

Title 31

ELECTIONS

Part II. Voter Registration

Chapter 3. Voter Registration at Driver's License Facilities

§301. Objective

A. The objective of these rules and regulations is to provide a uniform method of conducting training for any employee authorized to accept voter registration applications at driver's license facilities; to provide for voter registration at driver's license facilities which is impartial, equitable and in the best interest of the citizens of Louisiana; and to provide for an annual review to monitor the program.

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 20:1372 (December 1994).

§303. Commissioner of Elections

A. It will be the policy of the commissioner of elections to facilitate the implementation and support of the program for voter registration at driver's license facilities. The commissioner of elections 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 to 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 the computer generated voter registration application form and provide mail 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 Federal Election 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).

§305. Parish Registrars of Voters

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

1. notify the office of the commissioner of elections 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 date received on the application;

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, route to the appropriate registrar of voters;

4. review such voter registration application form and register applicant if sufficient information is provided. Notify applicant of registration. If insufficient information is provided, send notice to applicant at the address provided on the application informing the applicant that he has 10 days from the date on which the notice was mailed to appear in the registrar's office to provide the needed information. Register applicant upon receipt of needed information and mail notice of registration to applicant. The eligibility of an applicant to vote in a particular election will be based upon the completion of the registration process by the registrar of voters prior to the close of the registration books for that particular election; and

5. if change of name or change of address, process such change and mail a new voter identification card to the voter.

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).

§307. Authorized Employees at Driver's License Facilities

A. 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 who is employed at a department facility for the issuance of driver's licenses or 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.

5. The person shall not be a candidate for public office.

B. Duties. An authorized employee at a driver's license facility shall perform the following duties:

1. During regular working hours, an authorized employee shall offer voter registration to any individual who obtains, renews, or changes the name or address on a driver's license or identification card and who meets the following requirements:

a. a person who is at least 17 years of age and who is an actual resident of the state, parish, and precinct in which he seeks to register to vote. A person 17 years old 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);

c. a person who has not been interdicted after being declared to be mentally incompetent;

d. a person who is a United States citizen.

2. An authorized employee shall allow an applicant, who meets the above requirements and 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.

3. An authorized employee shall provide assistance to any applicant who would require assistance in registering to vote. Such assistance shall consist of the same assistance provided by a parish registrar of voters under the provisions of R.S. 18:106.

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

5. An authorized employee shall require an applicant to indicate "None" on the application form if the applicant does not declare a party affiliation.

6. An authorized employee shall insure 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) and shall sign and date the application.

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 insure that the completed voter registration application is made available to the designated person who will be responsible for transmittal to the parish registrar of voters for the parish in which the driver's license facility is located. 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 request of any person making a change of name or a change of address on a driver's license or 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 confidential.

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.

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 and R.S. 18:1461.

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

§309. Training

A. The Department of Elections and the registrar of voters shall train designated personnel of the Department of Public Safety and Corrections. 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 which 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 insuring 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 transmittal requirements;
7. review offenses; and
8. 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 relative to voter registration in general.

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

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

§311. Review Process

A. An annual meeting between the office of commissioner of elections and the Department of Public Safety and Corrections shall be held during the month of February 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).

§313. Implementation

A. In a letter dated October 11, 1989, the United States Justice Department has advised the commissioner of elections that any rules and regulations adopted relative to the implementation of the program of registering voters at driver's license facilities will require preclearance by the United States Justice Department under the requirements of Section 5 of the Voting Rights Act. The provisions of Section 114 of Title 18 relative to voter registration at driver's license facilities have been amended by Act 10 of the Third Extraordinary Session of the 1994 Louisiana Legislature. The provisions of the Act provide an effective date of January 1,

1995. The final date of implementation of the amended rules and regulations shall be determined by whichever date, preclearance or January 1, 1995, is the later.

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).