



**Steve Raborn  
Registrar of Voters**

Parish of East Baton Rouge  
State of Louisiana

225/389-3940

**RECEIVED**

**MAY 24 2018**

**DEPT. OF JUSTICE**

May 24, 2018

The Honorable Jeff Landry  
Louisiana Department of Justice  
Office of the Attorney General  
1885 N. Third Street  
Baton Rouge, LA 70802

**OR #18-0065  
WALE  
5/25/18**

**Re: Request for Attorney General Opinion**

Dear Attorney General Landry:

On March 2, 2018, a petition for incorporation of the proposed City of St. George in East Baton Rouge Parish was filed for endorsement with the Secretary of State. La. R.S. 33:2(A) provides that when the proponents of the petition believe they have the signatures of at least twenty-five percent of the electors residing in the area proposed for incorporation, they shall file the petition with the Registrar of Voters for the parish in which the unincorporated area is located.

Louisiana Revised Statutes Titles 18 and 33 include various statutes for the checking and verification of petitions by Registrars of Voters, including incorporation petitions. Accordingly, I request your official opinion on the following questions regarding the responsibilities and duties of Registrars of Voters with respect to incorporation petitions:

**GENERAL QUESTIONS**

1. La. R.S. 33:1(E)(2) provides that the Registrar of Voters is the custodian of an incorporation petition upon submission by the chairman, and that the petition and the custodian shall be subject to all the provisions of La. R.S. 44:31 *et seq.* Once the Registrar is the custodian, is the petition also subject to La. R.S. 18:154?
2. May the Registrar of Voters release a submitted signed and dated petition to a private copy service for photocopying?
3. May the Registrar of Voters release reports regarding the verification status of a petition at some regular interval (such as daily or weekly) during the verification process?
4. May the Registrar of Voters provide information by telephone to electors inquiring whether their name is on a submitted petition and/or whether their signature has been

accepted or rejected? May the Registrar provide information to a third party inquiring about an elector's status on a petition?

5. May the Registrar of Voters utilize employees from the Secretary of State's office or employees from a Registrar of Voters office in another parish to review and evaluate signatures, and make determinations on a petition?
6. Does La. R.S. 18:196(A)(1) [inactive voters not counted in computing the number of signatures required on any petition] apply to incorporation petitions?
7. La. R.S. 33:1(C)(3)(b) provides that "the Registrar shall not review the petition to determine whether it contains the required signatures" if the chairperson fails to submit the affidavit and the signed and dated petition within the time specified in La. R.S. 33:1(C)(2)(a) or (b) as applicable. How is the Registrar to know whether a petition has been submitted within the time specified? How is the Registrar to know when the chairperson received the notice of the date of endorsement by the Secretary of State, pursuant to La. R.S. 33:1(C)(2)(a) or (b) as applicable?
8. Is there a deadline for the Registrar of Voters to evaluate all signatures and issue a determination on an incorporation petition once the signed and dated petition has been submitted to him?

#### VERIFYING SIGNATURES

9. If otherwise valid, may the Registrar count signatures collected from blank incorporation petitions that were mailed to prospective signers?
10. May any signature on an incorporation petition, including original signatures, additional signatures obtained pursuant to La. R.S. 33:2(B), or requests from electors to have their name stricken from or added to the petition, be submitted to the Registrar by mail, commercial courier, fax, or email?
11. Does La. R.S. 18:3 apply to incorporation petitions?
12. On an incorporation petition, must all elements listed in La. R.S. 18:3(A)(1) be provided for an elector in order for the Registrar to accept the elector's signature?
13. What action should the Registrar take if any of the information provided by (or for) an elector on an incorporation petition is incorrect or illegible?

14. What action should the Registrar take if any of the information provided by (or for) an elector on an incorporation petition is entered on the wrong line (for example, members of the same household invert information or signatures)?
15. La. R.S. 33:1(D)(1) provides that the handwritten signatures of the electors must "reasonably correspond" with their signatures on file in the office of the registrar of voters. Does this include only signatures upon voter registration documents or could it also include signatures on election precinct registers and absentee voting records? Does La. R.S. 18:3(C) apply to the verification of the handwritten signatures on an incorporation petition? Is the term "reasonably correspond" in La. R.S. 33:1(D)(1) further defined in law?
16. Does the Registrar have any responsibility to verify information regarding the witness to an elector's signature on an incorporation petition?
17. Do electors signing an incorporation petition have to be registered to vote or registered within the area proposed for incorporation by a certain date, (for example, at the time of signing the petition or at the time the signed and dated petition is submitted to the Registrar for verification)? If an elector was registered to vote within the area proposed for incorporation at the time of signing an incorporation petition, but later registered to vote outside the area, or had their voter registration cancelled for some other reason (death, etc.), is his signature counted if otherwise determined to be valid?
18. If additional signatures to an incorporation petition are obtained pursuant to La. R.S. 33:2(B), do these electors have to be registered to vote or registered within the area proposed for incorporation by a certain date or the same date as those who signed the original petition?
19. During the incorporation petition verification process and prior to the Registrar's final determination, may the Registrar change the status of a signature from accepted to rejected (or vice versa) based upon verified information provided to the Registrar by a third party (including the petition proponents or opponents) that the Registrar's original determination had been in error?
20. During the incorporation petition verification process, what action should the Registrar take if an elector claims their signature was accepted or rejected in error?
21. During the incorporation petition verification process, what action should the Registrar take if an elector claims that their name is on the petition, but that someone else has signed their name?

## REQUESTS FROM ELECTORS TO HAVE SIGNATURE STRICKEN OR ADDED

22. La. R.S. 33:1(D)(2) provides the information an elector must provide to have their signature stricken from or added to the signed and dated petition. Is a witness signature necessary to have an elector's signature stricken from or added to the petition? Do the same requirements for originally signing the petition apply to having a signature stricken from or added to the petition?
23. May electors submit written requests to the Registrar to have their signature stricken from or added to an incorporation petition before the signed and dated petition has been submitted to the Registrar for verification?
24. Does the time frame provided in La. R.S. 33:1(D)(2) for an elector to submit a request to have his signature stricken from or added to an incorporation petition apply to both the original submitted petition and any additional signatures submitted pursuant to La. R.S. 33:2(B)? If there is a period following the submission of additional signatures in which electors may request to have their signatures stricken from or added to the petition, does it apply only to the additional signatures submitted pursuant to La. R.S. 33:2(B) or does it apply to signatures on the original submitted petition as well?
25. As a practical matter, the Registrar must hold requests from electors to have their signature stricken from an incorporation petition until all signatures from the petition have been entered into the Secretary of State's voter database system (on a large petition, it is virtually impossible to know if an elector has signed the petition or where their signature is on the petition until all names on the petition have been entered and checked). Does the Registrar make his determination under La. R.S. 33:2(B) or (C) [determining whether or not the required twenty-five percent of electors have signed the petition] only after processing all valid requests from electors to have their signature stricken from or added to the petition?
26. Must the Registrar accept requests from electors to have their signature stricken from or added to an incorporation petition outside of regular business hours if employees are present at the office?
27. La. R.S. 33:1(D)(2) requires a written request in order for an elector to have their signature stricken from or added to an incorporation petition. May the Registrar provide a form for electors who appear in person at the Registrar's office to have their signature stricken from or added to the petition?

POST-VERIFICATION

28. May the Registrar reconsider any final determination issued pursuant to La. R.S. 33:2(B) or (C)? Does the Registrar have a duty to reconsider his final determination if any verified errors are found in the Registrar's determination?
29. Who is the custodian of the petition in the event that the Registrar determines pursuant to La. R.S. 33:2(C) that the required 25% of electors have signed the petition? Should the Registrar forward the petition to the Governor along with his certification, or does the Registrar remain the custodian of the petition?

I thank you in advance for your attention to these important questions, and for providing your formal legal opinion in this matter.

Should you have any questions or need clarification of the issues presented, please do not hesitate to contact me.

Sincerely,



Steve Raborn  
Registrar of Voters  
East Baton Rouge Parish