State Board of Election Supervisors Meeting Minutes

February 14, 2019

The February 14, 2019 meeting of the State Board of Election Supervisors was called to order at the State Capitol, Baton Rouge, Louisiana in House Committee Room 1 at 12:00 p.m.

Vice Chair, Sherri Hadskey, called the meeting to order, and Patricia Daigle was acting secretary.

The following members were present: Kyle Ardoin, Secretary of State; Sherri Hadskey, Commissioner of Elections; Dr. Mark Leeper, Governor’s Appointee; Richard Hartley, Lt. Governor’s Office; Erin Day, Attorney General’s Office; Jolene Holcombe, Registrars of Voters Association; and Robin Hooter, Clerks of Court Association.

Vice Chair, Sherri Hadskey nominated Kyle Ardoin as Chair of the board. Mr. Richard Hartley seconded the motion. There were no objections.

Ms. Holcombe moved to approve the minutes of the January 11, 2018 meeting and Ms. Day seconded the motion. Without objection, the January 11, 2018 meeting minutes were approved.

NUMBER: 1

EXPLANATION: Clarifies that the official state voter registration week shall be two weeks prior to the close of the registration records for the regular fall primary election, if the National Voter Registration Day occurs after the close of the registration records for the regular fall primary election. The proposed amendment is necessary because the official state voter registration week in 2019 occurs after the close of the registration records for the gubernatorial primary election.

Without objection, Item 1 was approved.

NUMBER: 2

EXPLANATION: Gives the parish governing authority an additional sixty days to appoint a registrar of voters when there is a vacancy in the office. Additional time is needed to advertise the vacancy, solicit applications, determine the candidates for the office who meet the qualifications, and interview the candidates who meet the qualifications so that an informed decision can be made relating to the appointment of the registrar of voters.

Provides that the appointment to fill a vacancy in the office of the registrar of voters shall be made after the office is vacant and that an appointment made prior to the time the office is actually vacated is premature and without effect. This clarifies that the appointment has to be made after the office becomes vacant and makes it consistent for all parish governing authorities. It also makes the provision consistent with the provisions on appointments to fill anticipated vacancies for elected offices.

Dr. Leeper moved to approve Item Number 2 and Ms. Holcombe seconded the motion. Without objection, Item Number 2 was approved.

NUMBER: 3

EXPLANATON: Provides that an applicant who is unable to write shall affix his mark to the registration application in the presence of two witnesses who shall also sign their names as witnesses to the mark. Addresses the issue when an applicant is unable to sign his name to the registration application.

Mr. Hartley moved to approve Item Number 3 and Ms. Hooter seconded the motion. Without objection, Item Number 3 was approved.

NUMBER: 4

EXPLANATION: Deletes the requirements for the registration application to be listed for a registrant who is changing his residence within the parish which are currently addressed in R.S. 18:104.

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

NUMBER: 5

EXPLANATION: Clarifies that a candidate for a multi-parish office is required to file a list of watchers in each parish where the candidate will have watchers. This amendment is necessary because the parish board of election supervisors in each parish issues a commission to each watcher and a watcher can only serve in a parish where the watcher has been commissioned by the parish board.

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

NUMBER: 6

EXPLANATION: Deletes outdated provisions in the statute relating to the election of parish executive committees in Orleans Parish that currently are held on the date of the presidential preference primary.

Ms. Hadskey moved to approve Item Number 6 and Ms. Hooter seconded the motion. Without objection, Item Number 6 was approved.

NUMBER: 7

EXPLANATION: Addresses filling vacancies in a parish executive committee when no candidates qualify.

Ms. Day moved to approve Item Number 7 and Ms. Hadskey seconded the motion. Without objection, Item Number 7 was approved.

NUMBER: 8

EXPLANATION: Amends the notice of candidacy to address the issue relating to the homestead exemption of a candidate and the certification that the candidate is registered and votes at the residence where he claims his homestead exemption.

Mr. Hartley moved to approve Item Number 8 and Ms. Hooter seconded the motion. Without objection, Item Number 8 was approved.

NUMBER: 9

EXPLANATION: Amends the notice of candidacy for the candidate to certify that he currently is not under an order of imprisonment for conviction of a felony and he is not prohibited from qualifying as a candidate for conviction of a felony pursuant to Article I, Section 10.1 of the Constitution of Louisiana that was approved by the voters and added to the Louisiana Constitution effective December 12, 2018.

Ms. Hadskey moved to approve Item Number 9 and Mr. Hartley seconded the motion. Without objection, Item Number 9 was approved.

NUMBER: 10

EXPLANATION: Allows the secretary of state to accept a withdrawal by the statutory deadline set forth in Paragraph (C) if after a candidate withdraws the number of candidates does not exceed the number of persons to be elected to the public office. The proposed amendment addresses a withdrawal where there are multiple candidates to be elected to the same office and the withdrawal would cancel the races.

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

NUMBER: 11

EXPLANATION: Requires a parish governing authority to provide geospacial shape files, if the governing authority has them when establishing precincts. The geospacial shape files provide layers of information to make it easier to identify the boundaries of various districts, including districts for parish governing authorities, school boards, special election districts, representative districts and senate districts.

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

NUMBER: 12

EXPLANATION: Addresses the issue when two incumbents have the same surname and requires the residence addresses of the incumbents to be listed on the ballot to help identify the candidates the voters are voting on.

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

NUMBER: 13

EXPLANATION: Allows a voter who needs assistance in voting due to a disability to submit to the registrar of voters a completed and signed voter assistance form provided by the secretary of state wherein the voter attests that he has a physical disability and requires assistance in voting which would allow the voter to be permanently marked for assistance in voting by the registrar of voters.

Ms. Hadskey moved to approve Item Number 13 and Mr. Hartley seconded the motion. Without objection, Item Number 13 was approved.

NUMBER: 14

EXPLANATION: Changes the procedures on election day to clarify that the original record of the challenge of a voter is placed in the Registrar of Voters Envelope, a duplicate of the challenge is placed in the clear plastic zipper bag that is returned to the Clerk of Court on election night, and a duplicate of the challenge is given to the voter who is being challenged.

Ms. Holcombe moved to approve Item Number 14 and Ms. Hadskey seconded the motion. Without objection, Item Number 14 was approved.

NUMBER: 15

EXPLANATION: Changes the citation to cite the statutes that were redesignated by federal law.

Ms. Hadskey moved to approve Item Number 15 and Mr. Hartley seconded the motion. Without objection, Item Number 15 was approved.

NUMBER: 16

EXPLANATION: Technical change to provide that Certificate No. 2 shall be completed in triplicate rather than in duplicate.

Ms. Hadskey moved to approve Item Number 16 and Mr. Hartley seconded the motion. Without objection, Item Number 16 was approved.

NUMBER: 17

EXPLANATION: Requires a copy of the machine certificate to be placed in the Registrar of Voters envelope so the registrar can have access to a copy of the machine certificate if a candidate wants to review the totals on the machine certificate.

Ms. Holcombe moved to approve Item Number 17 and Ms. Hadskey seconded the motion. Without objection, Item Number 17 was approved.

NUMBER: 18

EXPLANATION: Technical amendments to clarify that the original challenges of voters that have been executed are placed in the “Registrar of Voters” envelope so that the registrars of voters can process any challenges of voters that have been upheld. Also deletes the requirement to place original challenges of voters in the “Secretary of State’s Envelope” since the challenges will now be placed in the “Registrar of Voters” envelope.

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

NUMBER: 19

EXPLANATION: Amends the statute to delete the “Put In Voting Machine” envelope provision, as that envelope is no longer used on election day and the contents that previously were placed in that envelope are now placed in the clear zipper bag that is transmitted to the clerk of court on election night and the contents do not have to be kept inviolate by the clerk of court. Also amends the statute to clarify that the original challenges of voters are placed in the “Registrar of Voters” envelope that is attached to the precinct register on election night.

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

NUMBER: 20

EXPLANATION: Deletes the requirement that the notice of irregularities form is completed by the parish board of election supervisors in triplicate, as only one copy of the form needs to be attached to the compiled statements by the parish board.

Ms. Hadskey moved to approve Item Number 20 and Mr. Hartley seconded the motion. Without objection, Item Number 20 was approved.

NUMBER: 21

EXPLANATION: Deletes the reference to the slate of independent candidates and changes it to the slate of candidates not affiliated with a recognized political party since the Independent Party is now a recognized political party and clarifies that those candidates for presidential elector are not affiliated with a recognized political party.

Ms. Hadskey moved to approve Item Number 21 and Ms. Hooter seconded the motion. Without objection, Item Number 21 was approved.

NUMBER: 22

EXPLANATION: Provides that the secretary of state shall not accept a recall petition for filing if less than six months remain on the term of office of the person being recalled and sets forth the procedure to return the recall petition to the chairman of the petition. The change is being made to prevent signatures from being entered on the petition if there will not be sufficient time to obtain the signatures by the statutory deadline to submit the petition for certification to the registrar of voters.

Ms. Hadskey moved to approve Item Number 22 and Mr. Hartley seconded the motion. Without objection, Item Number 22 was approved.

NUMBER: 23

EXPLANATION: Changes the deadline to call a recall election to at least four weeks prior to the opening of qualifying to make this deadline consistent with the deadline to call special elections and proposition elections.

Ms. Hadskey moved to approve Item Number 23 and Ms. Day seconded the motion. Without objection, Item Number 23 was approved.

NUMBER: 24

EXPLANATION: Allows the signature of the person on the acknowledgment who is providing assistance to the voter to serve as the witness signature which is required on the ballot envelope flap by R.S. 18:1306(E)(2)(a).

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

NUMBER: 25

EXPLANATION: Provides that a representative of the Attorney General’s Office, upon written approval of the secretary of state, the clerk of court or the registrar of voters are not sequestered election night at the location where the ballots are being counted so the representative of the Attorney General’s Office, the clerk of court and the registrar of voters can enter the location where ballots are being counted and address election issues. A designee for the clerk of court or registrar of voters on the parish board of election supervisors would still be required to remain sequestered at the location where the ballots are being counted.

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

NUMBER: 26

EXPLANATION: Provides that a member of the parish board of election supervisors shall make a check mark on the absentee by mail voter report beside the name of the voter whose absentee by mail ballot is valid and to write his initials on each page of the report to speed up the process for marking the voters whose ballots are counted.

Ms. Hadskey moved to approve Item Number 26 and Mr. Hartley seconded the motion. Without objection, Item Number 26 was approved.

NUMBER: 27

EXPLANATION: Deletes provisions that the mechanics and experts available election day for the purpose of repairing or adjusting any machine which needs repair or adjustment during election day are under the supervision and control of the parish custodian of voting machines (clerk of court), as the mechanics and experts are employees of the secretary of state and should be supervised by the office of the secretary of state.

Chairman Ardoin moved to remove item Number 27 and Ms. Hadskey seconded the motion. Item Number 27 was removed from the recommendations.

NUMBER: 28

EXPLANATION: Authorizes the secretary of state to consent to accessing the machine keys to enable the secretary of state to perform statutory duties relating to the voting machines.

Ms. Hadskey moved to approve Item Number 28 and Mr. Hartley seconded the motion. Without objection, Item Number 28 was approved.

NUMBER: 29

EXPLANATION: Provides that expenses to pay law enforcement officers to maintain order on Election Day is an election expense. The proposed amendment makes this consistent with the election expense authorized for the registrars of voters for law enforcement during early voting as provided in R.S. 18:1400.3(D)(5).

Ms. Hadskey moved to approve Item Number 29 and Ms. Hooter seconded the motion. Without objection, Item Number 29 was approved.

NUMBER: 30

EXPLANATION: Repeals R.S. 18:1400.6(B) which allows the secretary of state to charge interest on any unpaid balance for the reimbursement of election costs because the billing system for the secretary of state is not configured to calculate interest costs. The provision which allows the secretary of state to forward overdue payments to the attorney general for collection and the authority for the attorney general to collect the expenses of his office relating to collection on the accounts would still be retained.

Ms. Hadskey moved to approve Item Number 30 and Mr. Hartley seconded the motion. Without objection, Item Number 30 was approved.

NUMBER: 31

EXPLANATION: Adds a remedy for proposition elections where the court is unable to determine the result of the election for proposition elections to make it consistent with contests for candidate and recall elections.

Ms. Hadskey moved to approve Item Number 31 and Mr. Hartley seconded the motion. Without objection, Item Number 31 was approved.

MISCELLANEOUS RECOMMENDATIONS (TITLE 18)

NUMBER: 32

EXPLANATION: Repeals R.S. 18:469 which provides that qualifying shall be reopened if a candidate who has opposition in a primary election dies before the polls close on election day and to move the primary and general elections if another candidate qualifies. The law currently causes the general election to be held on the fifth Saturday after the primary election, which is not a statutory date set forth in R.S. 18:402, and the race may be the only election on the ballot in the State of Louisiana on that date. The same procedures would apply relating to holding special elections on dates set forth in R.S. 18:402 that currently are followed if a candidate who does not have opposition dies before the polls close on Election Day.

Mr. Hartley moved to include Item Number 32 in the omnibus and Ms. Hadksey seconded the motion. Without objection, Item Number 32 was approved.

NUMBER: 33

EXPLANATION: Changes the deadline to file a withdrawal from two days prior to the election to eight days prior to the election if there are only two candidates in the race and the withdrawal of one of the candidates will cancel the race. The amendment is needed to give the secretary of state more time to process the withdrawal and put the voters on notice that the race has been cancelled.

Ms. Hadskey moved to withdraw Item Number 33 and Mr. Hartley seconded the motion. Without objection Item Number 33 was withdrawn.

NUMBER: 34

EXPLANATION: The proposed amendment helps to ensure the secrecy of the ballot which is mandated by Article XI, Section 2 of the Louisiana Constitution since only a few people may vote at the precinct and it can be determined how a voter cast his ballot if all voters vote the same way.

Ms. Hooter moved to approve Item Number 34 and Ms. Hadskey seconded the motion. Without objection, Item Number 34 was approved.

Mr. Richard Hartley moved to adjourn and Ms. Hadskey seconded the motion. The meeting adjourned at 1:00 p.m.