

# COMMITTEE ON HOUSE AND GOVERNMENTAL AFFAIRS

## Minutes of Meeting 2012 Regular Session March 21, 2012

### I. CALL TO ORDER

Representative Tim Burns, Chairman of the Committee on House and Governmental Affairs, called the meeting to order at 9:38 a.m. in Committee Room 2. The secretary called the roll.

### II. ROLL CALL

#### MEMBERS PRESENT:

Timothy G. Burns, Chairman  
Michael E. Danahay, Vice Chairman  
Taylor F. Barras  
John A. "Johnny" Berthelot  
Stuart J. Bishop  
Jared C. Brossett  
Anthony V. Ligi, Jr.  
Gregory A. Miller  
Stephen E. Pugh

#### MEMBERS ABSENT:

Randal L. Gaines  
Girod Jackson III

#### STAFF MEMBERS PRESENT:

M. Patricia Lowrey-Dufour, Legislative Analyst  
Mark Mahaffey, Attorney  
Shawn O'Brien, Secretary  
Joyce Anthony, Sergeant at Arms

### III. DISCUSSION

#### **House Bill No. 603 by Representative Dixon**

House Bill No. 603 provides that the registration records for a general election do not close for first-time registrants prior to two business days after the primary election.

At the request of the author, Representative Burns moved that action be voluntarily deferred on the bill. Representatives Barras, Berthelot, Bishop, Brossett, Burns, Danahay, Ligi, Miller, and Pugh voted 9-0 in favor of the motion.

**House Bill No. 851 by Representative Richard**

House Bill No. 851 prohibits certain assistance in voting.

At the request of the author, Representative Burns moved that action be voluntarily deferred on the bill. Representatives Barras, Berthelot, Bishop, Brossett, Burns, Danahay, Ligi, Miller, and Pugh voted 9-0 in favor of the motion.

**House Bill No. 209 by Representative Foil**

House Bill No. 209 provides relative to the hours the polls are required to be open on election day, establishing a new opening time of 7:00 a.m. instead of 6:00 a.m.; and requires the principal office of the registrar to open on election day at 7:00 a.m. instead of 6:00 a.m.

Representative Foil presented the bill, saying that commissioners living in his district had requested the change because of the overly long work hours. He said the opportunities to vote have become more numerous due to recent changes in the law.

The Honorable Tom Schedler, Secretary of State, P. O. Box 94125, Baton Rouge, Louisiana, assisted with the author's presentation. He said that statistics show that far fewer people vote in the 6:00-7:00 a.m. hour than in the 7:00-8:00 p.m. hour, and the bill consequently seeks to delete only that one hour from the current voting day. He pointed out that the effective date of the proposed change is after the upcoming 2012 presidential election.

Ms. Cecilia Giannobile, 110 Granby Drive, Hammond, Louisiana, 985-345-4176, spoke in support of the bill, saying that early voting and mail-in voting have offset the need for a 14-hour voting day, which she said is difficult for commissioners.

Ms. Carmen Weisner, Executive Director, NASW-LA, 700 North 10<sup>th</sup> Street, Suite 200, Baton Rouge, Louisiana, 225-346-1234; and Mr. Chad Lauga, IBEW, 3200 Ridgelake Avenue, Metairie, Louisiana, had filed witness cards in opposition to the legislation but chose not to testify.

Ms. Julie Cherry, Louisiana AFL-CIO, 429 Government Street, Baton Rouge, Louisiana, 225-383-5741, stated in opposition to the bill that the state should be proud to have some of the longest voting hours and that commissioners sign up to work for pay that was doubled in recent years. She noted the needs of shift workers to vote early in the morning.

Representative Pugh proposed a motion to report the bill favorably, to which there was no objection. Representatives Barras, Berthelot, Bishop, Brossett, Burns, Danahay, Ligi, Miller, and Pugh voted 9-0 in favor of reporting House Bill No. 209 favorably.

**House Bill No. 578 by Representative Danahay**

House Bill No. 578 authorizes the registrar to set the hours and days of early voting at additional locations with approval of the secretary of state and subject to certain limitations.

Representative Danahay presented the bill, saying that it would not apply to gubernatorial and presidential elections.

Representative Danahay requested an amendment to allow the secretary of state to post the additional voting locations on their website.

Representative Burns offered the author's amendment and made a motion that the committee adopt it. There being no objection, Representatives Barras, Berthelot, Bishop, Brossett, Burns, Danahay, Ligi, Miller, and Pugh voted 9-0 to adopt the amendment.

The Honorable Tom Schedler, Secretary of State, P. O. Box 94125, Baton Rouge, Louisiana, informed the committee that the change would be permissive.

Ms. Angie Rogers, Commissioner of Elections, Secretary of State's Office, P. O. Box 94125, Baton Rouge, Louisiana, 225-342-4479, informed the members that the impact of the bill is limited to the five currently existing additional early voting sites in the state that are in addition to registrars' offices and other early voting sites.

Ms. Carmen Weisner, Executive Director, NASW-LA, 700 North 10<sup>th</sup> Street, Suite 200, Baton Rouge, Louisiana, 225-346-1234, filed a card in support of the bill.

Representative Brossett offered a motion that the bill be reported with amendments, to which there was no objection. Representatives Barras, Berthelot, Bishop, Brossett, Burns, Danahay, Ligi, Miller, and Pugh voted 9-0 to report House Bill No. 578 with amendments.

#### **House Bill No. 491 by Representative Danahay**

House Bill No. 491 provides for the manner in which the oath of office for legislators who take the oath at the organizational session of the legislature is subscribed to and recorded. Representative Danahay presented the bill, explaining that the House and Senate journal entry would suffice to record and certify that the oath has been taken.

Mr. Alfred W. Speer, Clerk of the House, P. O. Box 44281, Baton Rouge, Louisiana, was present for information.

Representative Ligi proposed a motion to report the bill favorably, to which there was no objection. Representatives Barras, Berthelot, Bishop, Brossett, Burns, Danahay, Ligi, Miller, and Pugh voted 9-0 to House Bill No. 491 favorably.

The Honorable Tom Schedler, Secretary of State, P. O. Box 94125, Baton Rouge, Louisiana, was available to provide information.

Representative Ligi offered a motion to place House Bill No. 491 on the Local and Consent Calendar. Representatives Barras, Berthelot, Bishop, Brossett, Burns, Danahay, Ligi, Miller, and Pugh voted 9-0 in favor of the calendar motion.

**House Bill No. 917 by Representative Brossett**

House Bill No. 917 provides relative to the return of voted absentee-by-mail ballots to the registrar. Representative Brossett explained the legislation, saying that mail processing centers in Lafayette and New Orleans are slated for possible closure because of nationwide budget shortfalls in the postal system. This will cause the elimination of service important to absentee voting by mail and affect whether the ballots will reach the registrars' offices timely, he said. The bill would provide for additional means of delivery of absentee-by-mail ballots.

Representative Brossett submitted amendments on behalf of the secretary of state's office that would specify that a voter who delivers his own ballot is not required to execute a certification and clarify the type of commercial delivery service that could deliver ballots.

The Honorable Tom Schedler, Secretary of State, P. O. Box 94125, Baton Rouge, Louisiana, provided information on the bill.

Ms. Sandra L. Wilson, Orleans Parish Registrar of Voters, 1300 Perdido Street, New Orleans, Louisiana, said in support of the bill that registrars and the secretary of state collaborated on the legislation to make sure voters could cast absentee ballots within sufficient timelines given the anticipated closure of some postal transfer stations.

Mr. Stephen Kauffman, Advocacy Center, 8225 Florida Blvd, Suite A, Baton Rouge, Louisiana, 225-925-8884, stated his opposition to provisions that prohibit anyone but an immediate family member of the voter from hand delivering more than one ballot to the registrar. He noted that some persons in group homes might not have an immediate family member to hand deliver a ballot and that a fee would be charged for that service by a commercial venture. He suggested use of a voter's affidavit attesting to permission given to deliver a ballot and said that he would attempt to have such an amendment added on the floor.

Representative Brossett moved the adoption of the amendments as explained. There was no objection, and the motion passed 9-0 with Representatives Barras, Berthelot, Bishop, Brossett, Burns, Danahay, Ligi, Miller, and Pugh voting yea.

Representative Berthelot offered a motion that House Bill No. 917 be reported with amendments, to which there was no objection. Representatives Barras, Berthelot, Bishop, Brossett, Burns, Danahay, Ligi, Miller, and Pugh voted 9-0 on the motion.

**House Bill No. 385 by Representative Moreno**

House Bill No. 385 provides that a displaced registrant shall not be considered to have vacated his residence for purposes of voter registration and voting, unless he claims a homestead exemption at a different residence. Representative Moreno referenced legislation to assist displaced voters following Hurricane Katrina and said that House Bill No. 385 precludes persons who eventually settled permanently in a new parish from continuing to vote in their previous parish.

The Honorable Tom Schedler, Secretary of State, P. O. Box 94125, Baton Rouge, Louisiana, provided information on the bill, explaining that the bill requiring that a voter vote in the parish where he has his homestead exemption conflicts with changes made immediately following the hurricane.

Ms. Carmen Weisner, Executive Director, NASW-LA, 700 North 10<sup>th</sup> Street, Suite 200, Baton Rouge, Louisiana, 225-346-1234, filed a card in support of the bill.

Representative Ligi proposed a motion to report the bill favorably, to which there was no objection. Representatives Barras, Berthelot, Bishop, Brossett, Burns, Danahay, Ligi, Miller, and Pugh voted 9-0 to report House Bill No. 385 favorably.

### **House Bill No. 876 by Representative Henry Burns**

House Bill No. 876 would provide an additional week between the primary and general elections by changing the dates for general elections so that those elections are held a week later. Representative Henry Burns presented the bill, saying it was filed at the request of the secretary of state.

Ms. Angie Rogers, Commissioner of Elections, Secretary of State's Office, P. O. Box 94125, Baton Rouge, Louisiana, 225-342-4479, informed the members that preparations for the general election begin the night of a primary election and proceed with no time to spare.

Saying that the procedure would not work when the proposed timeline is applied to certain elections, Representative Miller offered a motion that action be voluntarily deferred on the bill and that it be rescheduled if the proponents can address that concern. There was no objection to the motion, and Representatives Barras, Berthelot, Bishop, Brossett, Burns, Danahay, Ligi, Miller, and Pugh voted 9-0 to voluntarily defer action on House Bill No. 876.

### **House Bill No. 877 by Representative Richard**

House Bill No. 877 repeals provisions relative to certain displaced registrants. There was no discussion on the bill.

At the request of the author, Representative Burns moved that action be voluntarily deferred on House Bill No. 877, to which there was no objection. Representatives Barras, Berthelot, Bishop, Brossett, Burns, Danahay, Ligi, Miller, and Pugh voted 9-0 in favor of the motion.

### **House Bill No. 878 by Representative Stuart Bishop**

House Bill No. 878 repeals the requirement that the registrar of voters compile and post a list of the names and addresses of persons who vote early. Representative Bishop presented the legislation, saying that it would help prevent voter fraud.

The Honorable Tom Schedler, Secretary of State, P. O. Box 94125, Baton Rouge, Louisiana, provided information on the bill, saying that smaller jurisdictions are more likely to be affected

by voter fraud because of the lists being posted publically.

Representative Burns proposed a motion to report the bill favorably, to which there was no objection. House Bill No. 878 was reported favorably by a vote of 9-0 with Representatives Barras, Berthelot, Bishop, Brossett, Burns, Danahay, Ligi, Miller, and Pugh voting yea.

Representative Ligi offered a second motion to place House Bill No. 878 on the Local and Consent Calendar. Representatives Barras, Berthelot, Bishop, Brossett, Burns, Danahay, Ligi, Miller, and Pugh voted 9-0 in favor of the calendar motion.

### **House Bill No. 852 by Representative Tim Burns**

House Bill No. 852 provides relative to elections. Representative Burns explained that it is the annual bill to make technical amendments to the Election Code.

The Honorable Mr. Tom Schedler, Secretary of State, and Ms. Merietta Norton, staff attorney, P. O. Box 94125, Baton Rouge, Louisiana, 225-342-4479, requested amendments that would make voters' birthdate information provided to the clerk of court for the purposes of venire selection confidential; clarify relative to who is prohibited from assisting a person in completing an affidavit during early voting; and make additional technical changes.

Representative Danahay offered a motion that the amendments be adopted, to which there was no objection. Representatives Barras, Berthelot, Bishop, Brossett, Burns, Danahay, Ligi, Miller, and Pugh voted 9-0 to adopt the amendments.

Representative Berthelot offered a motion that House Bill No. 852 be reported with amendments, to which there was no objection. Representatives Barras, Berthelot, Bishop, Brossett, Burns, Danahay, Ligi, Miller, and Pugh voted 9-0 in favor of the motion.

### **House Bill No. 894 by Representative Tim Burns**

House Bill No. 894 provides relative to elections. Representative Burns presented the bill with assistance from Ms. Merietta Norton, Secretary of State's office, P. O. Box 94125, Baton Rouge, Louisiana, 225-342-4479. She explained that in order to have adequate time for ballot preparation, the bill changes the date of congressional general elections from the first Saturday in December to the second Saturday in December; provides that a bond, tax, or other election at which a proposition or question is submitted to the voters may be held on this date instead of the first Saturday in October; and provides that certain required notices for such an election to be held on a primary date and a proclamation calling a special election to be held on a primary date must be submitted at least four weeks prior to the opening of the qualifying period for the primary.

Representative Danahay raised the issue of seniority of newly-elected congressmen, which would be impacted by holding congressional elections later on the calendar.

Representative Burns made a motion that the committee voluntarily defer action on the bill so

that further analysis could be made. The motion passed by a vote 9-0 with Representatives Barras, Berthelot, Bishop, Brossett, Burns, Danahay, Ligi, Miller, and Pugh voting yea.

**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 10:39 a.m.

Respectfully submitted,

Timothy G. Burns, Chairman  
Committee on House and Governmental Affairs

/so

Adopted: \_\_\_\_\_