

## House Committee on House and Governmental Affairs

Minutes of Meeting  
2020-2021 Interim  
January 5, 2021

### I. CALL TO ORDER

Representative John M. Stefanski, chairman of the House Committee on House and Governmental Affairs, called the meeting to order at 1:02 p.m. in Room 3, in the state capitol in Baton Rouge, Louisiana.

### II. ROLL CALL

#### MEMBERS PRESENT:

Representative John M. Stefanski, chairman  
Representative Gerald "Beau" Beaulieu, IV  
Representative Wilford Dan Carter, Sr.  
Representative Daryl Andrew Deshotel  
Representative Royce Duplessis, vice chairman  
Representative Les Farnum  
Representative Foy Bryan Gadberry  
Representative Charles Alexander Henry  
Representative Valarie Hodges  
Representative Barry Ivey  
Representative Sam L. Jenkins, Jr.  
Representative Michael T. Johnson  
Representative Jeremy S. LaCombe  
Representative Rodney Lyons  
Representative Candace N. Newell  
Representative Polly Thomas  
Representative Malinda B. White

#### MEMBERS ABSENT:

Representative Dodie Horton  
Representative Tanner D. Magee

**STAFF MEMBERS PRESENT:**

Patricia Lowrey-Dufour, legislative analyst  
Lorrienne Lucas, attorney  
Rosalie Ammersbach, committee administrative assistant

**ADDITIONAL ATTENDEES PRESENT:**

Faye Talbot, sergeant at arms  
Danny Leming, sergeant at arms

**III. BUSINESS**

**The secretary of state's determination and reasons therefor that the public health emergency caused by COVID-19 impairs the February 2021 special election and the 2021 spring elections to the extent that an emergency election plan is necessary to ensure maximum citizen participation in the elections**

R. Kyle Ardoin, secretary of state, P.O. Box 94125, Baton Rouge, LA 70804, (225) 922-2880, discussed why the emergency election plan is necessary for the February 6, 2021, March 20, 2021, and April 24, 2021, elections in the state of Louisiana and provided handouts, which are in the committee records, as follows:

- Exhibit A, "Emergency Certification";
- Exhibit B, dated December 28, 2020, "Emergency Election Plan For The February 6, 2021, March 20, 2021, and April 24, 2021 Elections In The State of Louisiana";
- Exhibit C, "2020 Elections Returned Absentee Ballot Statistics (Average of July, August, November, and December Elections)"; and
- Exhibit D, "Methods of Voting, 2020 Elections".

**The written emergency plan for the February 2021 special election and the 2021 spring elections submitted by the secretary of state in accordance with R.S. 18:401.3**

Chairman Stefanski asked Mr. Ardoin if the proposed emergency plan was the same plan as the congressional-general election held on December 5, 2020, in terms of the absentee ballots and if the only change was in the number of expanded early voting days. Mr. Ardoin replied affirmatively and stated that to administer the 2021 spring elections in a timely manner, the expansion of early voting days would have been impractical to accomplish. Mr. Ardoin stated that system updates and equipment maintenance needed to be done before the 2021 fall elections and expanding early voting days would have hindered the time frame.

Representative Ivey asked Mr. Ardoin if the COVID-19 Emergency Application used for the 2020 presidential election would be used for the 2021 spring elections. Mr. Ardoin answered affirmatively.

Representative Johnson asked Mr. Ardoin to explain the procedure to ensure that nursing home residents were not being unduly influenced and their votes were not cast by an employee instead of the resident. Mr. Ardoin explained that if a nursing home facility was locked down and the registrar of voters or family members of the residents were not able to assist them in voting, a nursing home employee, after becoming certified, could assist the residents in voting. Mr. Ardoin explained that in order to become certified, an employee of the nursing home facility must watch a video prepared by the office of the secretary of state, which explained what the employee could and could not do when assisting a resident in voting.

Representative Johnson asked Mr. Ardoin if he and his staff would receive a list of certified nursing home employees. Mr. Ardoin said it could be added in the guidance that would be reported to registrars.

Representative Lyons expressed his support for the proposed emergency election plan presented by Mr. Ardoin.

Representative Lyons asked Mr. Ardoin if a schedule would be published to inform parishes or municipalities of deadlines and when parishes should request changes to their early voting polling locations. Mr. Ardoin replied that parishes were provided guidance in the summer of 2020 and were asked to report if any changes needed to be made for early voting locations by July 2020 so that proper equipment and cybersecurity could be obtained for the polling location. Mr. Ardoin stated that he was in discussions to explore other options for early voting sites to provide proper support for early voting.

Representative Thomas asked Mr. Ardoin who was the commissioner of elections and if the position was under the office of the secretary of state. Mr. Ardoin replied that he appointed Ms. Sherri Hadskey as the commissioner of elections.

Representative Thomas asked Mr. Ardoin if the proposed emergency plan would be shared with the clerks of court and the parish registrars of voters if it passed out of committee. Mr. Ardoin replied affirmatively.

*Vice Chairman Duplessis in the chair.*

Representative Thomas asked Mr. Ardoin if the training video for nursing home employees, referenced earlier, would be available to the public or anyone interested in watching. Mr. Ardoin replied that it would be available on the secretary of state's website.

Representative Thomas asked Mr. Ardoin for the name of the training video. Mr. Ardoin replied that his staff would send the training video link to the committee staff to share with committee members.

Representative Thomas thanked Mr. Ardoin for sharing the official election results and statistical data from the 2020 presidential election on the secretary of state's website.

Representative Beaulieu asked Mr. Ardoin what was the law regarding the ability of a judge and/or the courts to modify a plan that was presented. Mr. Ardoin replied that the courts had stepped in and made decisions about law with regards to how the 2020 presidential election would be conducted. Mr. Ardoin stated that in order to perform the election smoothly, they did not file an immediate appeal, but an appeal was in process that could determine what the lower courts could and could not tell them in terms of the emergency election plan.

*Chairman Stefanski in the chair.*

Representative Deshotel asked Mr. Ardoin how the number of returned absentee ballots in the 2020 presidential election compared to the number of returned absentee ballots in the 2016 presidential election. Mr. Ardoin replied that there were over 64,000 absentee ballots returned in the 2016 presidential election and over 170,000 absentee ballots returned in the 2020 presidential election.

Representative Deshotel asked Mr. Ardoin if he thought the increased return of absentee ballots was because of the COVID-19 (coronavirus) pandemic. Mr. Ardoin replied that the vast majority of the increase in absentee ballots returned were individuals that were 65 or older, and one could draw the conclusion that those individuals chose to utilize the absentee ballot option for the 2020 presidential election because of the potential exposure to coronavirus pandemic.

Representative Deshotel asked Mr. Ardoin if he anticipated all nursing home residents to be vaccinated by April 2021. Mr. Ardoin replied that when discussing this with the governor's health care advisors and team, they could not determine how long it would take to have every nursing home resident vaccinated, so a caveat was built into the emergency plan to ensure that all nursing home residents would have the opportunity to vote under any circumstance.

Representative Deshotel asked Mr. Ardoin what would happen to the emergency plan if all nursing home residents were vaccinated, but the facilities were still under lockdown, and who would oversee their votes. Mr. Ardoin replied that they would communicate with the Louisiana Nursing Home Association, registrars, and nursing home facilities to provide guidance in implementation of the emergency plan.

Representative Duplessis asked Mr. Ardoin if commissioners would be permanently allowed to serve in different parishes during elections. Mr. Ardoin replied that they would have to discuss its permanence with the clerk of courts because they were responsible for training commissioners in each parish.

Representative Duplessis asked Mr. Ardoin when the secretary of state's office could intervene to ensure that commissioners had everything needed to safely perform their duties on election day. Mr. Ardoin replied that it would be incumbent upon the clerk to touch base with the commissioner of elections to discuss needs.

Representative Duplessis asked Mr. Ardoin when stickers would be provided to voters on election day again. Mr. Ardoin replied that there is an electronic version of the sticker on the secretary of state's website.

Representative Newell asked Mr. Ardoin if he could add the "unable to appear in public due to a concern of exposure or transmission" and "caring for a child or grandchild in school or daycare" options to the list of reasons a person could request an absentee ballot. Mr. Ardoin replied that in order to add those reasons, the committee would have to reject the proposed emergency plan.

Representative Gadberry asked Mr. Ardoin if election law required the registrars of voters to purge their rolls and report those purges to the secretary of state. Mr. Ardoin replied that they referred to purges as cancellations and that national and state laws require them to keep their rolls updated as much as possible. Mr. Ardoin stated that they anticipate a congressional District 2 and a congressional District 5 race in the spring of 2021 and that, because they are federal races, they are not allowed to update their rolls ninety days prior to the election.

Representative Johnson asked Mr. Ardoin to clarify his position on the expansion of absentee ballots outside of an emergency. Mr. Ardoin replied that he opposed legislation during the regular legislative session that would have changed excuse-driven absentee ballots to non-excuse absentee ballots, and his position had not changed. Mr. Ardoin stated that he believed Louisiana's future was in-person voting. He said the more absentee ballots or voting by mail increased, the more issues it created. Mr. Ardoin said there were dramatic increases in the number of absentee ballots requested and submitted during the 2020 presidential election; however, by following the process in the constitution, they were able to provide an accurate count on election night.

Representative Ivey commended Mr. Ardoin for his role in helping to create an election system which continued to have high standards of integrity and accountability built into it and for his recommendations for incremental improvements from year to year.

Representative Ivey asked Mr. Ardoin if there was a difference between mail-in voting and absentee by mail, as the terms were being used synonymously, and if the issues other states had during the 2020 presidential election were from problems with mail-in voting. Mr. Ardoin replied that there was a difference between absentee request by mail and vote by mail, and the states that were having issues had philosophically different implementations from county to county, whereas Louisiana followed a top-down procedure with identical rules, processes, and procedures.

Representative Ivey asked Mr. Ardoin if he was aware of any parishes that did not follow the same processes and procedures as the rest of the state. Mr. Ardoin replied that there were no major concerns. Mr. Ardoin stated that he and his staff were paying close attention to the functionality and importance of the parish board of election supervisors and attendance at those meetings by individuals appointed to serve, as they were the checks and balances for counting ballots. Mr. Ardoin added that he and his staff believed that they needed to require training for the RPECK, DPECK, and gubernatorial appointee in order to keep the integrity in the election process.

Representative Deshotel asked Mr. Ardoin what were the consequences if someone fraudulently requested an absentee ballot. Mr. Ardoin replied that it was a felony that carried up to a \$2,000 fine and two years in jail.

Representative Deshotel asked Mr. Ardoin if he added more investigators to his team due to the increase in absentee ballot requests. Mr. Ardoin replied that he had four investigators and had asked for a budget increase to add two more investigators.

Representative Hodges commended Mr. Ardoin and his staff on their efforts during the 2020 presidential election.

Representative Hodges asked Mr. Ardoin when the contract with Dominion Voting Systems was up for renewal. Mr. Ardoin said his office was on an extension of the contract, and they were working with the office of state procurement on a request for proposal (RFP) to go out at the end of January 2021.

Representative Ivey asked Mr. Ardoin if the mechanical process to request an absentee ballot was the same process for requesting a mail-in ballot. Mr. Ardoin said both processes were the same.

Representative Ivey asked Mr. Ardoin if he was aware of any absentee ballots that were fraudulent but were counted and approved during an election. Mr. Ardoin replied that if an absentee ballot did not have all the required information filled out on the ballot it was rejected. He said absentee ballots were rejected in each election.

Representative Carter asked Mr. Ardoin if voters needed to request an absentee ballot within four days of an election and drop off an absentee ballot at the registrar of voters by 4:30 p.m. the day before the election. Mr. Ardoin answered affirmatively, and he decided not to propose changes to this law in the emergency plan because he believed it should be vetted by the legislature. Mr. Ardoin stated that Louisiana is one of seven states with a deadline to request an absentee ballot so close to an election day.

Representative Carter asked Mr. Ardoin how many states allowed voters to return an absentee ballot on the day of the election. Mr. Ardoin replied that he did not have that information; however, he could provide that information to him later.

Representative Carter asked Mr. Ardoin if poll closing times had changed. Mr. Ardoin replied that during a Saturday election, the polls opened at 7 a.m. and closed at 8 p.m., and during a Tuesday election, the polls opened at 6 a.m. and closed at 8 p.m.

Representative Duplessis asked Mr. Ardoin if there was a time change included in the proposed emergency plan with respect to early voting but not on election day. Mr. Ardoin replied affirmatively, and they conformed to current law for early voting.

Representative Duplessis offered a motion to concur in the certification of an emergency. Without objection, the motion passed by a vote of 16 yeas and 0 nays. Representatives Stefanski, Duplessis, Beaulieu, Wilford Carter, Deshotel, Farnum, Gadberry, Henry, Hodges, Ivey, Jenkins, Mike Johnson, LaCombe, Lyons, Newell, and Thomas voted yea.

Representative Duplessis offered a motion to approve the emergency election plan. Without objection, the motion passed by a vote of 16 yeas and 0 nays. Representatives Stefanski, Duplessis, Beaulieu, Wilford Carter, Deshotel, Farnum, Gadberry, Henry, Hodges, Ivey, Jenkins, Mike Johnson, LaCombe, Lyons, Newell, and Thomas voted yea.

Witness cards submitted by individuals who did not speak are as follows: 1 for information only. Witness cards are included in the committee records.

#### **IV. ANNOUNCEMENTS**

Chairman Stefanski welcomed Representative Daryl Andrew Deshotel, Representative Rodney Lyons, and Representative Polly Thomas to the House Committee on House and Governmental Affairs.

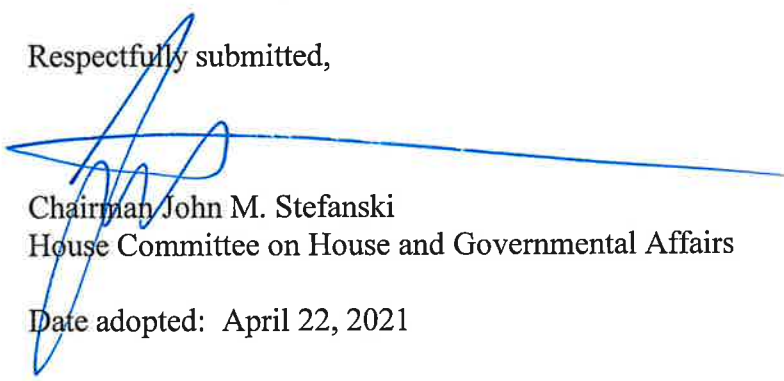
Chairman Stefanski congratulated former chairman of the House Committee on House and Governmental Affairs, Stephen C. Dwight, on being elected the District Attorney for Calcasieu Parish.

**V. ADJOURNMENT**

Representative Henry offered a motion to adjourn. Without objection, the motion passed by a vote of 16 yeas and 0 nays. Representatives Stefanski, Duplessis, Beaulieu, Wilford Carter, Deshotel, Farnum, Gadberry, Henry, Hodges, Ivey, Jenkins, Mike Johnson, LaCombe, Lyons, Newell, and Thomas voted yea.

The meeting was adjourned at 2:22 p.m.

Respectfully submitted,



Chairman John M. Stefanski  
House Committee on House and Governmental Affairs

Date adopted: April 22, 2021