

2015 Regular Session

HOUSE BILL NO. 452

BY REPRESENTATIVE SMITH

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

REGISTRARS OF VOTERS: Provides relative to registrars of voters and certain employees of the registrar

1 AN ACT

2 To amend and reenact R.S. 18:51(A) and (C)(1), 55(F), and 59(M) and to enact R.S. 18:51.1,
3 relative to registrars of voters and certain employees of the registrar; to provide
4 relative to the manner of appointment of the registrar of voters; to provide relative
5 to the powers, duties, and responsibilities of the parish governing authority relative
6 to the appointment of the registrar of voters; to provide relative to the powers, duties,
7 and responsibilities of the State Board of Election Supervisors relative to the
8 appointment of the registrar of voters; to provide relative to the compensation of
9 registrars of voters and certain employees of the registrar; to prohibit certain
10 increases during certain time periods; and to provide for related matters.

11 Be it enacted by the Legislature of Louisiana:

12 Section 1. R.S. 18:51(A) and (C)(1) are hereby amended and reenacted and R.S.
13 18:51.1 is hereby enacted to read as follows:

14 §51. Registrar for each parish; appointment; ~~tenure; books and records;~~
15 commission; bond and oath

16 A. There shall be a registrar of voters for each parish in the state, who shall
17 be appointed by the governing authority of the parish in the manner provided in R.S.
18 18:51.1.

19 * * *

1 C.(1)(a) A vacancy for any cause in the office of registrar shall be filled for
2 the remainder of the term by the parish governing authority within ~~thirty~~ sixty days
3 after the date on which the vacancy occurs. The parish governing authority shall
4 advertise the vacancy and solicit applications for the office in the manner provided
5 in R.S. 18:51.1(B). Such advertising shall be completed within thirty days after the
6 occurrence of the vacancy, and the deadline for applications shall be no later than ten
7 days after the completion of advertising. In making the appointment, the parish
8 governing authority shall give particular consideration to the attributes provided in
9 R.S. 18:51.1(C)(2).

10 (b) Until the appointment is made, the chief deputy shall perform the duties
11 of the registrar in a parish having a chief deputy. If there is no chief deputy, within
12 forty-eight hours after the office becomes vacant, the parish governing authority
13 shall appoint a person temporarily to perform the duties of the registrar until the
14 parish governing authority fills the vacancy as ~~herein~~ provided in this Section.
15 However, if the parish governing authority neither fills the vacancy nor, in a parish
16 having no chief deputy, designates a person temporarily to perform the duties of
17 registrar within forty-eight hours after the office becomes vacant, the State Board of
18 Election Supervisors shall appoint a person to perform the duties until the parish
19 governing authority fills the vacancy. A person appointed temporarily to perform
20 the duties of registrar shall have authority to register voters in accordance with law.

21 * * *

22 §51.1. Manner of appointment of the registrar

23 A. The parish governing authority shall appoint the registrar of voters for the
24 parish in accordance with the provisions of this Section for a term concurrent with
25 the term of the members of the governing authority.

26 B.(1) No later than ten months prior to the end of the term of its members,
27 the parish governing authority shall advertise the upcoming appointment of the
28 registrar of voters in the parish and solicit applications for the office.

1 (2) The parish governing authority shall take all reasonable steps to make as
2 many people in the parish as possible aware of the upcoming appointment. At a
3 minimum, the parish governing authority shall publish a notice of the upcoming
4 appointment together with a request for the submission of applications to fill the
5 office on two separate days at least one week apart in the official journal of the
6 governing authority. The notice shall contain the deadline for submitting
7 applications, which shall be no later than seven months prior to the end of the term.

8 (3) All advertising required by this Subsection shall be completed at least
9 eight months prior to the end of the term.

10 (4) The parish governing authority shall forward all timely-filed applications
11 for the office of registrar of voters to the State Board of Election Supervisors as soon
12 as possible after the deadline for submitting applications.

13 C.(1) The State Board of Election Supervisors shall consider the applicants
14 and send to the parish governing authority a list containing the names of three
15 recommended applicants who meet the qualifications provided in R.S. 18:52. If
16 there are fewer than three applicants who meet the qualifications provided in R.S.
17 18:52, the list shall contain the names of all of the applicants who meet those
18 qualifications.

19 (2) In considering the applicants, the State Board of Election Supervisors
20 shall give particular consideration to the following:

21 (a) Education and training.

22 (b) Elections administration or voter registration experience.

23 (c) Ability to work with technology.

24 (3) The State Board of Election Supervisors shall send its list of
25 recommended applicants to the parish governing authority within the first ten days
26 of the beginning of the term.

27 D. No later than the sixtieth day following the beginning of the term, the
28 parish governing authority shall appoint the registrar of voters from among the list
29 of recommended applicants received from the State Board of Election Supervisors.

1 In making the appointment, the parish governing authority shall give particular
2 consideration to the attributes provided in Paragraph (C)(2) of this Section.

3 Section 2. R.S. 18:55(F) and 59(M) are hereby amended and reenacted to read as
4 follows:

5 §55. Compensation of registrar of voters; amount and manner of payment; reduction
6 during tenure prohibited; prohibited increase

7 * * *

8 F. Notwithstanding any other provision of this Chapter to the contrary, no
9 registrar shall receive an increase in salary as provided in Paragraph (A)(4) of this
10 Section during a time period when the secretary of state has submitted a
11 determination to the Department of State Civil Service that it is necessary not to
12 grant or to reduce performance adjustments in order to avoid or reduce layoffs or the
13 State Civil Service Commission has suspended the authority to award merit increases
14 to classified employees.

15 * * *

16 §59. Deputies, confidential assistants, and other permanent office employees;
17 temporary employees; appointment and compensation; prohibited increase
18 in compensation

19 * * *

20 M.(1) Notwithstanding any other provision of this Chapter to the contrary,
21 no chief deputy shall receive an increase in salary as provided in Paragraph (B)(4)
22 of this Section during a time period when the secretary of state has submitted a
23 determination to the Department of State Civil Service that it is necessary not to
24 grant or to reduce performance adjustments in order to avoid or reduce layoffs or the
25 State Civil Service Commission has suspended the authority to award merit increases
26 to classified employees.

27 (2) Notwithstanding any other provision of this Chapter to the contrary, no
28 confidential assistant shall receive an increase in salary as provided in Paragraph
29 (C)(4) of this Section during a time period when the secretary of state has submitted

1 a determination to the Department of State Civil Service that it is necessary not to
2 grant or to reduce performance adjustments in order to avoid or reduce layoffs or the
3 State Civil Service Commission has suspended the authority to award merit increases
4 to classified employees.

5 Section 3. Notwithstanding the provisions of R.S. 18:51.1 as enacted by this Act, the
6 members of parish governing authorities who begin a term of office in January of 2016 shall
7 appoint the registrar of voters for their parish in accordance with the provisions of R.S.
8 18:51(C)(1) as amended by this Act as though a vacancy in the office of registrar of voters
9 exists. Thereafter, the provisions of R.S. 18:51.1 as enacted by this Act shall apply.

10 Section 4.(A) Sections 1 and 3 of this Act shall take effect and become operative if
11 and when the proposed amendment of Article XI, Section 5 of the Constitution of Louisiana
12 contained in the Act which originated as House Bill No. 237 of this 2015 Regular Session
13 of the Legislature is adopted at a statewide election and becomes effective.

14 (B) This Section and Section 2 of this Act shall become effective upon signature by
15 the governor or, if not signed by the governor, upon expiration of the time for bills to
16 become law without signature by the governor, as provided by Article III, Section 18 of the
17 Constitution of Louisiana. If vetoed by the governor and subsequently approved by the
18 legislature, this Section and Section 2 of this Act shall become effective on the day following
19 such approval.

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

HB 452 Original

2015 Regular Session

Smith

Abstract: Provides for the manner of appointment of the registrar of voters and prohibits the registrar, chief deputy registrar, and confidential assistant of the registrar from receiving an increase in salary under certain circumstances.

Present law (R.S. 18:51) provides that there shall be a registrar of voters for each parish in the state, who shall be appointed by the governing authority of the parish. Present law (R.S. 18:52) provides that each registrar shall be a resident and qualified voter of the parish in which he is to perform his duties.

Proposed law retains present law and provides for the manner of appointment of the registrar. Provides that the registrar shall be appointed for a term concurrent with the term of the members of the governing authority as follows:

- (1) No later than 10 months prior to the end of the term of its members, the parish governing authority shall advertise the upcoming appointment of the registrar of voters and solicit applications in accordance with certain minimum requirements.

Advertising must be complete at least eight months prior to the end of the term, and the deadline for submitting applications shall be no later than seven months prior to the end of the term.

- (2) The parish governing authority shall forward all timely-filed applications to the State Bd. of Election Supervisors as soon as possible after the deadline for submitting applications.
- (3) The State Bd. of Election Supervisors shall consider the applicants and send to the parish governing authority a list of three recommended applicants who meet the qualifications provided in present law (R.S. 18:52). If there are fewer than three applicants who meet the qualifications, the list shall contain the names of all of the applicants who meet the qualifications.

The State Bd. of Election Supervisors shall give particular consideration to education and training, elections administration or voter registration experience, and ability to work with technology.

The State Bd. of Election Supervisors shall send the list within the first 10 days of the beginning of the term.

- (4) No later than the 60th day following the beginning of the term, the parish governing authority shall appoint the registrar of voters from among the recommended applicants. The parish governing authority shall give particular consideration to education and training, elections administration or voter registration experience, and ability to work with technology.

Present law requires the parish governing authority to fill a vacancy in the office of registrar of voters. Provides that until the appointment is made, the chief deputy shall perform the duties of the registrar in a parish having a chief deputy. Provides that if there is no chief deputy, within 48 hours after the office becomes vacant, the parish governing authority shall appoint a person temporarily to perform the duties of the registrar until the parish governing authority fills the vacancy. Provides, however, that if the parish governing authority neither fills the vacancy nor, in a parish having no chief deputy, designates a person temporarily to perform the duties of registrar within 48 hours after the office becomes vacant, the State Bd. of Election Supervisors shall appoint a person to perform the duties until the parish governing authority fills the vacancy. Provides further that a person appointed temporarily to perform the duties of registrar shall have authority to register voters in accordance with law.

Proposed law retains present law.

Present law provides that the parish governing authority must fill a vacancy within 30 days.

Proposed law provides instead that the parish governing authority must fill the vacancy within 60 days. Requires the parish governing authority to advertise the vacancy and solicit applications for the office in accordance with certain minimum requirements. Requires advertising to be completed within 30 days and the deadline for applications to be no later than 10 days after the completion of advertising. Provides that the parish governing

authority shall give particular consideration to education and training, elections administration or voter registration experience, and ability to work with technology.

Proposed law provides that the members of parish governing authorities who begin a term in Jan. of 2016 shall appoint the registrar of voters for their parish in accordance with the provisions of proposed law relative to vacancies as though a vacancy in the office of registrar of voters exists.

Present law (R.S. 18:55) provides relative to the compensation of registrars of voters, chief deputy registrars, and confidential assistants of the registrars. Provides for a five-category population range and 12-step pay scale for the salaries of registrars of voters, chief deputy registrars, and confidential assistants of registrars. Provides for each registrar, chief deputy registrar, and confidential assistant to automatically receive an annual salary increase to the next step on July first until his annual salary equals the highest step of the appropriate population range. Further provides that each registrar, chief deputy registrar, and confidential assistant whose salary is at the level of step one or higher shall be evaluated as to merit in Jan. Provides that upon a finding of "excellent" on a merit evaluation, the registrar, chief deputy registrar, or confidential assistant receives a salary increase to the next step until the salary is equal to the highest step of the appropriate population range. Provides, however, that no registrar, chief deputy registrar, or confidential assistant shall receive an increase in salary as provided in present law during a time period when the State Civil Service Commission has suspended the authority to award merit increases to classified employees.

Proposed law retains present law and additionally provides that no registrar, chief deputy registrar, or confidential assistant of a registrar shall receive an increase in salary as provided in present law when the secretary of state has submitted a determination to the Dept. of State Civil Service that it is necessary not to grant or to reduce performance adjustments in order to avoid or reduce layoffs.

Provisions of proposed law relative to the appointment of registrars of voters become effective if and when the proposed amendment of Article XI, Section 5 of the Constitution of La. contained in the Act which originated as House Bill No. 237 of this 2015 R.S. of the Legislature is adopted at a statewide election and becomes effective.

Remaining provisions of proposed law become effective upon signature of governor or lapse of time for gubernatorial action.

(Amends R.S. 18:51(A) and (C)(1), 55(F), and 59(M); Adds R.S. 18:51.1)