



SECRETARY OF STATE STATE OF LOUISIANA

Biennial Close of Voter Registration Report

FY 2021

Presented to the Senate and Governmental Affairs Committee and the House and Governmental Affairs Committee in accordance with R.S. 18:135.1

March 1, 2021

PURPOSE

To provide close of voter registration information to the Senate and Governmental Affairs Committee and the House and Governmental Affairs Committee in accordance with R.S. 18:135.1.

BACKGROUND

R.S. 18:135.1 requires the secretary of state to examine issues regarding the time period between the close of voter registration and the election and to certify whether or not it is feasible to shorten the period of time between the close of voter registration and the election. Present law generally requires the registrars of voters to close the registration books 30 days prior to an election, except that the close of books for applications submitted electronically through the secretary of state's online voter registration site is 20 days before the election. This 20-day online voter registration deadline was passed by Act 281 of the 2016 Regular Session of the Louisiana Legislature and became effective February 1, 2017.

This report addresses several factors that lead to the conclusion that it is not feasible or recommended to shorten the time between either the 30-day or 20-day deadline to close voter registration records and Election Day.

VERIFICATION MAILING FOR MAIL REGISTRATIONS

The verification mailing (R.S. 18:115(B)), which acts as a confirmation of a registrant's residential address for registration applications submitted by mail, would need to be eliminated or would become ineffective if the current 30-day close of books deadline for by-mail registrations was shortened. Presently, all residential addresses on mail registration applications must be verified by mailing a verification letter before the applicant can be added to the official list of voters. If the verification letter is not returned to the registrar of voters, the applicant is registered to vote. If, however, the verification letter is returned to the registrar by the US Postal Service, the applicant will not be registered to vote. The USPS normally provides domestic mail delivery in 3 to 7 days, but occasionally mishaps and machine failure will cause some mail to take longer, but usually no longer than 10 days.

The verification mailing is used to verify residential addresses for new applicants and prevent fraudulent registrations. Since January 1, 2017, there have been 528 registrations denied statewide due to the verification mailings being returned to the registrars of voters. If the verification mailing is eliminated or shortened, such that it is ineffective by not being received by the registrars of voters timely before an election, it would remove an important mechanism for detecting inaccurate addresses which may be fraudulent registrations.

ONLINE VOTER REGISTRATION AND THE 20 DAY DEADLINE

Act 187 of the 2009 Regular Session of the Louisiana Legislature authorized online voter registration (“OVR”) in the State of Louisiana.¹ The OVR system allows a person with a valid Louisiana driver’s license or Louisiana special identification card to register to vote or make changes to their existing registration by completing and submitting an electronic voter registration application on the secretary of state’s website. Once the online application is filled out completely and submitted electronically, the applicant’s Louisiana driver’s license number or Louisiana special identification number is verified against the information maintained by the Office of Motor Vehicles. If a match is made, the secretary of state electronically forwards the information provided by the applicant, with a digital copy of the applicant’s signature obtained from the Office of Motor Vehicles to the appropriate registrar of voters. The secretary of state also informs the applicant that their application has been forwarded to the appropriate registrar of voters, but that the applicant will not be officially registered to vote or that changes to their existing registration will not be made until their application is received and approved by the registrar of voters. Additionally, the applicant is notified that they must vote in person the first time when registering to vote through the online application to verify identity. The close of books deadline to register online was changed from 30 days before the election to 20 days before the election in 2017. The 20-day deadline for the close of voter registration books only applies to online applications and changes to registrations that are successfully submitted electronically through the Secretary of State’s website.

Applicants who do not have a valid Louisiana driver’s license or Louisiana special identification card or whose online application cannot be matched with the Office of Motor Vehicles’ records may not submit an application electronically, but they may complete the registration process by printing and mailing the online application. Print and mail applications are subject to the 30-day close of registration deadline and the registrars of voters are required to verify such mail registrations through the ten day mail verification process before the applicant can be added to the official list of voters, as discussed above. These voters must also vote in person the first time to verify their identity.

The 2020 statistics for online voter registration applications show that 149,422 registered electronically leading up to the presidential election, 97,740 or 189% more than the number that registered by other means, which totaled 51,682 registrations. Other means of registration include registrations in person, by mail, through a public assistance agency, or at the Office of Motor Vehicles. The statistics for online voter registration in 2020 show a 37% increase in online registrations compared to the run-up to the 2016 presidential election. The increase in online

¹ Acts 2009, No. 187, §1, effective April 1, 2010, amended and reenacted R.S. 18:103(A), 104(A)(15), and 105(A), and enacted R.S. 18:115.1.

registrations evidences an ongoing increased demand for online services and the impact of the COVID-19 pandemic.

Statistics based on the 2020 presidential election's October 13, 2020 online registration deadline show that 22,214 applications statewide were successfully submitted electronically *after* the 30-day close of voter registration records but *before* the 20-day online close of voter registration records.

VERIFICATION OF APPLICANTS

In addition to the address verification mailing, Section 303 of the Help America Vote Act of 2002 (52 U.S.C. §21083) and R.S. 18:101.1 require each applicant for registration to be verified prior to being added to the official list of voters. All new applicants entered into the statewide registration system (referred to as "ERIN") are submitted for verification through the Office of Motor Vehicles and/or the Social Security Administration. If the applicant cannot be verified through the Office of Motor Vehicles or the Social Security Administration, the applicant must submit additional information to the registrar of voters to complete the verification process and this can take a minimum of ten (10) additional days, depending on the response of the applicant.

PROCESSING REGISTRATION APPLICATIONS

Of the 203,807 new registration applications in the year 2020 leading up to the presidential election on November 3, 2020, the registrars of voters processed approximately 63,168 (31%) new registration applications statewide in the last month before the 30-day close of books deadline. This number did not include changes to registrations that also had to be processed by the registrars of voters to prepare for the election.

The processing of registration applications includes, but is not limited to, entering data provided in the registration applications in the ERIN system, mailing the 10-day verification letter and obtaining missing information from the registration applications, as needed, through a request for additional information. Additionally, the registrars of voters complete other processes during the time frame between the close of books and the election, such as updating changes to voter records; working felony and death reports for list maintenance accuracy on Election Day; inputting and approving office jurisdictions for all offices in their parishes for qualifying and proofing ballots for the election; running vote simulations on the early voting machines and testing the paper ballot scanners; processing applications to vote absentee-by-mail, including applications received electronically and by facsimile; mailing absentee-by-mail ballots and instructions; verifying and entering data in the ERIN system when ballots are returned by mail; preparing the precinct registers for printing with information for voters who voted early or voted by mail; conducting voting in the nursing homes; conducting early voting in their

offices and in some satellite locations; preparing and posting the daily list of who voted early or absentee-by-mail; processing address confirmations received during early voting; and processing precinct register corrections.

ABSENTEE-BY-MAIL BALLOTS

Processing applications to vote by mail is labor intensive and time consuming, especially in large elections with an application deadline of 4:30 p.m. on the fourth day prior to an election for most voters and 4:30 p.m. on the day before an election for military and overseas voters and hospitalized voters. This work has drastically increased due to the automatic program for senior citizens during the COVID-19 pandemic. For example, from the 2016 presidential election to the 2020 presidential election, we have seen just over a 267% increase in the number of absentee-by-mail voters from 63,016 to 168,471 statewide.

Applications to vote absentee-by-mail may be submitted by mail, commercial delivery service, by hand delivery, facsimile, or online through the secretary of state's voter portal. Additionally, military and overseas voters may also submit applications electronically. Online absentee-by-mail ballot requests ("OAR") require voters to have a valid Louisiana driver's license or Louisiana special identification card for security in submitting applications electronically through the Department's voter portal. For the 2020 presidential election, 33,429 applications to vote by mail were successfully submitted online between September 1, 2020 and the deadline for the November 3, 2020 election.

Voted absentee-by-mail ballots may be returned to the registrars of voters until the day before the election for most voters, except military and overseas voters, sequestered jurors or hospitalized voters, who may submit their voted ballots on Election Day. Voted absentee-by-mail ballots may be returned by mail, commercial courier, hand delivery, or facsimile. Additionally, the secretary of state may allow other means of transmission in declared emergencies for the military, overseas citizens, and out-of-state emergency workers. It is important to note that many registrars of voters reported a higher volume than normal of absentee ballots requested and returned by facsimile for the 2020 presidential election due to the COVID-19 pandemic.

When a registrar of voters receives a request to vote absentee-by-mail, the registrar of voters has to verify that all required information has been submitted and that the voter is eligible to vote absentee-by-mail. The signature of the voter is also checked and the determination is made as to which ballot style is sent to each voter. In a large statewide election, a registrar of voters may have as many as 100 different ballot styles in a large parish. After the registrar of voters determines the correct ballot style for the voter, the ballot, ballot envelope, return envelope, and instructions are mailed to the voter and the voter's record on the

ERIN system is updated to reflect that an absentee-by-mail ballot has been sent. The registrar of voters maintains a list of the voted absentee-by-mail ballots that are returned, posts the list in their office daily, and marks the receipt of the voted absentee-by-mail ballots on the voter's record in ERIN. Additionally, the registrars of voters work load is doubled when a voter requests a second ballot to be sent by fax if they will not have time to vote by mail or need a replacement ballot.

The registrars of voters automatically send absentee-by-mail ballots to military and overseas voters for at least one year, including one federal election cycle. Disabled voters, voters who are 65 years of age or older, and voters who are participants in the Department of State Address Confidentiality Program also automatically receive absentee-by-mail ballots. In a federal election, absentee-by-mail ballots are required to be sent forty-five (45) days prior to the election. Beginning in 2017, disabled voters who are in the disability program and not able to vote without assistance may request to receive their absentee-by-mail ballot electronically, but are required to return it by mail, in the same manner as military and overseas citizens. This gives the disabled voter the opportunity to vote as independently as possible, using a screen reader to read and mark the ballot on their computer screen, then print and mail.

There were 222,319 voters who requested to vote absentee-by-mail for the November 3, 2020 presidential election. This is a 269% increase from 2016 where only 82,574 voters requested an absentee-by-mail ballot. And of the 222,319 who requested a ballot in the 2020 presidential election, 84% or 187,361 returned their ballot for counting.

EARLY VOTING AND THE IMPACT ON THE CLOSE OF REGISTRATION

Early voting is conducted for seven (7) days, from the fourteenth (14th) day to the seventh (7th) day prior to an election from 8:30 a.m. to 6:00 p.m. each day except Sunday. In 2016, Act 83 of the Louisiana Legislature required one day to be added to the start of the early voting period if one or more holidays fall during the week of early voting. If an additional day is added, early voting starts a day earlier than usual.

For the November 3, 2020, presidential election, of the 3,093,004 registered voters, a total of 2,169,401 ballots were cast statewide with 817,957 ballots being cast during the in person early voting period, representing approximately 38% of the vote.

When the registrars of voters are conducting early voting, they are also receiving and processing registration applications for the next election registration deadline; processing applications to vote absentee-by-mail for the current election;

preparing mail, electronic and fax absentee-by-mail ballots and materials for the current election; updating the current precinct registers; and receiving and verifying voted absentee-by-mail ballots that are returned for the current election. The larger parish registrar of voters offices have 17 authorized positions in the Election Code, the smallest parish offices have two positions and the office space in which most, if not all offices for this work, is relatively small. Local parish government is responsible for providing office space for the registrars of voters and the majority is located in court houses with limited parking.

Presently, the registrars of voters have 22 working days between the 30 day deadline to register to vote and the date of the election; however, they only have eight to twelve working days between the deadline to register to vote and the start of early voting depending on whether or not the election is held on a Saturday or a Tuesday, and whether early voting will start a day early because of a state holiday. And it is paramount that the registrars' registration records are verified and accurate before the start of early voting. In some instances it is possible for a voter to appear to vote during early voting who is not yet eligible, as the ten-day mail verification of their address has not been completed. In such cases, the registrars must verify them in person before allowing them to vote early. Added to this timeline is the new 20-day online registration close of books, which now leaves the registrar of voters just five working days before this deadline and the start of early voting.

Registrars of voters rely heavily on the State to hire temporary part-time staff for their offices to complete the work that is required for the election. The registrars also hire early voting commissioners to work the week of early voting. Additionally, the secretary of state's office provides many hours of support for the early voting period and the preparation and printing of the precinct registers. The full-time employees of the registrars of voters also work substantial overtime hours during this period. From September 1, 2020 until December 31, 2020, there were approximately 25,203 hours worked by part-time employees in the registrars' offices and approximately 32,648 overtime hours worked by full-time employees in the registrars' offices statewide. Registrars and their full-time employees are compensated for overtime hours worked during early voting.

PRECINCT REGISTERS:

Registrars of voters are required to complete all entries of registration data and changes in order to prepare for the printing of the precinct registers for the election. The precinct registers were historically been printed prior to the start of early voting, which begins on the fourteenth day prior to an election, for use during early voting. Fifty-nine parishes now print their precinct registers at the conclusion of early voting so that they do not have to hand stamp who voted early and who voted by mail. The five other parishes who do not have the resources to print their

poll lists after early voting must continue to add this information by hand or by stamping “voted early” or “voted by mail.”

Any registrant that is added to the list of registered voters after the precinct registers have been printed is listed on a supplemental list of voters. So for those five parishes that are still having their poll lists printed prior to early voting, their supplemental list of voters has the potential to increase with the addition of new online registrations. In addition, any voter whose absentee-by-mail ballot is returned after the precinct registers are printed and sealed in the voting machines prior to the election are listed on a supplemental list of absentee-by-mail voters.

The supplemental list of voters and the supplemental list of absentee-by-mail voters are two separate lists that must be prepared and sent to the precincts prior to the start of the election, to allow those newly registered voters to vote and to prevent anyone who has voted by mail from voting again on Election Day. The supplemental list of voters includes registrants whose mail registration applications were postmarked by the registration deadline, registrants whose verifications are completed and activated before Election Day and online voter registrations that were electronically submitted by the 20-day deadline. The supplemental list of absentee-by-mail voters includes those voters whose absentee-by-mail ballots have been received since the printing of the poll list. These supplemental lists are finalized by the registrars and printed for delivery to the precincts before the opening of the polls on Election Day by the clerk of court’s office.

Due to the high volume of new registrations for the November 3, 2020 election and the extremely high volume of absentee-by-mail voting, the supplemental lists in many parishes were much larger than normal. Elections in larger parishes with a high number of precincts that must receive supplemental lists sometimes may not receive these lists prior to the opening of the polls. This causes delays in voting as commissioners must phone and check on the voting status of voters. Additionally, supplemental lists require the commissioners to use two or more sets of books, the precinct register and, depending on the election, multiple supplemental lists to conduct voting and locate the names of eligible voters.² This creates additional processes for the commissioners and makes it more difficult for them to properly manage the election. If the commissioners cannot find voters on the precinct register or a supplemental list, the commissioners have to contact the registrar of voters or secretary of state to verify that the voters are eligible to vote in the election, which can delay the voting process or cause voters to have to vote provisionally in federal elections.

² See R.S. 18:152 and 18:553.

CONCLUSION

With the present day local office and state voting equipment, the limited number of personnel in registrars' offices and the small size of their office space, shortening the 30 day close of registration deadline would make it even more difficult for the registrars of voters to complete their mandated duties in a timely manner, including verifying and adding new online registrations and changes 20 days prior to each election. This potential increase in workload by shortening the time period, without additional personnel, without more space and without additional resources would be a risk to the election for all election officials, state and local. Considering the trend of increased registrations online and the expansion of the registration deadline in 2016, along with the expansion and increase in absentee-by-mail voting and early voting in general, it is not feasible nor recommended at this time to shorten the time between the 30 day or 20 day online close of voter registration deadline and election day.