

# NOTICE OF INTENT

## Department of State Elections Division

### Voter Registration at Driver's License Facilities (LAC 31:I.Chapter3)

The Department of State, pursuant to the provisions of the Administrative Procedures Act (R.S. 49:950 et seq.) and under the authority of R.S. 18:114, R.S. 18:1461, R.S. 18:1461.2, R.S. 18:1461.4, and R.S. 36:742, is proposing to amend the Rule for voter registration at driver's license facilities. The proposed effective date of this Rule would be upon publication in the *Louisiana Register*.

## TITLE 31

## ELECTIONS

### Part II. Voter Registration

#### Chapter 3. Voter Registration at Driver's License Facilities

§301. \* \* \*

#### §303. Secretary of State

A. It will be the policy of the secretary of state to facilitate the implementation and support of the program for voter registration at driver's license facilities. The secretary of state will coordinate the activities of the parish registrars of voters with the Department of Public Safety and Corrections, and for that purpose, he shall:

1. provide the Department of Public Safety and Corrections with updates on the names and addresses of the parish registrars of voters;
2. provide the Department of Public Safety and Corrections standard notices to be displayed informing the public of the availability of voter registration at driver's license facilities and the eligibility requirements for registration;
3. design in conjunction with the Department of Public Safety and Corrections an electronic voter registration application form and provide paper voter registration applications to be used under emergency and unusual situations;
4. provide training materials to be used for voter registration; and
5. prepare a biannual report as required by the U.S. Election Assistance

Commission.

AUTHORITY NOTE: Promulgated in accordance with R.S. 18:114.

HISTORICAL NOTE: Promulgated by Department of Elections and Registration, Commissioner of Elections, LR 16:606 (July 1990), amended LR 20:1373 (December 1994), amended by the Department of State, Elections Division, LR 45:

### **§305. Parish Registrars of Voters**

A. It is the intention of the parish registrars of voters to cooperate fully in the registration of voters at driver's license facilities. In that regard, parish registrars shall:

1. notify the Department of State immediately of any change in the office mailing address of the registrar of voters;
2. upon receipt in the registrar's office of a voter registration application form from any driver's license facility located within his parish, indicate the date received for the application in the Election and Registration Information Network (ERIN) system;
3. determine the parish in which the applicant seeks to register or if already registered seeks to change his name or address and, if not his parish, transmit to the appropriate registrar of voters;
4. review such voter registration application form to determine if the applicant is eligible to register to vote in accordance with law; and
5. if there is a change of name or address for a registered voter, process such change and mail a new voter identification card to the voter.

B. The offices of the registrars of voters shall utilize the ERIN system for processing voter registration application forms that are received from the Office of Motor Vehicles (OMV).

AUTHORITY NOTE: Promulgated in accordance with R.S. 18:114.

HISTORICAL NOTE: Promulgated by the Department of Elections and Registration, Commissioner of Elections, LR 16:606 (July 1990), amended LR 20:1373 (December 1994), amended by the Department of State, Elections Division, LR 45:

### **§307. Authorized Employees at Driver's License Facilities**

A. Definition

*Authorized employee or an authorized employee of a driver's license facility* — any official or employee of the Department of Public Safety and Corrections or an official or employee of a contractor of the Department of Public Safety and Corrections.

B. Qualifications. An authorized employee at a driver's license facility shall possess the following qualifications:

1. the person shall be an official or employee of the Department of Public Safety and Corrections or an official or employee of a contractor of the Department of Public Safety and Corrections who is employed at a facility for the issuance of Louisiana Driver's License or Louisiana Identification Cards;
2. the person shall have received in-service training;
3. the person shall not participate or engage in any political activity, except to exercise his right as a citizen to express his opinion privately and to cast his vote as he desires;
4. the person shall not have been convicted of any election offense; and
5. the person shall not be a candidate for public office.

C. Duties. An authorized employee at a driver's license facility shall perform the duties listed below.

1. During regular working hours, an authorized employee shall offer voter registration to any U.S. citizen who obtains, renews, or changes the name or address on a Louisiana Driver's License or Louisiana Identification Cards.

a. a person who is at least 16 years of age and who is an actual resident of the state, parish, and precinct in which he seeks to register to vote; however, the person will not be eligible to vote until the age of 18;

b. a person who is not under an order of imprisonment for conviction of a felony as defined in R.S. 18:2(2), except as provided in R.S. 18:102(A)(1)(b) and R.S. 18:102(A)(1)(c);

c. a person who has not been interdicted after being declared to be mentally incompetent as a result of a full interdiction or is not subject to a limited interdiction where the person's right to vote has been suspended; and

d. a person who is a United States citizen.

2. An authorized employee shall allow an applicant who resides at more than one place in the state with an intention to reside there indefinitely, to choose which residence will be used for registration purposes. However, if the applicant has a homestead exemption, he must register and vote in the precinct in which that residence is located. The exceptions to this provision are:

a. if the person resides in a nursing home (as defined in R.S. 18:333(A)) or in a veterans' home, he may register and vote at the address where the nursing home or veterans' home is located or where he has a homestead exemption; or

b. if the person is a bona fide full-time student attending an institution of higher learning in this state, he may choose as his residence and may register to vote either at the place where he resides while attending the institution of higher learning or at the place where he resides when not attending such institution of higher learning.

3. An authorized employee shall assist any applicant who requests assistance in registering to vote. Such assistance may consist of answering any question the person might have about completing the registration form and shall include assistance in the completion and execution of an application, if requested by the applicant. Additionally, if the person has a physical disability or is unable to read or write English, such assistance shall include:

a. reading the document to the applicant;

b. executing the document by writing what the person dictates or what is said through an interpreter; and

c. allowing the person to sign, or if unable to sign, to make his mark in front of two witnesses who shall also sign.

4. An authorized employee shall require the applicant to provide sufficient information to establish his age, identity, and residency.

5. An authorized employee shall inform an applicant that if he does not declare a political party affiliation that his voter registration application shall indicate "No Party" on the application form.

6. An authorized employee shall ensure that the information provided on the voter registration application is legible and to the best of his knowledge accurate and complete.

7. An authorized employee shall administer any oath required on the voter registration application, as authorized by R.S. 18:114(F)(7).

8. An authorized employee shall inform the applicant that the applicant is not officially registered to vote until the application has been received and approved by the parish registrar of voters. Upon approval by the registrar of voters, a voter identification card will be mailed to the applicant.

9. An authorized employee shall ensure that the completed electronic voter registration application is transmitted immediately to the Department of State who shall transmit the application daily to the appropriate parish registrar of voters. The date and time of transmission shall automatically be recorded for electronic submissions. An authorized employee shall ensure that a completed paper application is made available to the designated person of the Department of Public Safety and Corrections or its contractor who will be responsible for transmittal to the parish registrar of voters for the parish in which the driver's license facility is located. On the paper voter registration application, the employee shall circle "MV", sign, and date the bottom of each paper application before transmitting to the Department of Public Safety and Corrections or its contractor. For a paper voter registration application, the date of transmittal shall be indicated on the application, and the transmittal shall be made within five working days of the completion of the application form unless the application is accepted within five days before the last day for registration then the application form shall be transmitted at the conclusion of each business day.

10. An authorized employee shall ask any person making a change of name or a change of address on a Louisiana Driver's License or Louisiana Identification Card if such change is to be used for voter registration purposes. If affirmed, such change shall be transmitted in the same manner as a voter registration application form.

11. An authorized employee shall keep any declinations to register to vote confidential, and shall keep confidential the fact that any particular applicant has submitted an application to register to vote at a driver's license facility. All declinations shall be written and signed by the voter. All such applications and declinations to register to vote shall be used only for voter registration purposes.

C. Offenses. No person authorized to accept voter registration application forms shall knowingly, willfully, or intentionally:

1. offer, promise, solicit, or accept money or anything of present or prospective value to secure or influence a vote or registration of a voter;
2. forge, alter, deface, destroy, or remove from proper custodial care any application for voter registration; or
3. intimidate, directly or indirectly, any prospective voter in matters concerning registration or nonregistration.

D. Penalties

1. Any authorized employee who commits an offense as provided herein shall be subject to the penalties provided in R.S. 18:1461, R.S. 18:1461.2, or R.S. 18:1461.4.
2. Any authorized employee who fails to comply with the provisions of law relative to registration at driver's license facilities shall be subject to the penalties established in R.S. 18:114(H).

AUTHORITY NOTE: Promulgated in accordance with R.S. 18:114, R.S. 18:2(2), R.S. 18:62, R.S. 18:101, R.S. 18:102, R.S. 18:105, R.S. 18:106, R.S. 18:1461, R.S. 18:1461.2, and R.S. 18:1461.4.

HISTORICAL NOTE: Promulgated by the Department of Elections and Registration, Commissioner of Elections, LR 16:607 (July 1990), amended LR 20:1373 (December 1994), amended by the Department of State, Elections Division, LR 45:

### **§309. Training**

A. The Department of State and/or the registrar of voters shall train designated personnel of the Department of Public Safety and Corrections to conduct in-service training. In-service training will be provided to all employees authorized to accept voter registration application forms by these personnel.

B. The training shall include, but shall not be limited to, the following:

1. review responsibility of an authorized employee to offer voter registration;
2. conduct study of the voter registration application with special emphasis on problem areas;
3. discuss information that may be used to establish applicant's age, identity, and residency;
4. discuss assistance that may be provided to applicant;
5. review responsibilities of an authorized employee in ensuring accuracy and legibility of voter registration application and stressing the authorized employee's responsibility for informing the applicant that the applicant is not registered until the parish registrar notifies the applicant of registration;
6. review declination requirements that must be done in writing and signed by the applicant;
7. review transmittal requirements;
8. review offenses; and
9. review penalties established in R.S. 18:114(H) for noncompliance with the provisions of law relative to voter registration at driver's license facilities and in R.S. 18:1461, R.S. 18:1461.2, and R.S. 18:1461.4 relative to voter registration in general.

AUTHORITY NOTE: Promulgated in accordance with R.S. 18:114, R.S. 18:104 - 18:106, R.S. 18:1461, R.S. 18:1461.2, and R.S. 18:1461.4.

HISTORICAL NOTE: Promulgated by the Department of Elections and Registration, Commissioner of Elections, LR 16:608 (July 1990), amended LR 20:1374 (December 1994), amended by the Department of State, Elections Division, LR 45:

### **§311. Review Process**

A. An annual meeting between the Department of State and the Department of Public Safety and Corrections shall be held during the first quarter of each year to monitor any problem areas where changes in rules and regulations or the revised statutes may be necessary. The annual meeting may be discontinued upon mutual agreement when it is felt there is no longer a need to continue to hold such meetings.

AUTHORITY NOTE: Promulgated in accordance with R.S. 18:114.

HISTORICAL NOTE: Promulgated by the Department of Elections and Registration, Commissioner of Elections, LR 16:608 (July 1990), amended LR 20:1374 (December 1994), amended by the Department of State, Elections Division, LR 45:

### **§313. Implementation**

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 18:114.

**HISTORICAL NOTE:** Promulgated by the Department of Elections and Registration, Commissioner of Elections, LR 16:608 (July 1990), amended LR 20:1374 (December 1994), repealed by the Department of State, Elections Division, LR 45:

### **Family Impact Statement**

The proposed amendments to the Rule cited in LAC 31:II.Chapter 3 regarding voter registration at drivers' licenses facilities 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.Chapter 3 regarding voter registration at drivers' license facilities 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 on small business has been considered and it is estimated that the proposed action 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 Jodie Henderson, 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 amendments to various sections of the Rule. The deadline for the Department of State to receive written comments is 4:30 p.m. on Wednesday, March 27, 2019 after the public hearing.

### **Public Hearing**

A public hearing on the proposed Rule is scheduled for Tuesday, March 26, 2019 at 1:00 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.



R. Kyle Ardoin  
Secretary of State