

Joint Committee on Joint Governmental Affairs

Minutes of Meeting
2020-2021 Interim
April 8, 2021

I. CALL TO ORDER

Representative John M. Stefanski, chairman of the Joint Committee on Joint Governmental Affairs, called the meeting to order at 2:09 p.m. in House Chamber, in the state capitol in Baton Rouge, Louisiana.

II. ROLL CALL

HOUSE MEMBERS PRESENT:

Representative John M. Stefanski, chairman
Representative Daryl Andrew Deshotel
Representative Les Farnum
Representative Foy Bryan Gadberry
Representative Dodie Horton
Representative Barry Ivey
Representative Sam L. Jenkins, Jr.
Representative Michael T. Johnson
Representative Jeremy S. LaCombe
Representative Rodney Lyons
Representative Tanner D. Magee
Representative Candace N. Newell
Representative Polly Thomas
Representative Malinda B. White

SENATE MEMBERS PRESENT:

Senator Sharon W. Hewitt, chairman
Senator R. L. Bret Allain, II
Senator Barry S. Milligan, vice chairman
Senator Edward J. "Ed" Price
Senator Mike Reese
Senator Glen Womack

HOUSE MEMBERS ABSENT:

Representative Gerald "Beau" Beaulieu, IV
Representative Wilford Dan Carter, Sr.
Representative Royce Duplessis, vice chairman
Representative Valarie Hodges

SENATE MEMBERS ABSENT:

Senator Franklin J. Foil
Senator Jimmy Harris
Senator Gregory W. Tarver, Sr.

HOUSE STAFF MEMBERS PRESENT:

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

SENATE STAFF MEMBERS PRESENT:

Matthew R. DeVille, attorney
Laur`en Marinovich Cimino, secretary

ADDITIONAL ATTENDEES PRESENT:

Myrtis Jarrell, House sergeant at arms
Stephan Louis, House sergeant at arms
Prentiss Price, House sergeant at arms
Fate Mitchell, Jr., Senate sergeant at arms

III. BUSINESS

Recommendations from the Board of Ethics relative to suggestions for changes to the laws under the jurisdiction of the board

Kathleen M. Allen, ethics administrator, Louisiana Board of Ethics, P.O. Box 4368, Baton Rouge, LA 70821, (225) 219-5600, spoke for information only on changes suggested by the Board of Ethics to the laws under the board's jurisdiction and provided a handout entitled "2021 Recommendations by the Louisiana Board of Ethics", which is included in the committee records and labeled Exhibit A.

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

Notice of intent from the Board of Ethics regarding proposed rule changes relative to third-party training

Kathleen M. Allen, ethics administrator, Louisiana Board of Ethics, P.O. Box 4368, Baton Rouge, LA 70821, (225) 219-5600, spoke for information only on the proposed rule changes relative to third party ethics training and provided a handout entitled "Promulgation of Amended Rules Regarding Third Party Ethics Training", which is included in the committee records and labeled Exhibit B.

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

Emergency rules from the Department of State regarding curing deficiencies in absentee by mail ballots

R. Kyle Ardoin, secretary of state, no witness card provided, spoke for information only about the emergency rules regarding curing deficiencies in absentee by mail ballots and provided handouts, which are included in the committee records and labeled, as follows:

- Exhibit C, "Declaration of Emergency (effective February 9, 2021) Department of State, Elections Division, Opportunity to Cure Deficiencies in Absentee By Mail Ballots (LAC 31:1:Chapter 3)"; and
- Exhibit D, "General Application for Absentee By Mail Ballot", "Disabled Application for Absentee By Mail Ballot", "Military or Overseas Application for Absentee By Mail Ballot", "State of Louisiana Official Absentee Ballot Application - Covid-19 Emergency Application (La R.S. 18:401.3)", "Deficiency on Your Absentee Ballot Envelope Flap Letter", a sample absentee ballot envelope, and a sample absentee ballot.

Representative Thomas asked Mr. Ardoin if there was a law which allowed for absentee by mail ballot envelope flaps with deficiencies to be cured. Mr. Ardoin replied that he was not aware of any law or statute which allowed for the process of curing absentee by mail ballot envelope flaps with deficiencies.

Representative Thomas asked Mr. Ardoin if the declaration of emergency was in effect for 120 days or if the emergency rule would expire on May 9, 2021, and if he anticipated renewing the emergency rule after it expired. Mr. Ardoin replied affirmatively and stated that they were engaged in the process of making it a permanent rule in time for the fall 2021 elections.

Representative Thomas asked Mr. Ardoin what the role of the legislative body was regarding permanent rulemaking. Mr. Ardoin replied that both legislative committees had the authority to approve or disapprove the emergency rule or permanent rule being presented through the committee process, and if one of the legislative committees disapproved, the rule would be null and void.

Representative Ivey asked Mr. Ardoin if a report could be generated and required to ensure that uniform efforts were being made to cure deficient ballots. Mr. Ardoin replied that they were required to log each of the efforts made to cure a deficient ballot on the voter's record. He said that as election day approached, a mandatory call to the voter was required.

Representative Horton asked Mr. Ardoin why students were given the option to provide a fee bill when selecting the "higher education" option when requesting an absentee by mail ballot on the General Application for Absentee By Mail Ballot. Mr. Ardoin replied that if a voter was a new student and did not have an official student identification card from the university, the student fee bill certified that they were enrolled at that university.

Senator Hewitt asked Mr. Ardoin if voters had the ability to track the status of their absentee by mail ballot request or absentee by mail ballot online. Mr. Ardoin replied affirmatively and explained the process of requesting, receiving, and submitting an absentee by mail ballot. Mr. Ardoin stated that the registrar of voters would keep accurate records throughout the entire process using their online system, allowing the registered voter the ability to track the status of his absentee by mail ballot. He explained that he wanted to make improvements to the process, such as adding the notation "needs to be cured" to the system so voters would know when they needed to contact the registrar of voters.

Senator Hewitt asked Mr. Ardoin if he expected to have the "needs to be cured" notation added to the system during the period in which the declaration of emergency was in effect, or if he expected it to be in the permanent rule that would be proposed. Mr. Ardoin replied that it would probably be added after the permanent rule. He explained that his staff was trying to catch up on programming that was delayed due to the 2020 presidential election.

Representative Farnum asked Mr. Ardoin about the processes being used to identify incurable ballots that had been received. Mr. Ardoin stated that if the registered voter did not present themselves to cure the ballot before the end of the election, a letter would be sent stating his ballot had been rejected and the reason for rejection.

Representative Stefanski offered a motion to accept the emergency rules presented by the Department of State. Without objection, the emergency rules were accepted by a vote of 14 yeas and 0 nays. Representatives Stefanski, Deshotel, Farnum, Gadberry, Horton, Ivey, Jenkins, Mike Johnson, LaCombe, Lyons, Magee, Newell, Thomas, and White voted yea.

Senator Hewitt offered a motion to accept the emergency rules presented by the Department of State. Without objection, the emergency rules were accepted by a vote of 6 yeas and 0 nays. Senators Hewitt, Allain, Milligan, Price, Reese, and Womack voted yea.

Witness cards submitted by individuals who did not speak are as follows: 5 for information only. Witness cards are included in the committee records.

2021 Annual Report of the State Board of Election Supervisors and other proposed changes to the Election Code

Chairman Stefanski informed members of the committee that Representative Mike Johnson filed the omnibus bill, House Bill No. 581, for the 2021 Regular Session, which encompassed the information and recommendations within the 2021 Annual Report of the State Board of Election Supervisors. Copies of House Bill No. 581 were distributed to members and included in the committee records as Exhibit E.

Chairman Stefanski stated that action would not be taken on the matter and suggested members of the committee work with him, Representative Mike Johnson, or Secretary of State R. Kyle Ardoin if they had recommendations or revisions to the omnibus bill.

R. Kyle Ardoin, secretary of state, no witness card provided, spoke for information only on the 2021 Annual Report of the State Board of Election Supervisors and other proposed changes to the Election Code. He provided a handout dated January 31, 2021, and entitled "Annual Report of the State Board of Election Supervisors", which is included in the committee records and labeled Exhibit F.

Representative Thomas expressed to Mr. Ardoin her concern with the omnibus recommendation that the office of the registrar would remain open on election day until 9:00 p.m. or until all precinct results had been submitted to the clerk of court. Mr. Ardoin explained that the requirement to have the registrars in the office was important because polls did not close until 8:00 p.m., and if a question arose that only the registrar could answer, he must be available to provide an answer. Mr. Ardoin later added that a voter could only be validated by the registrar using the system inside the registrar's office, since polls did not have the identifying information needed to verify a voter.

Representative Thomas asked Mr. Ardoin if the recommendation could be revised to say "until every voter has voted that was in line". She did not see a reason for registrars to remain in the office later than 8:00 p.m. Mr. Ardoin replied that he and the registrars had no way of knowing if voters would still be waiting in line to vote at 8:00 p.m. He said it was a precinct-by-precinct issue that happened in every large election.

Mr. Ardoin clarified that the recommendation allowed the registrar of voters to leave anytime between 7:00 a.m. and 9:00 p.m. if all results were in and were appropriate; otherwise, the registrars would stay in their offices until 9:00 p.m. on election day.

Representative Lyons asked Mr. Ardoin if the registrar of voters in Jefferson Parish could contact the secretary of state if issues arose. Mr. Ardoin replied affirmatively.

Representative Thomas asked Mr. Ardoin for further explanation on omnibus recommendation #3 of the 2021 Annual Report of the State Board of Election Supervisors. Mr. Ardoin replied that everything in R.S. 18:423 was current law, and they were only amending R.S. 18:423 J(1) to include "primary or" before general election.

Lani Durio, deputy commissioner of elections, office of the Louisiana secretary of state, P.O. Box 94125, Baton Rouge, LA 70804, (225) 287-7476, explained to Representative Thomas that there were three statutes pertaining to the counting of absentee ballots that they hoped to streamline during the 2021 Regular Session. Ms. Durio added that the parish boards would meet on different days depending on whether there was a federal or state election.

Representative Thomas asked Mr. Ardoin if R.S. 18:423 could be simplified. Mr. Ardoin replied that they could work on simplifying the statute during the 2021-2022 Interim. Mr. Ardoin explained that he wanted to ensure that everything was considered before making changes to the statute.

Representative Thomas asked Mr. Ardoin why the state required a political party to have forty thousand or more registered members to express its preference for a person to be the nominee of the party for president of the United States. Mr. Ardoin was uncertain.

Representative Thomas asked Mr. Ardoin if other political parties, such as Green, Libertarian, or Independent, could express preference for a person to be the nominee of the party for president of the United States if they were to reach the threshold. Mr. Ardoin replied affirmatively and added that the party could gain a seat on the Parish Board of Election Supervisors. They also could create their own primary in a closed party primary system.

Representative Thomas asked Mr. Ardoin if the secretary of state would receive a copy of the current bylaws from each of the state central committees. Mr. Ardoin replied that they should have the most current version.

Representative Horton expressed to Mr. Ardoin her concerns with R.S. 18:1309 (D)(1)(b), and asked if he would be in support of amending the current law, changing it to read that a person could not vote if he did not provide a form of identification, such as a Louisiana driver's license, special identification card, generally recognized picture identification card, or a United States military identification card. Mr. Ardoin replied that he was willing to visit with Representative Horton on her concerns.

Chairman Stefanski asked Mr. Ardoin why the deadline for a parish board to notify voters that their ballots had been rejected had changed from three days by mail to four business days by mail. Mr. Ardoin replied that it gave the registrars more working days and time to process the rejection notifications.

Representative Thomas asked Mr. Ardoin if the custodian of voting machines in a parish was the clerk of court. Mr. Ardoin replied affirmatively. Representative Thomas asked if the secretary of state was ever the custodian of voting machines in a parish. Mr. Ardoin said that the only time the secretary of state was the custodian was when the voting machines were permanently in the facility. Mr. Ardoin explained that voting machines were in the parish custodian's custody from the time they were shipped out to the time they were brought back to the facility.

Senator Hewitt asked Mr. Ardoin if omnibus recommendation #24 of the 2021 Annual Report of the State Board of Election Supervisors would be filed as a separate bill and not included in the omnibus bill for the 2021 Regular Session. Mr. Ardoin replied affirmatively.

Representative Thomas expressed her concern with allowing parishes to conduct the preparation and verification of absentee by mail ballots beginning four days before an election day. She asked Mr. Ardoin why small parishes would need four days to prepare the absentee by mail ballots. Mr. Ardoin replied that parishes would have up to four days before election day to prepare the absentee by mail ballots.

Representative Horton asked Mr. Ardoin to explain the procedure after an absentee by mail ballot had been verified. Mr. Ardoin did so using a sample absentee by mail ballot, Exhibit D.

Witness cards submitted by individuals who did not speak are as follows: 2 in support, and 4 for information only. Witness cards are included in the committee records.

Statements submitted in accordance with House Rule 14.33 in lieu of appearing before the committee are as follows: 1 for information only. Copies of these statements are included in the committee records.

2021 Early Voting Additional Locations Report submitted by the Department of State

R. Kyle Ardoin, secretary of state, no witness card provided, spoke for information only on the 2021 Early Voting Addition Locations Report and provided a handout entitled "2021 Early Voting Additional Locations Report", which is included in the committee records and labeled Exhibit G.

Witness cards submitted by individuals who did not speak are as follows: 4 for information only. Witness cards are included in the committee records.

2021 Biennial Close of Voter Registration Report submitted by the Department of State

R. Kyle Ardoin, secretary of state, no witness card provided, spoke for information only on the 2021 Biennial Close of Voter Registration Report and provided a handout entitled, "Biennial Close of Voter Registration Report - FY 2021", which is included in the committee records and labeled Exhibit H.

Witness cards submitted by individuals who did not speak are as follows: 4 for information only. Witness cards are included in the committee records.

2020 Voter Education Report submitted by the Department of State

R. Kyle Ardoin, secretary of state, no witness card provided, spoke for information only on the 2020 Voter Education Report and provided a handout entitled "Effective Nonpartisan Voter Education Report for 2020", which is included in the committee records and labeled Exhibit I.

Witness cards submitted by individuals who did not speak are as follows: 4 for information only. Witness cards are included in the committee records.

IV. CONSIDERATION OF ANY OTHER MATTERS THAT MAY COME BEFORE THE COMMITTEE

Senator Hewitt expressed gratitude to Secretary of State R. Kyle Ardoin, the staff of the Louisiana secretary of state's office, Ms. Allen, and the staff of the Louisiana Ethics Administration, for providing information regarding the board's recommendations, proposed rule changes, and annual reports submitted by the Department of State.

Senator Hewitt recognized individuals in attendance at the meeting and acknowledged personalized cards requesting a Joint Governmental Affairs Committee public hearing to discuss Louisiana's election process, which are included in the committee records and labeled Exhibit J.

Senator Hewitt discussed different ways for the public to be involved throughout the 2021 Regular Session.

Maia Yordanov, 441 Lynnmeade Drive, Gretna, LA 70056, (504) 638-4902, spoke for information only regarding election integrity. Ms. Yordanov expressed her concerns with the current voting system, machines, and processes used in the state of Louisiana. She stated that she was in support of fair elections and wanted Louisiana's election processes and system to be improved. Ms. Yordanov commended Senator Hewitt and the representatives and senators in attendance for their efforts to protect the citizens of Louisiana.

V. ANNOUNCEMENTS

There were no announcements.

VI. ADJOURNMENT

The meeting was adjourned at 3:44 p.m.

Respectfully submitted,

Chairman John M. Stefanski
Joint Committee on Joint Governmental Affairs

Date adopted: