

NOTICE OF INTENT

Department of State Elections Division

Merit Evaluations and Appeals for the Registrar of Voters

(LAC 31:II.108)

Pursuant to the provisions of the Administrative Procedure Act (R.S. 49:950 et seq.) and under the authority of R.S. 18:18, R.S. 18:55, R.S. 18:59, and R.S. 36:742, the Department of State is proposing to adopt amendments to the Rule to repeal the appeal process for merit evaluations of the registrars of voters. During the 2016 Regular Legislative Session, Act 358 was enacted authorizing the State Board of Election Supervisors to conduct appeals of merit evaluations of registrars of voters. In addition, the Department of State is proposing to amend merit evaluations for registrars of voters, chief deputies, and confidential assistants requiring a written explanation for those who do not receive an “excellent” rating based upon the recommendation of the House and Governmental Affairs Committee on March 4, 2015.

Title 31

ELECTIONS

Part II. Voter Registration

Chapter 1. Registrars of Voters

* * *

§107. Merit Evaluation for the Registrar of Voters

A-C. ...

D. A written explanation shall be given to any registrar of voters who does not receive an “excellent” rating.

AUTHORITY NOTE: Promulgated in according with R.S 18:18, R.S. 18:55, and R.S. 36:742.

HISTORICAL NOTE: Promulgated by the Department of State, Elections Division, LR 34:705 (April 2008), amended LR 41:759 (April 2015), amended LR 43:

§108. Appeal of Merit Evaluation for the Registrar of Voters

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 18:18, R.S. 18:55, and R.S. 36:742.

HISTORICAL NOTE: Promulgated by the Department of State, Elections Division, LR 41:759 (April 2015), repealed LR 43:

§109. Merit Evaluations of the Chief Deputy and Confidential Assistant

A-C. . . .

D. A written explanation shall be given to any chief deputy and confidential assistant who does not receive an “excellent” rating.

AUTHORITY NOTE: Promulgated in according with R.S 18:18, R.S. 18:59, and R.S. 36:742.

HISTORICAL NOTE: Promulgated by the Department of State, Elections Division, LR 34:705 (April 2008), amended LR 41:759 (April 2015), amended LR 43:

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Family Impact Statement

The proposed amendments to the Rule cited in LAC 31:II.107, 108, & 109 regarding the repeal of the appeal process of merit evaluation for registrars of voters and amendments to merit evaluations for registrars of voters, chief deputies, and confidential assistants 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. 107, 108, & 109 regarding the repeal of the appeal of merit evaluation for registrars of voters and amendments to merit evaluations for registrars of voters, chief deputies, and confidential assistants 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 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 Lani Durio, 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 repeal of Section 108 regarding appeal process for merit evaluations of registrars of voters and amendments to Rule to include a written explanation be given to any registrar of voters, chief deputy, and confidential assistant who does not receive an “excellent” rating. The deadline for the Department of State to receive written comments is 4:30 p.m. on Thursday, October 26, 2017 after the public hearing.

Public Hearing

A public hearing on the proposed repeal and amendments to the Rule is scheduled for Wednesday, October 25, 2017 at 1:30 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.

Tom Schedler
Secretary of State