**State Board of Election Supervisors Meeting January 13, 2014**

**Minutes**

The January 13, 2014 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.

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

The following members were present: Tom Schedler, Secretary of State; Angie Rogers, Commissioner of Elections; Jacques Berry, Lt. Governor’s Office; Richard Traina, Governor’s Appointee; William “Bill” Bryan, Attorney General’s Office; and Robert Poche’, Registrars of Voters Association; and Robin Hooter, Clerks of Court Association.

Also, in attendance was Debbie Hudnall, Executive Director, Clerks of Court Association.

Ms. Rogers called for adoption of the minutes of the 2013 meeting. Mr. Berry seconded the motion for approval of the minutes. Without objection, the minutes from last year’s state board meeting were approved.

Chairman Schedler, Secretary of State presented the recommendations for the Omnibus bill.

Number 1: Requires the registrars of voters to assign voters in the state voter registration computer system (ERIN) for political subdivisions by a certain date for proposition elections to enable the ballots to be printed by the secretary of state within the mandated statutory deadlines.

Ms. Rogers moved to approve item number 1 and Mr. Bryan seconded the motion. Item number 1 was approved.

Number 2: Deletes the requirement for the affidavit on the registration application to be subscribed through a handwritten signature before the registrar, deputy registrar or any person authorized to accept voter registration applications because applications submitted to the registrar by mail are not necessarily signed before any person authorized to accept voter registration applications. The applications submitted by mail and in person to the registrar are required to have handwritten signatures of the applicants, unless the applications are completed at the office of motor vehicles or electronically on the secretary of state’s website.

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

Number 3: The clerks of court have access to confidential information through the state voter registration computer system (ERIN) and the office of motor vehicles and its subcontractor have access to confidential information contained on the voter registration applications. The amendments prohibit the clerks of court and office of motor vehicles and its subcontractor from disclosing confidential information, just as the registrars of voters and Department of State are prohibited from disclosing confidential information.

Robin Hooter expressed concern on the date of birth for the registered voter. Mr. Poche made comment concerning the subcontractors and the penalty for not following these laws.

Chairman Schedler offered that the penalty would be researched.

Mr. Berry asked for more explanation pertaining to the law enforcement officer in part D.

Ms. Norton explained that persons in the address confidentiality program and certain law enforcement officers have their information protected. When you look into the system you can see that someone is marked as being a law enforcement officer.

Debbie Hudnall wanted to make sure when receiving a jury list that law enforcement officer’s information is on that list.

Chairman Schedler offers the item for motion without amendment, with the understanding that the issues be researched and handled in the session.

Mr. Berry moved to approve the item and Mr. Bryan seconded the motion. Item number 3 is approved

 Number 4: Deletes the requirements for the clerk of court to record in the conveyance book each judgment that effects a change of a person’s name and to transmit to the registrar of voters for his parish a certified copy of the judgment. R.S. 13:4754 addresses the recordation of the judgment by the clerk of court and R.S. 18:111(A) addresses the procedure to follow for a registrant who changes his/her name by virtue of a judgment to remain a legal registrant.

Mr. Poche moved to approve item number 4 and Ms. Rogers seconded the motion. Item number 4 is approved.

Number 5: Deletes provisions that apply only to the October 3, 1992 and November 3, 1992 elections.

Ms. Rogers moved to approve item number 5 and Mr. Berry seconded the motion. Item number 5 is approved.

Number 6: Clarifies that the number of commissioners to be selected for elections other than gubernatorial primary and general elections, congressional primary and general elections and the presidential preference primary election shall be based on the number of active registered voters eligible to vote in the election. This would reduce the number of commissioners for smaller elections, especially proposition elections, where only part of the voters in some precincts are eligible to vote.

Robin Hooter would like to see the numbers come from the Registrars and have the information available to the Clerks.

Angie R. The SOS’s IT Section is working on something that will automatically take a snapshot of the ROV on the close of books that will be available in the ERIN system both to the Clerk’s of Court and to the Registrars of Voters and SOS. It will be an static data document that will give everybody the same numbers that everyone will work from to pull the commissioners, pay the commissioners. That would be available in the next build.

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

Number 7: Deletes the requirement to mail the list of commissioners-in-charge to the secretary of state, as the list is now entered in the state voter registration computer system (ERIN) by the clerks of court.

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

Number 8: 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.

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

Number 9: Clarifies that if the deadline for submitting a nominating petition to the registrar of voters falls on a legal holiday, the deadline is the next day that is not a legal holiday.

Ms. Rogers moved to approve item number 9 and Mr. Berry seconded the motion. Item number 9 was approved.

Number 10: The parish board of election supervisors is responsible for selecting the commissioners to work at the precincts. This will allow the parish board to notify the commissioners that the precinct will not be opened and that the commissioners will not work the election or to notify the commissioners that they will be assigned to other precincts that may need additional commissioners.

Mr. Poche moved to approve item number 10 and Mr. Bryan seconded the motion. Item number 10 was approved.

Number 11: Explanation: Deletes the requirement for the commissioners to complete in duplicate the payroll affidavit and put the duplicate affidavit in the “Registrar of Voters” envelope because the payroll information is entered into the state computer voter registration system (ERIN) by the clerk of court and it is not necessary for the registrar of voters to have the payroll information for the commissioners.

Mr. Bryan moved to approve item number 11 and Ms. Hooter seconded the motion. Item number 11 was approved.

Number 12: Deletes the reference to an outdated report of the votes and provides the name of the report that currently is being used.

Mr. Poche moved to approve item number 12 and Mr. Bryan seconded the motion. Item number 12 was approved.

Number 13: Prohibits the ballot language for a proposition from having language that is struck through, underscored or in boldface type. The prohibition is necessary because the system that builds the ballots cannot accommodate language that is struck through, underscored or in boldface type. In addition, language that is struck through or underscored cannot be recorded for the audio ballots.

Ms. Hooter moved to approve item number 13 and Mr. Berry seconded the motion. Item number 13 was approved.

Number 14: Clarifies that if the deadline for the registrar of voters to certify a recall petition, for the registrar of voters to honor a request to have a voter’s name stricken from or added to a recall petition or for the governor to issue a proclamation for a recall election falls on a legal holiday, the deadline is the next day that is not a legal holiday.

Requires a voter who desires to have his signature stricken from or added to a recall petition to put his date of birth on his request. This gives the registrar of voters more information to identify the voter for purposes of certification of the recall petition.

Mr. Bryan moved to approve item number 14 and Mr. Berry seconded the motion. Item number 14 was approved.

Number 15: Clarifies that if the deadline for the registrar of voters to certify a petition for a neighborhood crime prevention and security district and parcel fee or for the registrar of voters to honor a request to have a voter’s name stricken from or added to the petition falls on a legal holiday, the deadline is the next day that is not a legal holiday.

Requires a voter who desires to have his signature stricken from or added to the petition to put his date of birth on his request. This gives the registrar of voters more information to identify the voter for purposes of certification of the petition.

Mr. Poche moved to approve item number 15 and Ms. Rogers seconded the motion. Item number 15 is approved.

Number 16: Provides for the waiver of the right to a secret ballot to be included with ballots that are transmitted by facsimile, as ballots transmitted by facsimile do not include the ballot envelope with the removable flap that contains the name of the voter. The ballots transmitted by facsimile, if returned by mail, are returned in envelopes that have to be opened to identify the voters and the voted ballots can be viewed when the envelopes are opened.

Deletes the requirement for the full social security number to be included on the waivers of the right to a secret ballot because the full social security numbers are not needed to identify and verify the voters. The proposed amendment helps to protect the confidentiality of the voters’ full social security numbers.

Expands the methods of delivery of voted ballots that were electronically transmitted to military and overseas voters to include delivery by facsimile, commercial courier or hand delivery.

Ms. Rogers moved for approval of item number 16 and Mr. Poche seconded the motion. Item number 16 is approved.

Number 17: Changes the definition of electronic voting machine to include a device and equipment, devices or systems of software and hardware to conduct voting to address future needs for voting. Adds language to procure voting machines and parts, supplies and other election paraphernalia for the maintenance of voting machines to allow the secretary of state to rent or lease such voting machines and equipment. Provides for the procurement of voting machines to be included in the secretary of state’s rules and regulations. Also provides that the secretary of state shall be responsible for all matters in connection with issuing competitive bids or requests for proposals for voting machines. Allows for the procurement by a competitive request for proposals (RFP) process in addition to public bids. Also clarifies that the title to the voting machines vests in the state for voting machines that are purchased by the secretary of state.

Mr. Berry moved to approve item number 17 and Ms. Rogers seconded the motion. Item number 17 is approved.

Number 18: Deletes the requirement to refund qualifying fees as provided in R.S. 18:501, as the refund of qualifying fees was deleted from R.S. 18:501 by Act 383 of the 2013 Regular Session of the Louisiana Legislature effective on June 18, 2013.

Ms. Rogers moved to approve item number 18 and Mr. Bryan seconded the motion. Item number 18 is approved.

Number 19: Deletes the requirement to reopen qualifying when no candidate qualified for an office or when the number of candidates who qualified for an office is less than the number of positions. Reopening of qualifying, only to have no candidate qualify, delays the printing of the ballots for all other offices and makes it difficult to meet the 45 day ballot transit time for military and overseas voters required for federal elections.

Qualifying has been reopened for multiple offices where no candidate has qualified in the second qualifying period. For example, the office of Justice of the Peace in Ward 4, Plaquemines Parish, has not had anyone qualify for the office since 2009 and qualifying has had to be reopened for 7 elections. The result of having no candidate qualify for an office creates a vacancy and requires the calling of a special election to fill the vacancy in the office.

Mr. Poche moved to approve item number 19 and Mr. Bryan seconded the motion. Item number 19 was approved.

All items recommended to the board were presented. The Chairman opened the table for other business.

Mr. Poche stated that he would like to open discussion for having district attorneys and assistant district attorneys names to be omitted from registration rolls and lists the same as the law enforcement officers and persons in the Address Confidentiality Program.

Ms. Rogers made a motion to move Mr. Poche’s suggestion to the Omnibus Bill.

Ms. Hudnall asked the board whether or not law enforcement names are included on the list requested from the clerk for jury venire.

Ms. Rogers stated that the public list that the ERIN system produces is the commercial list. The commercial list can be ordered through the Registrar of Voters or the Secretary of State online. The list does not include confidential information. For this purpose, law enforcement does not include all law enforcement officers. These are officers that are considered hazardous duty.

Mr. Berry stated that there may be an issue with having an elected district attorney or any elected officials information excluded without letting the legislature weigh in on adding them to this list of persons whose names are not included on the list.

Ms. Norton stated that this could cause a problem with notice candidacy for both clerks, Secretary of State and other elected officials providing that information. The Secretary of State’s office receives requests quite often for oaths of office for District Attorneys and Assistant District Attorneys. These sometimes must be pulled from archives.

Ms. Hooter shared the same concern with requests for copies of oaths of office.

Chairman Schedler, offered that the board confer with the District Attorney’s Association and possibly do a separate bill if warranted.

Mr. Poche stated that the investigative work that is done by the district attorney’s office is similar to the law enforcement officers.

Ms. Hudnall stated that investigators this could expand the list greatly to require that it include investigators that are not assistant district attorneys. This would include investigators with other agencies such as the Attorney General’s office and other agencies as well.

Mr. Berry asked if the list gave any indication notifying the person requesting the list that names are omitted because of the hazardous duty law enforcement and Address Confidentiality Program.

Ms. Rogers stated that it did not.

All questions and concerns were heard on the discussion proposed by Mr. Poche.

Ms. Rogers moved for adjournment and Mr. Berry seconded the motion.

The meeting of the State Board of Election Supervisors adjourned at 11:03 a.m.