

# **DECLARATION OF EMERGENCY**

## **Department of State Elections Division**

### **Merit Evaluation for Registrars of Voters**

#### **(LAC 31:II.Chapter 1 Sections 107-109)**

The Department of State, pursuant to the emergency provisions of the Administrative Procedure Act (R.S. 49:953(B)), and under the authority of R.S. 18:18, R.S. 18:55, R.S. 18:59, and R.S. 36:742, has adopted an emergency rule to amend LAC 31:II.Chapter 1 Section 107 to modify the procedure for merit evaluations of the registrars of voters, adopt LAC 31:II.Chapter 1 Section 108 to codify the appeal process for merit evaluations of the registrars of voters, and amend LAC 31:II.Chapter 1 Section 109 to modify the procedure for merit evaluations of the chief deputies and confidential assistants on an emergency basis. The adoption of the rule on an emergency basis is necessary, as the registrars of voters will be sent their merit evaluation forms on November 1, the evaluations will be due to the Department of State on December 15, and the appeals process needs to be codified to give the registrars of voters the opportunity to appeal evaluations that result in the registrars of voters not receiving their merit increases.

The Emergency Rule shall become effective on October 24, 2014 and shall remain in effect for the maximum period allowed under the Administrative Procedure Act or until final rules are promulgated in accordance with law, whichever occurs first.

## **Title 31**

### **ELECTIONS**

#### **Part II. Voter Registration and Voter Education**

##### **Chapter 1. Registrar of Voters**

###### **§107. Merit Evaluation for the Registrar of Voters**

A. The secretary of state hereby designates the director of registration in the Department of State to conduct the annual evaluation of each parish registrar of voters by reviewing the completed evaluation and data submitted by each registrar of voters. The evaluation will consider the timely performance of the registrar's job responsibilities as required by Title 18 of the Louisiana Revised Statutes. Upon completion of the rating of a registrar by the director of registration, the director of registration shall submit the evaluation to the commissioner of elections for review and either approval or disapproval depending on the information submitted. If the commissioner of elections does not approve the rating given by the director of registration, the registrar will be given the rating recommended by the commissioner of elections. The registrar's evaluation is then submitted to the Department of State Human Resources Office. If the registrar receives an "excellent" rating, Human Resources will process the merit increase. If the registrar receives a "satisfactory" rating, Human Resources will not process the merit increase.

B. Annually, the criteria and procedure for the merit evaluation shall be determined by the secretary of state or his designee in conjunction with the Registrar of Voters Association. The secretary of state or his designee shall prepare written instructions and forms to be utilized for the evaluation. Evaluation forms with instructions shall be submitted to the registrars of voters no later than November 1 for completion. The form shall include mandated duties required of the registrar's office in accordance with Title 18 of the Louisiana Revised Statutes and other applicable laws with input from the Board of Review for Evaluation of the Registrar of Voters Association; however, the form is not intended to be all inclusive of all of the duties mandated in Title 18 of the Louisiana Revised Statutes and other applicable laws. If a registrar receives an "excellent" rating, the registrar is eligible for a merit increase in January. If a registrar does not receive an "excellent" rating, the registrar will be rated "satisfactory" and is not eligible to receive a January merit increase. Also, if a registrar is a Certified Elections Registration Administrator (CERA) and does not receive an "excellent" rating, the registrar is not eligible to receive the seven percent CERA certification pay increase for that year pursuant to R.S. 18:59.4.

C. The parish registrar of voters will have until December 15 to submit a completed evaluation form with supporting documentation to the Department of State.

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 34:705 (April 2008); amended LR 41:

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

### **A. Submission of a Request for Appeal**

1. A registrar of voters who does not receive an "excellent" rating on his or her annual merit evaluation may appeal that rating to the Registrars of Voters Evaluation Appeals Committee.

2. The request for appeal shall be in writing and shall be postmarked or received by the human resources director in the Department of State, or the human resources director's designee, no later than January 30.

3. The request for appeal shall explain the reasons for the request and may provide supporting documentation.

4. If the request for appeal is timely and contains the required explanation, the human resources director shall submit a notification of the request to the chairperson of the Registrars of Voters Evaluation Appeals Committee and to the director of registration. The notification of request for appeal shall include copies of the written request of the registrar of voters, the original annual merit evaluation, and any supporting documentation provided by the registrar of voters with his or her written request for appeal.

5. The Department of State grievance process shall not be used to review or reconsider evaluations or a procedural violation of the evaluation process.

### **B. The Registrars of Voters Evaluation Appeals Committee**

1. All written requests for appeal of annual merit evaluations that meet the requirements of Part A of this Section shall be considered by the Registrars of Voters Evaluation Appeals Committee.

2. The Registrars of Voters Evaluation Appeals Committee shall consist of seven members. Three members shall be registrars of voters appointed by the Registrar of Voters Association. Four members shall be appointed by the secretary of state, one of which shall be a

registrar of voters who shall act as chairperson of the committee. The chairperson shall vote only to break a tie. The director of registration and the commissioner of elections shall not be appointed to the committee.

3. The chairperson shall convene a meeting of the Registrars of Voters Evaluation Appeals Committee within 15 days of receipt of notification of the request for appeal to discuss the request and render a decision regarding the rating. The committee may vote to uphold the "satisfactory" rating or to change the rating to "excellent".

4. The chairperson of the committee shall give written notice of the committee's decision to the affected registrar of voters, the director of registration, and the human resources director within 15 days.

C. The annual merit evaluation form, the written request for appeal of the registrar of voters, the written notice of the committee's decision, and all supporting documentation shall be maintained in the official confidential personnel file of the registrar of voters on file in the Department of State Human Resources Office.

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:

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

A. The parish registrar of voters shall perform the annual evaluation of the chief deputy and confidential assistant.

B. Annually, the criteria and procedure for the merit evaluation shall be determined by the Registrar of Voters Association. The association shall prepare written instructions and forms to be utilized for the evaluation. The forms and instructions shall be submitted to the registrars of voters for reviewing the chief deputy and confidential assistant's performance no later than November 1.

C. The parish registrar of voters shall be responsible for evaluating his or her chief deputy and confidential assistant. These evaluations shall be submitted to the Department of State Human Resources Office no later than December 15 of each year.

AUTHORITY NOTE: Promulgated in accordance 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:

#### **Provider Impact Statement**

The Emergency 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.



Tom Schedler  
Secretary of State