



LOUISIANA DEPARTMENT OF STATE
CALENDAR YEAR 2017
ADMINISTRATIVE PROCEDURE ACT
ANNUAL LEGISLATIVE OVERSIGHT REPORT

TOM SCHEDLER
SECRETARY OF STATE
February 14, 2018

BUSINESS SERVICES DIVISION

**NOTICE OF INTENT
AND
RULE
Title 19
CORPORATIONS AND BUSINESS
Part V. Secretary of State
Chapter 1. Domestic Corporations
(LAC 19:V.101)**

The Secretary of State, pursuant to the provisions of the Administrative Procedure Act (R.S. 49:950 et seq.) and under the authority of R.S. 9:3865 and R.S. 36:742, proposed a Rule to repeal provisions which required the Department to adopt a uniform statutory power of attorney form for military personnel. During the 1995 Regular Legislative Session, Act 1131 repealed the provisions of R.S. 9:3865 and amended R.S. 9:3862 to provide an illustrative and suggestive power of attorney form to be used by military personnel or other eligible persons who reside or own immovable property in the State. The Notice of Intent was published in the June 20, 2017 issue of the *Louisiana Register*. A public hearing was held on July 24, 2017 and only the staff of the Department attended the meeting. The last day for accepting written comments from the public was the close of business on July 25, 2017. The Department received no written comments. On August 9, 2017, an electronic copy of the Legislative Oversight Report was submitted to the President of the Senate, Speaker of the House of Representatives, and the standing committees of the Legislature. No oversight committee meetings were held. The Rule to repeal the provisions of LAC 19:V.101 for the Military Personnel Powers of Attorney was promulgated in the October 20, 2017 issue of the *Louisiana Register*.

ELECTIONS DIVISION

**NOTICE OF INTENT
AND
RULE
Title 31
ELECTIONS
Part II. Voter Registration
Chapter 1. Registrars of Voters
(LAC 31:II.107-109)**

The Secretary of State, 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, proposed a Rule to repeal the appeal process for merit evaluations of the registrars of voters. During the 2016 Regular Legislative Session, Act 358 was enacted authorizing the State Board of Election Supervisors to conduct appeals of merit evaluations of registrars of voters. In addition, the Rule would amend merit evaluations for registrars of voters, chief deputies and confidential assistants requiring a written explanation for those who do not receive an “excellent rating. The Notice of Intent was published in the September 20, 2017 issue of the *Louisiana Register*. A public hearing was held on October 25, 2017. At the hearing, comments were received from the St. Charles Parish Registrar of Voters who thanked the Department’s staff for following through on the amendment proposed by Representative Greg Miller requiring that a written explanation be given if a registrar of voters, chief deputy, or confidential assistant does not received an “excellent’ rating. The last day for accepting written comments from the public was the close of business on October 26, 2017. The Department received no written comments. On November 7, 2017, an electronic copy of the Legislative Oversight Report was submitted to the President of the Senate, Speaker of the House of Representatives, and the standing committees of the Legislature. An oversight committee meeting was held on December 5, 2017. The Rule to repeal the provisions of LAC 31:II.108 and amend Sections 107 and 109 for Registrars of Voters was promulgated in the December 20, 2017 issue of the *Louisiana Register*.

**NOTICE OF INTENT
AND
RULE
Title 31
ELECTIONS
Part I. Election Process
Chapter 8. Voting Technology
(LAC 31:I.Chapter 8)**

The Secretary of State, pursuant to the provisions of the Administrative Procedure Act (R.S. 49:950 et seq.) and under the authority of R.S. 18:21 and R.S. 36:742, proposed a Rule regarding the conduct of private elections in Louisiana and the production and sale of maps of precincts and election jurisdictions. The Notice of Intent was published in the June 20, 2017 issue of the *Louisiana Register*. A public hearing was held on July 24, 2017 and only staff of the

Department attended the hearing. The last day for accepting written comments from the public was the close of business on July 25, 2017. The Department received no written comments.

After a thorough review and careful consideration by the staff of the Elections Division, the Department proposed a change to clarify the various types of private elections the Department can conduct. Rather than pursuing the rule process for LAC 31:I.Chapter 8 and then amending LAC 31:I.801, the Department decided to wait until the provisions of LAC 31:I.801 had been resolved through the substantive rule process. On August 9, 2017, the Department submitted information to the Legislative Fiscal Office to see if the proposed revision would have any impact on the Fiscal and Economic Impact Statement that accompanied the Notice of Intent. On August 10, 2017, the Department received notification from the Legislative Fiscal Office informing the Department that the proposed revision did not constitute a substantive change. In the August 20, 2017 issue of the *Louisiana Register*, the Department published the proposed change in the Potpourri Section and notified the public of a public hearing on September 26, 2017 to receive oral and/or written comments on the proposed revision to LAC 31:I.801. A public hearing was held on September 26, 2017. Only staff of the Department attended the meeting. The last day for accepting written comments from the public was the close of business on September 27, 2017. No written comments were received. On September 27, 2017, an electronic copy of the Legislative Oversight Report was submitted to the President of the Senate, Speaker of the House of Representatives, and the standing committees of the Legislature. No oversight committee meeting was held. The Rule regarding the conduct of private elections in Louisiana and establishing a fee for the production and sale of electronic images mapping precincts and election jurisdictions in Louisiana was promulgated in the November 20, 2017 issue of the *Louisiana Register*.

STATE BOARD OF ELECTION SUPERVISORS

**NOTICE OF INTENT
AND
RULE
Title 31
ELECTIONS
Part II. Voter Registration
Chapter 2. Registrars of Voters
(LAC 31:II.Chapter 2)**

The State Board of Election Supervisors, pursuant to the provisions of the Administrative Procedure Act (R.S. 49:950 et seq.) and under the authority of R.S. 18:18:24(A)(6), R.S. 18:55, R.S. 18:59, and R.S. 36:742, proposed a Rule to provide for the appeal process for merit evaluations of the registrars of voters. During the 2016 Regular Legislative Session, Act 358 was enacted authorizing the State Board of Election Supervisors to conduct appeals of merit evaluations of registrars of voters. The Notice of Intent was published in the September 20, 2017 issue of the *Louisiana Register*. A public hearing was held on October 25, 2017 and only staff of the Department attended the meeting. The last day for accepting written comments from the public was the close of business on October 26, 2017. The Department received no written comments. On November 7, 2017, an electronic copy of the Legislative Oversight Report was submitted to the President of the Senate, Speaker of the House of Representatives, and the standing committees of the Legislature. An oversight committee meeting was held on December 5, 2017. The Rule to adopt the provisions of LAC 31:II.Chapter 2 for Registrars of Voters was promulgated in the December 20, 2017 issue of the *Louisiana Register*.

OFFICE OF THE SECRETARY OF STATE

NOTICE OF INTENT

AND

RULE

Title 4

ADMINISTRATION

Part I. General Provisions

Chapter 3. Fees

Section 303. Department of State Non-Statutory Fee Schedule

(LAC 4:303)

And

Chapter 4. Department of State

(LAC 4:Chapter 4)

The Secretary of State, pursuant to the provisions of the Administrative Procedure Act (R.S. 49:950 et seq.) and under the authority of R.S. R.S. 3:1447, R.S. 9:2782, R.S. 18:1293, R.S. 24:172, R.S. 24:173.1, R.S. 25:1282, R.S. 25:1284, R.S. 36:742, R.S. 40:1151.2, R.S. 43:19, R.S. 43:22, R.S. 44.1 et seq., R.S. 44:402, R.S. 44:405, R.S. 44:406, R.S. 44:408, R.S. 44:415, R.S. 44:420, R.S. 44:421, R.S. 49:222(A), R.S. 49:227, R.S. 49:228, Hague Convention of 5 October 1961 Abolishing the Requirement of Legalisation for Foreign Public Documents, and Hague Convention of 29 May 1993 on Protection of Children and Co-operation in Respect of Intercountry Adoption (22 CFR Part 96, proposed a Rule to repeal Chapter 3 for Department of State Non-Statutory Fee Schedule and adopt Chapter 4 for Department of State Non-Statutory Fees. The Notice of Intent was published in the September 20, 2017 issue of the *Louisiana Register*. A public hearing was held on October 25, 2017 and only staff of the Department attended the meeting. The last day for accepting written comments from the public was the close of business on October 26, 2017. The Department received no written comments. On November 7, 2017, an electronic copy of the Second Legislative Oversight Report was submitted to the President of the Senate, Speaker of the House of Representatives, and the standing committees of the Legislature. An oversight committee meeting was held on December 5, 2017. The Rule to repeal LAC 4:303 (Department of State Non-Statutory Fee Schedule) and adopt Chapter 4 (Department of State Non-Statutory Fees) was promulgated in the December 20, 2017 issue of the *Louisiana Register*.