

## **HR 94 Subcommittee of the Committee on House and Governmental Affairs**

Minutes of Meeting  
2015-16 Interim  
August 26, 2015

### **I. CALL TO ORDER**

Representative Mike Danahay, chairman of the HR 94 Subcommittee of the Committee on House and Governmental Affairs, called the meeting to order at 10:08 a.m. in Room 3, in the State Capitol in Baton Rouge, Louisiana. The secretary called the roll.

### **II. ROLL CALL**

#### **MEMBERS PRESENT:**

Representative Mike Danahay, Chair  
Representative Randal L. Gaines, Vice Chair  
Representative Johnny Berthelot  
Representative Gregory A. Miller  
Representative Jay Morris  
Representative Patricia H. Smith

#### **MEMBERS ABSENT:**

None

#### **STAFF MEMBERS PRESENT:**

Patricia Lowrey-Dufour, Legislative Analyst  
Mark Mahaffey, Attorney  
Shawn O'Brien, Secretary  
Danny Leming, Sergeant-at-Arms

### **III. DISCUSSION**

House Resolution No. 94 of the 2015 Regular Session calls for examination and study of certain matters relative to registrars of voters, i.e., how registrars of voters are organized, how they operate within the structure of state government, the selection process, minimum qualifications of the position, placement within the structure of government for purposes of oversight and accountability, development and administration of an evaluation system and an equitable appeals process, and review of overtime compensation during the early voting period.

Representative Danahay explained that a draft list of the various recommendations proposed at previous meetings would be voted on individually and that implementing legislation would be drafted as necessary for introduction in the 2016 Regular Session.

Mr. Kyle Ardoin, secretary of state's office, 8585 Archives Ave., Baton Rouge, LA, provided information to answer members' questions about certification of registrars of voters.

Representative Miller offered a motion to adopt the subcommittee's recommendation on compensation. There was no objection, and Representatives Berthelot, Danahay, Miller, Morris, and Smith voted 5 yeas and 0 nays in favor of the motion.

Representative Miller offered a motion to adopt the secretary of state's recommendation that registrars who have received certification receive a 7% pay increase. There was no objection, and Representatives Berthelot, Danahay, Miller, Morris, and Smith voted 5 yeas and 0 nays in favor.

Representative Danahay offered a motion to restate the previous motion eliminating the proposed specified figure of 7% for pay increases for receiving certification. There was no objection, and Representatives Berthelot, Danahay, Miller, Morris, and Smith voted 5 yeas and 0 nays in favor of the motion.

Mr. Ardoin answered questions about evaluation of registrars of voters for purposes of pay increases.

Mr. Nat Bankston, 10109 Chanel Drive, Denham Springs, LA, 225-892-4608, provided information on evaluation procedures for registrars of voters.

Representative Berthelot offered a motion to adopt the subcommittee's recommendation relative to evaluations. Without objection, Representatives Berthelot, Danahay, Gaines, Miller, Morris, and Smith voted six yeas and 0 nays in favor of the motion.

The subcommittee discussed establishing minimum qualifications for the position of registrar of voters, including recommendations made by the Department of State Civil Service and by the secretary of state's office relative to education and work experience.

Mr. Ardoin and Ms. Ashley Gautreaux, secretary of state's office, P. O. Box 94125, Baton Rouge, LA, 225-362-5186, provided information about proposed qualifications and work experience required for the position.

Representative Danahay stated that discussion of recommended qualifications would be ongoing.

Representative Jay Morris offered a motion to adopt the drafted recommendations relative to appointments to fill vacancies, with changes proposed during the discussion relative to qualifications for the position. There was no objection, and Representatives Berthelot, Danahay, Miller, Morris, and Smith voted 5 yeas and 0 nays in favor of the motion.

Representative Smith offered a motion to adopt the recommendation that there be no change to the placement of the registrars of voters under the jurisdiction of the secretary of state's office within the structure of government. With no objection, Representatives Berthelot, Danahay, Miller, Gaines, Morris, and Smith voted six yeas and 0 nays in favor of the motion.

The subcommittee and Mr. Ardoin; Ms. Gautreaux; and Mr. Brian Champagne, St. Charles Parish registrar of voters, P. O. Box 315, Hahnville, LA, 985-783-5120, discussed the issue of overtime pay for registrars' employees during early voting.

Representative Berthelot offered a motion to adopt the recommendation that the effect of Act No. 269 of the 2015 Regular Session relative to expenses incurred by the registrars of voters for early

voting be evaluated through December 30, 2017. With no objection, Representatives Berthelot, Danahay, Miller, Gaines, Morris, and Smith voted six yeas and 0 nays in favor of the motion.

Representative Smith offered a motion to adopt the recommendation requiring each registrar of voters to post a toll free telephone number for the public to report any issues or problems experienced during early voting. With no objection, Representatives Berthelot, Danahay, Miller, Gaines, Morris, and Smith voted six yeas and 0 nays in favor of the motion.

Representative Miller offered a motion to adopt the recommendation that a representative of the Police Jury Association be included on the State Board of Election Supervisors. With no objection, Representatives Berthelot, Danahay, Miller, Gaines, Morris, and Smith voted six yeas and 0 nays in favor of the motion.

Representative Berthelot offered a motion to authorize the subcommittee chairman to work with staff to make a report of the subcommittee findings and adopted recommendations to the Committee on House and Governmental Affairs. With no objection, Representatives Berthelot, Danahay, Miller, Gaines, Morris, and Smith voted six yeas and 0 nays in favor of the motion.

The draft list of study recommendations as presented at the meeting and voted on by the subcommittee is attached to and becomes a part of these minutes.

#### **IV. OTHER BUSINESS**

There was no other business to come before the committee.

#### **V. ANNOUNCEMENTS**

There were no announcements.

#### **VI. ADJOURNMENT**

The meeting was adjourned at 11:29 p.m.

Respectfully submitted,

Mike Danahay, Chairman  
HR 94 Subcommittee of the  
Committee on House and Governmental Affairs

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Attachment: Draft of House Resolution No. 94 study recommendations

**House Resolution No. 94**  
**Study Recommendations**  
*Draft 8/25/15*

HR No. 94 provides that the subcommittee shall be responsible for examining all matters relating to the compensation, evaluation, appointment, and placement within the structure of government of registrars of voters; payment of expenses incurred by a registrar of voters for early voting; and any related issues that the subcommittee deems appropriate. Relative to those issues, the subcommittee makes the following recommendations:

**Compensation:**

- Specific statutory authority to withhold pay increases when the secretary of state has submitted a determination to the Department of State Civil Service that it is necessary not to grant or to reduce performance adjustments in order to avoid or reduce layoffs.

**Evaluation:**

- Make the criteria being scored clearer.
- Broaden categories of performance and have more ratings.
- Have more open process. Perhaps have an official procedure for the parish governing authority to submit information for inclusion in the evaluation.
- Have appeals of evaluations decided by the State Board of Election Supervisors. (Note: The commissioner of elections will be required to recuse herself from participating.)

**Appointment:**

Resignations:

- Require notices of the retirement or resignation of registrar of voters to be similar to other elected officials, such as

"A notice of retirement or resignation of a registrar of voters shall be filed with the secretary of state. The notice shall be in writing, shall be dated, may specify a prospective date on which the retirement or resignation is to be effective, and shall be signed by the official and duly acknowledged by him before an officer authorized to administer oaths. The secretary of state shall immediately transmit a notice of retirement or resignation of a registrar of voters filed with him to the parish governing authority required by law to make the appointment to fill the vacancy. A notice of retirement or resignation shall not be effective until the original notice of retirement or resignation is received by the secretary of state and shall become irrevocable upon such receipt by the secretary of state."

Filling a vacancy:

- Parish governing authority must advertise vacancy in office of registrar of voters. Proposed requirements of advertisement:

The notice shall be published on 2 separate days in the official journal of the parish and in another newspaper with a larger circulation within the parish than the official journal of the parish, if there is one.

Prominent placement in the newspaper in a section other than the classified advertisement or public notice section.

Formatting in a box with a bolded outline.

A size of not less than two inches by four inches.

Print in bold face type.

Include the date of the deadline to submit application, which deadline should be the 7th calendar day following the last day of the advertisement is to be published in the official journal.

Also issue a press release to newspapers with substantial distribution within the parish and to area broadcast media.

If the governing authority maintains an Internet website, the notice shall also be posted on the Internet website of the parish governing authority no later than first day of newspaper publication.

- Require the parish governing authority to interview each qualified applicant.

Establish Minimum Qualifications:

State Civil Service sent some possible recommendations to the subcommittee, see below:

- (1) Baccalaureate degree plus five years of business-related experience. Four years of full-time work experience in any field may be substituted for the baccalaureate degree.

- (2) A baccalaureate degree plus five years of experience in a private sector or public sector setting. Four years of full-time work experience in any field may be substituted for the baccalaureate degree.
- (3) A baccalaureate degree plus three years of business-related experience. Four years of full-time work experience in any field may be substituted for the baccalaureate degree.
- (4) A baccalaureate degree plus three years of experience in a private sector or public sector setting. Four years of full-time work experience in any field may be substituted for the baccalaureate degree.

Secretary of state's office suggested the following:

A baccalaureate degree plus five years of professional experience in a private sector or public sector setting. Six years of full-time, professional work experience in any field may be substituted for the baccalaureate degree.

Change R.S. 18:52 relative to the requirement that a registrar of voters be required to be a resident and qualified voter of the parish such as:

"§52. Qualification of registrars

A. Each applicant to fill the office registrar of voters shall be a registered voter. If appointed to fill the office of registrar of voters, the applicant shall become a resident and registered voter of the parish in which he is to perform his duties prior to taking the oath of office.

B. Each registrar of voters shall be remain a resident and qualified voter of the parish in which he is to perform his duties."

**Placement within the structure of government:**

- No change recommended, however the subcommittee strongly recommends improved communication between the Secretary of State's office and the registrars of voters.

**Expenses incurred by a registrar of voters for early voting:**

- Act No. 269 of the 2015 Regular Session provides that election expenses incurred by a registrar of voters and his permanent employees to perform election duties and responsibilities associated with early voting shall be a reimbursable election expense from January 1, 2016, through December 30, 2017. This issue should be reevaluated during such time and feedback should be solicited from local government and other parties responsible for such election expenses.

**Related matters:**Public Information

- Establish and require each registrar of voters to prominently post a 1(800) NUMBER for the public to report any issues or problems experienced. Have those calls noted by Dept. of State and first routed back to local registrar of voters to address. Track to make sure issue or problem addressed appropriately.

State Board of Election Supervisors

- Include a representative of the Police Jury Association on the State Board of Election Supervisors.