



DEPARTMENT OF STATE
CALENDAR YEAR 2013
ANNUAL LEGISLATIVE OVERSIGHT REPORT

TOM SCHEDLER
SECRETARY OF STATE
FEBRUARY 7, 2014

COMMERCIAL DIVISION

RULE
Title 10
FINANCIAL INSTITUTIONS, CONSUMER CREDIT,
INVESTMENT SECURITIES AND UCC
Part XIX. Uniform Commercial Code
Chapters 1-3
(LAC 10:XIX.Chapters 1-3)

Under the provisions of Louisiana's Uniform Commercial Code (La. R.S. 10:9-101 et seq.), the Department proposed to repeal the existing Rule for the Uniform Commercial Code and replace it with LAC 10:XIX.Chapters 1-3. The Notice of Intent was published in the July 20, 2013 issue of the *Louisiana Register*. A public hearing was scheduled for August 29, 2013, but was not attended by anyone outside of the Department's staff. The last day for accepting comments from the public was the close of business on August 30, 2013. The Department received a letter from Mr. James A. Stuckey with Phelps Dunbar LLP dated August 19, 2013 recommending changes to the proposed Rule. The Department agreed to most of the recommended changes. On September 5, 2013, an electronic copy of the Legislative Oversight Report was submitted to the standing committees of the Legislature. Prior to submission to the Office of State Register, it was determined that most of the proposed changes were substantive in nature and would have to be amended at a later date. As a result, only technical and grammatical changes were incorporated into the Rule. The Secretary of State adopted the Rule for the Uniform Commercial Code and it was promulgated in the October 20, 2013 issue of the *Louisiana Register*. Currently, the Department is in the process of determining what changes need to be made to the Rule and will amend the existing Rule in a new Notice of Intent.

RULE
Title 46
PROFESSIONAL AND OCCUPATIONAL STANDARDS
Part XLVI. Notaries Public
Chapter 1. Notaries Public
(LAC 46:XLVI.Chapter 1)

Under the provisions of La. R.S. 35:1 et seq., the Department proposed a Rule for notaries public in the State of Louisiana. The Notice of Intent was published in the July 20, 2013 issue of the *Louisiana Register*. A public hearing was scheduled for August 29, 2013, but was not attended by anyone outside of the Department's staff. The last day for accepting comments from the public was the close of business on August 30, 2013. No public comments were received. On September 4, 2013, an electronic copy of the Legislative Oversight Report was submitted to the standing committees of the Legislature. The Secretary of State adopted the Rule for notaries public in the October 20, 2013 issue of the *Louisiana Register*.

ELECTIONS DIVISION

RULE

Title 31

ELECTIONS

Part I. Election Process

Chapter 11. Emergency Election Day Paper Ballot Voting Procedures (LAC 31:I.Chapter 11)

Under the provisions of La. R.S. 18:1352 and 18:1353, the Department proposed rules to establish guidelines for paper ballot procedures to be used on election day in the event that the Secretary of State, or his designee, declares an emergency. Prior to the 2010 census, all precincts in Louisiana had a minimum of two voting machines in each precinct. If one voting machine became inoperable, voters were still capable of voting on the other voting machine in the precinct. As a result of reapportionment, Louisiana now has many split precincts where only one voting machine is available for drayage and placement in the polling place for election day. Louisiana continues to maintain a five percent backup for election day failures and has authorization to provide for the use of paper ballots on an emergency basis pursuant to La. R.S. 18:1352. The Notice of Intent was published in the December 20, 2012 issue of the *Louisiana Register*. A public hearing was scheduled for January 30, 2013, but was not attended by anyone outside of the Department's staff. The last day for accepting comments from the public was the close of business on January 31, 2013. No public comments were received. On March 12, 2013, an electronic copy of the Legislative Oversight Report was submitted to the standing committees of the Legislature. On April 11, 2013, the House and Governmental Affairs Committee met to discuss the proposed Rule. The Secretary of State adopted the Rule for emergency election day paper ballot voting procedures and it was promulgated in the April 20, 2013 issue of the *Louisiana Register*.

NOTICE OF INTENT

Title 31

ELECTIONS

Part II. Voter Registration and Education

Chapter 1. Registrars of Voters

Section 105. Sale of Voter Registration Lists (LAC 31:II.105.Chapter 1)

Under the provisions of La. R.S. 18:31, the Department proposed a Rule regarding the sale of voter registration lists. The proposed Rule would: 1) eliminate the sale of voter registration lists/labels in print format and would make the sale of voter registration lists/labels available on in PDF format; 2) change the method of payment to include credit cards; and 3) offer an optional subscription service for the sale of statewide voter registration lists to recognized political parties (see La. R.S. 18:44) at a cost of \$7,500 annually. The Notice of Intent was published in the November 20, 2013 issue of the *Louisiana Register*. A public hearing was scheduled for December 30, 2013, but was not attended by anyone outside of the

Department's staff. The last day for accepting comments from the public was the close of business on December 31, 2013. No public comments were received. It is the intention of the Department to adopt the Rule in the February 20, 2014 issue of the *Louisiana Register*.

RULE
Title 31
ELECTIONS
Part II. Voter Registration and Education
Chapter 1. Registrars of Voters
Section 117. Prohibition on Accumulation of Annual, Sick and Compensatory Leave for
Registrars of Voters
(LAC 31:II.Chapter 1)

Under the provisions of La. R.S. 18:18, 18:134 and 18:1400.8, the Secretary of State proposed to amend LAC 31:II.Chapter 1 to include Section 117 to implement a uniform time and attendance policy for the registrars of voters. The registrars of voters, who are the agency heads for their offices, in 53 of the 64 parishes have adopted a uniform time and attendance policy which has been adopted by the Secretary of State. The policy serves to implement this time and attendance policy statewide, thus requiring all registrars of voters to adopt, implement and comply with this policy. Additionally, statewide implementation of this policy will provide for consistency in the human resources functions statutorily required of the Department for and on behalf of the registrars of voters. The Notice of Intent was published in the May 20, 2013 issue of the *Louisiana Register*.

A public hearing was held on June 27, 2013, and the Department received comments on the proposed rule. The Department received written comments through June 28, 2013 and the Department responded to all written comments.

On November 25, 2013, an electronic copy of the Legislative Oversight Report was submitted to the standing committees of the Legislature. On December 4, 2013, the Joint Senate & House Governmental Affairs Committees met to discuss the proposed Rule. No action was taken by the Committee. The Secretary of State adopted the Rule, with technical changes to the original Notice of Intent, and it was promulgated in the December 20, 2013 issue of the *Louisiana Register*.

DECLARATION OF EMERGENCY
Title 31
ELECTIONS
Part II. Voter Registration and Voter Education
Chapter 4. Voter Registration at Mandatory Voter Registration Agencies in the State that
Provide Public Assistance or Provide State-funded Programs Primarily Engaged in
Providing Services to Persons with Disabilities
(LAC 31:II.Chapter 4)

The Department of State, pursuant to the emergency provisions of the Administrative Procedure Act, La. R.S. 49:953(B), and under the authority of La. R.S. 18:116, 36:742 and 42

U.S.C. §1973gg et seq., adopted LAC 31:II.Chapter 4 on an emergency basis in an effort to comply with the Permanent Injunction entered on January 23, 2013, by the United States District Court, Eastern District of Louisiana, in the matter of “Scott, et al. v. Schedler, et al.” (Docket No. 11-926), directing the Secretary of State to implement “policies and procedures” no later than March 15, 2013, as to each program for which the Secretary of State has not achieved substantial compliance with the provisions of the National Voter Registration Act, 42 U.S.C. §1973gg et seq., as construed by the district court in the referenced proceeding. The district court’s ruling is under review by the United States Court of Appeals for the Fifth Circuit, and if reversed may necessitate subsequent repeal or amendment of these rules. The Declaration of Emergency became effective on March 14, 2013 and remained in effect until July 12, 2013.

DECLARATION OF EMERGENCY

Title 31

ELECTIONS

Part II. Voter Registration and Voter Education

Chapter 4. Voter Registration at Mandatory Voter Registration Agencies in the State that Provide Public Assistance or Provide State-funded Programs Primarily Engaged in Providing Services to Persons with Disabilities (LAC 31:II.Chapter 4)

The Department of State, pursuant to the emergency provisions of the Administrative Procedure Act, La. R.S. 49:953(B), and under the authority of La. R.S. 18:116, 36:742 and 42 U.S.C. §1973gg et seq., adopted LAC 31:II.Chapter 4 on an emergency basis in an effort to comply with the Permanent Injunction entered on January 23, 2013, by the United States District Court, Eastern District of Louisiana, in the matter of “Scott, et al. v. Schedler, et al.” (Docket No. 11-926), directing the Secretary of State to implement “policies and procedures” no later than March 15, 2013, as to each program for which the Secretary of State has not achieved substantial compliance with the provisions of the National Voter Registration Act, 42 U.S.C. §1973gg et seq., as construed by the district court in the referenced proceeding. The district court’s ruling is under review by the United States Court of Appeals for the Fifth Circuit, and if reversed may necessitate subsequent repeal or amendment of these rules. This Declaration of Emergency became effective on July 10, 2013, and was to 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. Since the effective date for the final Rule was October 20, 2013, the effective date of the second Declaration of Emergency was July 10, 2013 through October 20, 2013.

RULE
Title 31
ELECTIONS

Part II. Voter Registration and Voter Education

**Chapter 4. Voter Registration at Mandatory Voter Registration Agencies in the State that
Provide Public Assistance or Provide State-funded Programs Primarily Engaged in
Providing Services to Persons with Disabilities
(LAC 31:II.Chapter 4)**

Under the authority of La. R.S. 18:116, 36:742 and 42 U.S.C. §1973gg et seq., the secretary of state proposed to adopt LAC 31:II.Chapter 4 in an effort to comply with the permanent injunction entered on January 23, 2013, by the United States District Court, Eastern District of Louisiana, in the matter of “Scott, et al. v. Schedler, et al.” (Docket No. 11-926), directing the Secretary of State to implement “policies and procedures” no later than March 15, 2013, as to each program for which the Secretary of State has not achieved substantial compliance with the provisions of the National Voter Registration Act, 42 U.S.C. §1973gg et seq., as construed by the district court in the referenced proceeding. The district court’s ruling is under review by the United States Court of Appeals for the Fifth Circuit, and if reversed may necessitate subsequent repeal or amendment of these rules. At the time the Notice of Intent was published in the July 20, 2013 issue of the *Louisiana Register*, two Declarations of Emergency were adopted to comply with the district court’s ruling. The initial Declaration of Emergency became effective on March 14, 2013 and remained in effect until July 12, 2013. The second Declaration of Emergency became effective on July 10, 2013, and was to remain in effect for the maximum period allowed under the Administrative Procedure Act or until final rules were promulgated in accordance with law, whichever occurs first. Since the effective date for the final Rule was October 20, 2013, the effective date of the second Declaration of Emergency was July 10, 2013 through October 20, 2013.

A public hearing was scheduled for August 29, 2013, but was not attended by anyone outside of the Department’s staff. The last day for accepting comments from the public was the close of business on August 30, 2013. No public comments were received. On September 4, 2013, an electronic copy of the Legislative Oversight Report was submitted to the standing committees of the Legislature. The Secretary of State adopted the Rule for voter registration at mandatory voter registration agencies and it was promulgated in the October 20, 2013 issue of the *Louisiana Register*.