

2019 Regular Session

HOUSE BILL NO. 251

BY REPRESENTATIVE GAINES

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

VOTING/REGISTRATION: Provides for automatic voter registration through driver's license facilities

1 AN ACT

2 To amend and reenact R.S. 18:114(B)(1), (E), and (F) and to repeal R.S. 18:114(J), relative
3 to voter registration; to provide for voter registration through driver's license
4 facilities; to provide procedures and requirements for voter registration through
5 driver's license facilities; to provide procedures and requirements for application to
6 obtain, renew, or change the name or address on a driver's license or identification
7 card issued by the Department of Public Safety and Corrections; to provide relative
8 to the powers, functions, and duties of the deputy secretary for public safety services
9 of the Department of Public Safety and Corrections, employees of driver's license
10 facilities, the secretary of state, and registrars of voters; to provide for criminal
11 penalties; and to provide for related matters.

12 Be it enacted by the Legislature of Louisiana:

13 Section 1. R.S. 18:114(B)(1), (E), and (F) are hereby amended and reenacted to read
14 as follows:

15 §114. Registration at driver's license facilities

16 * * *

17 B.(1) Each application to obtain, renew, or change the name or address on
18 a driver's license or identification card issued by the Department of Public Safety and
19 Corrections made by an applicant who is eighteen years or older shall also serve as
20 an application for voter registration by the applicant unless the applicant declines to

1 register to vote through specific declination ~~or by failing to sign the voter registration~~
 2 ~~application~~. Each application to obtain a driver's license issued by the Department
 3 of Public Safety and Corrections made by an applicant who is sixteen years old shall
 4 also serve as an application for voter registration by the applicant unless the
 5 applicant declines to register to vote through specific declination ~~or by failing to sign~~
 6 ~~the voter registration application~~. In addition, any person age seventeen may register
 7 to vote at any time prior to the first election at which he shall have attained the age
 8 of eighteen years. However, no one under the age of eighteen years shall be
 9 permitted to vote in any election.

10 * * *

11 E. The secretary of state and the deputy secretary for public safety services
 12 of the Department of Public Safety and Corrections shall develop ~~voter registration~~
 13 an application forms form for use at driver's license facilities. ~~Such forms shall be~~
 14 ~~in conformity with the National Voter Registration Act of 1993~~ which shall include
 15 spaces for all of the information necessary to apply to obtain, renew, or change the
 16 name or address on a driver's license or identification card, to decline voter
 17 registration, and the minimum information necessary to register to vote.

18 F. Procedures for voter registration pursuant to this Section shall be as
 19 follows:

20 (1) The notice form, as provided for ~~in this section~~ in Subsection D of this
 21 Section, shall be posted in a prominent place in each driver's license facility ~~wherein~~
 22 ~~voter registration applications are to be accepted.~~

23 (2) Any employee authorized to accept an application to obtain, renew, or
 24 change the name or address on a driver's license or identification card shall offer
 25 voter registration to any person making such an application, shall obtain written and
 26 signed confirmation of any declination of the offer of voter registration, and, upon
 27 request, shall provide assistance to any person who desires to register to vote. Such
 28 assistance may consist of answering any question that person might have about
 29 completing the ~~registration~~ application form. However, if the person requesting

1 assistance has a physical disability or is unable to read or write English, the
2 authorized employee shall provide such assistance as is allowed to be provided by
3 registrars of voters under the provisions of R.S. 18:106.

4 ~~(3) Prior to generating the portion of the form which is an individual~~
5 ~~registration form, the authorized employee shall require the applicant to submit his~~
6 ~~current Louisiana driver's license, if he has one, or his birth certificate or birth~~
7 ~~certification card, or other documentation which reasonably and sufficiently~~
8 ~~establishes the applicant's identity, age, and residency.~~

9 ~~(4)~~(3) Each applicant shall be required to complete the registration
10 application form in the presence of an authorized employee.

11 ~~(5)~~(4) Upon completion of the registration application form, the applicant
12 shall return the form to an authorized employee.

13 ~~(6)~~(5) The authorized employee shall ensure that the registration application
14 form has been completely filled out.

15 ~~(7)~~(6) ~~The applicant shall sign the affidavit provision of the registration form~~
16 ~~before the authorized employee who, for purposes of this Section, shall be authorized~~
17 ~~to administer any oath required on the registration form. The If the applicant has not~~
18 ~~yet declined voter registration, the authorized employee shall inform the applicant~~
19 ~~that he will not be officially registered to vote until the application applicant's~~
20 ~~information is received and approved by the registrar of voters.~~

21 ~~(8)~~(7) ~~Upon completion of these procedures, the authorized employee shall,~~
22 ~~within five working days, return the completed registration application to the~~
23 ~~registrar of voters within the parish where the office is located who shall transmit~~
24 ~~such application to the appropriate registrar of voters for the parish in which the~~
25 ~~applicant resides, as determined from the information contained on the registration~~
26 ~~application. If a registration application is accepted within five days before the last~~
27 ~~day for registration, each driver's license facility shall transmit the completed voter~~
28 ~~registration application forms at the conclusion of each business day. The deputy~~
29 ~~secretary for public safety services of the Department of Public Safety and~~

1 Corrections shall compile and transmit to the secretary of state, at least every five
2 days, information in electronic format concerning persons over the age of sixteen
3 who have been issued a driver's license or identification card by the Department of
4 Public Safety and Corrections or have renewed or changed the name or address on
5 such a driver's license or identification card and who did not decline voter
6 registration when making application for the issuance, renewal, or change. The
7 deputy secretary shall include the information, for each person, that is necessary to
8 register the person to vote, including the electronic signature of the person.

9 (8)(a) The secretary of state shall provide voter registration information
10 relative to a person that is received pursuant to Paragraph (7) of this Subsection to
11 the registrar of voters for the parish in which the person may be registered to vote.

12 (b) The secretary of state shall notify each person about whom voter
13 registration information is received pursuant to Paragraph (7) of this Subsection how
14 the person can indicate or change party affiliation or decline voter registration or
15 decline to update an existing registration.

16 (9) If a person who is notified pursuant to Subparagraph (8)(b) of this
17 Subsection does not decline voter registration or decline to update an existing
18 registration within twenty-one calendar days after the secretary of state issued the
19 notification, the voter registration information received pursuant to Paragraph (7) of
20 this Subsection for the person shall constitute a voter registration application for
21 purposes of this Code or an update to an existing registration if the person is already
22 registered to vote.

23 (10) If the voter registration information ~~contained on the application form~~
24 received by the registrar is insufficient to register the applicant, the registrar of voters
25 shall mail a notice to the applicant at the address provided on the application form
26 informing the applicant that he has ten days from the date on which the notice was
27 mailed to provide the necessary information. If the applicant fails to provide the
28 necessary information within that time, the applicant shall not be registered and the
29 registrar shall so advise the applicant.

1 ~~(9)(11)(a)~~ Upon receipt of the completed registration form, the registrar
 2 ~~shall, if~~ If the voter registration information thereon received by the registrar
 3 establishes that the applicant meets the requirements for registration; and the
 4 applicant is not already registered, the registrar shall register the applicant and mail
 5 notice of registration to the applicant's residence, ~~as provided on the application in~~
 6 accordance with R.S. 18:109.

7 (b) Any completed voter registration application If the applicant is already
 8 registered, the voter registration information transmitted to and received by ~~a~~ the
 9 registrar ~~by a driver's license facility pursuant to Paragraph (7) of this Subsection~~
 10 shall be considered an update of ~~any~~ the existing registration for that person. The
 11 registrar shall update the person's registration as necessary and mail notice to the
 12 person's residence in accordance with R.S. 18:109.

13 (c) However, if a registrar ~~accepts any application for~~ receives voter
 14 registration information pursuant to Paragraph (7) of this Subsection for a
 15 registration, change of name, or change of address ~~that has been received by a~~
 16 ~~driver's license facility~~ while the registration records are closed for a particular
 17 election as required by R.S. 18:135(A), none of the changes in a registration shall be
 18 effective until at least the day after the particular election has been held. In the case
 19 of a change of address, the change shall be effective in accordance with the
 20 provisions of R.S. 18:110(B).

* * *

Section 2. R.S. 18:114(J) is hereby repealed in its entirety.

Section 3. This Act shall become effective on January 1, 2020.

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 251 Original

2019 Regular Session

Gaines

Abstract: Provides for automatic voter registration through driver's license facilities.

Present law (R.S. 18:114) requires voter registration services to be available at all driver's license facilities in the state. Provides that each application to obtain, renew, or change the name or address on a driver's license or identification card issued by the Dept. of Public Safety and Corrections made by an applicant who is 18 years or older shall also serve as an application for voter registration by the applicant unless the applicant declines to register to vote through specific declination. Provides that each application to obtain a driver's license issued by the Dept. of Public Safety and Corrections made by an applicant who is 16 years old shall also serve as an application for voter registration by the applicant unless the applicant declines to register to vote through specific declination. Provides that any person age 17 may register to vote at any time prior to the first election at which he shall have attained the age of 18 years. Prohibits anyone under the age of 18 from voting in any election.

Present law requires the secretary of state to design and provide a standard notice informing the public of the eligibility requirements for and availability of voter registration and requires the notice to be posted in each driver's license facility of the state.

Proposed law retains present law.

Present law provides that an application to obtain, renew, or change the name or address on a driver's license or identification card by an applicant who is 18 years or older, or an application to obtain a driver's license by a person who is 16 years old, shall not be considered an application for voter registration if the applicant fails to sign the voter registration application.

Proposed law repeals present law.

Present law requires the secretary of state and the deputy secretary for public safety services of the Dept. of Public Safety and Corrections to develop application forms for use at driver's license facilities.

Proposed law retains present law.

Present law requires the development of voter registration application forms and requires such forms to be in conformity with the National Voter Registration Act of 1993.

Proposed law repeals present law. Requires the development of an application form that includes spaces for all of the information necessary to apply for a driver's license or identification card, to decline voter registration, and the minimum information necessary to register to vote.

Present law provides that any employee authorized to accept an application to obtain, renew, or change the name or address on a driver's license or identification card shall offer voter registration to any person making such an application and, upon request, shall provide assistance to any person who desires to register to vote. Provides that such assistance may consist of answering any question that person might have about completing the registration application form. Provides, however, if the person requesting assistance has a physical

disability or is unable to read or write English, the authorized employee shall provide such assistance as is allowed to be provided by registrars of voters under the provisions of present law (R.S. 18:106).

Proposed law repeals references to "registration application form" and refers instead to "the application form". Otherwise retains present law.

Present law provides that prior to generating the portion of the form which is an individual registration form, the authorized employee shall require the applicant to submit his current La. driver's license, if he has one, or his birth certificate or birth certification card, or other documentation which reasonably and sufficiently establishes the applicant's identity, age, and residency.

Proposed law repeals present law.

Present law requires each applicant to complete the registration application form in the presence of an authorized employee. Provides that upon completion of the registration application form, the applicant shall return the form to an authorized employee. Requires the authorized employee to ensure that the registration form has been completely filled out.

Proposed law repeals references to "registration application form" and "registration form" and refers instead to "the application form". Otherwise retains present law.

Present law requires the applicant to sign the affidavit provision of the registration form before the authorized employee who shall be authorized to administer any oath required on the registration form.

Proposed law repeals present law.

Present law requires the authorized employee to inform the applicant that he will not be officially registered to vote until approved by the registrar of voters.

Proposed law retains present law.

Present law provides that the authorized employee shall, within five working days, return the completed registration application to the registrar of voters within the parish where the office is located who shall transmit such application to the appropriate registrar of voters for the parish in which the applicant resides, as determined from the information contained on the registration application. Provides that if a registration application is accepted within five days before the last day for registration, each driver's license facility shall transmit the completed voter registration application forms at the conclusion of each business day.

Proposed law repeals present law.

Proposed law provides that the deputy secretary for public safety services of the Dept. of Public Safety and Corrections shall compile and transmit to the secretary of state at least every five days information in electronic format concerning persons over the age of 16 who have been issued a driver's license or identification card by the Dept. of Public Safety and Corrections or have renewed or changed the name or address on such a driver's license or identification card and who did not decline voter registration when making application for the issuance, renewal, or change. Requires the deputy secretary to include the information for each person that is necessary to register the person to vote, including the electronic signature of the person.

Proposed law provides that the secretary of state shall provide voter registration information relative to a person that is received pursuant to proposed law to the registrar of voters for the parish in which the person may be registered to vote. Requires the secretary of state to notify each person about whom voter registration information is received pursuant to

proposed law how the person can indicate or change party affiliation or decline voter registration or decline to update an existing registration.

Proposed law provides that if a person who is notified by the secretary of state does not decline voter registration or decline to update an existing registration within 21 calendar days after the secretary of state issued the notification, the voter registration information received pursuant to proposed law for the person shall constitute a voter registration application for purposes of present law or an update to an existing registration if the person is already registered to vote.

Present law provides that if the voter registration information is insufficient to register the applicant, the registrar of voters shall mail a notice to the applicant at the address provided on the application form informing the applicant that he has 10 days from the date on which the notice was mailed to provide the necessary information. Provides that if the applicant fails to provide the necessary information within that time, the applicant shall not be registered and the registrar shall so advise the applicant.

Proposed law retains present law.

Present law provides that if the voter registration information received by the registrar establishes that the applicant meets the requirements for registration, the registrar shall register the applicant and mail notice of registration to the applicant's residence.

Proposed law retains present law and specifies that the applicant will be registered only if he is not already registered. Specifies that the notice shall be sent pursuant to present law (R.S. 18:109).

Present law provides that any completed voter registration application transmitted to and received by a registrar by a driver's license facility shall be considered an update of any existing registration for that person. Provides, however, that if a registrar accepts any application for registration, change of name, or change of address that has been received by a driver's license facility while the registration records are closed for a particular election as required by present law (R.S. 18:135(A)), none of the changes in a registration shall be effective until at least the day after the particular election has been held. Provides that in the case of a change of address, the change shall be effective in accordance with the provisions of present law (R.S. 18:110(B)).

Proposed law replaces references to receipt of "registration applications" with receipt of "voter registration information". Specifies that the voter registration information will be considered an update if the person is already registered. Requires the registrar to update the person's registration information as necessary and mail notice to the person's residence pursuant to present law (R.S. 18:109). Otherwise retains present law.

Present law provides that the transmittal of a change of address or change of name shall be handled in the same manner as the transmittal of a voter registration application.

Proposed law repeals present law.

Present law provides that no individual shall be registered to vote pursuant to present law if he does not meet the requirements for registration as provided in present law (Chapter 4 of Title 18 of the Louisiana Revised Statutes of 1950), except where the provisions are specifically in conflict with present law.

Present law provides that any public official or employee who attempts to register any person without complying with the applicable provisions of present law shall be subject to a fine of not more than \$500 or be imprisoned for not more than six months, or both.

Present law provides that the secretary of state, after consultation with the deputy secretary for public safety services of the Dept. of Public Safety and Corrections, shall adopt rules and regulations to provide for the implementation of present law. Provides that such rules and regulations shall be adopted in accordance with present law (Administrative Procedure Act) and shall be subject to oversight by the House Committee on House and Governmental Affairs and the Senate Committee on Senate and Governmental Affairs.

Proposed law retains present law and makes present law applicable to proposed law.

Present law provides that if an applicant declines to register to vote, the fact that the applicant has declined to register will remain confidential and will be used only for voter registration purposes. Provides that the fact that any particular applicant has submitted an application to register to vote at a driver's license facility shall be kept confidential and shall be used only for voter registration purposes.

Present law provides that each driver's license facility shall maintain such statistical records on the number of applications to register to vote as requested by the secretary of state.

Proposed law retains present law.

Eff. Jan. 1, 2020.

(Amends R.S. 18:114(B)(1), (E), and (F); Repeals R.S. 18:114(J))