



DEPARTMENT OF STATE
CALENDAR YEAR 2014
ANNUAL LEGISLATIVE OVERSIGHT REPORT

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SECRETARY OF STATE

MARCH 11, 2015

COMMERCIAL DIVISION

**NOTICE OF INTENT
AND
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)**

Pursuant to the provisions of the Administrative Procedure Act (R.S. 49:950 et seq.), and under the authority of Louisiana's Uniform Commercial Code (R.S. 10:9-101 et seq.), R.S. 10:9-526, Public Law 99-198 (Food Security Act of 1985), and R.S. 36:742, the Secretary of State was proposing to amend various sections of the Rule for the Uniform Commercial Code (LAC 10:XIX.Chapters 1-3) to comply with legislation enacted.

The Notice of Intent was published in the April 20, 2014 issue of the *Louisiana Register*. A public hearing was scheduled for May 27, 2014, but was not attended by anyone other than the Department's staff. The last day for accepting written comments from the public was the close of business on May 29, 2014. No written comments were received by the Department. On June 8, 2014, 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 the Uniform Commercial Code and it was promulgated in the July 20, 2014 issue of the *Louisiana Register*.

ELECTIONS DIVISION

**RULE
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)**

Pursuant to the provisions of the Administrative Procedure Act (R.S. 49:950 et seq.) and under the authority of R.S. 18:31 and R.S. 36:742, the Secretary of State amended LAC 31:II.105 regarding the sale of voter registration lists. The Rule: 1) eliminated the sale of voter registration lists/labels in print format and made the sale of voter registration lists/labels available in PDF format; 2) changed the method of payment to include credit cards; and 3) offered an optional subscription service for the sale of statewide voter registration lists to recognized political parties 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 other than the Department's staff. The last day for accepting written comments from the public was the close of business on December 31, 2013. No written comments were received by the Department. On January 9, 2014, 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 the Sale of Voter Registration Lists and it was promulgated in the February 20, 2014 issue of the *Louisiana Register*.

DECLARATION OF EMERGENCY

Title 31

ELECTIONS

Part II. Voter Registration and Voter Education

Chapter 1. Registrars of Voters

(LAC 31:II.Chapter 1 Sections 107, 108, and 109)

The Department of State, pursuant to the emergency provisions of the Administrative Procedure Act [R.S. 49:953(B)], and under the authority of R.S. 18:18, R.S. 18:55, R.S. 18:59, and R.S. 36:742, adopted an Emergency Rule to amend LAC 31:II.Chapter 1, Section 107 to modify the procedure for merit evaluations of the registrars of voters, adopt LAC 31:II.Chapter 1, Section 108 to codify the appeal process for merit evaluations of the registrars of voters, and amend LAC 31:II.Chapter 1, Section 109 to modify the procedure for merit evaluations of the chief deputies and confidential assistants on an emergency basis. The adoption of the Rule on an emergency basis was necessary, as the registrars of voters were sent their merit evaluation forms on November 1, 2014, the evaluations were due to the Department of State on December 15, 2014, and the appeals process needed to be codified to give the registrars of voters the opportunity to appeal evaluations that resulted in the registrars of voters not receiving their merit increases.

The Emergency Rule became effective on October 24, 2014 and remained in effect until February 20, 2015. The Department is currently working on the Notice of Intent process.

Copies of the Declaration of Emergency were forwarded on October 24, 2014 to the: Governor, Attorney General, Office of State Register, and legislative oversight committees. The Declaration of Emergency was published in the November 20, 2014 issue of the *Louisiana Register*.

NOTICE OF INTENT
Title 31
ELECTIONS
Part II. Voter Registration and Voter Education
Chapter 1. Registrars of Voters
(LAC 31:II.Chapter 1 Sections 107, 108, and 109)

Pursuant to the provisions of the Administrative Procedure Act (R.S. 49:950 et seq.), and under the authority of R.S. 18:18, R.S. 18:55, R.S. 18:59, and R.S. 36:742, the Secretary of State proposes to adopt this Rule which would amend LAC 31:II.Chapter 1, Section 107 to modify the procedure for merit evaluations of the registrars of voters, adopt LAC 31:II.Chapter 1, Section 108 to codify the appeal process for merit evaluations of the registrars of voters, and amend LAC 31:II.Chapter 1, Section 109 to modify the procedure for merit evaluations of the chief deputies and confidential assistants.

The Notice of Intent was published in the December 20, 2014 issue of the *Louisiana Register*. A public hearing was held on January 26, 2015. At the public hearing, the Department received written comments concerning the proposed rule. The deadline for the Department to receive written comments was the close of business on January 27, 2015. With the exception of the written comments received at the public hearing, no other written comments were received as of January 27, 2015. On February 26, 2015, the Department sent a response to the written comments that were received. On February 26, 2015, an electronic copy of the Legislative Oversight Report was submitted to the standing committees of the Legislature. A hearing on the proposed rules was conducted by the House & Governmental Affairs Committee on March 4, 2015. The committee suggested an amendment to the proposed rules to require a written explanation to be given to any registrar of voters who does not receive an “excellent” rating. The proposed date for the Rule to be published in the *Louisiana Register* is April 20, 2015.