

# **DECLARATION OF EMERGENCY**

## **Department of State Elections Division**

### **Appeal of Merit Evaluation for the Registrars of Voters**

#### **(LAC 31:II.Chapter 1 Section 108)**

The Department 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, has adopted an emergency rule 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 is necessary, as the registrars of voters will be sent their merit evaluation forms on November 1, the evaluations will be due to the Department of State on December 15, 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.

The Emergency Rule shall become effective on October 30, 2015 and shall remain in effect for the maximum period allowed under the Administrative Procedure Act or until the final rule is promulgated in accordance with law, whichever occurs first.

## **Title 31**

### **ELECTIONS**

#### **Part II. Voter Registration and Voter Education**

##### **Chapter 1. Registrar of Voters**

##### **§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 State Board of Election Supervisors.
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 31.
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 chairman of the State

Board of Election Supervisors 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 including attachments, 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. State Board of Election Supervisors**

1. All written requests for appeal of annual merit evaluations that meet the requirements of Subsection A of this Section shall be considered by the State Board of Election Supervisors.

2. The chairman shall convene a meeting of the State Board of Election Supervisors within 15 days of receipt of notification of the request for appeal to discuss the request and render a decision regarding the rating. The commissioner of elections shall not vote on the decision regarding the rating. The board may vote to uphold the rating as originally certified by the commissioner of elections or to change the rating to "excellent".

3. The chairman of the board shall give written notice of the board'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 board'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.

D. A written explanation shall be attached to the evaluation form for any registrar of voters who does not receive an "excellent" rating.

**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 41:759 (April 2015), amended LR 42:

**Provider Impact Statement**

The Emergency 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.



Tom Schedler  
Secretary of State