**State Board of Election Supervisors Meeting January 9, 2013**

**Minutes**

The January 9, 2013 meeting of the State Board of Election Supervisors was called to order at the State Capitol, Baton Rouge, Louisiana in House Committee Room 3 at 10:00 a.m.

Angie Rogers, Commissioner of Elections, called the meeting to order, and Patricia Chesne was acting secretary.

The following members were present: Angie Rogers, Commissioner of Elections; Jay Dardenne, Lt. Governor; Richard Traina, Governor’s Appointee; William “Bill” Bryan, Attorney General’s Office; and Robert Poche’, Registrars of Voters Association. Secretary of State, Tom Schedler was out of state and unable to attend the meeting. Louis Perret, Clerks of Court Association, was not present.

Angie Rogers called for adoption of the minutes. Mr. Bryan moved to approve the minutes. Without objection, the minutes from last year’s state board meeting were approved.

Merietta Norton, counsel for the Secretary of State presented the recommendations for the Omnibus bill.

**Number 1:** Authorizes the secretary of state to provide for the voluntary registration of individuals or entities conducting voter registration drives. This will allow the secretary of state to obtain contact information for those individuals or entities conducting voter registration drives in Louisiana and to provide them information and laws on voter registration.

Mr. Bryan moved to approve item number 1 and Lt. Gov. Dardenne seconded the motion. Item number 1 was approved.

**Number 2:** Deletes the requirement for the registrar of voters to put the date of a change and all pertinent information concerning the change on the original application and requires the document indicating the change to be attached to the original application. This saves the registrar time and ensures that the changes will be kept with the original application.

Mr. Poche’ moved to approve item number 2 and Mr. Bryan seconded the motion. Item number 2 was approved.

**Number 3:** Provides that voter registration applications received electronically are no longer considered registrations by mail. Online registrants are required to have a Louisiana driver’s license number or Louisiana special identification card number that are verified online and the registrants’ signatures are provided with the online applications. Classifying online registrations as registrations by mail created problems for some registrants to be added to the voter registration rolls in time for early voting because verification letters were required to be sent to the registrants and the registrants could not be added to the rolls until ten days from the date of mailing of the verification letters.

Mr. Bryan moved to approve item number 3 and Mr. Poche’ seconded the motion. Item number 3 was approved.

**Number 4:** Authorizes the registrar of voters to make changes of address, changes of party affiliation or nonaffiliation and changes of name received prior to the close of the registration records for the general election. Presently, the registrar is not allowed to make changes of address received after the close of the registration records for the primary election that are submitted by registrants, except for registrants who are on the inactive list and confirm their addresses by voting absentee by mail, voting during early voting, voting on election day or who confirm their addresses after the close of books for the primary election as authorized by R.S. 18:196(C). The proposed amendment makes the changes of address of active registrants received after the close of the registration records for the primary election consistent with the provisions for the inactive registrants whose changes of address are made prior to the general election.

Mr. Poche' noted that while he is not in opposition to this recommendation it is a controversial issue giving New Orleans as an example.

Bill Bryan expressed his concern regarding people intentionally relocating to vote in a run-off election.

Lt. Gov. Dardenne made a motion to move the recommendation out of the omnibus bill to miscellaneous and the motion was seconded by Mr. Poche’.

**Number 5**: Makes the statute consistent with the provisions of Act 213 of the 2012 Regular Session that repealed the requirement for the registrar of voters to post a list of voters who requested to vote absentee by mail. Included on the list are the names of voters who have not returned their absentee by mail ballots to the registrar of voters. The registrar of voters is not required to post the list, but the list can be obtained by making a public records request to the registrar of voters or secretary of state. In addition, a public records request could be made for copies of the applications to vote absentee by mail. Prohibiting disclosure of the applications to vote absentee by mail and the information contained in the applications until the voted ballots are returned to the registrar of voters will reduce the likelihood that voters who have not returned their absentee by mail ballots will be contacted or influenced on how to cast their votes.

Mr. Bryan moved to approve item number 5 and Mr. Poche’ seconded the motion. Item number 5 was approved.

**Number 6**: Provides that the registrar of voters or secretary of state shall not disclose the short message service numbers of registered voters. The voters that have provided short message service numbers participate in a notification service where they receive election updates from the secretary of state. Prohibiting disclosure of the short message service numbers for registered voters makes it consistent with the provisions of Act 595 of the 2012 Regular Session that prohibits the secretary of state from disclosing short message service numbers of corporations, limited liability companies, partnerships and other entities.

Mr. Poche’ moved to approve item number 6 and Mr. Bryan seconded the motion. Item number 6 was approved.

**Number 7**: Deletes the requirement for the clerk of court to record the name, date of birth, sex, and address of a person interdicted, as the clerk of court does not have access to the information and the information normally is not contained in the judgment for interdiction.

Mr. Poche' mentioned getting in touch with the Judicial Board. Mrs. Norton provided that the Attorney General would be helpful in getting the Code of Civil Procedure (C.C.P. Art. 4551) amended by filing a separate bill.

Mr. Poche' moved to approve item number 7 and Mr. Bryan seconded the motion. Item number 7 was approved.

**Number 8**: Deletes the requirement to publish the list of inactive voters in each parish journal ninety days before a federal primary election. The names of inactive voters currently are available on the secretary of state’s website which is updated on a daily basis.

Ms. Rogers asked if this change would require U.S. Department of Justice approval to which Mrs. Norton replied yes.

Mr. Bryan moved to approve item number 8 and Mr. Poche’ seconded the motion. Item number 8 was approved.

**Number 9**: Clarifies that only active registered voters shall be used to determine the number of commissioners per precinct pursuant to R.S. 18:196(A), which provides that the registrants on the inactive list of voters shall not be counted in computing the number of commissioners at a precinct.

Mr. Bryan moved to approve item number 9 and without objection item number 9 was approved.

**Number 10**: Changes the expiration date of certificates issued to commissioners to December 31st of the year of expiration of the terms of the clerks of court who conducted the courses to allow experienced commissioners to continue to serve in the presidential election. This also allows the clerks of court to focus on holding pre-election courses rather than having to conduct courses to re-certify commissioners.

Mr. Poche' moved to approve item number 10 and without objection item number 10 was approved.

**Number 11**: R.S. 18:424 requires a commissioner-in-charge to have served as a commissioner in at least two elections during the last four years.  The statute currently provides for the selection of commissioners-in-charge prior to the general election for members of congress and officers elected at the same time as members of congress and moving the date of selection will give more commissioners the opportunity to qualify as commissioners-in-charge by having served in at least two elections.

Changes the time period for the clerks of court to conduct courses of instruction for commissioners-in-charge to allow courses of instruction to be conducted after the general election for members of congress and officers elected at the same time as members of congress.

Changes the beginning date for the term of office of commissioners-in-charge to the third Monday in January to follow the selection of the commissioners-in-charge on the second Friday in January.

Lt. Gov. Dardenne moved to approve item number 11 and without objection item number 11 was approved.

**Number 12**: Authorizes the parish board of election supervisors to opt to select commissioners-in-charge rather than drawing commissioners-in-charge upon a majority vote of the board. This allows the board to select the most qualified commissioners-in-charge.

Mrs. Norton noted that this change would provide more experienced commissioners-in-charge.

Mr. Bryan moved to approve item number 12 and without objection item number 12 was approved.

**Number 13**: Authorizes the parish board of election supervisors to opt to select one commissioner per precinct rather than drawing for the commissioner upon a majority vote of the board. This allows the board to select the best team of commissioners to serve at each precinct and allows less experienced commissioners to serve with more experienced commissioners.

Mr. Bryan moved to approve item number 13 and Mr. Poche’ seconded the motion. Item number 13 was approved.

**Number 14**: Changes the deadline to file a list of watchers with the clerk of court from 5:00 p.m. to 4:30 p.m. to make this consistent with the hours of operation of most clerks’ offices. In addition, the 5:00 p.m. deadline requires certain clerks to incur overtime which currently is paid by the state out of the secretary of state’s elections budget.

Changes the deadline to file a list of watchers with the clerk of court from the 10th day prior to the election to the 22nd day prior to the election to give the parish board of election supervisors more time to process the requests for watchers, issue commissions to the watchers, and mail the commissions.

Mr. Bryan moved to approve item number 14 and without objection item number 14 was approved.

**Number 15**: Provides that candidate packets shall be sent to the mailing addresses of candidates if mailing addresses are provided, as some candidates do not have mail delivery at their domicile addresses.

Provides that candidate packets shall be mailed within 2 business days after receipt of the notices of candidacy, as notices of candidacy that are filed on Friday afternoon during qualifying cannot be sent by certified mail within 48 hours after receipt of the notice of candidacy.

Mr. Poche’ moved to approve item number 15 and without objection item number 15 was approved.

**Number 16**: Clarifies that a candidate who wants to make changes to his notice of candidacy during the qualifying period after he has filed his notice of candidacy shall be required to file a new notice of candidacy and pay an additional qualifying fee, unless the candidate is deployed overseas in the U.S. armed forces.

Mr. Bryan moved to approve item number 16 and without objection item number 16 was approved.

**Number 17**: Changes the deadline to file a nominating petition with the registrar of voters from 30 days before the qualifying period ends to 14 days before the qualifying period ends for special elections called pursuant to R.S. 18:402(E). R.S.18:402 as amended by Act 139 of the 2012 Regular Session changed the deadline to issue proclamations calling special elections to 4 weeks before the opening of the qualifying period for the special primary election. The proposed amendment is necessary because the deadline to file nominating petitions is close to the deadline to call special elections and candidates who want to qualify with nominating petitions for special elections need to have the time to obtain signatures on the nominating petitions.

Mr. Poche’ commented that he believed it was a short amount of time for the registrar of voters to certify, but had no opposition to the recommendation.

Mr. Poche’ moved to approve item number 17 and without objection item number 17 was approved.

**Number 18**: Changes the closing of the qualifying period from 5:00 p.m. to 4:30 p.m. to make this consistent with the hours of operation of most clerks’ offices. In addition, the 5:00 p.m. deadline requires certain clerks as the qualifying officials to incur overtime which currently is paid by the state out of the secretary of state’s elections budget.

Mr. Poche’ believes that current law requires the registrar of voters stay open for qualifying also and asked Mrs. Norton to specify. Mrs. Norton replied that there was no mention of registrar’s hours being consistent with clerk’s hours, but some stay open.

Ms. Rogers referred to R.S. 18:134 in that there was no need for a change for the registrar of voters.

Mr. Poche’ moved to approve item number 18 and without objection item number 18 was approved.

**Number 19**: Deletes the requirement to refund qualifying fees for withdrawals filed prior to the 56th day before the election. Candidates mistakenly believe that if they withdraw that their names will not appear on the ballot and it is time consuming for the elections staff to process and refund 50% of the fees while building the election, issuing candidate numbers and preparing ballots for the election.

Mrs. Norton noted that this recommendation relates to the confusion as to when candidates can withdraw, when they can get their money back, when their names will be removed from the ballot, and why they will not get a full refund.

Mr. Bryan moved to approve item number 19 and without objection item number 19 was approved.

**Number 20**: Clarifies that commissions shall be issued in a postponed election when all candidates in the postponed election are elected. The proposed amendment is necessary to address issuing commissions when candidates in a postponed election for a governing authority are not elected at the same time and want to be commissioned for seats where the jurisdiction has changed after reapportionment. Issuing commissions at different times when the jurisdiction has changed would cause certain voters to not have representation on the governing authority and other voters to have dual representation on the governing authority.

Mr. Poche’ moved to approve item number 20 and without objection item number 20 was approved.

**Number 21**: Clarifies that the poll lists shall have the names of voters entered by two commissioners to make sure the names are being properly recorded and the number of voters on the poll lists matches the number of voters in the precinct register.

Mr. Poche’ asked if one commissioner could write in two books. Mrs. Norton replied that they are not supposed to and there should be two.

Mr. Poche’ also asked what happens if the number of commissioners is cut. Ms. Rogers replied that the minimum number of commissioners is 2, so you will always have at least 2.

Mr. Poche' moved to approve item number 21 and without objection item number 21 was approved.

**Number 22**: Provides that the commissioner-in-charge and the commissioners are only required to put the last four digits of their social security numbers on the affidavit that lists the hours worked by the commissioners. This full social security numbers are not needed to process payments to the commissioners-in-charge and commissioners and the proposed amendment protects the confidentiality of their social security numbers.

Adds a statement to the affidavit that information contained in the precinct register will not be disclosed in accordance with R.S. 18:154, including the fact that a registered voter is entitled to assistance in voting, the day and month of the date of birth of a registered voter, and the mother’s maiden name of a registered voter.

Provides for the disposition of the original affidavit by requiring the affidavit to be placed in the clear plastic zipper bag that is delivered to the clerk of court on election night.

Mr. Bryan moved to approve item number 22 and without objection item number 22 was approved.

**Number 23**: Provides that the costs for reinspection of voting machines shall be paid when the written request for the reinspection is filed with the clerk of court. Also provides the acceptable forms of payment of the costs to reinspect the voting machines.

Mr. Poche’ moved to approve item number 23 and without objection item number 23 was approved.

**Number 24**: Changes the qualifying period for presidential candidates to match the qualifying period for other candidates. Presently, the qualifying period for presidential candidates ends more than a month after the qualifying period for other offices and ballots cannot be prepared until the presidential qualifying period has concluded. This will allow the secretary of state to prepare ballots earlier and assist with meeting the 45 day ballot transit time required for federal ballots that are sent to the military and overseas voters.

Mr. Poche’ moved to approve item number 24 and without objection item number 24 was approved.

**Number 25**: Clarifies that the documents sent to military and overseas voters electronically applies to all ballot types and not just federal ballots.

Lt. Gov. Dardenne moved to approve item number 25 and without objection item number 25 was approved.

**Number 26**: Provides that military and overseas voters voting absentee by mail will be sent three envelopes instead of four envelopes, as only three envelopes are necessary because the ballot envelopes for the primary and general elections are returned to the registrars of voters in the same envelope.

Mr. Poche’ moved to approve item number 26 and without objection item number 26 was approved.

**Number 27**: Deletes the requirement for the presidential ballot to only have presidential candidates listed on the ballot. The secretary of state now builds the ballot for all offices and propositions and it is no longer possible to have a separate ballot for presidential candidates.

Deletes the requirement to have an absentee by mail ballot envelope listing “Presidential Ballot Only” since there will no longer be a separate ballot for the presidential candidates.

Mr. Poche’ moved to approve item number 27 and without objection item number 27 was approved.

**Number 28**: Requires the early voting commissioners to take an oath of office to serve as deputy registrars during the early voting period. Requiring early voting commissioners to take oaths of office makes this consistent with the provisions for commissioners who take oaths of office on election day.

Repeals the requirement to obtain the information included on the list provided in R.S. 18:1311(A), as R.S. 18:1311(A) was repealed by Act 213 of the 2012 Regular Session.

Requires the early voting commissioners to complete and sign a payroll and non-disclosure affidavit to verify the hours worked by the early voting commissioners and to agree not to disclose information that is protected as provided in R.S. 18:154.

Ms. Rogers noted that this provision would have early voting commissioners treated the same as election day commissioners.

Mr. Poche’ moved to approve item number 28 and without objection item number 28 was approved.

**Number 29**: Makes this statute consistent with the provisions for assistance in voting on election day and the required documentation provided in R.S. 18:564(D)(1)(b).

This item was noted to be a technical correction.

Mr. Bryan moved to approve item number 29 and without objection item number 29 was approved.

**Number 30**: Deletes the provision that the parish board of election supervisors cannot begin counting absentee by mail and early voting ballots before 1:00 p.m. on election day which will enable the board to start counting earlier on election day for elections that have a large number of absentee by mail and early voting ballots.

Mr. Bryan asked if this would change the 8:00 p.m. provision to which Mrs. Norton replied no. Ms. Rogers stated that each parish would set their own time.

Mr. Poche’ moved to approve item number 30 and without objection item number 30 was approved.

**Number 31**: Clarifies that the special ranking ballots for the general election that are sent to military and overseas voters are to be counted by hand by the parish board of election supervisors.

This recommendation is a technical amendment.

Mr. Poche’ moved to approve item number 31 and without objection item number 31 was approved.

**Number 32**: Changes the name of the absentee by mail and early voting commissioners to parish board commissioners to eliminate confusion with early voting commissioners who work during the early voting period.

Mr. Poche’ moved to approve item number 32 and without objection item number 32 was approved.

**Number 33**: Provides that the costs for a recount of absentee by mail and early voting ballots shall be paid when the written request for the recount is filed with the clerk of court. Also provides the acceptable forms of payment of the costs to conduct a recount of the ballots.

Mr. Bryan moved to approve item number 33 and without objection item number 33 was approved.

**Number 34**: Provides that the costs for an inspection of ballot envelope flaps from valid paper ballots shall be paid when the written request for the inspection is filed with the clerk of court. Also provides the acceptable forms of payment of the costs to inspect ballot envelope flaps.

Mr. Poche’ moved to approve item number 34 and without objection item number 34 was approved.

**Number 35**: Clarifies that machines may be prepared and tested in the presence of parish board members. Also clarifies that the parish custodian certifying to the numbers of machines, that all public candidate and question counters are set at zero, and as to the number registered on the protective counter of the machine may be done in the presence of parish board members.

Ms. Rogers added “as well as candidates, their representatives, and the public”.

Mr. Poche’ moved to approve item number 35 and without objection item number 35 was approved.

**Number 36**: Makes it an election offense to copy or reproduce a completed voter registration application collected through a voter registration drive to protect the confidentiality of personal information of the registrant, including full date of birth and social security number.

Mr. Bryan moved to approve item number 36 and without objection item number 36 was approved.

**Number 37**: Amends the statute to delete the references to “within any place wherein early voting is being conducted” to make this statute consistent with R.S. 18:2(5.1) which provides that a polling place means any location where voting, either early or on election day, is conducted pursuant to this Code.

Mr. Poche’ moved to approve item number 37 and without objection item number 37 was approved.

**MISCELLEANOUS RECOMMENDATION**

**Number 38**: Authorizes the secretary of state to allow military and overseas voters to vote by other methods and deletes the requirement that there be a declared emergency.

Authorizes the secretary of state to allow voters to vote by other methods who are working out of state because of a declared emergency.

Mr. Bryan asked if there were any requirements for verification. Ms. Rogers stated that procedures would need to be written. Mr. Bryan stated that there should be some kind of rules for verification.

Lt. Gov. Dardenne moved to approve item number 38 and without objection item number 38 was approved.

Lt. Gov. Dardenne also asked that item number 36 be reconsidered and amend pg. 113 to put a “.” after “application” and change it to make clear that it is not limited to voter registration drives.

Mr. Poche’ moved to approve item number 36 as amended by recommendation of Lt. Gov. Dardenne and without objection item number 36 as amended was approved.

The meeting of the State Board of Election Supervisors adjourned at 11:00 a.m.