**State Board of Election Supervisors Meeting Minutes**

**December 6, 2016**

The December 6, 2016 meeting of the State Board of Election Supervisors was called to order at the State Capitol, Baton Rouge, Louisiana in Senate Committee Room E at 2:00 p.m.

Chairman, Secretary Schedler, called the meeting to order, and Patricia Daigle was acting secretary.

The following members were present: Tom Schedler, Secretary of State; Angie Rogers, Commissioner of Elections; Robert Barham, Lt. Governor’s Office; Erin Day, Attorney General’s Office; Jolene Holcombe, Registrars of Voters Association; and Robin Hooter, Clerks of Court Association.

Chairman Schedler called for adoption of the minutes of the January 7, 2016 meeting. Ms. Rogers moved to approve the minutes and Robin Hooter seconded the motion. Without objection, the minutes were approved.

Also present were Brian Champagne, St. Charles Parish Registrar of Voters; Debbie Hudnall, Executive Director, Louisiana Clerks of Court Association; Joni Ronsonet, St. Mary Parish Registrar of Voters Office; Stephanie Patrick, The Advocacy Center; Merietta Norton, Secretary of State’s Office; and Lani Durio, Secretary of State’s Office.

Merietta Norton presented the recommendations for the Omnibus bill.

**NUMBER 1:**

**EXPLANATION: Deletes “district” where the signer’s district is required on the petition because a registered voter now only has a ward or precinct.**

Ms. Hooter moved to approve Item Number 1 and Ms. Day seconded the motion. Without objection, Item Number 1 was approved.

**NUMBER 2:**

**EXPLANATION: Moves the annual voter registration week to the full week in which the National Voter Registration Day has been proclaimed by the President to tie the state’s voter registration week in with the National Voter Registration Day. Also provides for the official state voter registration week to be two weeks prior to the close of the registration records for the regular fall primary election in years where the President does not proclaim the National Voter Registration Day. The proposed amendment has been requested by the registrars to increase participation in the annual voter registration week and to be able to reach seniors before they graduate.**

Ms. Holcombe moved to approve Item Number 2 and Ms. Rogers seconded the motion. Without objection, Item Number 2 was approved.

**NUMBER 3:**

**EXPLANATION: Requires the registrars of voters to renew their Certified Elections Registration Administration certifications every three years because the Election Center, which oversees the program, now requires renewal every three years to remain certified.**

Ms. Hooter moved to approve Item Number 3 and Ms. Rogers seconded the motion. Without objection, Item Number 3 was approved.

**NUMBER 4:**

**EXPLANATION: The Help America Vote Act, 52 U.S.C.A. §21083(b)(4)(A), requires a statement and certain questions to be on all voter registration applications. This amendment clarifies in the statute what the federal law requires.**

Ms. Rogers moved to approve Item Number 4 and Ms. Day seconded the motion. Without objection, Item Number 4 was approved.

**NUMBER 5:**

**EXPLANATION: For the voter registration application form prepared by the secretary of state and approved by the attorney general, this amendment separates the mandatory requirements on the application from the non-mandatory requirements and includes the mandatory requirements set forth in federal law. This amendment provides uniformity and consistency in the handling of mandatory requirements and requests for additional information.**

Mr. Barham moved to approve Item Number 5 and Ms. Hooter seconded the motion. Without objection, Item Number 5 was approved.

**NUMBER 6:**

**EXPLANATION: Clarifies that a registrant may only be registered with one political party at the same time. Allowing a registrant to be registered with more than one political party at the same time creates programming issues for qualifying and ballot preparation.**

Ms. Holcombe moved to approve Item Number 6 and Ms. Rogers seconded the motion. Without objection, Item Number 6 was approved.

**NUMBER 7:**

**EXPLANATION: Requires an applicant who declines to register to vote at the Department of Public Safety and Corrections to sign a declination form to provide documentation showing the applicant declined to register to vote.**

Ms. Hooter asked if a person is already registered to vote when renewing their license, are they going to have to sign stating that they do not want to register to vote?

Lani Durio, NVRA Coordinator for the Secretary of State’s Office, addressed Ms. Hooter’s concerns and indicated that if a person is already registered to vote the form will not affect their voter registration status.

Ms. Rogers moved to approve Item Number 7 and Mr. Barham seconded the motion. Without objection, Item Number 7 was approved.

**NUMBER 8:**

**EXPLANATION: Repeals R.S. 18:176(D) that cites a report required by R.S. 18:174 which was repealed by Act 60, 2014 Regular Session, effective May 16, 2014.**

Ms. Rogers moved to approve Item Number 8 and Mr. Barham seconded the motion. Without objection, Item Number 8 was approved.

**NUMBER 9:**

**EXPLANATION: Requires the registrar of voters to transfer a registrant’s registration information to the registrant’s new parish of residence upon confirming that the registrant has permanently moved to a different parish. Also requires the registrar of voters to cancel a registrant’s registration upon confirmation that the registrant has permanently moved outside the state. The proposed amendments make this statute consistent with R.S. 18:193(D) when a registrant returns an address confirmation card to the registrar of voters.**

Ms. Holcombe indicated that St. Mary Parish has an issue with voters filling out the address confirmation card properly and some of the addresses are out of the parish.

Ms. Rogers addressed the concerns and stated that if it is believed that someone is fraudulently filling out the information, it needs to be reported to the Elections Compliance Unit. If the commissioners are not filling out the form correctly that needs to be worked on at commissioner training. This amendment will make the ACC form consistent.

Ms. Rogers moved to approve Item Number 9 and Ms. Holcombe seconded the motion. Without objection, Item Number 9 was approved.

**NUMBER 10:**

**EXPLANATION: Repeals R.S. 18:200 relating to the definition of affidavit because there is no reference to an affidavit in Part V of Chapter 4 of Title 18.**

Ms. Day moved to approve Item Number 10 and Ms. Hooter seconded the motion. Without objection, Item Number 10 was approved.

**NUMBER 11:**

**EXPLANATION: Amends the statute number for R.S. 18:221 to place the statute in Chapter 3, Registrars of Voters, of Title 18 which provides the powers and duties of the registrars of voters.**

Ms. Rogers moved to approve Item Number 11 and Mr. Barham seconded the motion. Without objection, Item Number 11 was approved.

**NUMBER 12:**

**EXPLANATION: Provides that the general election is advanced the same number of weeks as the primary election when there is a Jewish holiday because that requirement currently is not addressed in the law.**

Mr. Barham moved to approve Item Number 12 and Ms. Rogers seconded the motion. Without objection, Item Number 12 was approved.

**NUMBER 13:**

**EXPLANATION: Deletes the reference to the commissioner-in-charge presiding over the counting and tabulation of votes because the commissioner-in-charge does not count and tabulate votes, but presides over the printing of the results from the voting machines and closing the polling place.**

**Deletes the reference to the commissioners maintaining order at the polling place during the counting and tabulation of votes because the commissioners do not count and tabulate the votes, but maintain order during the printing of the results from the voting machines.**

**Deletes the reference to prohibiting a watcher from taking part in the counting and tabulation of votes and changes the prohibition to a watcher taking part in the printing of results from the voting machines.**

**Changes the title of R.S. 18:571 to provide procedures for commissioners to follow after voting is terminated instead of counting and tabulating the votes.**

**Changes the reference to counting and tabulation of votes to after the results are printed from the voting machines.**

Ms. Rogers moved to approve Item Number 13 and Ms. Day seconded the motion. Without objection, Item Number 13 was approved.

**NUMBER 14:**

**EXPLANATION: Prohibits a person from serving as a commissioner in a precinct where a proposition or question is on the ballot if the person is a member of the governing authority of the political subdivision that called the proposition or question election. This is similar to the prohibition for a commissioner to serve in a precinct where an immediate family member is on the ballot.**

Ms. Rogers moved to approve Item Number 14 and Mr. Barham seconded the motion. Without objection, Item Number 14 was approved.

**NUMBER 15:**

**EXPLANATION: Deletes the requirement for the clerks of court to schedule a general course of instruction for commissioners on some date following the last date for qualifying, but at least 5 days prior to the date for selection of commissioners, because the clerks already are required to hold a general course of instruction annually pursuant to R.S. 18:431(A)(1)(a).**

**Deletes the requirement for the parish board of election supervisors to furnish each commissioner-in-charge a list of the commissioners-in-charge, commissioners or alternate commissioners who have not been selected for the election because the commissioners-in-charge call the clerk of court when a commissioner does not show up and the clerk sends an alternate commissioner to the polling place.**

**Deletes the requirement for the clerk of court to issue a certificate of instruction to each commissioner who attends and completes the pre-election course of instruction and requires the clerk of court to keep a list of each commissioner in the Election and Registration Information Network (ERIN) who attends the pre-election course of instruction. Each commissioner is issued a certificate for completing the annual general course of instruction and eliminating the requirement for the clerks to issue certificates for the pre-election course of instruction would save time and money for the clerks of court.**

Ms. Hooter moved to approve Item Number 15 and Ms. Rogers seconded the motion. Without objection, Item Number 15 was approved.

**NUMBER 16:**

**EXPLANATION: Changes the date from the 29th day before a primary election to the 30th day before a primary election for the parish board of election supervisors to select commissioners and alternate commissioners to match the date of the close of registration and to allow commissioners to be selected who may be added to the voter registration rolls by the registration deadline.**

**Adds language that if the 30th day before the primary election falls on a legal holiday that the date for selecting the commissioners is advanced which makes it consistent with advancing the date for the close of the registration records when the deadline falls on a holiday.**

An amendment to this item was sent to all members prior to this meeting and included in the member packets. This amendment provided that if the close of the registration records had to be moved due to a holiday that commissioners would be pulled after the holiday. Without the amendment, commissioners could be pulled before the close of the registration records.

Ms. Rogers moved to approve Item Number 16 and Ms. Hooter seconded the motion. Without objection, Item Number 16 was approved as amended.

**NUMBER 17:**

**EXPLANATION: Amends R.S. 18:469(D)(2) to change the general election to the fifth Saturday after the primary election when a primary election has to be moved due to the death of a candidate to make the statute consistent with Act 410 of the 2015 Regular Session, effective January 1, 2016.**

Ms. Day moved to approve Item Number 17 and Ms. Rogers seconded the motion. Without objection, Item Number 17 was approved.

**NUMBER 18:**

**EXPLANATION: Repeals the statute setting forth the date of taking office in a parish with a municipality population of 300,000 or more because the date of taking office is governed by the applicable Home Rule Charter.**

Ms. Rogers moved to remove Item Number 18 from the recommendations and Ms. Hooter seconded the motion. Without objection, Item Number 18 was removed from the recommendations of the board.

**NUMBER 19:**

**EXPLANATION: Requires the commissioner to write the reason the voter is entitled to assistance in voting in the back of the precinct register for a voter who was not previously marked for assistance in the precinct register so the registrar can update the voter’s record to indicate that the voter is entitled to assistance in voting for future elections.**

Stephanie Patrick with the Advocacy Center was present and addressed the board with her concerns regarding poll workers asking questions about a voter’s disability. She proposed a check box and asked that during training that commissioners be educated on asking for in depth information regarding the voter’s specific disability.

Ms. Rogers stated that right now at the back of the tab for assistance are blank lines. The assistant is writing their name and signing so the assistant or the voter will check the box. I would put the check box by the voter’s signature. I would let the voter check off for the disability, not the commissioner.

Secretary Schedler stated that we will be doing this by check box and we will change it from the commissioner’s duty to voter’s duty to check the box that is what we would be voting on with an effective date of January 1, 2018.

Ms. Hooter moved to approve Item Number 19 as amended and Ms. Rogers seconded the motion. Without objection, Item Number 19 was approved as amended.

**NUMBER 20:**

**EXPLANATION: Provides clarification on when a provisional ballot is to be counted, such as when the registrar confirms that the provisional voter is a registered voter in the parish, voted on the federal office(s) for which he is eligible to vote and did not vote early, absentee by mail or at his precinct on Election Day.**

Add the presidential preference to the sentence about the third or fourth day on page 58, paragraph C and amend it to say for a presidential, regularly scheduled congressional general election or presidential preference primary election they may be counted on the third or fourth day.

Ms. Hooter moved to approve Item Number 20 as amended and Ms. Rogers seconded the motion. Without objection, Item Number 20 was approved as amended.

**NUMBER 21:**

**EXPLANATION: Advances the day to count the provisional ballots when the day to open the voting machines provided in R.S. 18:573(A) is advanced to make this consistent with the day for opening the voting machines.**

The board voted on taking out the date certain and to have it counted before certification combining Items 20 and 21.

Ms. Day moved to approve Item Number 21 as amended and Mr. Barham seconded the motion. Without objection, Item Number 21 was approved as amended.

**NUMBER 22:**

**EXPLANATION: Amends the statute to address the current procedures the commissioners follow after the termination of voting.**

Ms. Rogers moved to approve Item Number 22 and Mr. Barham seconded the motion. Without objection, Item Number 22 was approved.

**NUMBER 23:**

**EXPLANATION: Corrects the name of the document showing the results that the commissioner-in-charge transmits to the secretary of state on election night.**

Ms. Rogers moved to approve Item Number 23 and Ms. Holcombe seconded the motion. Without objection, Item Number 23 was approved.

**NUMBER 24:**

**EXPLANATION: Clarifies that the promulgation of election results moves the same number of days if the duties preparing for promulgation move due to a holiday.**

Ms. Rogers moved to approve Item Number 24 and Mr. Barham seconded the motion. Without objection, Item Number 24 was approved.

**NUMBER 25:**

**EXPLANATION: Requires that when special elections are called to fill vacancies for state boards and commissions, parish or municipal governing authorities and local or municipal offices, the elections shall be held on the next available gubernatorial or congressional election date, if one is available within eighteen months or a year of the occurrence of the vacancy, as applicable. This would reduce the number of special elections on spring election dates and would be a cost saving measure for the entities calling the special elections.**

Ms. Rogers moved to approve Item Number 25 and Mr. Barham seconded the motion. Without objection, Item Number 25 was approved.

**NUMBER 26:**

**EXPLANATION: Due to the changes in Act 410 of the 2015 Regular Session of the Louisiana Legislature, the deadline for the governor to issue a proclamation for a recall election sometimes falls after the deadline for the registrar of voters to assign voters in the Election and Registration Information Network (ERIN) system as provided in R.S. 18:58 and 532.1. This proposed amendment moves the deadline from 46 days to 54 days prior to the general election to provide a reasonable amount of time for the registrars of voters to assign voters in ERIN for the election.**

Ms. Rogers moved to approve Item Number 26 and Mr. Barham seconded the motion. Without objection, Item Number 26 was approved.

**NUMBER 27:**

**EXPLANATION: Provides that the absentee by mail application for military and overseas voters remains valid for one subsequent regularly scheduled federal general election instead of two subsequent regularly scheduled federal elections, as Section 585 of the Military and Overseas Voting Act of 2009 repealed the requirement that a single absentee ballot request serves as a request to receive absentee ballots through two subsequent regularly scheduled federal elections. This will improve the military and overseas return ballot statistics because the ballots will be sent to the voters at addresses that are more current.**

Ms. Rogers moved to approve Item Number 27 and Mr. Barham seconded the motion. Without objection, Item Number 27 was approved.

**NUMBER 28:**

**EXPLANATION: Deletes the requirement for the parish board of election supervisors to void both ballots if the voter returns both the spoiled ballot and the replacement ballot and allows the parish board to count the replacement ballot if the parish board can determine which ballot is the spoiled ballot.**

Ms. Rogers moved to approve Item Number 28 and Mr. Barham seconded the motion. Without objection, Item Number 28 was approved.

**NUMBER 29:**

**EXPLANATION: Amends the statute to allow a ballot that is physically damaged or cannot be counted by the counting equipment to be hand counted by the parish board of election supervisors instead of duplicating the ballot.**

The proposed amendment was to strike through number 11 under paragraph F to take effect January 1.

Mr. Barham moved to approve Item Number 29 as amended and Ms. Day seconded the motion. Without objection, Item Number 29 was approved as amended.

**NUMBER 30:**

**EXPLANATION: Requires the clerk of court to transmit the election results to the secretary of state in the manner directed by the secretary of state because that requirement and the current practice are not addressed in the law.**

Ms. Rogers moved to approve Item Number 30 and Ms. Hooter seconded the motion. Without objection, Item Number 30 was approved.

**NUMBER 31:**

**EXPLANATION: Deletes the requirement for the parish custodian to mail a notice to each candidate of the time and place for testing and sealing machines, etc. because the candidates are now provided a Chronological Table at the time of qualifying by the clerk of court that instructs the candidates to contact the parish custodian to confirm the time and location for the testing and sealing of the voting machines.**

Ms. Holcombe moved to approve Item Number 31 and Ms. Hooter seconded the motion. Without objection, Item Number 31 was approved.

Merietta Norton presented the miscellaneous recommendations.

**MISCELLANEOUS RECOMMENDATIONS**

**NUMBER 32:**

**EXPLANATION: Presently, a person can register to vote and attest that he needs assistance in voting and provide the reason. Amending the law will allow a voter who has become disabled since initially registering to vote to make a change to his registration to request assistance in voting by completing a new voter registration application.**

**Presently after voter registration is closed, a voter who is not marked as needing assistance in voting is allowed to submit proof of disability during early voting to the registrar, on election day to the commissioner-in-charge or by mail (with a copy of a picture identification) to the registrar of voters prior to the election and receive assistance in voting. Such proof includes a certificate from a medical doctor or optometrist, a copy of a current mobility impairment identification card, or a copy of current documentation showing eligibility for social security disability benefits, veteran’s disability benefits, paratransit services, benefits from the office for citizens with developmental disabilities or benefits from Louisiana Rehabilitation Services. Assistance is allowed by anyone of the voter’s choosing, except a candidate, commissioner-in-charge, employer, employer’s agent or union agent.**

**Amending the law would also allow the voter to request assistance either during early voting or on Election Day where the voter would complete and sign a voter registration application certifying that he has a physical disability and needs assistance in voting. Such assistance would be limited to either the registrar, deputy registrar, commissioner or immediate family member only the first time the voter votes with assistance. After the voter votes with assistance the first time, the voter may receive assistance of any person of his choice, except a candidate, commissioner-in-charge, employer, employer’s agent or union agent.**

Stephanie Patrick with the Advocacy Center was present and addressed the board with her comments and concerns. The concerns regarded Louisiana’s requirements to provide proof of disability as it relates to the NVRA requesting that the voter choose who will provide the assistance.

Secretary Schedler voiced his concerns with multiple people claiming to assist one disabled voter to move to the front of the line.

Brian Champagne addressed the board with comments.

Board members discussed the possibility of imposing fines on persons taking advantage of claiming assistance of a disabled voter.

Joni Ronsonet addressed the board regarding the addition of a check box and suggested another application instead.

Debbie Hudnall also addressed the board regarding people receiving assistance and her concern that in the past supporters of candidates would bring voters in need of assistance to the polls to help a candidate and that is one of the reasons that it is in place.

The amendment would be to have the provision state that the person would certify that he has a physical disability and is entitled to assistance.

Ms. Rogers moved to approve Item Number 32 as amended and Ms. Day seconded the motion. Without objection, Item Number 32 was approved as amended.

**NUMBER 33:**

**EXPLANATION: Makes the close of registration 20 days prior to the election for voter registration applications or changes to existing registrations that are submitted in person at the offices of the registrars of voters which is the same deadline for submitting online voter registration applications. The request was made by a registrar of voters who indicated that it does not make sense that a registrant who comes to register to vote in person during the 29th day through the 20th day prior to the election that the registrar has to tell the registrant to go online to register to vote.**

Ms. Holcombe indicated that she did not like the idea.

Chairman Schedler made a motion to reject Item Number 33 and Mr. Barham seconded the motion. Without objection, Item Number 33 was rejected.

**NUMBER 34:**

**EXPLANATION: To provide for the statement explaining the scope and nature of any proposed constitutional amendment on the ballot to be written by the legislature instead of the secretary of state to provide clarification to the voters of the effect of passage of proposed constitutional amendments.**

Ms. Day asked why the Attorney General would be taken out of the process in reviewing the constitutional amendments.

Ms. Norton will work on the deadlines and timelines for ballot purposes. Ms. Day moved to approve Item Number 34 and Ms. Rogers seconded the motion**.** Without objection,Item Number 34 was approved.

**NUMBER 35:**

**EXPLANATION: Allows for three commissioners per precinct for the presidential preference primary election instead of two because it is more difficult for the commissioners to conduct the federal election due to provisional voting and an additional commissioner is necessary.**

Ms. Hooter moved to approve Item Number 35 and Ms. Rogers seconded the motion. Without objection, Item Number 35 was approved.

**NUMBER 36:**

**EXPLANATION: Provides that the absentee by mail requests for senior citizens and voters in the disability program “may” remain, rather than “shall” remain, valid indefinitely to allow for the voters to make an application for only one election rather than require that the applicants be enrolled in the automatic ballot program.**

**Provides that the application to vote absentee by mail remains valid indefinitely, unless the voter does not vote in any election from the date of his application until the day after the second regularly scheduled general election for federal office held after such date. Also requires the registrar to send notice to the applicant that his application will no longer be valid.**

**This addresses the issue relating to numerous voters only wanting to vote absentee by mail for one election who do not intend to vote absentee by mail for subsequent elections and fail to return the ballots to the registrar.**

Brian Champagne addressed the board.

Take “shall” and replace with “may”. The Secretary of State’s Office is researching programming.

Ms. Rogers moved to approve Item Number 36 and Ms. Day seconded the motion. Without objection, Item Number 36 was approved.

**NUMBER 37:**

**EXPLANATION: Corrects the date for municipal and parochial officers in Orleans Parish to take office to match the provisions of the applicable Home Rule Charter.**

Secretary Schedler moved to reject Item Number 37 and Ms. Rogers seconded the motion. Without objection, Item Number 37 was rejected.

**NUMBER 38:**

**EXPLANATION: Makes the deadlines for submission of alcohol propositions to the secretary of state consistent with the deadlines provided in Title 18 of the Louisiana Revised Statutes.**

Ms. Day moved to approve Item Number 38 and Ms. Rogers seconded the motion. Without objection, Item Number 38 was approved.

**NUMBER 39:**

**EXPLANATION: Justices of the Peace run on old ward lines, which really no longer exist, and it is getting more difficult for the registrars of voters to confirm the jurisdiction.**

Ms. Rogers moved to approve Item Number 39 and Mr. Barham seconded the motion. Without objection, Item Number 39 was approved.

**ITEMS FOR DISCUSSION**

**NUMBER 40:**

Amend R.S. 18:1461.7 to prohibit a voter from taking pictures or video at the polling place, except when the voter is casting his vote in the voting machine.

Secretary Schedler moved to approve Item Number 40 and Ms. Rogers seconded the motion. Without objection, Item Number 40 was approved.

**NUMBER 41:**

Discussion of the overtime for registrars and their employees during early voting as provided in R.S. 18:1400.8 continuing to be a reimbursable election expense.

Brian Champagne addressed the board.

Secretary Schedler moved that a meeting be held with the Police Jury Association and the Louisiana Municipal Association and Ms. Rogers seconded that motion. Without objection, the motion was approved.

**NUMBER 42:**

Discussion relating to seventeen year olds voting early during the early voting period prior to the first election at which they shall have attained the age of eighteen years.

Steve Raborn addressed the board.

A motion for approval was made pending discussion with the Information Technology Section by Secretary Schedler and the motion was seconded by Ms. Rogers. Without objection, the motion was approved.

Brian Champagne suggested having the annual report due date pushed back to the 31st. Secretary Schedler moved for approval and it was seconded by Ms. Rogers. Without objection, the motion was approved.

The rule on merit evaluations for registrars of voters was discussed. Secretary Schedler moved that the rule change be approved and Ms. Rogers seconded the motion. Without objection, the motion was approved.

Ms. Rogers moved that the meeting be adjourned and Ms. Holcombe seconded the motion. Without objection, the meeting was adjourned at 4:40 p.m.