

Public Notice

The La. R.S. 49:968(D)(1)(b) report has been delivered to the appropriate standing committees on August 11, 2021, regarding the proposed permanent rule, LAC, Louisiana Administrative Code, Title 31, Chapter 3, Sections 301, 303, 305, regarding “Opportunity to Cure Deficiencies In Absentee By Mail Ballots.”

apa.senatepresident@legis.la.gov

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RE: La. R.S. 49:968D(1)(b) Report of Department of State, Elections Division - Finalization of Adoption of LAC 31:I, Chapter 3, §§301-305

Dear Lady and Gentlemen:

In accordance with the provisions of the Administrative Procedure Act (R.S. 49:950 et. seq.), the Department of State, Elections Division, intends to promulgate LAC 31:I. Chapter 3, §§301-305, Opportunity to Cure Deficiencies in Absentee By Mail Ballots as a permanent rule. This rule is being promulgated in accordance with La. R.S. 18:18(A)(3) and La. R.S. 37:742.

In accordance with the Administrative Procedure Act (R.S. 49:950 et. seq.), the Department of State, Elections Division, previously exercised the emergency provisions of the Act, specifically R.S. 49:953(B), to promulgate a similar procedure for providing an opportunity to cure absentee by mail envelope flaps with deficiencies. The emergency rules had effective dates of June 15, 2020, October 12, 2020, February 9, 2021 and, most recently, June 9, 2021.

The permanent rule is necessary so that a permanent procedure may be provided for curing absentee by mail ballot envelope flaps with deficiencies.

In accordance with the provisions of the Administrative Procedure Act (R.S. 49:950 et. seq.), the Department of State hereby announces its plan to proceed with rule-making by finalizing the June 20, 2021 Notice of Intent that was promulgated on pages 807-808 of the *Louisiana Register*, Vol. 47, No. 6.

The Department of State received no requests for public hearing; and therefore did not conduct a public hearing pursuant to R.S. 49:953(A)(2).

Public comments were invited, and one comment was received after the deadline for comments but nonetheless a response was sent to the individual who made the comment. The comment questioned whether the rule had already been approved by the legislature or proper authority and whether the plan was to implement the rule in the Fall 2021 elections. The comment further asked what were the expected outcomes of the “comment period” on June 28, 2021. See Exhibit A attached.

The response provided that a similar rule was currently in effect as an emergency rule, which emergency rule had been approved by the Joint Senate and House Governmental Affairs committees on April 28, 2021. The response stated that either the similar emergency rule (effective June 9, 2021) or this new permanent rule would be effective for the Fall 2021 elections.

Finally, the response stated that no public hearing would be held on July 28, 2021, as the La. R.S. 49:953(A)(2)(a) criteria for public hearing had not been met. The Department of State’s response with attachments is attached hereto as Exhibit B.

No agency action will result from this public comment.

No changes have been made to the proposed rule since the La. R.S. 39:953(B) report was submitted. No changes were suggested.

If you have any questions, please contact me.

Celia R. Cangelosi

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Baton Rouge, LA 70808

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2 Attachments

Forwarded message

From: Jefferson Rov A <jeffersonrova@sos.la.gov>

Date: Mon, Jul 12, 2021 at 4:51 PM

Subject: inquiry regarding the notice of intent

To: Sherri Hadskey <sherri.hadskey@sos.la.gov>, Heather Meyers <heather.meyers@sos.la.gov>, Shelley Bouvier <sbouvier@jeffparish.net>, Dennis Dimarco <dimarcocpa@aol.com>

Dear Sherri or Heather,

We are looking for understanding regarding the Notice of Intent proposing a permanent rule on curing deficiencies in absentee ballots. Has this rule already been approved by the state legislature or the proper authority and the plan is to implement this rule in the Fall 2021 elections?

What are the expected outcomes from the comment period on July 28, 2021?

1. Determine whether to propose the rule?
2. Allow people to discuss the rule but it has already been decided that this programmatic change will occur?
3. Make subtle revisions to the content of the proposed rule?

Thank you so much for your guidance! We look forward to hearing from you.

Sincerely,

Allison Berrier
Administrative Program Manager I
Jefferson Parish
Registrar of Voters
c/o Dennis DiMarco
Registrar of Voters
Jefferson Parish
TEL: 504-736-6492

From: Nancy Landry <nancy.landry@sos.la.gov>
Sent: Friday, July 23, 2021 3:03 PM
To: Jefferson ROV A
Cc: Sherri Hadskey
Subject: Response to inquiry regarding the Notice of Intent
Attachments: LA SOS Response to A Berrier.w.attachments 7 2021.pdf

Dear Ms. Berrier,
We have received your email dated July 12, 2021 containing the subject line "inquiry regarding the notice of intent". Please find attached a response to your email from Secretary of State Kyle Ardoin. If you have any questions please do not hesitate to call.

Thank you,
Nancy Landry
First Assistant Secretary of State
Executive Division
Secretary of State Kyle Ardoin
225-362-5096 (o)
www.sos.la.gov

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