

State Board of Election Supervisors Meeting Minutes January 11, 2018

The January 11, 2018 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 10:30 a.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; Dr. Mark Leeper, Governor's Appointee; 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 December 6, 2016 meeting. Ms. Rogers moved to approve the minutes and Erin Day seconded the motion. Without objection, the minutes were adopted.

A chairman and vice chairman were elected. This meeting was Angie Rogers last meeting as Commissioner of Elections. Angie Rogers nominated Secretary Schedler as Chairman for the board. Without objection, Secretary Schedler was elected as Chairman of the board. After this meeting, Sherri Hadksey will take Angie Rogers position on the board as Commissioner of Elections.

Chairman Schedler took nominations for vice-chairman. Ms. Holcombe nominated Sherri Hadksey as vice chairman, and Ms. Rogers seconded. Without objection, Sherri Hadskey was elected as vice-chairman of the board.

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; Melissa Henry, St. Tammany Parish Clerk of Court; Kyle Ardoin, First Assistant Secretary of State; 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 the requirement for the full date of birth of the person signing the petition, which would aid in preventing identity theft of the person who signed the petition.

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

NUMBER 2:

EXPLANATION: Provides that the representative on the State Board of Election Supervisors for the Police Jury Association shall be selected in the manner as determined by the association to make it easier for the association to select the representative on the board. Also allows the association to select an alternate member to serve in the absence of the selected member. The proposed amendments aid in having a quorum of the State Board of Election Supervisors for the transaction of business.

Ms. Hooter moved to approve Item Number 2 and Mr. Barham seconded the motion. Without objection, Item Number 2 was approved.

NUMBER 3:

EXPLANATION: Allows the chairman of the State Central Committee of a political party to appoint a registered voter in the parish who is affiliated with the political party to serve on the parish board of election supervisors. The proposed amendment addresses the issue when there is no member of the parish executive committee to serve on the parish board.

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

NUMBER 4:

EXPLANATION: Deletes the requirement for the clerk of court to send the secretary of state a list of certified commissioners and requires the list to be entered in the Elections Registration Information Network to make it

consistent with the process that the clerks follow to enter the names of the commissioners-in-charge.

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

NUMBER 5:

EXPLANATION: Deletes the reference on the notice of candidacy to Article 1, Section 10 of the Louisiana Constitution because that constitutional provision was declared unconstitutional by *Shepherd v. Schedler* and replaces the constitutional provision with R.S. 18:451.

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

NUMBER 6:

EXPLANATION: Changes the qualifying dates for the spring elections, except the presidential preference primary election, and moves the special elections and proposition elections deadline, which gives governing authorities additional time to call special and proposition elections after the fall elections. The proposed amendment also gives the secretary of state additional time after the fall elections to process special and proposition elections.

The proposed amendment gives governing authorities a longer window to change precincts following the canvass of registered voters that fall under 300 registered active voters or to split larger precincts over 2200 active registered voters, which can only be done by the tenth day before the qualifying period opens.

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

NUMBER 7:

EXPLANATION: Deletes the reference to Article 1, Section 10 of the Louisiana Constitution because that constitutional provision was declared unconstitutional by *Shepherd v. Schedler* and replaces the constitutional provision with R.S. 18:451.

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 the provision for the terms of office of the mayor and councilmembers for the City of New Orleans, as the terms of office are set forth in the home rule charter of the City of New Orleans. The terms of office of the clerks of court, sheriff, assessor and coroner are provided in Title 13 and Title 47.

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

NUMBER 9:

EXPLANATION: Clarifies that the payment for the use of private property as a polling place shall not exceed \$150, unless the secretary of state or his designee has approved the increase.

Ms. Rogers indicated that this is historically because of Hurricane Katrina. A lot of this is in New Orleans, but that is because of multiple precincts at a polling place, up to 15. So, \$150 for a building to have 15 precincts is not reasonable so that is why some of these are paid more.

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

NUMBER 10:

EXPLANATION: Deletes the requirement for the registrar of voters to post leases for polling places since the leases are filed with the secretary of state.

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

NUMBER 11:

EXPLANATION: Sets forth the procedures for the commissioners to follow in setting up the machines for voting and documenting in the precinct register the voters who have voted and are listed as having voted absentee by mail after the precinct registers have been prepared.

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

NUMBER 12:

EXPLANATION: Provides that a voter whose name was omitted from the precinct register to sign a precinct register correction affidavit if there is no valid challenge to the voter or the registrar of voters or secretary of state has confirmed that the voter is registered to vote in the precinct and requires the commissioner to print the voter's name behind the tab for precinct register correction affidavit.

Deletes the requirement for the commissioner to put the precinct register correction affidavit in the "Put In Voting Machine" envelope because only the registrar of voters needs the affidavit to make the correction to the voter's registration.

Requires the commissioner to have a qualified voter whose name was incorrectly printed on the precinct register to complete a voter registration application so the registrar of voters can make the correction to the voter's registration and requires the voter registration application to be placed in the "Registrar of Voters" envelope.

Ms. Holcombe indicated that there may not be a need for a new application every time a new spelling is needed.

Ms. Rogers provided the reason for using the voter registration application for corrections.

Ms. Day discussed whether or not a voter is still allowed to vote if the voter's name is misspelled.

Dr. Leeper indicated that he would appreciate the ability to do that on site immediately.

Mr. Ardoin indicated that there will be a lot of training involved and we will work together on this.

Joni Ronsonet indicated that we have voters that cannot read or write.

Ms. Holcombe moved to approve Item Number 12 and Ms. Hooter seconded the motion. Without objection, Item Number 12 was approved.

NUMBER 13:

EXPLANATION: Allows a child who is under the age of 18 to accompany his parent or legal guardian into the voting machine rather than only a pre-teen child.

Addresses the commissioner ordering a voter to complete voting and leave the voting machine, if the voter has exceeded the time allowed for voting.

Requires the commissioner to complete a "Notice of Irregularity" if the voter fails to make a selection before leaving the voting machine and the commissioner cannot activate the cast vote mechanism for the fled voter. Provides documentation to explain when the number of voters on the poll lists do not match the public counter numbers on the voting machines.

Ms. Holcombe expressed a concern that she had regarding this recommendation.

Ms. Hooter moved to amend Item Number 13 removing the portion regarding the preteen child and Ms. Rogers seconded the motion. Without objection, Item Number 13 was approved as amended.

NUMBER 14:

EXPLANATION: Clarifies that an applicant whose name does not appear in the precinct register and the registrar of voters has not authorized the applicant to vote by precinct register correction affidavit during early voting or on election day or the secretary of state has not authorized the applicant to vote by affidavit on election day, the applicant may cast a provisional ballot for candidates for federal office.

Dr. Leeper moved to approve Item Number 14 and Ms. Day seconded the motion. Without objection, Item Number 14 was approved.

NUMBER 15:

EXPLANATION: Changes the procedures the commissioners follow after closing the polls. Eliminates the “Put In Voting Machine” envelope and requires the documents that were previously placed in the “Put In Voting Machine” envelope to be placed in the “Secretary of State’s Envelope”. The documents are necessary for the secretary of state to conduct an audit of the results.

Requires one copy of the official election results reports, one of the duplicate poll lists, all duplicate records of challenges, all precinct register corrections, all voter identification affidavits, all physical disability affidavits, any physicians’ certificates, any copies of disability documentation and any address confirmation cards to be placed in the “Registrar of Voters” envelope to allow the registrar of voters to update the registration records and have documents available for candidates to view for potential election contests.

Melissa Henry, St. Tammany Parish Clerk of Court, indicated that the envelope is opened after 10 days and is used as quality control.

Sherri Hadskey explained the audit process and procedure.

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

NUMBER 16:

EXPLANATION: Requires the commissioner-in-charge to mail the “Secretary of State’s Envelope” on election night after the results are printed from the voting machines and all election paperwork is complete; deliver to the clerk of court in the clear plastic zipper bag the completed and signed keys envelope, the original of the machine certificates, the original of the affidavit of payroll and non-disclosure for the commissioners, one copy of the official election results report, all election result cartridges and return the provisional ballot envelope containing all voted provisional ballots and unused provisional ballots and envelopes for the federal election. Also requires the clerk of court to deliver to the registrar of voters the return provisional ballot envelope containing all voted provisional ballots not later than 8:30 a.m. on the first business day following the election.

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

NUMBER 17:

EXPLANATION: Sets forth the procedures for verification of the election results; and transmission and disposition of duplicate challenges, duplicate voters’ affidavits and address confirmation cards.

Requires the registrar of voters to compare the information provided by the voter on the voter identification affidavit and to submit to the elections compliance unit information on any voter the registrar determines was not a registered voter qualified to vote in the election; and requires the registrar of voters to scan the address confirmation card, voter identification affidavit, disability documentation or voter registration application to the voter’s record in the ERIN system after processing.

Ms. Holcombe expressed concern regarding handwriting analysis.

Ms. Rogers addressed Ms. Holcombe’s concerns. Anything of concern can be referred to the Elections Compliance Unit.

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

NUMBER 18:

EXPLANATION: A recount of ballots is presently allowed to be held on the fifth day after the election at 10:00 a.m. which currently is after the deadline for the parish board to file the compiled statement of the election returns with the clerk of court and only 2 hours before the deadline for the clerk of court to mail a copy of the compiled statement to the secretary of state. An amendment to move the deadline to file the compiled statement from the fourth day to the fifth day after the election and for the clerk to mail a copy from the fifth day to the sixth day would allow time for any requested recount and any changes in the election results to made in the ERIN system and on the secretary of state’s website before the compiled statement is submitted.

Changes the deadline for the secretary of state to compile the results of candidate elections, proposed constitutional amendments and recall elections and to complete the compilation of the results from noon on the sixth day after the election to the seventh day. Adds a requirement for the secretary of state to audit the election returns.

Changes the deadline for the secretary of state to promulgate the returns, if no timely election contest is filed, from the twelfth day after the election to the fourteenth day after the election, to allow time for the secretary of state to complete the audit of the election prior to promulgation.

Dr. Leeper moved to approve Item Number 18 and Ms. Day seconded the motion. Without objection, Item Number 18 was approved.

NUMBER 19:

EXPLANATION: Requires the parish board of election supervisors to attach to the compiled statements a notation of irregularities form prepared by the secretary of state that is used by the board during the verification of the results by the board.

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

NUMBER 20:

EXPLANATION: Requires the chairman of a recall petition to submit a copy of a picture identification to the secretary of state that contains the name and signature of the chairman and vice chairman of the petition. Also requires the recall petition to have the signatures of the chairman and vice chairman. This would allow the Elections Compliance Unit of the Department to verify the identities of the chairman and vice chairman when a complaint is received that the person claiming to be the chairman or vice chairman is not the qualified elector listed as the chairman or vice chairman.

Ms. Day expressed concern regarding confidential information on the form as a public record being disclosed.

Ms. Day moved to remove Item Number 20 and Ms. Rogers seconded the motion. Without objection, Item Number 20 was removed.

NUMBER 21:

EXPLANATION: Allows the secretary of state or an employee of the secretary of state to vote absentee by mail due to work constraints during early voting and on Election Day, if the secretary of state or the employee of the secretary of state submits a copy of a state employee identification card to the registrar of voters.

Allows an employee of the registrar of voters who is registered to vote in a parish other than his parish of employment to vote absentee by mail due to work constraints during early voting and on Election Day, if the employee of the registrar of voters submits a copy of an identification card showing employment with the registrar of voters.

Ms. Day expressed some concerns.

Ms. Rogers moved to approve Item Number 21 and Dr. Leeper seconded the motion. Without objection, Item Number 21 was approved.

NUMBER 22:

EXPLANATION: Clarifies that the summary list containing the names of all persons who voted during early voting or whose absentee by mail ballots have been received by the registrar of voters shall be posted so the registrar of voters does not have to post the larger list containing additional registration information of the voters.

Brian Champagne, Registrar of Voters, St. Charles Parish, provided information to the board.

The members of the board discussed this item at length.

Discussion was held about amending this item.

The Chairman moved to approve Item Number 22 as amended and Ms. Rogers seconded the motion. Without objection, Item Number 22 was approved as amended.

NUMBER 23:

EXPLANATION: Allows the registrar of voters to use a container that locks and is equipped with an open slot to store the voted ballots that are cast at nursing homes. Some of the registrars of voters have indicated that it has been difficult to find a metal box to hold the voted ballots that currently is required by law.

Dr. Leeper moved to approve Item Number 23 and Ms. Hooter seconded the motion. Without objection, Item Number 23 was approved.

NUMBER 24:

EXPLANATION: Corrects the citation to the election offense that was amended into R.S. 18:1461.3.

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

NUMBER 25:

EXPLANATION: Adds the requirement for each voting machine to have a voter verified audit mechanism.

Ms. Day moved to approve Item Number 25 and Dr. Leeper seconded the motion. Without objection, Item Number 25 was approved.

NUMBER 26:

EXPLANATION: The proposed amendment makes the statute consistent with the requirements of the Help America Vote Act.

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

MISCELLANEOUS RECCOMMENDATION

NUMBER 27:

EXPLANATION: Deletes the requirement for a voter to become eligible for the nursing home program to provide current proof of disability from a physician along with a certification from the physician that the voter is unable to appear in person to vote either during early voting or at the polling place on election day and allows the voter to do the certification that the voter is a resident of the nursing home. The proposed amendment makes it easier for residents of nursing homes to become participants in the nursing home program.

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

An additional item was discussed for the proposed omnibus bill to clarify that the population as shown by the latest federal decennial census shall be used as the population for determining qualifying fees for local candidates. Ms. Rogers moved to approve the item and Ms. Hooter seconded the motion. Without objection, the item was approved.

Ms. Rogers moved to adjourn and Ms. Day seconded the motion.

The meeting adjourned at 12:20 p.m.

1. Call the meeting of the State Board of Election Supervisors to order.
2. Secretary will do the roll call.
3. ____ members present and we have a quorum.
4. Call for nominations for a Chairman of the State Board of Election Supervisors.
5. Election of Chairman.
6. Chairman will conduct the meeting on the proposed amendments to Title 18.