



LOUISIANA DEPARTMENT OF STATE
ELECTIONS DIVISION

LEGISLATIVE OVERSIGHT REPORT

NOTICE OF INTENT
(Intended Action)

TITLE 31
ELECTIONS

PART II. VOTER REGISTRATION

CHAPTER 3. VOTER REGISTRATION AT DRIVER'S LICENSE FACILITIES

(LAC 31:II.CHAPTER3)

VOTER REGISTRATION AT DRIVER'S LICENSE FACILITIES
(Brief Description)

INITIAL REPORT

COPY OF THE RULE AS IT IS PROPOSED FOR ADOPTION, AMENDMENT, OR REPEAL AND STATEMENT OF THE AMOUNT OF THE FEE TO BE ADOPTED OR THE AMOUNT OF THE PROPOSED INCREASE OR DECREASE *(The rule shall be coded with any new rule or language that is to be added to an existing agency rule underscored and any language that is to be deleted from an existing agency rule in struck-through type.)*

Attached is a copy of the Notice of Intent as it is being proposed related to Voter Registration at Driver's License Facilities. This Notice of Intent proposes to update the Rule to ensure compliance with current statutes and procedures. A coded copy of the Notice of Intent is attached.

STATEMENT OF THE PROPOSED ACTION *(Whether the rule is proposed for adoption, amendment, or repeal; a brief summary of the content of the rule if proposed for adoption or repeal; and a brief summary of the change in the rule if proposed for amendment.)*

This amendment to the rule will update the Rule to ensure compliance with current statutes and procedures for voter registration at driver's license facilities.

SPECIFIC CITATION OF THE ENABLING LEGISLATION PURPORTING TO AUTHORIZE THE ADOPTION, AMENDING, OR REPEAL OF THE RULE OR PURPORTING TO AUTHORIZE THE ADOPTION, INCREASING, OR DECREASING THE FEE

Under the authority of R.S. 18:114, R.S. 18:1461, R.S. 18:1461.2, R.S. 18:1461.4, and R.S. 36:742, the department is proposing to amend its Rule on voter registration at driver's license facilities.

STATEMENT OF CIRCUMSTANCES WHICH REQUIRE ADOPTION, AMENDING, OR REPEAL OF THE RULE OR THE ADOPTION, INCREASING, OR DECREASING OF THE FEE

Under the authority of R.S. 18:114, R.S. 18:1461, R.S. 18:1461.2, R.S. 18:1461.4, and R.S. 36:742, the department is proposing to amend its Rule on voter registration at driver's license facilities to ensure compliance with current statutes and procedures. In addition, the department is implementing Act 636 of 2018 which allows a person to register to vote or for a person's voter registration to be reinstated when the person provides documentation from the appropriate correction official showing that the person has not been incarcerated pursuant to an order of imprisonment for conviction of a felony within the last five years, and that the order does not pertain to election fraud or any other election offense.

STATEMENT OF FISCAL IMPACT OF THE PROPOSED ACTION AND STATEMENT OF THE ECONOMIC IMPACT OF THE PROPOSED ACTION, BOTH APPROVED BY THE LEGISLATIVE FISCAL OFFICE

Attached is a copy of the approved Fiscal and Economic Impact Statement for Administrative Rules.

NOTICE OF INTENT

Department of State Elections Division

Voter Registration at Driver's License Facilities (LAC 31:I.Chapter3)

The Department of State, pursuant to the provisions of the Administrative Procedures Act (R.S. 49:950 et seq.) and under the authority of R.S. 18:114, R.S. 18:1461, R.S. 18:1461.2, R.S. 18:1461.4, and R.S. 36:742, is proposing to amend the Rule for voter registration at driver's license facilities. The proposed effective date of this Rule would be upon publication in the *Louisiana Register*.

TITLE 31

ELECTIONS

Part II. Voter Registration

Chapter 3. Voter Registration at Driver's License Facilities

§301. * * *

§303. Secretary of State

A. It will be the policy of the secretary of state to facilitate the implementation and support of the program for voter registration at driver's license facilities. The secretary of state will coordinate the activities of the parish registrars of voters with the Department of Public Safety and Corrections, and for that purpose, he shall:

1. provide the Department of Public Safety and Corrections with updates on the names and addresses of the parish registrars of voters;
2. provide the Department of Public Safety and Corrections standard notices to be displayed informing the public of the availability of voter registration at driver's license facilities and the eligibility requirements for registration;
3. design in conjunction with the Department of Public Safety and Corrections an electronic voter registration application form and provide paper voter registration applications to be used under emergency and unusual situations;
4. provide training materials to be used for voter registration; and
5. prepare a biannual report as required by the U.S. Election Assistance Commission.

AUTHORITY NOTE: Promulgated in accordance with R.S. 18:114.

HISTORICAL NOTE: Promulgated by Department of Elections and Registration, Commissioner of Elections, LR 16:606 (July 1990), amended LR 20:1373 (December 1994), amended by the Department of State, Elections Division, LR 45:

§305. Parish Registrars of Voters

A. It is the intention of the parish registrars of voters to cooperate fully in the registration of voters at driver's license facilities. In that regard, parish registrars shall:

1. notify the Department of State immediately of any change in the office mailing address of the registrar of voters;
2. upon receipt in the registrar's office of a voter registration application form from any driver's license facility located within his parish, indicate the date received for the application in the Election and Registration Information Network (ERIN) system;
3. determine the parish in which the applicant seeks to register or if already registered seeks to change his name or address and, if not his parish, transmit to the appropriate registrar of voters;
4. review such voter registration application form to determine if the applicant is eligible to register to vote in accordance with law; and
5. if there is a change of name or address for a registered voter, process such change and mail a new voter identification card to the voter.

B. The offices of the registrars of voters shall utilize the ERIN system for processing voter registration application forms that are received from the Office of Motor Vehicles (OMV).

AUTHORITY NOTE: Promulgated in accordance with R.S. 18:114.

HISTORICAL NOTE: Promulgated by the Department of Elections and Registration, Commissioner of Elections, LR 16:606 (July 1990), amended LR 20:1373 (December 1994), amended by the Department of State, Elections Division, LR 45:

§307. Authorized Employees at Driver's License Facilities

A. Definition

Authorized employee or an *authorized employee of a driver's license facility* — any official or employee of the Department of Public Safety and Corrections or an official or employee of a contractor of the Department of Public Safety and Corrections.

B. Qualifications. An authorized employee at a driver's license facility shall possess the following qualifications:

1. the person shall be an official or employee of the Department of Public Safety and Corrections or an official or employee of a contractor of the Department of Public Safety and Corrections who is employed at a facility for the issuance of Louisiana Driver's License or Louisiana Identification Cards;
2. the person shall have received in-service training;
3. the person shall not participate or engage in any political activity, except to exercise his right as a citizen to express his opinion privately and to cast his vote as he desires;
4. the person shall not have been convicted of any election offense; and
5. the person shall not be a candidate for public office.

C. Duties. An authorized employee at a driver's license facility shall perform the duties listed below.

1. During regular working hours, an authorized employee shall offer voter registration to any U.S. citizen who obtains, renews, or changes the name or address on a Louisiana Driver's License or Louisiana Identification Cards.

a a person who is at least 16 years of age and who is an actual resident of the state, parish, and precinct in which he seeks to register to vote; however, the person will not be eligible to vote until the age of 18;

b. a person who is not under an order of imprisonment for conviction of a felony as defined in R.S. 18:2(2), except as provided in R.S. 18:102(A)(1)(b) and R.S. 18:102(A)(1)(c);

c. a person who has not been interdicted after being declared to be mentally incompetent as a result of a full interdiction or is not subject to a limited interdiction where the person's right to vote has been suspended; and

d. a person who is a United States citizen.

2. An authorized employee shall allow an applicant who resides at more than one place in the state with an intention to reside there indefinitely, to choose which residence will be used for registration purposes. However, if the applicant has a homestead exemption, he must register and vote in the precinct in which that residence is located. The exceptions to this provision are:

a. if the person resides in a nursing home (as defined in R.S. 18:333(A)) or in a veterans' home, he may register and vote at the address where the nursing home or veterans' home is located or where he has a homestead exemption; or

b. if the person is a bona fide full-time student attending an institution of higher learning in this state, he may choose as his residence and may register to vote either at the place where he resides while attending the institution of higher learning or at the place where he resides when not attending such institution of higher learning.

3. An authorized employee shall assist any applicant who requests assistance in registering to vote. Such assistance may consist of answering any question the person might have about completing the registration form and shall include assistance in the completion and execution of an application, if requested by the applicant. Additionally, if the person has a physical disability or is unable to read or write English, such assistance shall include:

a. reading the document to the applicant;

b. executing the document by writing what the person dictates or what is said through an interpreter; and

c. allowing the person to sign, or if unable to sign, to make his mark in front of two witnesses who shall also sign.

4. An authorized employee shall require the applicant to provide sufficient information to establish his age, identity, and residency.

5. An authorized employee shall inform an applicant that if he does not declare a political party affiliation that his voter registration application shall indicate "No Party" on the application form.

6. An authorized employee shall ensure that the information provided on the voter registration application is legible and to the best of his knowledge accurate and complete.

7. An authorized employee shall administer any oath required on the voter registration application, as authorized by R.S. 18:114(F)(7).

8. An authorized employee shall inform the applicant that the applicant is not officially registered to vote until the application has been received and approved by the parish registrar of voters. Upon approval by the registrar of voters, a voter identification card will be mailed to the applicant.

9. An authorized employee shall ensure that the completed electronic voter registration application is transmitted immediately to the Department of State who shall transmit the application daily to the appropriate parish registrar of voters. The date and time of transmission shall automatically be recorded for electronic submissions. An authorized employee shall ensure that a completed paper application is made available to the designated person of the Department of Public Safety and Corrections or its contractor who will be responsible for transmittal to the parish registrar of voters for the parish in which the driver's license facility is located. On the paper voter registration application, the employee shall circle "MV", sign, and date the bottom of each paper application before transmitting to the Department of Public Safety and Corrections or its contractor. For a paper voter registration application, the date of transmittal shall be indicated on the application, and the transmittal shall be made within five working days of the completion of the application form unless the application is accepted within five days before the last day for registration then the application form shall be transmitted at the conclusion of each business day.

10. An authorized employee shall ask any person making a change of name or a change of address on a Louisiana Driver's License or Louisiana Identification Card if such change is to be used for voter registration purposes. If affirmed, such change shall be transmitted in the same manner as a voter registration application form.

11. An authorized employee shall keep any declinations to register to vote confidential, and shall keep confidential the fact that any particular applicant has submitted an application to register to vote at a driver's license facility. All declinations shall be written and signed by the voter. All such applications and declinations to register to vote shall be used only for voter registration purposes.

C. Offenses. No person authorized to accept voter registration application forms shall knowingly, willfully, or intentionally:

1. offer, promise, solicit, or accept money or anything of present or prospective value to secure or influence a vote or registration of a voter;

2. forge, alter, deface, destroy, or remove from proper custodial care any application for voter registration; or

3. intimidate, directly or indirectly, any prospective voter in matters concerning registration or nonregistration.

D. Penalties

1. Any authorized employee who commits an offense as provided herein shall be subject to the penalties provided in R.S. 18:1461, R.S. 18:1461.2, or R.S. 18:1461.4.

2. Any authorized employee who fails to comply with the provisions of law relative to registration at driver's license facilities shall be subject to the penalties established in R.S. 18:114(H).

AUTHORITY NOTE: Promulgated in accordance with R.S. 18:114, R.S. 18:2(2), R.S. 18:62, R.S. 18:101, R.S. 18:102, R.S. 18:105, R.S. 18:106, R.S. 18:1461, R.S. 18:1461.2, and R.S. 18:1461.4.

HISTORICAL NOTE: Promulgated by the Department of Elections and Registration, Commissioner of Elections, LR 16:607 (July 1990), amended LR 20:1373 (December 1994), amended by the Department of State, Elections Division, LR 45:

§309. Training

A. The Department of State and/or the registrar of voters shall train designated personnel of the Department of Public Safety and Corrections to conduct in-service training. In-service training will be provided to all employees authorized to accept voter registration application forms by these personnel.

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

1. review responsibility of an authorized employee to offer voter registration;
2. conduct study of the voter registration application with special emphasis on problem areas;
3. discuss information that may be used to establish applicant's age, identity, and residency;
4. discuss assistance that may be provided to applicant;
5. review responsibilities of an authorized employee in ensuring accuracy and legibility of voter registration application and stressing the authorized employee's responsibility for informing the applicant that the applicant is not registered until the parish registrar notifies the applicant of registration;
6. review declination requirements that must be done in writing and signed by the applicant;
7. review transmittal requirements;
8. review offenses; and
9. review penalties established in R.S. 18:114(H) for noncompliance with the provisions of law relative to voter registration at driver's license facilities and in R.S. 18:1461, R.S. 18:1461.2, and R.S. 18:1461.4 relative to voter registration in general.

AUTHORITY NOTE: Promulgated in accordance with R.S. 18:114, R.S. 18:104 - 18:106, R.S. 18:1461, R.S. 18:1461.2, and R.S. 18:1461.4.

HISTORICAL NOTE: Promulgated by the Department of Elections and Registration, Commissioner of Elections, LR 16:608 (July 1990), amended LR 20:1374 (December 1994), amended by the Department of State, Elections Division, LR 45:

§311. Review Process

A. An annual meeting between the Department of State and the Department of Public Safety and Corrections shall be held during the first quarter of each year to monitor any problem areas where changes in rules and regulations or the revised statutes may be necessary. The annual meeting may be discontinued upon mutual agreement when it is felt there is no longer a need to continue to hold such meetings.

AUTHORITY NOTE: Promulgated in accordance with R.S. 18:114.

HISTORICAL NOTE: Promulgated by the Department of Elections and Registration, Commissioner of Elections, LR 16:608 (July 1990), amended LR 20:1374 (December 1994), amended by the Department of State, Elections Division, LR 45:

§313. Implementation

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 18:114.

HISTORICAL NOTE: Promulgated by the Department of Elections and Registration, Commissioner of Elections, LR 16:608 (July 1990), amended LR 20:1374 (December 1994), repealed by the Department of State, Elections Division, LR 45:

Family Impact Statement

The proposed amendments to the Rule cited in LAC 31:II.Chapter 3 regarding voter registration at drivers' licenses facilities 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 proposed amendments to the Rule cited in LAC 31:II.Chapter 3 regarding voter registration at drivers' license facilities 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 proposed amendments to the Rule 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.

Provider Impact Statement

The proposed amendments to the 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.

Public Comments

Interested persons may submit written comments to Jodie Henderson, Attorney, Legal Division, Department of State, P.O. Box 94125, Baton Rouge, LA 70804-9125. She will be responsible for responding to inquiries regarding the proposed amendments to various sections of the Rule. The deadline for the Department of State to receive written comments is 4:30 p.m. on Wednesday, March 27, 2019 after the public hearing.

Public Hearing

A public hearing on the proposed Rule is scheduled for Tuesday, March 26, 2019 at 1:00 p.m. in the Auditorium at the 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.



R. Kyle Ardoin
Secretary of State

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**NOTICE OF INTENT
Department of State
Elections Division**

Voter Registration at Driver's License Facilities (LAC 31:I.Chapter3)

The Department of State, pursuant to the provisions of the Administrative Procedures Act (R.S. 49:950 et seq.) and under the authority of R.S. 18:114, R.S. 18:1461, R.S. 18:1461.2, R.S. 18:1461.4, and R.S. 36:742, is proposing to amend the Rule for voter registration at driver's license facilities. The proposed effective date of this Rule would be upon publication in the *Louisiana Register*.

TITLE 31

ELECTIONS

Part II. Voter Registration

Chapter 3. Voter Registration at Driver's License Facilities

§301. Objective ***

~~A. The objective of these rules and regulations is to provide a uniform method of conducting training for any employee authorized to accept voter registration applications at driver's license facilities; to provide for voter registration at driver's license facilities which is impartial, equitable and in the best interest of the citizens of Louisiana; and to provide for an annual review to monitor the program.~~

~~AUTHORITY NOTE: Promulgated in accordance with R.S. 18:114.~~

~~HISTORICAL NOTE: Promulgated by the Department of Elections and Registration, Commissioner of Elections, LR 16:606 (July 1990), amended LR 20:1372 (December 1994).~~

§303. Commissioner of Elections

~~A.~~

§303. Secretary of State

A. It will be the policy of the ~~commissioner~~secretary of ~~elections~~state to facilitate the implementation and support of the program for voter registration at driver's license facilities. The ~~commissioner~~secretary of ~~elections~~state will coordinate the activities of the parish registrars of voters with the Department of Public Safety and Corrections, and for that purpose, he shall:

1. provide the Department of Public Safety and Corrections with updates on the names and addresses of the parish registrars of voters;

2. provide to the Department of Public Safety and Corrections standard notices to be displayed informing the public of the availability of voter registration at driver's license facilities and the eligibility requirements for registration.

3. ~~___~~ design in conjunction with the Department of Public Safety and Corrections ~~the computer generated an electronic~~ voter registration application form and provide ~~mail/paper~~ voter registration applications to be used under emergency and unusual situations;

4. ~~___~~ provide training materials to be used for voter registration; and

5. ~~___~~ prepare a biannual report as required by the ~~Federal U.S.~~ Election Assistance Commission.

AUTHORITY NOTE: ~~___~~ Promulgated in accordance with R.S. 18:114.

HISTORICAL NOTE: ~~___~~ Promulgated by Department of Elections and Registration, Commissioner of Elections, LR 16:606 (July 1990), amended LR 20:1373 (December 1994~~);~~, ~~amended by the Department of State, Elections Division, LR 45;~~

§305. ~~Parish Registrars of Voters~~

A. ~~___~~ It is the intention of the parish registrars of voters to cooperate ~~to their fullest extentfully~~ in the registration of voters at driver's license facilities. In that regard, parish registrars shall:

1. ~~___~~ notify the ~~office~~ ~~Department~~ of ~~the commissioner of elections~~ ~~State~~ immediately of any change in the office mailing address of the registrar of voters;

2. ~~___~~ upon receipt in the registrar's office of a voter registration application form from any driver's license facility located within his parish, indicate ~~the~~ date received ~~on~~ ~~for~~ the application ~~in the Election and Registration Information Network (ERIN) system;~~

3. ~~___~~ determine the parish in which the applicant seeks to register or if already registered seeks to change his name or address and, if not his parish, ~~route~~ ~~transmit~~ to the appropriate registrar of voters;

4. review such voter registration application form to determine if the applicant is eligible to register to vote in accordance with law; and

5. ~~___~~ if ~~there is a~~ change of name or ~~change of~~ address ~~for a registered voter~~, process such change and mail a new voter identification card to the voter.

B. ~~The offices of the registrars of voters shall utilize the ERIN system for processing voter registration application forms that are received from the Office of Motor Vehicles (OMV).~~

AUTHORITY NOTE: Promulgated in accordance with R.S. 18:114.

HISTORICAL NOTE: Promulgated by the Department of Elections and Registration, Commissioner of Elections, LR 16:606 (July 1990), amended LR 20:1373 (December 1994~~);~~, ~~amended by the Department of State, Elections Division, LR 45;~~

§307. Authorized Employees at Driver's License Facilities

A. ~~Definition~~

~~Authorized employee or an authorized employee of a driver's license facility — any official or employee of the Department of Public Safety and Corrections or an official or employee of a contractor of the Department of Public Safety and Corrections.~~

A. ~~B.~~ Qualifications. An authorized employee at a driver's license facility shall possess the following qualifications:

1. ~~The~~ ~~the~~ person shall be an official or employee of the Department of Public Safety and Corrections ~~or an official or employee of a contractor of the Department of Public Safety and Corrections~~ who is employed at a ~~department~~ facility for the issuance of ~~driver's licenses or identification cards.~~ ~~Louisiana Driver's License or Louisiana Identification Cards;~~

2. ~~The~~ ~~the~~ person shall have received in-service training;

3. ~~The the~~ person shall not participate or engage in any political activity, except to exercise his right as a citizen to express his opinion privately and to cast his vote as he desires;

4. ~~The the~~ person shall not have been convicted of any election offense; and

5. ~~The the~~ person shall not be a candidate for public office.

B. C. Duties. ~~_____~~ An authorized employee at a driver's license facility shall perform the ~~following~~ duties: ~~listed below.~~

1. ~~_____~~ During regular working hours, an authorized employee shall offer voter registration to any ~~individual~~ U.S. citizen who obtains, renews, or changes the name or address on a ~~driver's license~~ Louisiana Driver's License or ~~identification card and who meets the following requirements:~~ Louisiana Identification Cards.

~~_____~~ a. ~~_____~~ a person who is at least ~~17~~ 16 years of age and who is an actual resident of the state, parish, and precinct in which he seeks to register to vote; ~~A; however, the person 17 years old will not be eligible to vote until the age of 18;~~

~~_____~~ b. ~~_____~~ a person who is not under an order of imprisonment for conviction of a felony as defined in R.S. 18:2(2), ~~except as provided in R.S. 18:102(A)(1)(b) and R.S. 18:102(A)(1)(c);~~

~~_____~~ c. ~~_____~~ a person who has not been interdicted after being declared to be mentally incompetent; ~~as a result of a full interdiction or is not subject to a limited interdiction where the person's right to vote has been suspended; and~~

~~_____~~ d. ~~_____~~ a person who is a United States citizen.

2. ~~_____~~ An authorized employee shall allow an applicant, ~~who meets the above requirements and~~ who resides at more than one place in the state with an intention to reside there indefinitely, to choose which residence will be used for registration purposes. ~~However, if the applicant has a homestead exemption, he must register and vote in the precinct in which that residence is located. The exceptions to this provision are:~~

~~_____~~ a. ~~_____~~ if the person resides in a nursing home (as defined in R.S. 18:333(A)) or in a veterans' home, he may register and vote at the address where the nursing home or veterans' home is located or where he has a homestead exemption; or

~~_____~~ b. ~~_____~~ if the person is a bona fide full-time student attending an institution of higher learning in this state, he may choose as his residence and may register to vote either at the place where he resides while attending the institution of higher learning or at the place where he resides when not attending such institution of higher learning.

3. ~~_____~~ An authorized employee shall ~~provide assistance to~~ assist any applicant who ~~would require~~ requests assistance in registering to vote. Such assistance ~~shall~~ may consist of ~~the same~~ answering any question the person might have about completing the registration form and shall include assistance in the completion and execution of an application, if requested by the applicant. Additionally, if the person has a physical disability or is unable to read or write English, such assistance provided by a parish registrar of voters under the provisions of R.S. 18:106 shall include:

~~_____~~ a. ~~_____~~ reading the document to the applicant;

~~_____~~ b. ~~_____~~ executing the document by writing what the person dictates or what is said through an interpreter; and

~~_____~~ c. ~~_____~~ allowing the person to sign, or if unable to sign, to make his mark in front of two witnesses who shall also sign.

4. — An authorized employee shall require the applicant to provide sufficient information to establish his age, identity, and residency.

5. — An authorized employee shall ~~require~~ inform an applicant ~~to indicate "None" on the application form that if the applicant~~ does not declare a political party affiliation ~~that his voter registration application shall indicate "No Party" on the application form.~~

6. — An authorized employee shall ~~insure~~ ensure that the information provided on the voter registration application is legible and to the best of his knowledge accurate and complete.

7. — An authorized employee shall administer any oath required on the voter registration application, as authorized by R.S. 18:114(F)(7) ~~and shall sign and date the application.~~

8. — An authorized employee shall inform the applicant that the applicant is not officially registered to vote until the application has been received and approved by the parish registrar of voters. Upon approval by the registrar of voters, a voter identification card will be mailed to the applicant.

9. — An authorized employee shall ~~insure~~ ensure that the completed electronic voter registration application is transmitted immediately to the Department of State who shall transmit the application daily to the appropriate parish registrar of voters. The date and time of transmission shall automatically be recorded for electronic submissions. An authorized employee shall ensure that a completed paper application is made available to the designated person of the Department of Public Safety and Corrections or its contractor who will be responsible for transmittal to the parish registrar of voters for the parish in which the driver's license facility is located. The On the paper voter registration application, the employee shall circle "MV", sign, and date the bottom of each paper application before transmitting to the Department of Public Safety and Corrections or its contractor. For a paper voter registration application, the date of transmittal shall be indicated on the application, and the transmittal shall be made within five working days of the completion of the application form unless the application is accepted within five days before the last day for registration then the application form shall be transmitted at the conclusion of each business day.

10. — An authorized employee shall ~~request of ask~~ any person making a change of name or a change of address on a ~~driver's license~~ Louisiana Driver's License or identification card Louisiana Identification Card if such change is to be used for voter registration purposes. If affirmed, such change shall be transmitted in the same manner as a voter registration application form.

11. — An authorized employee shall keep any declinations to register ~~to vote confidential, and shall keep confidential the fact that any particular applicant has submitted an application to register to vote at a driver's license facility. All declinations shall be written and signed by the voter. All such applications and declinations to register to vote shall be used only for voter registration purposes.~~

C. — Offenses. — No person authorized to accept voter registration application forms shall knowingly, willfully, or intentionally:

1. — offer, promise, solicit, or accept money or anything of present or prospective value to secure or influence a vote or registration of a voter;

2. — forge, alter, deface, destroy, or remove from proper custodial care any application for voter registration; or

3.- intimidate, directly or indirectly, any prospective voter in matters concerning registration or nonregistration.

D.- Penalties

1.- Any authorized employee who commits an offense as provided herein shall be subject to the penalties provided in R.S. 18:1461, ~~R.S. 18:1461.2, or R.S. 18:1461.4.~~

2.- Any authorized employee who fails to comply with the provisions of law relative to registration at driver's license facilities shall be subject to the penalties established in R.S. 18:114(H).

AUTHORITY NOTE:- Promulgated in accordance with R.S. 18:114, R.S. 18:2(2), R.S. 18:62, R.S. 18:101, R.S. 18:102, R.S. 18:105, R.S. 18:106, ~~R.S. 18:1461, R.S. 18:1461.2,~~ and R.S. 18:1461.4.

HISTORICAL NOTE:- Promulgated by the Department of Elections and Registration, Commissioner of Elections, LR 16:607 (July 1990), amended LR 20:1373 (December 1994); ~~amended by the Department of State, Elections Division, LR 45;~~

§309. Training

A. The Department of ~~Elections~~State and/or the registrar of voters shall train designated personnel of the Department of Public Safety and Corrections, ~~to conduct in-service training.~~ In-service training will be provided to all employees authorized to accept voter registration application forms by these personnel.

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

1.- review responsibility of an authorized employee to offer voter registration

2.- conduct study of the voter registration application with special emphasis on problem areas;

3.- discuss information ~~which~~that may be used to establish applicant's age, identity, and residency;

4.- discuss assistance that may be provided to applicant;

5.- review responsibilities of an authorized employee in ~~insuring~~ensuring accuracy and legibility of voter registration application and stressing the authorized employee's responsibility for informing the applicant that the applicant is not registered until the parish registrar notifies the applicant of registration;

6.- review ~~declaration requirements that must be done in writing and signed by the applicant;~~

7. review transmittal requirements;

~~7-8.~~ review offenses; and

~~8-9.~~ review penalties established in R.S. 18:114(H) for noncompliance with the provisions of law relative to voter registration at driver's license facilities and in R.S. 18:1461, ~~R.S. 18:1461.2, and R.S. 18:1461.4~~ relative to voter registration in general.

AUTHORITY NOTE:- Promulgated in accordance with R.S. 18:114, ~~R.S. 18:104, 18:106, R.S. 18:1461, R.S. 18:1461.2,~~ and R.S. 18:~~104-18:106~~1461.4.

HISTORICAL NOTE:- Promulgated by the Department of Elections and Registration, Commissioner of Elections, LR 16:608 (July 1990), amended LR 20:1374 (December 1994); ~~amended by the Department of State, Elections Division, LR 45;~~

§311. Review Process

A. ~~_____ An annual meeting between the office of commissioner of elections Department of State and the Department of Public Safety and Corrections shall be held during the month of February first quarter of each year to monitor any problem areas where changes in rules and regulations or the revised statutes may be necessary. The annual meeting may be discontinued upon mutual agreement when it is felt there is no longer a need to continue to hold such meetings.~~

AUTHORITY NOTE: ~~_____ Promulgated in accordance with R.S. 18:114.~~

HISTORICAL NOTE: ~~_____ Promulgated by the Department of Elections and Registration, Commissioner of Elections, LR 16:608 (July 1990), amended LR 20:1374 (December 1994), amended by the Department of State, Elections Division, LR 45;~~

§313. Implementation

~~A. In a letter dated October 11, 1989, the United States Justice Department has advised the commissioner of elections that any rules and regulations adopted relative to the implementation of the program of registering voters at driver's license facilities will require preclearance by the United States Justice Department under the requirements of Section 5 of the Voting Rights Act. The provisions of Section 114 of Title 18 relative to voter registration at driver's license facilities have been amended by Act 10 of the Third Extraordinary Session of the 1994 Louisiana Legislature. The provisions of the Act provide an effective date of January 1, 1995. The final date of implementation of the amended rules and regulations shall be determined by whichever date, preclearance or January 1, 1995, is the later.~~

~~Repealed.~~

AUTHORITY NOTE: ~~_____ Promulgated in accordance with R.S. 18:114.~~

HISTORICAL NOTE: ~~_____ Promulgated by the Department of Elections and Registration, Commissioner of Elections, LR 16:608 (July 1990), amended LR 20:1374 (December 1994), repealed by the Department of State, Elections Division, LR 45;~~

Formatted: A

Family Impact Statement

The proposed amendments to the Rule cited in LAC 31:II, Chapter 3 regarding voter registration at drivers' licenses facilities 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 proposed amendments to the Rule cited in LAC 31:II, Chapter 3 regarding voter registration at drivers' license facilities 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 proposed amendments to the Rule 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.

Provider Impact Statement

The proposed amendments to the 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.

Public Comments

Interested persons may submit written comments to Jodie Henderson, Attorney, Legal Division, Department of State, P.O. Box 94125, Baton Rouge, LA 70804-9125. She will be responsible for responding to inquiries regarding the proposed amendments to various sections of the Rule. The deadline for the Department of State to receive written comments is 4:30 p.m. on Wednesday, March 27, 2019 after the public hearing.

Public Hearing

A public hearing on the proposed Rule is scheduled for Tuesday, March 26, 2019 at 1:00 p.m. in the Auditorium at the 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.

R. Kyle Ardoin
Secretary of State

FISCAL AND ECONOMIC IMPACT STATEMENT
FOR ADMINISTRATIVE RULES

Person
Preparing
Statement: Carol H. Guidry Dept: Department of State
Phone: (225) 229-8085 Office: Elections Division
Return
Address: P. O. Box 94125 Rule Voter Registration at Driver's License
Title: Facilities
Baton Rouge, LA 70804-9125
Date Rule Upon Publication in Louisiana
Takes Effect: Register

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)

The Department of State will incur one-time implementation costs of \$66,998 in order to comply with Act 636 of 2018. Implementation costs will include updates to the voter registration reports, programming changes to the interface between the department's Election and Registration Information Network (ERIN) and the Office of Motor Vehicles, and editing and reprinting forms and promotional materials which include information regarding voting laws. This act allows a person to register to vote or for a person's registration to be reinstated when the person provides documentation from the appropriate correction official showing that the person has not been incarcerated pursuant to an order of imprisonment for conviction of a felony within the last five years, and that the order does not pertain to election fraud or any other election offense.

Additionally, the proposed rule aligns the department's administrative code with current statutes and procedures regarding voter registration at driver's license facilities.

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

The proposed rule change will not affect revenue collections of state or local governmental units.

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

The proposed rule change will not result in any costs or benefits to directly affected persons or non-governmental entities.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

The proposed rule change will not affect competition or employment.

Shanda Jones
Signature of Agency Head or Designee

Shanda Jones, Undersecretary of M & F

Typed Name & Title of Agency Head or Designee

01/03/2019
Date of Signature

Evan Braswell, Staff Director
Legislative Fiscal Officer or Designee

2/7/19
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 Department of State proposes to update its Rule on Voter Registration at Driver's License Facilities to ensure compliance with current statutes and procedures. In addition, the Rule now includes provisions of Act 636 of the 2018 Regular Legislative Session regarding voter registration and voting by a person convicted of a felony. The effective date of Act 636 is March 1, 2019.

- 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.

N/A

- (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) X NO. If no, provide justification as to why this rule change should be published at this time

The Department of State proposes to update its Rule on Voter Registration at Driver's License Facilities to ensure compliance with current statutes and procedures.

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 19	FY 20	FY 21
Personal Services			
Operating Expenses	\$38,998		
Professional Services	28,000		
Other Charges			
Equipment			
Major Repairs & Constr.			
TOTAL	\$66,998	0	0
POSITIONS (#)	0	0	0

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.

The Department of State will incur one-time implementation costs of \$66,998 in order to comply with Act 636 of 2018. This act allows a person to register to vote or for a person's registration to be reinstated when the person provides documentation from the appropriate correction official showing that the person has not been incarcerated pursuant to an order of imprisonment for conviction of a felony within the last five years, and that the order does not pertain to election fraud or any other election offense.

Implementation costs include \$28,000 to update voter registration reports, as well as programming changes to the interface between the department's Election and Registration Information Network (ERIN) and the Office of Motor Vehicles. In addition, costs of \$38,998 will be incurred in order to edit and reprint forms and promotional materials, which include information regarding voter registration and voting laws.

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

SOURCE	FY 19	FY 20	FY 21
State General Fund	66,998		
Agency Self-Generated			
Dedicated			
Federal Funds			
Other (Specify)			
TOTAL	66,998	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?

The Department will have to utilize existing resources in order to pay for the implementation costs because there was not a direct appropriation for this purpose. In order to absorb the cost, non-critical software maintenance expenses may be reduced.

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.

The proposed rule change will not result in any costs or savings to state or local governmental units.

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

N/A

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 19	FY 20	FY 21
State General Fund			
Agency Self-Generated			
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 rule change will not affect revenue collections for state or local governmental units.

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 rule change will not result in any costs or benefits to directly affected persons or non-governmental entities.

- 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 proposed rule change will not affect competition or employment.