerning the proposed rule. The deadline for the Department to receive written comments was the close of business on January 27, 2015. With the exception of the written comments received at the public hearing, no other written comments were received as of January 27, 2015. On February 26, 2015, the Department sent responses to the written comments that were received. On February 26, 2015, an electronic copy of the Legislative Oversight Report was submitted to the President of the Senate, Speaker of the House of Representatives, and the standing committees of the Legislature. A hearing on the proposed rules was conducted by the House & Governmental Affairs Committee on March 4, 2015. The committee suggested an amendment to the proposed rules to require a written explanation to be given to any registrar of voters who does not receive an "excellent" rating. On March 20, 2015, the Department's Fiscal Analyst informed the Department that this change was a technical rather than a substantive change; therefore, the Rule (as amended) was published in the *Louisiana Register* on April 20, 2015.

DECLARATION OF EMERGENCY

**Title 31
ELECTIONS**

**Part II. Voter Registration and Voter Education
Chapter 1. Registrars of Voters
(LAC 31:II.Chapter 1 Section 108)**

The Secretary of State, pursuant to the emergency provisions of the Administrative Procedure Act (R.S. 49:953(B)), and under the authority of R.S. 18:18, R.S. 18:55, and R.S. 36:742, adopted a Declaration of Emergency to amend LAC 31:II.Chapter 1 Section 108 to provide that appeals of merit evaluations of registrars of voters shall be determined by the State

Board of Election Supervisors and repeals the Registrars of Voters Evaluation Appeals Committee. The members of the Subcommittee on House Resolution No. 94 (2015 Regular Session) for the House Committee on House and Governmental Affairs met on Wednesday, August 26, 2015, and approved the recommendation to have the appeals of merit evaluations of registrars of voters decided by the State Board of Election Supervisors. The adoption of the rule on an emergency basis was necessary, as the registrars of voters were sent their merit evaluation forms on November 1, 2015, the evaluations were due to the Department of State on December 15, 2015, and the appeals of evaluations that result in the registrars of voters not receiving their merit increases have to be submitted no later than January 31, 2016.

The Declaration of Emergency became effective on October 30, 2015 and was to remain in effect for the maximum period allowed under the Administrative Procedure Act or until the final Rule was promulgated in accordance with law, whichever occurred first.

Copies of the Declaration of Emergency were forwarded on October 30, 2015 to the: Governor, Attorney General, Office of State Register, President of the Senate, Speaker of the House of Representatives, and the legislative oversight committees. The Declaration of Emergency was published in the November 20, 2015 issue of the *Louisiana Register*.

DECLARATION OF EMERGENCY

Title 31

ELECTIONS

Part II. Voter Registration and Voter Education

Chapter 1. Registrars of Voters

(LAC 31:II.Chapter 1 Section 108)

The Secretary of State, pursuant to the emergency provisions of the Administrative Procedure Act (R.S. 49:953(B)), and under the authority of R.S. 18:18, R.S. 18:55, and R.S. 36:742, adopted a new Declaration of Emergency to rescind the Declaration of Emergency adopted by the Secretary of State on October 30, 2015 that amended LAC 31:II.Chapter 1, Section 108 to provide that appeals of merit evaluations of registrars of voters shall be determined by the State Board of Election Supervisors and repealed the Registrars of Voters Evaluation Appeals Committee. The Declaration of Emergency became effective on November 30, 2015 and shall remain in effect for the maximum period allowed under the Administrative Procedure Act and was published in the December 30, 2015 issue of the *Louisiana Register*.

Copies of the Declaration of Emergency were forwarded on November 30, 2015 to the: Governor, Attorney General, Office of State Register, President of the Senate, Speaker of the House of Representatives, and the legislative oversight committees. The Declaration of Emergency was published in the December 20, 2015 issue of the *Louisiana Register*.