CHAIRMAN JOHN STEFANSKI: Members, the Committee on House and Governmental Affairs have come to order. Please silence your cell phones if you have one. Please fill out a card if you would like to testify; red in opposition, green in support, white if you're here for information only, and please indicate whether or not you would like to come testify. Madam Secretary will read the rule.

SECRETARY: Chairman Stefanski?

CHAIRMAN JOHN STEFANSKI: Present.

SECRETARY: Present. Vice-chairman Duplessis?

VICE CHAIRMAN ROYCE DUPLESSIS: Here.

SECRETARY: Present. Representative Beaullieu?

REPRESENTATIVE GERALD BEAULLIEU: Here.

SECRETARY: Present. Representative Carter? Representative Deshotel? Representative Farnum?

REPRESENTATIVE LES FARNUM: Here.

SECRETARY: Present. Representative Gadberry?

REPRESENTATIVE FOY BRYAN GADBERRY: Here.

SECRETARY: Present. Representative Hodges? Representative Horton?

REPRESENTATIVE DODIE HORTON: Here.

SECRETARY: Present. Representative Ivey? Representative Jenkins?

REPRESENTATIVE SAM JENKINS: Present.

Hearing Exhibit
PR-48
3:22-cv-00211-SDD-RLB

SECRETARY: Present. Representative Johnson?

REPRESENTATIVE MIKE JOHNSON: Here.

SECRETARY: Present. Representative LaCombe?

REPRESENTATIVE JEREMY LACOMBE: Here.

SECRETARY: Present. Representative Lyons? Representative Magee?

REPRESENTATIVE TANNER MAGEE: Present.

SECRETARY: Present. Representative Newell?

REPRESENTATIVE CANDACE NEWELL: Here.

SECRETARY: Present. Representative Thomas?

REPRESENTATIVE POLLY THOMAS: Here.

SECRETARY: Present. Representative White?

REPRESENTATIVE MALINDA WHITE: Present.

SECRETARY: Present, 13 in a quorum.

CHAIRMAN JOHN STEFANSKI: I have a quorum. Let's start with Senator Mills', members, Senate Bill 63. Good morning, senator. Whenever you're ready. Oh, give me one second.

SENATOR MILLS: There's no such thing as free in Baton Rouge. I don't want to owe you anything, Mike. And it's obvious you'll age before beauty. I'm way ahead of Stewart Cathey over there. Thank you for letting me visit with you briefly.

CHAIRMAN JOHN STEFANSKI: Well, full disclosure. We're working on some amendments on Senator Cathey. I

just want to make sure we're good on that. So, no preference, no preference. But senator, whenever you're ready.

SENATOR MILLS: That's fine. I would like to speak to you about Senate Bill 63 as amended. This would add language to existing state election law that requires that a hand-delivered absentee ballot by mail be returned to an employee of the Registrar of Voters at the Registrar's Office, or a branch office or an early voting location during the period for early voting or a mobile unit should there be one. Obviously, most of these are returned by U.S. Postal Service, but people show up with them in hand, and we wanted to be sure that they were handing them off to the right people. Currently, the law says the ballots can be delivered only by the postal service, commercial courier or hand delivered to the Registrar's Office by specifying to whom and where a hand delivered ballot maybe submitted. The registrar will have more control over the paper ballot. The voter maintains their privacy and ensures that their vote is counted. So, this is really a quality control measure that will ensure the integrity of each election. I'm a big fan of mail-in ballots. So, absentee ballots, there's 13 different reasons. You

might have an absentee ballot. I've got no problem with any of that. I just want to be sure that the votes get counted.

CHAIRMAN JOHN STEFANSKI: So, senator, I've read it differently. And so, you explaining it, I understand the intent now better. When I read it, I thought you were trying to say that the post service or commercial courier has to hand deliver --.

SENATOR MILLS: No.

CHAIRMAN JOHN STEFANSKI: -- all these things.

SENATOR MILLS: Mail it in with a stamp but quite a number of people for whatever reason carry them into the clerk's office or into the early voting stations.

CHAIRMAN JOHN STEFANSKI: Okay. If we may have to -- I mean, I read it a few times and I was reading it differently. So, it's possible, and I'm not saying -- if that's your intent, we may have -- to another comma or something somewhere, it's separate sentence. Just to make sure it's clear that -- because literally that my first question to you is going to be about how are were going to mandate -- the post office does something.

SENATOR MILLS: Right.

CHAIRMAN JOHN STEFANSKI: But obviously, that's not your intent. So, that's one of my concerns.

SENATOR MILLS: If there's a question, that's fine. I think there could be a bias against a one-page bill. But keep it short and sweet.

CHAIRMAN JOHN STEFANSKI: Yeah. Speaking for a [INDISCERNIBLE 00:04:08] question.

MALE 1: Thank you, Mr. Chairman and I understand what you're trying to do, and maybe I'm being a little nitpicking. But it says, hand delivery to an employee of the registrar at the Registrar's principal's office, branch office and then you go on. Does that exclude the registrar himself from receiving it? Because you're saying, "employee of." Should the language be to the registrar or his or her as employee?

SENATOR MILLS: It's an employee in the Registrar's Office and that -- if it means --.

MALE 1: I guess, my only concern is like in my -- where we are, our registrar is very friendly. Is she being excluded if she's working the front desk that day from actually receiving it?

SENATOR MILLS: As long as they're in the office, that's fine. It's just that you don't want them on

the street collecting -- the registrar shouldn't be out on the street collecting ballots.

MALE 1: Okay. I got it. Thank you. Thank you, Mr. Chairman.

CHAIRMAN JOHN STEFANSKI: Thank you, Ms. Pro Tem. I'm looking for some guidance from you.

[00:05:00]

I would like to separate those two sentences. I just -- I really did. I read it three times yesterday and I read it as all those people have to hand deliver to the registrar and I think the Pro Tem makes a good point as well. And so, senator, if you don't mind, I don't know what your schedule is like this morning. Maybe we could just bump for a second and work on a couple of amendments? And then, I think that added language will accomplish your intent, if you're okay with that?

SENATOR MILLS: Yeah. I mean, it's a simple bill and if we need to clarify something, let's do. But you'll understand where we're going with it.

CHAIRMAN JOHN STEFANSKI: Yeah. Representative we're going to bump it for a second so we can work on some amendments. Do you have a question right now or would you like to wait? Representative Newell?

[OVERLAY]

CHAIRMAN JOHN STEFANSKI: Hold on. I'll put you on. Representative Newell for a question.

REPRESENTATIVE CANDACE NEWELL: I just had a suggestion for the wording on Line 8 at the return, comma, by the voter, through the registrar by the United States Post Office. Just a suggestion for wording so we're not giving to --.

CHAIRMAN JOHN STEFANSKI: It's not necessarily by the voter though, it could be delivered by.

REPRESENTATIVE CANDACE NEWELL: But we just don't want to be the post office.

CHAIRMAN JOHN STEFANSKI: Yeah. Let's work on some amendments. Senator, if you don't mind, just give me a second, I appreciate it. All right. Senator Cathey, if you want to come up, we'll start on your stuff.

SENATOR STEWART CATHEY: All right.

CHAIRMAN JOHN STEFANSKI: Senator, you want to do -- let's start with the --.

SENATOR STEWART CATHEY: SCR?

CHAIRMAN JOHN STEFANSKI: Yeah. Let's do that.

SENATOR STEWART CATHEY: Okay.

CHAIRMAN JOHN STEFANSKI: So, SCR20 -- let's do 22.

SENATOR STEWART CATHEY: Thank you, Mr. Chairman. I'll read it in or?

CHAIRMAN JOHN STEFANSKI: No. Be ready whenever you want start talking about it.

SENATOR STEWART CATHEY: Thank you, Mr. Chairman. SCR22 is a simple urgent request [INDISCERNIBLE 00:06:50] with 30 -- myself and 37 co-authors out of the senate. It is a simple urgent request of the LSU Board of Supervisors to name the floor at the PMAC after legendary basketball coach Dale Brown. I'm sure you all saw the outpouring of support from former players in the capital a couple of weeks ago around this honorable gesture and this is simply all this does.

CHAIRMAN JOHN STEFANSKI: Yeah. What's the motivation? I'm just curious.

SENATOR STEWART CATHEY: Honestly, this started on a golf course between Tim Brando and myself about four years ago, two ULM guys of all things in Shreveport, and we exchanged phone numbers, and I was on Twitter of all things back last fall, and he made a case and I said, "You know what? He's right." And so, I sent him a text and said, "You know what? I'll do what I can to help." And from there, it's grown to this and here we are.

CHAIRMAN JOHN STEFANSKI: No, look at -- I'd like to think I probably would have been an LSU basketball fan regardless. But I'm an LSU basketball fan because of Dale Brown and Shaq. That's it. I mean, those two guys are the reasons I'm an LSU basketball fan and so, I think it's a great idea. Like you said, it's an urgent request. I think it highlights how great of a coach he was for LSU. Members, we have any questions about this? Do we have any discussion? Representative Thomas got some question.

REPRESENTATIVE POLLY THOMAS: Not a question. I move approval -- move to report favorable.

CHAIRMAN JOHN STEFANSKI: Good deal. Representative Thomas has moved that we report SCR22 favorable. We have any cards, anything? You have a question? All right. Representative White has a question.

REPRESENTATIVE MALINDA WHITE: I don't want to be negative about this at all but I thought we could name anything after anyone until they passed away.

CHAIRMAN JOHN STEFANSKI: It's only a building. And so this isn't a building.

REPRESENTATIVE MALINDA WHITE: Oh, okay. So, the floors are okay, but the building is not.

CHAIRMAN JOHN STEFANSKI: Yeah. It's the court.

REPRESENTATIVE MALINDA WHITE: I just want to make sure.

CHAIRMAN JOHN STEFANSKI: No. It's a good point.

REPRESENTATIVE MALINDA WHITE: Because I remember we've had that debate in the past.

CHAIRMAN JOHN STEFANSKI: Yes, ma'am.

REPRESENTATIVE MALINDA WHITE: And I think somebody's name had to be removed because --.

CHAIRMAN JOHN STEFANSKI: Yes, ma'am. So, for example, like, at Alex Box Stadium, the baseball field is named after Skip Bertman who is still alive.

REPRESENTATIVE MALINDA WHITE: Oh, I got you.

CHAIRMAN JOHN STEFANSKI: Yes, ma'am.

REPRESENTATIVE MALINDA WHITE: Okay. I just remembered that debate a few years ago and it was a big deal then. So, I just want to make sure we were going to --.

CHAIRMAN JOHN STEFANSKI: Yes, ma'am.

REPRESENTATIVE MALINDA WHITE: -- not do anything we regret later.

CHAIRMAN JOHN STEFANSKI: Yes, ma'am.

REPRESENTATIVE MALINDA WHITE: Thank you so much.

CHAIRMAN JOHN STEFANSKI: Yes, ma'am. Good deal, representative. That clears board members. Representative Thomas has moved the report SCR22

1 favorably. Is there any objection? Seeing no
2 objection, SCR22 is reported favorably. Senator,
3 we'll take up Senate Bill 198.
4 SENATOR STEWART CATHEY: Okay. Thank you. Do you
5 want to take the --.
6 CHAIRMAN JOHN STEFANSKI: I want you to touch on
7 the bill and we'll talk about the memo.
8 SENATOR STEWART CATHEY: Okay. All right. Yes,
9 sir. So, thank you, Mr. Chairman. Members, Senate
10 Bill 198 is pretty straightforward. Again, as Senator
11 Mills said, I like to try to keep things as simple as
12 possible. Again, it's a one-page bill. I mean,
13 basically it just says that no person can be not
14 denied access to any state-owned or funded or
15 operated facility intended for public use based on
16 whether or not they've received the COVID vaccine
17 vaccination. And we've got an amendment that I'm
18 happy to ask someone on the committee to offer up.
19 [00:10:08]
20 CHAIRMAN JOHN STEFANSKI: Yeah. It's a senators'
21 amendment. So, members, let's go ahead and take that
22 up before we start on the questions. You might
23 clarify some of the stuff. Ms. Lowrey, if you read
24 that in?
25

MS. LOWREY: Yes, members. That's Amendment Set 3491. You should have a copy and it should be available online. It's on Page 1 at the end of Line 10. Delete the period, insert: During the time period that the COVID-19 vaccinations are being administered pursuant to an emergency use authorization from the Federal Drug Administration.

CHAIRMAN JOHN STEFANSKI: Thank you, Ms. Lowrey. Senator, if you would like to comment on that a little bit?

SENATOR STEWART CATHEY: Right. So, what the amendment -- so, right now, we are under an emergency authorization or an EUA which is the preliminary step prior to getting full authorization from the FDA. And so, all the amendment says is that while we're in this trial period, it can't be required prior to being allowed access into a facility. Once it gets full authorization, I'm sure it will become part of your vaccine list that children will be required just as the MMR vaccine, those are polio or whatever the list of vaccines that are required prior to going to school. I'm just saying that in this testing phase that it's purely optional.

CHAIRMAN JOHN STEFANSKI: I appreciate the amendments, senator. I do think it makes it better

and addresses some of the concerns you and I talked about. Do we have any questions on the amendment, members? So, I'm going to go ahead and offer that we adopt Amendment Set No. 3491. Is there any objection to the adoption of that amendment? Seeing no objection, that amendment is adopted for a question of the bill, Representative Horton.

REPRESENTATIVE DODIE HORTON: Thank you, Mr. Chairman. Thank you, Senator Cathey for bringing this. It's a common-sense bill. A lot of my constituents have been concerned about this subject matter. And so, thank you for bringing this in at the appropriate time. I like to move out favorably as amended, sir.

CHAIRMAN JOHN STEFANSKI: Thank you, Representative Horton. For a question, Representative Beaulieu.

REPRESENTATIVE GERALD BEAULIEU: Senator Cathey, I appreciate the intentions in the bill. But how do we -- I mean, I agree with the concept and everything that's going on. Does this imply that after the vaccines are done now with the amendment that they can restrict people that you're going to have to have a card or something to interstate-owned buildings? That's my concern. By doing this, is all of a sudden,

now, it seemed like as opposed to just saying -- we used to talk about the MMR vaccine. We didn't get everybody to show that they had the MMR vaccine and walk into the capitol this morning. So, I feel like this is pushing us in that direction once it's approved. That's my concern with the bill.

SENATOR STEWART CATHEY: That's certainly not the intent.

REPRESENTATIVE GERALD BEAULIEU: Right. No. I understand that and that's why I'm bringing it up.

SENATOR STEWART CATHEY: So, this bill started as without the public use because, it's basically saying, "Hey, look, I don't want for LSU to say, hey, you can't come in Tiger Stadium in the fall without having been vaccinated." That's where this all started. And so, then it's, "Well, okay." The way it was written, if someone had government housing, well, you couldn't keep them out of your apartment. So, that's not the intent, so we had a public use. So, then it was like, well, what if -- and so, the next step was saying, hey, while it's a trial, -- because at some point, schools are going to require you to get a vaccine. I just feel like that's probably going to be the next step in the process. And so, rather than having to come back in the future, it was just

trying to be proactive. That's all we were trying to do.

REPRESENTATIVE GERALD BEAULIEU: So, like right now, LSU -- just to give LSU dental school is requiring their students to have a vaccine. If this goes into place, they wouldn't be able to require that? Okay. Yeah. Thank you.

CHAIRMAN JOHN STEFANSKI: Thank you for your question. Representative White?

REPRESENTATIVE MALINDA WHITE: Okay. I'm trying to get this straight. So, you know when our children are born, and we want to send them to school, we had to show their vaccinations, right? Like polio and things like that. And as a part of the Rotary Club, we pretty much have eradicated polio, right?

SENATOR STEWART CATHEY: Mm-hmm.

REPRESENTATIVE MALINDA WHITE: Okay. I think that's the intent. What we're trying to do right now is eradicate this COVID virus, aren't we?

SENATOR STEWART CATHEY: Well --.

REPRESENTATIVE MALINDA WHITE: And so, I don't know if there's a big difference there. Maybe there is. But what we are seeing is, for the first time, less people with it and more vaccinations across the board. I'm just concerned that we get so fixated on

the moment, the heat of the moment, the subject, whatever, while it's going on without looking back at history and while we require things to be the way they were as we can see it now.

[00:15:07]

I mean I have a friend that had polio. I had an aunt that had polio. She's passed. My friend is still alive but she suffers from it. So, when I think about those things, I think that it gives me pause when we start changing laws to do with vaccinations when we are all accustomed now to what we've done in the past and we've seen that it actually works, that we have eradicated certain diseases in this world because of those things. And so, that's the only thing that concerns me is that we're going to get caught up in this right now moment to not realize later that, oh, it was the right thing to do when we look back. Do you have any comments on that?

SENATOR STEWART CATHEY: So, what I will say is that the polio vaccine has a full FDA authorization and so, while it's in --.

REPRESENTATIVE MALINDA WHITE: I wonder if it did back then when they were at ---.

SENATOR STEWART CATHEY: I don't know that the -- what my mother tells me that when she was a child

that they all went to school like on a Sunday afternoon and they lined up in the hallway and were given a sugar tablet.

REPRESENTATIVE MALINDA WHITE: Me, too. I'm not your mother --.

SENATOR STEWART CATHEY: I'm not trying to date anyone. I understand that's what my --.

REPRESENTATIVE MALINDA WHITE: My brother and sister has this big mark on their -- but I didn't get that kind of mark when it came to my age.

SENATOR STEWART CATHEY: I'm not -- that's another whole other discussion. That's probably not what we want to go. But anyway, again, the point that I'm making is that as technology has advanced, and as protocols have advanced, we've gone from --we have an emergency authorization process that then advances into a full authorization process. And so, all I'm saying is that once it gets fully authorized through the FDA, you've got more willingness to take the vaccine. Now, the thing that I will say is the COVID vaccine is not -- it's not like the polio vaccine eradicated polio. The COVID vaccine does not do that, right? All it does is lessens your symptoms. I just want to make sure that that's understood.

REPRESENTATIVE MALINDA WHITE: Right. I never got COVID. So, I followed the rules and then I got my shot.

SENATOR STEWART CATHEY: Right.

REPRESENTATIVE MALINDA WHITE: And the booster to be had, I'll have that too.

SENATOR STEWART CATHEY: Right. Kind of like your flu shot.

REPRESENTATIVE MALINDA WHITE: And so, it's protected me thus far following this instead of getting caught up in the rhetoric. My husband and I have been able to protect ourselves because we followed it.

SENATOR STEWART CATHEY: Right.

REPRESENTATIVE MALINDA WHITE: And so, it worked for us.

SENATOR STEWART CATHEY: Social distance, wore my mask and did all those. I still caught COVID but, look, I've got a guy right now, [INDISCERNIBLE 00:17:58] in my district, MD Anderson right now that tested -- he's fully vaccinated. They did his COVID test yesterday and tested positive.

REPRESENTATIVE MALINDA WHITE: Yeah.

SENATOR STEWART CATHEY: Anyway.

REPRESENTATIVE MALINDA WHITE: Something that we don't have our arms arounds right now. That's why I'm a little hesitant on us changing laws and writing laws about something that we don't really have our arms around yet. It was novel.

SENATOR STEWART CATHEY: Which goes back to why we should be denying people access to a facility based on whether or not they've got a shot that we really don't have full understanding of.

REPRESENTATIVE MALINDA WHITE: Well, I think we're just trying to protect the public safety as a whole.

SENATOR STEWART CATHEY: Right.

REPRESENTATIVE MALINDA WHITE: That's what we're trying to do. But I wanted to have some discussion about it.

SENATOR STEWART CATHEY: Yeah.

REPRESENTATIVE MALINDA WHITE: Because I think, sometimes we're quick to respond to things and then later, we find out in history it was the right thing to do or not. And so, maybe you're right and maybe you're not. But when we start changing the laws to accommodate that moment, then we have to question that later and we have to go back. But you know,

1 that's what we do is amend laws so we can do that
2 year after year.
3 SENATOR STEWART CATHEY: Right. Absolutely. Yes,
4 ma'am.
5 CHAIRMAN JOHN STEFANSKI: Thank you,
6 Representative White for your question.
7 Vice Chair Duplessis?
8 VICE-CHAIRMAN ROYCE DUPLESSIS: Thank you, Mr.
9 Chairman. Senator, I just have two questions just
10 trying to get a little bit more clarity.
11 SENATOR STEWART CATHEY: Yes, sir.
12 VICE-CHAIRMAN ROYCE DUPLESSIS: I realize you all
13 added an amendment that intended to provide more
14 clarity around facilities intended for public use?
15 SENATOR STEWART CATHEY: Yes, sir.
16 VICE-CHAIRMAN ROYCE DUPLESSIS: But I'm still not
17 totally clear on the definition of intended for
18 public use. So, could you just kind of talk a little
19 bit more about that? I mean, does that -- like
20 sometimes public buildings can be rented for private
21 events, right? So, let's say I rent a public building
22 to have a private event. Would I be able to say,
23 "Well, I'm having a private event now."
24 SENATOR STEWART CATHEY: That is not intended for
25 public use.

VICE-CHAIRMAN ROYCE DUPLESSIS: That event isn't.

SENATOR STEWART CATHEY: Right.

VICE-CHAIRMAN ROYCE DUPLESSIS: But the building is.

SENATOR STEWART CATHEY: Right.

[00:20:00]

VICE-CHAIRMAN ROYCE DUPLESSIS: So I would be able to make the argument that this event is exclusively at this time from 7 to 10 or whatever it is, and I know this is getting kind of nitpicky perhaps, but I'm just trying to get for the clarity about what the building definition is intended for public use.

SENATOR STEWART CATHEY: Right. So, what brought that up was, like obviously, this building is intended for public use, right?

SENATOR STEWART CATHEY: Right.

VICE-CHAIRMAN ROYCE DUPLESSIS: The building we're in. And so, a football stadium. Now, again, for your example, a state-owned building, let's say you wanted to rent out and I don't even know what state-owned -- it doesn't matter. To me, if you rented anything, it's not intended for public use. It's --

SENATOR STEWART CATHEY: During that time.

1 VICE-CHAIRMAN ROYCE DUPLESSIS: In that time
2 period and is intended for private use because it is
3 a private event. So, what about like hospitals and
4 things like that? You have like stayed at home --
5 SENATOR STEWART CATHEY: Well, right now, you're
6 not going to -- the hospitals not going to deny
7 anybody based on whether or not they have a vaccine
8 to put me in.
9 VICE-CHAIRMAN ROYCE DUPLESSIS: But don't we have
10 -- well, no. We don't. But we do have instances where
11 you have sections of hospitals where there are wards
12 or levels where people are immunocompromised and you
13 have to -- only certain people can go there,
14 Representative Beaullieu mentioned the dental school
15 requiring it because -- I'm assuming it's because of
16 the work that they're going to be performing that
17 there are just certain instances where, if you and I,
18 in this instance, we have a certain distance between
19 us, it doesn't matter. But because of the nature of
20 some people's work that could be any public facility,
21 the exposure is different. So, the requirements could
22 be different. I mean, I'm just pointing that out. Are
23 there not instances where there could not be valid
24 reasons or justification to say, well, your status --
25 knowing your status, whether you are COVID positive,

or know whether or not you've been vaccinated actually does matter?

SENATOR STEWART CATHEY: Look, I think that in those instances, that's why you've got PPE, that's why you have a mask, I mean, if the mask works, then that would protect you. Again, I got back to the fact that I don't want to get into the business of denying people access based on --

VICE-CHAIRMAN ROYCE DUPLESSIS: I understand that.

SENATOR STEWART CATHEY: -- they've got a trial medication.

VICE-CHAIRMAN ROYCE DUPLESSIS: All right. Thank you.

SENATOR STEWART CATHEY: Yes, sir.

CHAIRMAN JOHN STEFANSKI: Thank you, Mr. Vice Chair. For question, Representative Farnum.

REPRESENTATIVE LES FARNUM: Thank you, Mr. Chairman. You know, the bill that was first presented look like it was trying to prevent that from happening; from just a vaccination record having to be supplied at every public facility. With the amendment on there, now it looks like it's going to a place where it's an enabling piece of legislation where as soon as FDA approval comes down, now they

will be able to mandate it. So, I think the amendment actually took us back to where we're at in the beginning where we're going to have to produce a card at every public building that we try to go into, somewhere along the line. And some of these other vaccines are not mutate-able. Like the polio, it's not a mutate-able, to my understanding, a disease that mutates itself and turns into something else like COVID-20 will be. I'm sure sooner or later, we'll have a COVID-20 and a 21 and so on down the line. So, I don't know if we've taken a step back from where the intent was when you first walked in with it.

SENATOR STEWART CATHEY: Right.

REPRESENTATIVE LES FARNUM: Do you agree with that?

SENATOR STEWART CATHEY: Look. It was certainly not the intent. The intent was to put it in the best posture possible. Because I do -- look, certainly, I don't want to get to a point to where we have vaccine cards in a situation where it's show me your papers or anything like that.

REPRESENTATIVE LES FARNUM: I agree. And that's a slippery slope.

SENATOR STEWART CATHEY: Yeah. I mean -- and so, the point is it is very well made. But I do feel like that once it does, it is granted a full FDA authority, it is going to be part of a child's regimen for school. I do think that's probably going to be. Now, here's the thing though. That is kind of being missed in all of this. You have the ability to say, hey, for religious reasons or whatever to say hey, I don't want to take this vaccine, this vaccine, this vaccine, whether it's --

REPRESENTATIVE LES FARNUM: I agree with the school aspect.

SENATOR STEWART CATHEY: Yeah.

REPRESENTATIVE LES FARNUM: But I don't want to have to go to a Tigers game and have to give them a religious excuse why I don't have that vaccine card and have to carry around papers everywhere I go and be shut down and it could get out of hand, real quick.

SENATOR STEWART CATHEY: I fully agree with you.

REPRESENTATIVE LES FARNUM: Sorry. I agree with the original legislation and I just think we're probably taking a step backwards with the amendment.

[00:25:05]

CHAIRMAN JOHN STEFANSKI: Well, Representative Farnum, look, I think talking with the author, I think we were speaking about things like schools and possibly hospitals and I think as we go forward here, we may be able to tailor this a little bit better that eases those concerns.

REPRESENTATIVE LES FARNUM: Yeah.

CHAIRMAN JOHN STEFANSKI: I know that's not his intent at all. And so, --

SENATOR STEWART CATHEY: This was literally walking down the, like -- the chairman and I had a conversation --

REPRESENTATIVE LES FARNUM: One thing in politics is that you need to be extremely specific about your intent or it can be misconstrued by anybody, a number of people. So, thank you.

SENATOR STEWART CATHEY: Yes, sir.

CHAIRMAN JOHN STEFANSKI: Thank you, Representative Farnum. For question, Representative Jenkins.

REPRESENTATIVE SAM JENKINS: Thank you, Mr. Chairman. Senator.

SENATOR STEWART CATHEY: Yes, sir?

REPRESENTATIVE SAM JENKINS: I actually had concerns also about putting these rules into law.

Don't you think it's better to try to manage these emergencies based upon the contemporaneous circumstances as opposed to having something in law?

SENATOR STEWART CATHEY: Through like petitions and stuff?

REPRESENTATIVE SAM JENKINS: Yeah. Not necessarily petitions. I'm saying that as circumstances arise in these emergencies, we're talking about emergency rules, don't you think it's better to try to manage it based on what those circumstances are at the time as opposed to having a blank in law in place?

SENATOR STEWART CATHEY: So, I don't know that that's a -- I'd give you a blanket answer for that. I think that in some situations possibly and some not necessarily and I think this is probably one of those that is not necessarily.

REPRESENTATIVE SAM JENKINS: Yeah. I understand. I don't want to see people -- I never want to see people being mistreated in any kind of way certainly don't go along with discriminating against --

SENATOR STEWART CATHEY: Yes, sir.

REPRESENTATIVE SAM JENKINS: -- people on any circumstances. You can't pick and choose your discriminations is what I say.

SENATOR STEWART CATHEY: Right.

REPRESENTATIVE SAM JENKINS: I'm just concerned about -- and I voiced this before, I'll be honest with you.

SENATOR STEWART CATHEY: Yes, sir.

REPRESENTATIVE SAM JENKINS: I'm just a little concerned about tying the hands of those who need to manage emergencies based upon the contemporaneous circumstances. So, I just want you to like kind of share that concern about opinions this this kind of a rule in law.

SENATOR STEWART CATHEY: Okay.

REPRESENTATIVE SAM JENKINS: The second part of it, someone was touching up on this because I saw it, too. I'm not understanding what happens if this pass after that. Do we come back now with another law to talk about what happens after this period of time, isn't it not a kind of a piecemeal approach to what we're doing?

SENATOR STEWART CATHEY: I don't know that I'm following your --

REPRESENTATIVE SAM JENKINS: In other words, if I'm understanding from the amendment, this is only going to be effective for a period of time why this authorization is pending or am I misunderstanding?

SENATOR STEWART CATHEY: Right. So, once it became -- so, once you have the FDA approval, then once -- So, I've used the flu vaccine, for example, right? So, the flu vaccine has a full authorization from the Food and Drug Administration. And so, it is part of you go to Walgreens, you go to a family doctor, you go get a flu shot. So once it has a full authorization, it could be part of a school's, hey, your child needs to have a flu shot before they come to school. Your child needs to have a COVID shot before it comes to school which now, I understand what Representative Farnum is saying. So, I would assume that it would say, once you got into the FDA approval, it's now no longer -- it's not under an EUA anymore.

REPRESENTATIVE SAM JENKINS: Okay. Okay. All right. Well, look, I think you've answered my question but I just got concerns about that.

SENATOR STEWART CATHEY: Yes, sir.

REPRESENTATIVE SAM JENKINS: I've always been a proponent of making sure we give as much of that attitude as we can to those who has to step in and manage these emergencies based on what's going on out there at the specific time. So, I just --

SENATOR STEWART CATHEY: Yes, sir.

REPRESENTATIVE SAM JENKINS: All right. Thank you, Senator. Thank you, Mr. Chair.

SENATOR STEWART CATHEY: Yes, sir.

CHAIRMAN JOHN STEFANSKI: Thank you, Representative. For question, Representative Lyons.

REPRESENTATIVE RODNEY LYONS: Thank you, Mr. Chairman. As I look at you, -- good morning Senator Cathey.

SENATOR STEWART CATHEY: Yes, sir.

REPRESENTATIVE RODNEY LYONS: As I look at your amendments here, and I have two questions of my own, but one that was referred to me to ask you, is based upon the vaccines being approved, I know they have emergency approval now. What if one gets approval and the others, I think there's three, they don't. How does it apply across the board when that happens?

SENATOR STEWART CATHEY: Well, I would -- so, you're saying, like, if the Pfizer vaccine was granted FDA approval and Moderna and Johnson & Johnson were still under EUA, well then, it would not apply to the EUA approved COVID vaccines and it would apply to the FDA vaccines. So, --

REPRESENTATIVE RODNEY LYONS: Okay. Oh, that answered that question for that individual.

SENATOR STEWART CATHEY: If you follow what I'm saying, like --

MALE: I see what you're saying.

SENATOR STEWART CATHEY: Okay.

MALE: Yeah. I get that.

[00:30:00]

REPRESENTATIVE RODNEY LYONS: Well, this whole deal gives me a lot of pause.

SENATOR STEWART CATHEY: Okay.

REPRESENTATIVE RODNEY LYONS: And for several reasons, one of the main concerns that I have is, and I know you testified a few minutes ago that you had COVID and I don't know what level of difficulties you had when you had COVOD. But I was one of the first individuals who had COVID and I go back to March 7. And when you talk about contract tracing contact tracing understanding how and how you acquire that at that time, I did my own. And my exposure was here in this building with some of my colleagues and people who I deal with every day here. At that time, you and as many others weren't talking about COVID because a lot of people didn't believe a COVID was really real. But some of the exposures, some of the things I had to deal with, I can say, you did. And you talked about earlier to some of the incidents where you said

1 PPE was available and things were available at that
2 particular point in time will make everything
3 accessible. But I was one of the people who was
4 fussing with the speaker about allowing us to come
5 back to this building because at some point in time,
6 we had to take care other people's business. We had
7 to pass a budget, we had to keep the state going. So,
8 during the public safety issue, which is where I'm
9 going with my questioning, do you not believe that
10 people who are designed or designated to make
11 decisions on public safety have the overarching
12 responsibility and authority to make those decisions
13 based upon what they do? Do you not believe that to
14 be true and then valid?
15 SENATOR STEWART CATHEY: I mean, sure. I think we
16 have a -- sure. We have a responsibility to do that.
17 REPRESENTATIVE RODNEY LYONS: And in that
18 responsibility is why we choose and we delegate that
19 authority to individuals in that hierarchy of how we
20 maintain our not civility but our quality of life,
21 our health, and everything else, prosperity in the
22 country, where we do to establish that.
23 SENATOR STEWART CATHEY: Absolutely.
24 REPRESENTATIVE RODNEY LYONS: So, when we come to
25 the table and say, you know what, I have an

1 opportunity to change something, I'm going to
2 circumvent with, I think this person who is prone,
3 not prone but they're properly vetted to make those
4 decisions; so, I'm going to change it. At any
5 particular point in time, I didn't want us to come
6 back in this building unless people, where at that
7 time, there was no vaccine. And I wanted people
8 wearing masks. I wanted people have a social
9 distancing. Even though I -- anybody that was fine.
10 And I wore my mask every day, went to work and
11 encouraged my colleagues to be safe. At that point in
12 time, there was a small number of us who were and
13 right after that, my representative friend, you know
14 what happened with Reggie. So at that time, it was
15 okay to say, well, you know what, we are going to try
16 to get this done. Lo and behold six to seven weeks
17 later, almost one-third of the body infected with
18 COVID because people weren't wearing masks, they
19 weren't practicing social distancing, we were in here
20 trying to do the people's work and people who didn't
21 think it was important didn't do that. Some of them
22 had COVID in so many extreme cases. So, when I say
23 that there's an authority figure that's responsible
24 to say, hey for public safety, you can't come in this
25 building that's handling public business unless

you're vaccinated. So we can have the right not only to maintain the quality of what we're doing here. Why would we want to stop and circumvent that? If we don't have the authority to do so based upon our knowledge of what it is that's there and you testified a minute ago about the vaccines and efficacy of vaccines and how they may work and it may be a trial but you know, Senator, you're not the guy that's on the mantle, that's the health director that deals with these things with diseases and all the stuff that goes along with the head that can say, hey, you know what, I'm making this decision. Other people are responsible for doing that and that's the one, you know, when LGBU comes to the microphone and talk to you about Dr. Kanner, the vaccination -- the vaccine and how vaccinations work and what it does, that is the credible evidence of the responsible professionals to make those decisions. So, how and why do you think we, at this point, in any point in time, should circumvent those decisions by those people responsible for doing that?

SENATOR STEWART CATHEY: Well, if that were the case, then nobody in this building should get to make any law, but they're not an expert in. So, but what I will say, is this, Dr. Fauci has reversed course

numerous times over the last 15 months. The first thing he said was you don't need a mask, then it was one mask and it then is was two masks. Now, it's back to you don't need mask. Then it was kids can't transmit the virus and it was kids can transmit the virus.

[00:35:00]

Now, we're back to kids, can't transmit the virus. So I think there's a lot of questionable information. And again, I'm not saying that I'm not questioning the vaccine. I'm not saying that that it doesn't work. And I will use me for example. Okay. So, if you read the advocate, I think it mentioned that I'm one of the ones that has not been vaccinated. Now, I spent 18 years in the army. I probably got more shots in this building than anybody else. All right. They put me so full of injections. Who knows what they are. It's whether -- two tours in Afghanistan and you don't get to question what they're sticking in your arms. All right. But you know what, I got a girlfriend, I'm 40 I care a lot about, we're not married. At some point. I would like to have a family. But there are a lot of questions around what it does with the ability to have children. And so, I've made the conscious decision

that, hey, because I want to have children, I'm not going to take the vaccine and my girlfriend has done the same thing. And so, for us to tell people that, hey, you can't go watch LSU play football in the fall or we can't go watch our best friend's children graduate from Junior High in the spring because we don't have a COVID vaccine, while it's in an emergency use authorization, I just think that's wrong.

REPRESENTATIVE RODNEY LYONS: And I respect your right to disagree with that process, that that policy, if that's what it is. However, my only, going back to my question, and my only problem is that that's why we have people and processes to make those decisions that we adhere to. And I don't have a problem with the liberty to choose not to be vaccinated as long as you choose to practice social distancing or practice the mitigation factors that makes it easier or makes it less easier for you to obtain COVID or even spread COVID. I get that part. That's the decision that you make. But when those decisions are made, if you will, somebody has to be able to have the authority to make them because we'll be sitting here making laws for every decision that comes out of anybody of authority because we don't

1 agree with them, or we feel different about them. And
2 in our book of codes that go from here to here
3 because okay, the law says this, but no, another
4 person decides that you can't make it that way
5 because they feel differently. So, and I go back to
6 some of the things that, and I always use this quote
7 all the time. We all remember George Mason's favorite
8 speech. Give me liberty or give me death. So,
9 oftentimes nowadays, because of our liberties, we
10 choose death. So I just want to -- and actually, I
11 question -- do you feel that in some measure in this
12 bill that we can have language that asserts the fact
13 that whatever is a public emergency status that's
14 addressed that's whatever status is at that time
15 plays a factory in those decisions. So if we're not
16 under emergency use at that particular time point in
17 time, we can say, well, the government lifted
18 everything just about now. So, we can't say that now.
19 But in that time, under certain conditions you can
20 have access without a card if that were ever the
21 case. It's not the case. But under certain
22 conditions, just like I said before when we talked
23 about coming here for session. Under this moment to
24 have access to this building for public use to take
25 and maintain the public's business, this is the

requirements for public safety to have to be adhered to other than these moments then it's totally something subjective. Do you understand my line of questioning, sir?

SENATOR STEWART CATHEY: Yeah. I guess I just don't necessarily think I agree with it.

REPRESENTATIVE RODNEY LYONS: Okay.

CHAIRMAN JOHN STEFANSKI: Good deal. You all debated it. Good deal. Representative Johnson for question.

REPRESENTATIVE TRAVIS JOHNSON: Senators, I understand all you're trying to do is prevent us from becoming a society where we're all having to prove that we did or didn't take the vaccination to be able to get to necessary facilities such as government where we want to have interaction and input, right?

SENATOR STEWART CATHEY: True. Yes.

REPRESENTATIVE TRAVIS JOHNSON: And isn't it true that if say the state decided to impose a restriction that you're trying to keep them from imposing that a large sector, a large segment, an important part of our state would be excluded, wouldn't they?

SENATOR STEWART CATHEY: Yes.

REPRESENTATIVE TRAVIS JOHNSON: And isn't it true we only have, I think the last numbers I had 30.54%

of Louisiana residents have received their first shot.

SENATOR STEWART CATHEY: Yes.

REPRESENTATIVE TRAVIS JOHNSON: And that number is much lower with certain groups of people in the state, isn't it?

SENATOR STEWART CATHEY: Yes.

[00:40:00]

REPRESENTATIVE TRAVIS JOHNSON: So, what your bill is doing is protecting those people in a sense, so that they're not disenfranchised from being able to come like today and testify.

SENATOR STEWART CATHEY: Correct.

REPRESENTATIVE TRAVIS JOHNSON: Or to participate in their city council.

SENATOR STEWART CATHEY: Correct.

REPRESENTATIVE TRAVIS JOHNSON: Which now thinking in those terms or maybe folks that like the idea of let's make it a recommendation or a law that you have to show proof of a vaccination to be able to go to a city council and voice your opinion.

SENATOR STEWART CATHEY: Maybe so.

REPRESENTATIVE TRAVIS JOHNSON: I see it as a positive thing. It's a protection of our liberties. It could be used as a tool otherwise to

disenfranchise and exclude a segment of our society that for whatever reason does not take the vaccine. Is that right?

SENATOR STEWART CATHEY: It's a very good point.

REPRESENTATIVE TRAVIS JOHNSON: Do you want me to come over there and talk about your bill?

SENATOR STEWART CATHEY: No, sir.

CHAIRMAN JOHN STEFANSKI: Thank you, Representative Johnson. Let's get to the cards, members. We have filling out a card and support Linda Vinsno [PH 00:40:59]. I apologize. I won't forget it next time. Linda Vinsno, Mary Suzy Labri, and Kristie Cross with Louisiana Family Forum, Erabelle Adams filling in for Gene Mills for Louisiana Family Forum, all in support, not wishing to speak. Filling out cards in opposition, wishing to speak, Jennifer Herricks. Ma'am, if you'd like to come up. Senator, if you'd give up the table. Also, filling out a card in opposition, wishing to speak, Melissa Flournoy. Yes, ma'am. If you'd introduce yourself, please.

JENNIFER HERRICKS: Yes. My name is Jennifer Herricks. Thank you, Mr. Chair and members of the committee. I drove in today from Mandeville this morning to voice my opposition to Senate Bill 198, because I believe this bill will endanger public

1 health and the health of our community. I'm a mom of
2 very young children, children who are too young to be
3 vaccinated against COVID-19. Before having children
4 and after graduating from LSU, I received a PhD in
5 microbiology and molecular genetics from UT Health
6 and then worked as a post doctoral fellow in global
7 health policy at Rice University and Baylor College
8 of Medicine. Through my research, I have seen the
9 many benefits of vaccination. Now that I'm a mom, my
10 main priority is to keep my family safe and healthy.
11 And for me personally, science plays a big role in
12 our health decisions. For the past 15 months, we have
13 been living in a global pandemic. It has killed over
14 3.4 million people worldwide, over half a million
15 people in the United States and over 10,000 people in
16 our state. While children do seem to fare well
17 generally, there have been nearly 400 pediatric
18 deaths from COVID-19. It is now considered one of the
19 top 10 causes of death in children in the United
20 States. In addition, there had been over 3,000 cases
21 of children in the United States hospitalized with a
22 severe complication of COVID-19 that causes
23 inflammation of multiple organ systems including the
24 heart, lungs, kidney, brain, eyes, skin and
25 gastrointestinal organs. This condition can occur in

children who have recovered from COVID-19 with mild symptoms or with no symptoms at all. Some of these cases result in permanent organ damage and death. We are still learning more about the long term effects of COVID-19. As a mom, I want to protect my children from those effects. However, there is not a vaccine that can protect them yet. It's hard enough to keep my family safe without the legislature taking away tools from the people who can help. I chose to receive the COVID-19 vaccine to protect myself and my family, because it has been proven safe and effective in clinical trials. We all have the freedom to make the choice whether or not to vaccinate ourselves. This choice like all others has consequences, but my children deserve the right to go to a school where I don't have to worry about infectious communicable diseases. I deserve to feel secure that if I have to go to a hospital for example, that the healthcare professionals who are taking care of me are protected against vaccine preventable diseases that could affect me. We talked about freedom but for whom? This bill limits the liberties and decision makings of many people, people who are undergoing cancer treatments, people who are organ transplant recipients, people who are too young to take the

vaccine, which right now is everyone under 12 in this state. We are entitled to these rights. SB 198 is not based on science or the interest of the safety for people trying to make difficult choices for their families, customers, employees and the people that they care for.

[00:45:04]

Please protect the rights and freedoms of those who cannot be vaccinated or are otherwise vulnerable to COVID-19. Please oppose Senate Bill 198. Thank you for your attention and I would be happy to answer any questions.

CHAIRMAN JOHN STEFANSKI: Thank you. I don't see any questions, but thank you for your testimony.

JENNIFER HERRICKS: Thank you.

CHAIRMAN JOHN STEFANSKI: Also filling out a card in opposition, present, willing to provide information if necessary, Kaitlyn Joshua with the Power Coalition, Monica Gerhart, not wishing to speak and Cheyenne Blackburn also in opposition not wishing to speak. Members, that clears the board. Senator, if you'd like to come up. Senator, if you'd like to close.

SENATOR STEWART CATHEY: Thank you, Mr. Chairman. Members, I appreciate all of you for being here

1 today. Look, I'll close with this. Representative
2 Horton moved to report as amended and all I will say
3 is that as the woman who just testified that she's
4 trying to protect the rights of those who cannot be
5 vaccinated, so am I. I'm trying to protect the rights
6 of those who cannot be vaccinated to have the ability
7 to go into a hospital, to go into a football game, to
8 go to school and not be denied access simply because
9 maybe they couldn't get vaccinated. And with that,
10 I'm going to ask for your favorable passage.
11 CHAIRMAN JOHN STEFANSKI: All right, members.
12 Representative Horton who's no longer here so -- no.
13 Okay, Representative Horton has made a motion that we
14 move Senate Bill 198 as amended. Is there any
15 objection? There is an objection. Madam Secretary, we
16 will call the roll.
17 SECRETARY: Chairman Stefanski?
18 CHAIRMAN JOHN STEFANSKI: Yes.
19 SECRETARY: Yes. Vice Chairman Duplessis?
20 VICE CHAIRMAN ROYCE DUPLESSIS: No.
21 SECRETARY: No. Representative Bourriaque?
22 REPRESENTATIVE BOURRIAQUE: Yes.
23 SECRETARY: Yes. Representative Carter?
24 REPRESENTATIVE CARTER: No.
25

SECRETARY: No. Representative Deshotel? Representative Farnum? Representative Gadberry? Representative Hodges? Representative Horton?

REPRESENTATIVE HORTON: Yes.

SECRETARY: Yes. Representative Ivey?

REPRESENTATIVE IVEY: Yes.

SECRETARY: Yes. Representative Jenkins?

REPRESENTATIVE JENKINS: No.

SECRETARY: No. Representative Johnson?

REPRESENTATIVE JOHNSON: Yes.

SECRETARY: Yes. Representative LaCombe?

REPRESENTATIVE LACOMBE: No.

SECRETARY: No. Representative Lyons?

REPRESENTATIVE LYONS: No.

SECRETARY: No. Representative Magee? Representative Newell?

REPRESENTATIVE NEWELL: No.

SECRETARY: No. Representative Thomas?

REPRESENTATIVE THOMAS: Yes.

SECRETARY: Yes. Representative White?

REPRESENTATIVE WHITE: No.

SECRETARY: No. Six yays, seven nays.

SENATOR STEWART CATHEY: Thank you.

CHAIRMAN JOHN STEFANSKI: Seven nays. Members, we're going to take up Senator Mills' bill.

SENATOR MILLS: Thank you, Mr. Chairman. I've enjoyed our time together.

CHAIRMAN JOHN STEFANSKI: Yes. Members, we are back on Senate Bill 63. Senator Mills, I believe we have some amendments worked out, Senator. Ms. Lowrey, you have those? Yup, okay.

MS. PATRICIA LOWREY-DUFOUR: Members, it's Amendment Set 3493. You should all have a copy and it's available online. On Page 1 at the end of Line 9 after delivery, we're going to be inserting a period and we're going to insert, "If hand delivered, the ballot shall be delivered to the registrar or" and then it picks up with "to an employee of the registrar." On Page 1 at the beginning of Line 11 before early, we're going to insert, "or" and on Page 1, Line 11 after early voting, we're deleting the comma and we're deleting the remainder of the line. And at the beginning of Line 12, we're deleting registration unit and inserting a period.

CHAIRMAN JOHN STEFANSKI: Thank you, Ms. Lowrey. Senator, if you want to touch on any of those, if you're good with them, I will offer my pre-adaption.

SENATOR MILLS: As amended, the bill's fine with me. Thank you.

CHAIRMAN JOHN STEFANSKI: Okay. Members, I'm going to offer up that Amendment Set for adaption. 3493. Is there any objections of the adaption of that amendment? Seeing no objection, Amendment Set 3493 is adapted. Senator Mills, let me get to the cards. Let's do that, right? Filling out a card, wishing for information, Nancy Landry with the Secretary of State and Brian Champagne with the Registrar of Voters Office for information only. Filling out a card in support, not wishing to speak, Erabelle Adams for Gene Mills with Louisiana Family Forum, Kristie Cross with Louisiana Family Forum and Marg Labri filling out a card in support, not wishing to speak. Ms. Landry, do you have any comments you'd like to make?

NANCY LANDRY: Thank you, Mr. Chairman. Nancy Landry, first assistant, Secretary of State. I just wanted to tell you this is a department bill and Senator Mills did a great job of explaining it. So, it just clarifies who you can deliver your ballot to and changes the law in just a little bit to make it clear. So, thank you.

CHAIRMAN JOHN STEFANSKI: And former Chairwoman Landry, I never comment that -- we recognize you, too. You're just here so often, I don't ever point it out, but we do appreciate you coming back and it's

1 good to see you as you continue to come and give
2 great testimony.
3 [00:50:03]
4 NANCY LANDRY: Thank you, Mr. Chairman. I always
5 enjoy coming to House in governmental affairs.
6 CHAIRMAN JOHN STEFANSKI: Absolutely. Vice Chair
7 Duplessis for a question.
8 VICE CHAIRMAN ROYCE DUPLESSIS: Thank you. Thank
9 you, Mr. Chairman. Just a question for Former Chair
10 Landry, and as I have heard more about the bill, I
11 think I understand it a little better now. I'll admit
12 initially I did not understand what it was intending
13 to do, but it does appear that it's just providing
14 further clarifying language on that second clause of
15 who you can give it to. It states at the beginning it
16 can go to an employee of the registrar, but then
17 there is that additional language of hand delivery.
18 Had there been any instances or occurrences that led
19 to the office recognizing the need to provide this
20 clarifying language?
21 NANCY LANDRY: We have branch offices now where
22 early voting takes place and it was really unclear
23 whether you could deliver your ballot to a registrar
24 employee at the branch office. I think this makes
25

that very clear that you can deliver your ballot in person.

VICE CHAIRMAN ROYCE DUPLESSIS: It just takes out any -- thank you.

NANCY LANDRY: To the branch, the satellite offices, the branch offices where early voting is being conducted.

VICE CHAIRMAN ROYCE DUPLESSIS: Okay, thank you.

CHAIRMAN JOHN STEFANSKI: Thank, Mr. Vice Chair. For a question, Representative Jenkins.

REPRESENTATIVE JENKINS: Thank you, Mr. Chairman. This is for the Registrar's Office to just for clarity, this is not affecting any provisions for the people to have confined to like nursing homes or veteran homes. What we're doing here is no effect on that. It stays the same, is that right?

NANCY LANDRY: Right, Representative Jenkins. The nursing home program is separate and they go in to the nursing home and actually vote them there and collect and that's in a separate area of the law.

REPRESENTATIVE JENKINS: All right. Thank you and thank you, Mr. Chairman.

CHAIRMAN JOHN STEFANSKI: Thank you, Representative Jenkins. Members, that clears the board. Senator, if you'd like to close.

SENATOR MILLS: That's favorable. [INDISCERNIBLE 00:51:55] passage.

CHAIRMAN JOHN STEFANSKI: Speaking for Tanner Magee, moves as amended. Is there any objection to reporting Senate Bill 63 as amended? Seem no objection. Senate Bill 63 is reported as amended. Thank you, Senator.

SENATOR MILLS: Thank you.

SECRETARY: Thank you, Senator.

CHAIRMAN JOHN STEFANSKI: Let's do, Mr. Vice Chair, House Resolution 51. Members, we're in House Resolution 51 by Representative Duplessis.

VICE CHAIRMAN ROYCE DUPLESSIS: Thank you, Mr. Chairman. Thank you, Committee. This bill would not otherwise be before this committee but there was an amendment that was made in House Criminal Justice that added two members of the legislature, thereby putting it at house and governmental jurisdiction. There are some amendments that I would like to offer up just to put the resolution in its proper posture.

CHAIRMAN JOHN STEFANSKI: Ms. Lowrey?

MS. PATRICIA LOWREY-DUFOUR: Yes, members. The Amendment Set is 3482. There's a copy in your folders and it's available online. Members, the purpose of the Amendment is one, to clarify that it's going to

be a commission that is doing the study, not a committee. It's also clarifying who the appointing authority is for several of the people who will serve on the commission, and it is providing that the Department of Health rather than the Department of Public Safety and Corrections will be providing personnel to staff the committee, and it further provides that the director of the Medicaid program or his designee call the first meeting no later than August 1, and that they shall select the chairman and any other offers deemed necessary at the first meeting.

CHAIRMAN JOHN STEFANSKI: Thank you, Ms. Lowrey. Representative Thomas, your question is on this amendment or on the bill? On the amendment. Representative Thomas, for question on the amendment.

REPRESENTATIVE THOMAS: Thank you. What's the difference between the function or the authority of a committee versus a commission?

VICE CHAIRMAN ROYCE DUPLESSIS: I would actually ask staff to answer that. We talked about it, Rep. Thomas, when it came up, because there was inconsistency in the language initially in the resolution that was commission versus committee. I don't know that there is a --

1 CHAIRMAN JOHN STEFANSKI: Ms. Lowrey?
2 MS. PATRICIA LOWREY-DUFOUR: There is no
3 difference, Representative Thomas. It's just within
4 the body of the original resolution. The usage was
5 inconsistent and so, Representative Duplessis picked
6 a usage and we made it consistent throughout.
7 REPRESENTATIVE THOMAS: So, commission doesn't
8 imply any more authority than committee?
9 [00:55:03]
10 MS. PATRICIA LOWREY-DUFOUR: No, ma'am.
11 REPRESENTATIVE THOMAS: Okay.
12 CHAIRMAN JOHN STEFANSKI: Should she?
13 VICE CHAIRMAN ROYCE DUPLESSIS: Yeah.
14 REPRESENTATIVE THOMAS: Second question is who
15 are the stakeholders?
16 VICE CHAIRMAN ROYCE DUPLESSIS: You have several
17 people listed. This resolution was brought to me by
18 healthcare professionals who have been working with
19 and treating individuals who are terminally ill. And
20 when the COVID pandemic occurred, it became clear to
21 people who were providing this assistance that our
22 laws and the guidance around medical furlough as well
23 as compassionate release were not totally clear. So,
24 I would say the stakeholders are healthcare
25 professionals, the Department of Corrections,

1 victims, all the people that you see listed here that
2 would serve on this commission as being stakeholders.
3 REPRESENTATIVE THOMAS: Okay. I'm sorry, but this
4 is the first time I'm seeing the amendments. I didn't
5 have them before today. I think that you just listed
6 four different groups of people.
7 VICE CHAIRMAN ROYCE DUPLESSIS: Not limited to
8 those four. I just listed just -- I would say all the
9 stakeholders are the groups that are listed here to
10 serve on the commission.
11 REPRESENTATIVE THOMAS: What if they disagree?
12 VICE CHAIRMAN ROYCE DUPLESSIS: What if they
13 disagree with what?
14 REPRESENTATIVE THOMAS: Well, many of these
15 amendments and with after consulting with
16 stakeholders.
17 CHAIRMAN JOHN STEFANSKI: Well, the speaker
18 picks. Many of these are going to be the speaker's
19 selections. So, just throwing that in there.
20 VICE CHAIRMAN ROYCE DUPLESSIS: So, that language
21 is going to be added on. So, for example and that's
22 something we discussed, so you have two doctors who
23 treat incarcerated patients at the private or state
24 medical facilities, that'll be at the direction of
25 the speaker.

REPRESENTATIVE THOMAS: Okay. I don't think my question's been answered, but I'll yield the microphone.

CHAIRMAN JOHN STEFANSKI: And I was just trying to give clarity to Representative Thomas. I wasn't trying to cut you off, if you want to keep talking. I just was --

VICE CHAIRMAN ROYCE DUPLESSIS: Happy to try to answer them as best of my ability.

CHAIRMAN JOHN STEFANSKI: Are you good? All right, Representative Thomas, good. For question, Representative White.

REPRESENTATIVE WHITE: Would you happen to know the statistics on the number of individuals that we have right now incarcerated that are in critical condition can never harm anyone else again, they're dying. And what kind of money we spend on keeping these individuals for life sentences and things like that? Would there be anybody here from Department of Corrections that can answer those questions?

VICE CHAIRMAN ROYCE DUPLESSIS: I don't know if anyone from the DOC is here, but I do have --

REPRESENTATIVE WHITE: Well, I know that that's an issue, and I have a family member that's a doctor that actually has asked that we bring something like

this. So, you're just doing a study so that we can understand the whole problem, but we waste a lot of tax dollars with people that are incarcerated that can no longer even get out of a bed.

VICE CHAIRMAN ROYCE DUPLESSIS: Correct.

REPRESENTATIVE WHITE: And that would be better served with them in their final days off of that tax and into a different place. I would like to know answers to those questions, but then your study is what that's all about, right? So, it's not like we're releasing criminals or anything like that on a regular --

VICE CHAIRMAN ROYCE DUPLESSIS: We already have laws. We have laws on the books to address this. The issue is the clarity around them and when it's time to implement them. There's a lack of clarity around how you go about to implement them. That's the purpose of this, just to provide a greater level of clarity on laws that we already have on the books to deal with this issue.

REPRESENTATIVE WHITE: Okay.

NISHI KUMAR: Hi. My name is Nishi Kumar. I'm an attorney at the Promise of Justice Initiative and I was working very closely with a group of doctors at University Medical Center where most of incarcerated

1 patients in the state are treated. Unfortunately,
2 they were both busy today and weren't able to come
3 and answer these important questions. But to my
4 knowledge and I think we'll get more information
5 through the study resolution, every prison in
6 Louisiana has a hospice program.
7 REPRESENTATIVE WHITE: Yes, they do.
8 NISHI KUMAR: So, to your question, I think we
9 can get more numbers about exactly how many people
10 are on hospice in the State of Louisiana who are
11 incarcerated. But I know that the doctors at UMC,
12 every single one of them has treated incarcerated
13 patients. Most of them have come to me with patients
14 who are terminally ill and asked for assistance in
15 navigating a process that they have described as
16 murky at best. One of the doctors who testified in
17 committee a couple of weeks ago said that in her five
18 years of practice, she's only managed to get medical
19 furlough for one patient despite trying on many
20 occasions. So, I think what we're hoping to do is
21 streamline the process, so that the doctors who are
22 actually treating the terminally ill patients and
23 catch the diseases a little bit early on where those
24 people can still say their final goodbyes to their
25 family members and maybe extend the length of their

time with us, are able to do that at home or in an assisted care facility.

[01:00:07]

So, a lot of the statues on the books don't even allow for people to go home but allow for them to be out of prison and not shackled to their beds when they die.

REPRESENTATIVE WHITE: Yeah, I have a prison in my area, so I know a good bit about what goes on in there. And I've actually been requested by the doctor to bring some kind of legislations in that, because it's just a waste of money all the way around, and it's something that we can do actually to not be the number one incarcerated in the state especially when someone is diagnosed terminally ill. It's not saying that we don't agree with what they did in their background. It's to say that there's a better place for them at that moment and that's not keeping them in prison but rather, their time is at the end. I'm just interested in the study going through and all the stakeholders and the input to come up with something very clear on that that might actually help us with lowering how much money we spend in incarceration.

1 VICE CHAIRMAN ROYCE DUPLESSIS: Yes. And I've
2 spoken with Secretary Le Blanc, they welcome this. It
3 would provide a just great level of clarity.
4 REPRESENTATIVE WHITE: Thank you.
5 VICE CHAIRMAN ROYCE DUPLESSIS: Yeah.
6 CHAIRMAN JOHN STEFANSKI: Thank you,
7 Representative White. For question, Representative
8 Horton. And members, we are still on the amendment --
9 if you all want to continue to talk about the
10 amendment, we can adapt that. Just throwing that.
11 VICE CHAIRMAN ROYCE DUPLESSIS: Yeah.
12 CHAIRMAN JOHN STEFANSKI: All right, let's go
13 ahead and do that. I'm going to offer up that
14 amendment for adaption. Is there any objection to the
15 adaption of that amendment? Seem no objection. That
16 amendment is adapted on the bill. Representative
17 Horton.
18 REPRESENTATIVE DODIE HORTON: Thank you, Mr.
19 Chair. Thank you, my friend. Causing made me think a
20 lot about what is this in this bill. And in my heart
21 and my number one passion is for the victims. I know
22 that regardless of where they are, the state, the tax
23 payers will be taking care of them whether they're in
24 prison where they were sentenced to go because of the
25 [PH 01:02:10] longevity and the horrible crime they

committed regardless of where they are. And so, money to me is not the issue. The issue is to them carrying out their sentence to the fullest. I know I was talking to Representative White about a man in my district, because his mother was chopped into pieces, fed to the dogs. And he is in prison, been trying to get out on medical furlough, supposed to die in prison. And they've had to fight that continuously every time it comes up. That is the last thing I want to see, someone like that get out. I had no compassion for someone who committed such a heinous crime. And so, my concern is that we -- I see the people on this -- I don't think there's enough survivors or families who lost their loved one, who didn't have any final days with their loved one, because they were violently taken away. So, I think this study is good. We just like to see more of the families who live this every day included instead of so many who are not --

VICE CHAIRMAN ROYCE DUPLESSIS: -- appreciate the comments.

REPRESENTATIVE DODIE HORTON: But I do appreciate --

[OVERLAY]

VICE CHAIRMAN ROYCE DUPLESSIS: I realize this invokes a lot of emotion.

REPRESENTATIVE DODIE HORTON: It really does.

VICE CHAIRMAN ROYCE DUPLESSIS: And it has a tendency for us to think about the worst of the worst, I get that and, in most instances, I think that you gave an example of a situation where a family member may have been gruesomely murdered.

REPRESENTATIVE DODIE HORTON: Was gruesomely murdered.

VICE CHAIRMAN ROYCE DUPLESSIS: Was gruesomely murdered. My guess is that that person was properly sentenced whether to life or in this State of Louisiana, unfortunately, we still have the death penalty, but that's a different conversation for a different date. This bill in no way attempts to change criminal sentencing laws. We already have laws in the books dealing with medical furlough and compassionate release. So, this is just to provide a greater level of clarity on what's already in the law.

REPRESENTATIVE DODIE HORTON: I understand.

VICE CHAIRMAN ROYCE DUPLESSIS: But I do realize when we touch on these areas, it evokes that level of emotion. And I understand that and I respect that.

REPRESENTATIVE DODIE HORTON: I know you do.

VICE CHAIRMAN ROYCE DUPLESSIS: So, we have victims represented on here and I want to ensure that all victims are represented in this process.

REPRESENTATIVE DODIE HORTON: I think the study will -- at first, I didn't think it was needed, but I do. I think it'd be a good study. I just want the focus to be on the victims. It seems like nowadays that they're not. And so, I appreciate it and I look forward to hearing the results of it. Thank you, Mr. Chairman.

CHAIRMAN JOHN STEFANSKI: For questions, Representative Newell.

NEWELL: Thank you very much, Mr. Chairman. And thank you very much, Representative Duplessis for the thought to bring this resolution and for the work that you've done.

[01:05:06]

I'm sorry, what's your name again?

NISHI KUMAR: My name is Nishi Kumar.

NEWELL: Ms. Kumar, do the research to support this resolution, which is to study the process of the compassionate release that we already have on the books. This study would allow the physicians and the prison staff and administration to be able to get a

1 better process on determining who and how the release
2 should be done, the medical and compassionate release
3 should be done. The study on the process. So, I
4 appreciate you brining this resolution on the study
5 of the process and at the appropriate time, Mr.
6 Chair, I'd like to move this resolution on a study
7 favorably.
8 CHAIRMAN JOHN STEFANSKI: Yes, ma'am. Noted. For
9 questions, speaker for Tanner Magee?
10 MAGEE: Thank you, Mr. Chairman. And I just want
11 to clarify, my understanding is the role of the
12 committee today is not to talk about the commission.
13 I think it's already been vetted through another
14 committee on the -- we're here to talk about having
15 the legislators be a part of the commission, I think.
16 CHAIRMAN JOHN STEFANSKI: That's correct. We have
17 oversight whenever we're creating these committees
18 and --
19 [OVERLAY]
20 MAGEE: I just want to put that out to the
21 committee that we're really not debating the merits
22 of the commission itself or debating the merits of
23 having legislators on the commission. So, that's my
24 comments for everybody. Thank you.
25

CHAIRMAN JOHN STEFANSKI: Noted. For question, Representative Thomas.

REPRESENTATIVE THOMAS: Thank you, Mr. Chairman in reading the bill -- and thank you [PH 01:06:37] Tanner Magee for that clarification. As the newest member of this committee, I don't have as much experience as the rest of you do. But I would like to ask you to, if you wouldn't mind, clarifying something for me that I was not familiar with. On page 3 of 5, starting in line 27, you speak about two crime survivors appointed by the Louisiana Survivors for Reform. And here's what I'm not familiar with, one primary and one secondary survivor, could you explain that to me please?

NISHI KUMAR: I can answer that question for you, Representative Thomas.

REPRESENTATIVE THOMAS: Okay, thank you.

NISHI KUMAR: By primary survivor, we meant someone who was directly survivor of a crime. And by secondary, we mean a family member. So, that's just terminology that's used in the survivor community to refer --

REPRESENTATIVE THOMAS: Thank you. I was not familiar with the terminology. Thank you. Thank you, Mr. Chairman.

CHAIRMAN JOHN STEFANSKI: Thank you, Representative Thomas. Members filling out cards in support, not wishing to speak, Rodney Braxton with SPLC, Stephanie Willis with ACLU, Peter Robins Brown with Louisiana Progress Action, Cheyenne Blackburn with FFLIC, Latoya Johnson with FFLIC, Terry Landry, Jr. with SPLC Action, and Melissa Flournoy with Louisiana Progress Action. That clears the board. That clears all the cards. If you'd like to close.

VICE CHAIRMAN ROYCE DUPLESSIS: This has to be a favorable passage.

CHAIRMAN JOHN STEFANSKI: Good deal. We have a motion from Representative Newell to report HR51 as amended. Is there any objection. Seem no objection. HR51 is reported as amended. Thank you, Mr. Vice Chair.

VICE CHAIRMAN ROYCE DUPLESSIS: Thank you.

CHAIRMAN JOHN STEFANSKI: Representative Willard. Member, I'm going to take up HR74 next by Representative Willard. Whenever you're ready, representative.

REPRESENTATIVE WILLARD: Thank you, Mr. Chairman. Good morning, members. House Resolution 74 creates the house STEM Innovation Caucus. One of my priorities during my campaign and even in my brief

time in the legislature, has been to move our economy forward and actually presenting ideas related to economic diversification. Last year, I actually set up a working group to target some innovative policies that will help our economic sectors here in Louisiana. One of the members of that working group is sitting to my left, Steven Wright with Louisiana BIO. And one of our policy recommendations that came out of that working group is to establish the Louisiana STEM Innovation Caucus just to bring likeminded individuals from the legislature together and start to throw out ideas to start moving us forward. I would hope that members like Barry Ivey and Representative Deshotel.

CHAIRMAN JOHN STEFANSKI: So, I was going to ask you who you're recruiting.

REPRESENTATIVE WILLARD: So, I'm not recruiting anyone. The whole --

CHAIRMAN JOHN STEFANSKI: Is it by invitation only?

REPRESENTATIVE WILLARD: It's not by invitation only.

CHAIRMAN JOHN STEFANSKI: Okay, just checking.

REPRESENTATIVE WILLARD: No. If you have a passion for innovation and you want to see the full

potential for Louisiana and its workforce, I would invite you to join this caucus, because I think we can really do some great things for the State of Louisiana.

[01:10:0]

CHAIRMAN JOHN STEFANSKI: Appreciate it. For question, Representative Thomas.

REPRESENTATIVE THOMAS: At the appropriate time, I move favorable.

CHAIRMAN JOHN STEFANSKI: Thank you, Representative. For question, Representative Lacombe.

REPRESENTATIVE JEREMY LACOMBE: Representative Willard, do I still qualify if I can't do a PowerPoint presentation or a work Excel spreadsheet?

REPRESENTATIVE WILLARD: This is what I'll tell you, I will get you a mentor that will teach you a Jedi in PowerPoint.

REPRESENTATIVE JEREMY LACOMBE: So basically, I just go to you and Representative Deshotel?

REPRESENTATIVE WILLARD: Yeah.

REPRESENTATIVE JEREMY LACOMBE: We'll go get is straight?

REPRESENTATIVE WILLARD: We'll get you up to speed.

REPRESENTATIVE JEREMY LACOMBE: All right, thanks.

CHAIRMAN JOHN STEFANSKI: Thank you, Representative Lacombe. Members, that clears the board. We have a motion by Representative Thomas to move House Resolution 74 favorable. Is there any objection? Seem no objection. House Resolution 74 is reported favorable. Thank you, Representative Willard. And I did forget to read Steven Wright's card in support, wishing to speak with Louisiana BIO. We're going to take up Senator Cloud's bills next. I just have to get it over here. So, brief recess.

[BACKGROUND CONVERSATION]

Members, let's go back. While we wait on Senator Cloud, I'm going to go ahead and we're going to take up House Resolution 90, which I'm going to talk a little bit first, and then I'm going to go to the table and put the vice chair and the chair to discuss the actual resolution. So, get everybody's attention. We're going to take up house concurrent resolution 90, which I discussed this last week. We talked about it briefly. I hope that all the members of the committee have had an opportunity to look at it. I hope the public has had an opportunity to look at it. And I'm going to talk generally about redistricting

and where we're headed. So, members and for the public, the state received the apportionment count from the 2020 census on April 26. This is only a statewide count and this is not a population data that we need to begin the process. The census bureau has indicated that it will release a legacy format of the redistricting data by August 16. You can anticipate that a couple of weeks or so after the receipt of that data, we will have a meeting and that's my plan. After we get that information, we're going to call a meeting. Here at the capital, we will discuss the data and mal-apportionment. That meeting will kick off the redistricting road show. We anticipate having hearings in each metropolitan area in regions of the state and we will evaluate the need for additional hearings in other areas of the state after we analyze the data. Our joint redistricting website is now up and we will be adding more content and functionality in the coming weeks. The website is R-E-D-I-S-T, redist.legis.la.gov. That is the website. So, redist, R-E-D-I-S-T-dot legis, L-E-G-I-S-dot-L-A-dot gov. That is our redistricting website. HCR90 is a proposed joint rule to establish minimum criteria for consideration of redistricting plans by the legislature. During previous redistricting

1 cycles, the governmental affairs committees of each
2 house and senate established their own separate
3 criteria. Since these redistricting plans or bills
4 that must go through the entire committee and floor
5 proceedings in each house of the legislature and are
6 subject to amendment at each stage, are working group
7 determined that would be the best to approach this as
8 a joint rule to have the same criteria applicable
9 throughout the process. So, having the same rules
10 with both the house and the senate since we're both
11 going to have to debate these bills, we felt was very
12 important.
13 [01:15:04]
14 You all have a copy of what the committees
15 adapted last cycle and that formed the basis for
16 HCR90. As you all know, HCR90 was introduced last
17 week and was held a week, so that we could review it
18 and receive testimony. This is what HCR90 does.
19 Rather it says that all redistricting plans must meet
20 the following criteria. Compliance with the equal
21 protection clause of the 14th Amendment and the 15th
22 Amendment of the US Constitution, Section 2 of the
23 Voting Rights Act of 1965 as amended in all other
24 applicable federal and state law. Each district shall
25 be composed of contiguous geography to the extent

1 practicable each district within a plan shall contain
2 whole election precinct as those who represented in
3 the voting districts. In the most recent census
4 redistricting, tiger, lion, sheep files for
5 Louisiana, which correspondence to the PL 94-171 data
6 release by the US Bureau of the Census for the decade
7 in which the redistricting is to occur or if the
8 redistricting plan is submitted after the year in
9 which the legislature is required by Article 3,
10 Subsection 6 of the Constitution of Louisiana to
11 reapportion. Then to the extent practicable, the
12 redistricting plans submitted for consideration shall
13 contain whole election precincts as those are
14 represented in the VTDs as validated through the data
15 verification program of the house and senate in the
16 most recent shaped files that are made available on
17 the website of the legislature. In the event that the
18 VTD must be divided, it shall be divided into as few
19 districts as practicable using visible census
20 tabulation boundary or boundaries. All redistricting
21 plans shall respect the recognized political
22 boundaries and natural geography of the state to the
23 extent practicable. In the most recent PL 94-171 data
24 released by the United States Bureau of the Census as
25 validated through the data verification program, the

house and senate shall be the population data used to establish and for evaluation of proposed redistricting plans. Each redistricting plan submitted by the public shall be submitted electronically in a, delaminated block equivalency file. Delaminated.

FEMALE: Delaminated.

CHAIRMAN JOHN STEFANSKI: You know, some of these words catch me. That one catches me. You all can clarify later. In addition, redistricting plans for the house, senate, supreme court, PSC and BESE shall meet the following criteria. Single member districts, districts that are substantially equal in population. Therefore, under no circumstances shall any plan be considered that the plan has an absolute deviation population with exceeds, plus or minus 5% of the ideal district population. A whole plan which assigns all of the geography of the state and due consideration given to traditional district alignments to the extent practicable. In addition, redistricting plans for congress shall meet the following criteria. Single member districts, each district shall have a population as nearly equal to the ideal district population as practicable and be a whole plan, which assigns all of the geography of the

state. And so, I read all that long stuff to give you an overview of where we currently sit, where we're going and an overview of what are proposed joint rules would do. So, with that said, I'm going to put the Vice Chair in the seat. I'm going to go sit at the table and happy to answer any questions from members that have them.

VICE CHAIRMAN ROYCE DUPLESSIS: Thank you, Mr. Chairman. Thank you for your leadership on this matter. This is going to be obviously the biggest initiative we undertake over the next several months. So, just want to thank you for beginning to get us on course and setting the framework. Let me just read these cards and then we'll go to questions from the committee. We do have present, and would like to speak Robert Travis Scott, Public Affairs Research Counsel. Present would like to speak, Peter Robins Brown with Louisiana Progress Action. Present would like to speak in support, Melissa Flournoy, Louisiana Progress Action. Before we get to the cards, I'm going to acknowledge Judge Carter.

REPRESENTATIVE CARTER: Okay. Thank you, acting chairman. Mr. Chairman, let me ask you this. Why is it not in the resolution? The Supreme Court rulings?

[01:20:02]

CHAIRMAN JOHN STEFANSKI: Why is it not in the resolution?

REPRESENTATIVE CARTER: You say that the plan would include, taking consideration the Constitution, the Civil Rights Act section, the Voting Rights Act Section 2 and Section 2 of the Voting Rights Act, the Fifteenth Amendment, Fourteenth Amendment. What about United States Supreme Court jurisprudence?

CHAIRMAN JOHN STEFANSKI: What I tell you that this is a working document, Representative. This is something that we had a working group sit down together, we came up with these and this is open to amendments. This is open to suggestions and this really is. It's a working document for both this body and the Senate that hopefully we can operate under the same rules. So, I'll tell you to specifically answer your question, it wasn't something that the working group decided to put in, but it is something that we can change. This isn't set in stone. What our goal is again, as you can see, there was a handout which is the rules that we're operating under last time. We took that as a starting point and we said let's mold this to where both sides have it so what I would tell you, Representative, if you have a suggestion of something that should be added in,

let's vet that. Let's discuss it as a committee and go forward and talk about that. So, what's your suggestion on -- I know I'm not the question asker but that's what I would pose.

REPRESENTATIVE CARTER: I suggest that we include United States Supreme Court's holdings. That's really relevant in this area. That's a lot of Supreme Court jurisprudence only.

CHAIRMAN JOHN STEFANSKI: Only jurisprudence. I wouldn't disagree with you.

REPRESENTATIVE CARTER: Especially judicial. All district but especially the districts. So, we can make an amendment to include United States Supreme Court final judgments basically.

CHAIRMAN JOHN STEFANSKI: With regard to our Supreme Court.

REPRESENTATIVE CARTER: United States Supreme Court.

CHAIRMAN JOHN STEFANSKI: So, your suggestion is that we add language regarding United States Supreme Court Holding for the drawing of our judicial districts.

REPRESENTATIVE CARTER: Yeah.

CHAIRMAN JOHN STEFANSKI: Okay.

REPRESENTATIVE CARTER: We could include judicial districts as well as any other district that United States Supreme case may give us guidance or direction. Its basis is the law until it's changed.

CHAIRMAN JOHN STEFANSKI: Noted. There's an amendment you would like to work on and we can discuss and we can ask Ms. Lowrey for her input on some of that stuff.

REPRESENTATIVE CARTER: I'd give it to Ms. Lowrey.

CHAIRMAN JOHN STEFANSKI: Okay.

REPRESENTATIVE CARTER: The other thing is I noticed one time, the House has Supreme Court District had to be equal and the Senate has the Court of Appeals but it doesn't say it has to be equal. It seemed that the Senate has taken out the courts in this equal effort.

CHAIRMAN JOHN STEFANSKI: You're talking about the rules that were in place last time?

REPRESENTATIVE CARTER: Yeah. The rules that you are proposing. How does it deal with that?

CHAIRMAN JOHN STEFANSKI: It says, I believe, substantially equal.

REPRESENTATIVE CARTER: The Court of Appeals or just the Supreme Court?

CHAIRMAN JOHN STEFANSKI: We don't speak -- I don't think we directly talk about the Court of Appeals. Only the Supreme Court.

REPRESENTATIVE CARTER: Well, I thought I saw something about the Court of Appeals.

CHAIRMAN JOHN STEFANSKI: I think that might have been in the old rules.

REPRESENTATIVE CARTER: Okay. Okay.

VICE CHAIRMAN ROYCE DUPLESSIS: Ms. Lowrey is going to speak to that.

MS. PATRICIA LOWREY-DUFOUR: Representative Carter, you might have been referring to the comparison document from last cycle. The House of Representatives did not have any reference to the Court of Appeal, but the Senate rules did. But they're not specifically mentioned within HCR 90.

REPRESENTATIVE CARTER: While we all mentioned the Supreme Court in the proposed rules to be equal, you recognize that this is contrary to the United States Supreme Court holding in Wells v. Edwards in 74th and says that judicial districts are not representative of people and they not under the one man, one vote so they don't have to be equal. So, why are we making them equal in the resolution?

1 CHAIRMAN JOHN STEFANSKI: Well, I would tell you
2 that -- yeah, look, I think, obviously our laws,
3 okay, in holdings of courts that have established
4 these precedents are there and we have to operate
5 with that knowledge. These are minimum criteria.
6 These are our starting point, our guide and what I
7 would tell you is that if I'm sitting down to draw
8 districts, I'm going to try to draw them equal. Now,
9 does the law say I have to do that? You're right. It
10 may not mandate that that happens in the case of the
11 Supreme Court, but I think from a starting point,
12 looking at jury drawing these maps, you start from a
13 position of, in my opinion, of let's draw them as
14 equal population as you can. I think again, on your
15 argument is, is that what the law of mandates that
16 you do?
17 [01:25:03]
18 You're right. It doesn't, but from a working
19 group which is how we establish these criteria
20 sitting down and trying to come up with our
21 principles, that was something that we saw and "Hey,
22 look, as a starting point, let's start off trying to
23 draw them as equal as possible." So, I don't see this
24 as a mandate. The law is going to guide us in that
25 way but I do see it as a starting point.

REPRESENTATIVE CARTER: Okay. So, this resolution is saying we are adopting a procedure to redistrict.

CHAIRMAN JOHN STEFANSKI: Correct.

REPRESENTATIVE CARTER: To our redistrict work and which would include of course the House, the Senate, the Congress and the Supreme Court and so, but it does not reference the Court of Appeals or the District Court intentionally so we're only talking about the possibility of equal districts and single-member districts and the Supreme Court but I was concerned that other places in this resolution that talks about single-member district. It's an emphasis on single-member districts. And as you know, are we taking out District Courts and Court of Appeals courts as single-member districts?

CHAIRMAN JOHN STEFANSKI: Well -- it's something that the group -- again, I'll go back to it. It's something that the group decided. We didn't want to mention those specifically. We decided not to do that, and look, I will tell you that the -- you brought up Supreme Court, that's where your line of questions have been. I've had other members talk to me about that and that's something we can -- again, I'm open to amendments on this. I think it's a working document. If you think there's some changes

1 that could be made to make this better, let's have
2 that conversation.
3 REPRESENTATIVE CARTER: That's what I have been
4 doing to change this when we're going to vote on
5 something that they sometimes --
6 CHAIRMAN JOHN STEFANSKI: Well, that's why I
7 introduced it last week and held it over for a week
8 so that we can have this conversation. And now, we
9 are here a week later and so, I mean look, Judge, you
10 know me. I'm willing to work with you. The Supreme
11 Court is not something that you alone have brought
12 up. It's been brought up by a couple other members.
13 If we decide that we want to change that, let's do
14 it. I'm fine with that. I'm not married to anything
15 in particular.
16 VICE CHAIRMAN ROYCE DUPLESSIS: I'll say this,
17 this is something that I've looked at and even had a
18 conversation with the Chairman about specifically
19 because when the bill came up, the Supreme Court bill
20 in this committee, there was language added that
21 spoke to that that had that language stayed on. It
22 would have been directly contrary to the resolution
23 so I did have a draft amendment just in the event the
24 committee wants to go in that direction because I
25 don't think it would make a lot of sense for us to

adopt this instrument and then have another proposed Constitutional amendment flowing through the legislature that could be in direct conflict with an instrument that we are proposing. So, it may be safe -- this is just a -- it maybe a safe bet for us just to -- for now take Supreme Court out. That would be my suggestion. Whether we want to do it now with committee or before the bill makes its way to the floor because we have two potentially competing instruments out there and even though this would just be a guiding document, it still has some validity. I mean, it's going to guide us and if that's the will of the committee, the will the body, we don't want to -- Supreme Court listed, we can do that.

REPRESENTATIVE CARTER: My other question was -- and thank you. That has a whole lot -- that information, but my other question is, why we don't have anything in the language in the resolution that refer to the population demographic, racial demographics of the state? When we look at the district -- all right, so, we got 105 House seats. We got 39 Senate seats, okay? And I have [INDISCERNIBLE 01:28:47] Board seats and in this present, and even the Supreme Court, why we have some language in here that when preparing looking at redistricting, we take

1 into consideration the racial demographics of the
2 state population.
3 CHAIRMAN JOHN STEFANSKI: I will tell you again,
4 as a working group, we sat down, we looked at the
5 rules that were here 10 years ago. We used that as a
6 guiding point, but we adopted -- as you can see, we
7 adopted most of the same things that was 19 years ago
8 and I would point to Section B, and it speaks to the
9 Equal Protection Clause and the Voting Rights Act and
10 I think that -- I don't think we're doing anything in
11 here that is unprecedented and that hasn't been what
12 this body has done before and I would point to
13 Subsection B to address your concerns. But now, if
14 you think something else needs to be in there, again,
15 propose an amendment. Let's have that discussion.
16 This is a working document.
17 REPRESENTATIVE CARTER: Because Section 2 of the
18 Voting Rights Act is a little bit different from what
19 I'm talking about but it does have some protection
20 safeguard but I agree with you. We can prepare an
21 amendment maybe we can present and to deal with that
22 issue.
23 CHAIRMAN JOHN STEFANSKI: I'm open to have that
24 discussion. Absolutely.
25 [01:30:00]

REPRESENTATIVE CARTER: That's all I have.

VICE CHAIRMAN ROYCE DUPLESSIS: Thank you, Judge Carter. Representative Horton.

REPRESENTATIVE HORTON: Thank you, Mr. Vice Chair. Thank you, Chairman. In this resolution, the language is already current law, is that correct?

CHAIRMAN JOHN STEFANSKI: Well, what do you mean by current law? What we're doing is a little different.

REPRESENTATIVE HORTON: Guidelines are based on law.

CHAIRMAN JOHN STEFANSKI: Ms. Lowrey, speak to what we're doing here and what it's -- because this is a little bit different than what they did 10 years ago, okay?

MS. PATRICIA LOWREY-DUFOUR: Members, clearly, the provisions of the Equal Protection Clause, the Fourteenth and Fifteenth Amendment, Section 2 of the Voting Rights Act and other federal and state laws, those are clearly present law, both federal and state. What is not, right, is the contiguity requirement so that you're going to see that in Paragraph C. We also have requirements that for statewide plans, you have to submit a statewide plan. You may recall that in our redistricting 101s, we

1 talked about how easy it is to draw a perfect
2 district. It's much harder to draw 105 perfect
3 districts. So, if it's a statewide plan, we're asking
4 that if you're going to submit an alternative that it
5 be a statewide plan, that all the geography be
6 assigned because again, every piece of geography and
7 every person in the State of Louisiana needs to be in
8 a district. So, those are some things that are not
9 explicitly required by law that if you adopt this
10 resolution would be required of plan submissions. The
11 provisions about the population, that does reflect
12 jurisprudence and again, and I think you see a letter
13 in your packet and as you know, during our
14 redistricting 101s discussions, we talked about the
15 fact that the plus or minus five for other districts
16 that are not congressional districts is not a safe
17 harbor. That the state must have a very good valid
18 reason for deviations. So again, there are things in
19 here that are certainly required by law that are
20 already covered by law but the thought of the working
21 group was to have it all in one document so that
22 somebody and particularly members of the public could
23 go to and say, this is what the minimum requirements
24 that you all expect to see for a plan that's being
25 submitted.

REPRESENTATIVE HORTON: Can I have one more question?

MS. PATRICIA LOWREY-DUFOUR: Yes, ma'am.

REPRESENTATIVE HORTON: Thank you. Mr. Chairman, in this HCR is a guideline. It doesn't carry the weight of law, is that correct?

CHAIRMAN JOHN STEFANSKI: Well, I mean, yes. This is our minimum criteria. So, these are --

REPRESENTATIVE HORTON: So, it's going to be fluid?

CHAIRMAN JOHN STEFANSKI: We have plans that are submitted by the public like Ms. Lowrey talked about. These are what we expect to see in those plans but it is -- this is where we're going to start. Obviously, the laws, the various laws that Ms. Lowrey talked about are -- those are our absolutes. Here's -- what we're trying to do with this is as a body, here is what we expect. I think that's really the intent of this concurrent resolution both in the House and the Senate to try to have those as the same. Here's where our starting point is and here's what we expect to see, but the laws and the numbers at the end of the day are what guides the process.

REPRESENTATIVE HORTON: That's right. Our data will guide to -- I appreciate that. Thank you for

your explanation. Thank you. Thank you, Mr. Vice Chair.

VICE CHAIRMAN ROYCE DUPLESSIS: Thank you, Rep. Horton. Representative Jenkins.

REPRESENTATIVE JENKINS: Once again, thank you, Mr. Chairman, and the working group that's been working on these guidelines. I want to go back to and I don't know we're going to -- if it's the intent to take it up to date, the Supreme Court issue. If that -- if we actually go back and take out here on Page 1, Line 19, if you actually take out Supreme Court, so what would be the net effect of that? Where would we go back and put in -- I mean, the Supreme Court is going to have to be subject to redistricting.

CHAIRMAN JOHN STEFANSKI: You could be quiet on it. You could create its own section outside of some of the other requirements that we've done. I mean, there's a multitude of things. You don't have to mention it. If we don't -- if this committee doesn't want to or you can put it in its own section, we discussed -- the Vice Chair and I discussed a couple of these options and I'm open to whatever the committee wants to do.

REPRESENTATIVE JENKINS: All right.

MS. PATRICIA LOWREY-DUFOUR: And members, I would just urge because the Supreme Court is statewide that you at least have the minimum requirements that all the geography of the state be assigned which would require the Supreme Court being in a separate section itself with at least that requirement.

[01:35:03]

And whether or not you all wanted to require single-member districts or not. That would be completely up to you all but that is just a point being that we would need to have plans that assign to all the geography of the state if someone was going to submit.

VICE CHAIRMAN ROYCE DUPLESSIS: And look, as we could take up some of the testimony, if you all want to sit down and talk about that, I'm happy to do that.

CHAIRMAN JOHN STEFANSKI: Sounds good.

REPRESENTATIVE JENKINS: Mr. Vice Chairman, I did have -- and Mr. Chairman, I had another amendment I wanted to discuss here on Page 3. Look at that Line 3, are redistricting plans expect to recognize political boundaries and natural geography of the state to the extent practical. I wanted to expand upon that a little bit more. I think I may have given

Ms. Lowrey some information to look at. We asked somebody's discussions and I think you know I'm a bit preponderant of the so-called community of interest maintaining that so I had an amendment I wanted us to maybe look at hearing committee to see if that expands. Just that language just political boundaries by itself may need to be further explained out. Do you have it there?

CHAIRMAN JOHN STEFANSKI: Again, that's -- I don't have any opposition to that. If that's the will of this committee and we think that's important, that's fine with me.

REPRESENTATIVE JENKINS: Wait, the amendment that I'm trying to propose is going to take away and I thank you. Just expands and probably clarifies what we're talking about when we say political subdivisions and community of interest. Do you have that?

MS. PATRICIA LOWREY-DUFOUR: For clarity, is it just Amendment No. 1 or you wanted to consider Amendments No. 1 and 2 and you're set.

REPRESENTATIVE JENKINS: I think they go together, 1 and 2.

MS. PATRICIA LOWREY-DUFOUR: So, members, Representative Jenkins offers up 3498. It is being

1 passed out to you now. It should be available online.
2 On Page 3, Line 3, what it would do would be change
3 recognized political boundaries to establish
4 boundaries of parishes, municipalities and other
5 political subdivisions. And then on Page 3, at the
6 end of Line 4, after the to the extent practical, it
7 would insert however, this criterion is subordinate
8 to and shall not be used to undermine maintenance of
9 communities of interest within the same district.
10 REPRESENTATIVE JENKINS: I know I explained --
11 CHAIRMAN JOHN STEFANSKI: If you don't mind, talk
12 to me about the intent of the second in that specific
13 language.
14 REPRESENTATIVE JENKINS: Basically, what happens
15 sometimes when we do the lines, you could have people
16 directly across the street from one another with
17 different representation although they all go to the
18 same schools, same churches, they share the same
19 interest for the upkeep of their community, different
20 things like that. And I'm just saying to the extent
21 that we can recognize that also as part of the
22 geographical boundaries that are involved, I just
23 think that it would be a good idea that we try to
24 keep that in mind. So, like I said, I don't think it
25 really takes away from anything we're trying to do. I

just think it further clarifies that we are trying to make sure that we have districts, but we also have district that may not just divide up communities unnecessarily.

CHAIRMAN JOHN STEFANSKI: Yeah, and I don't disagree with that. My suggestion to the committee would be maybe though, I mean, to track that to the extent practical language just to make sure that this doesn't -- I don't -- reading that sentence alone in and of itself, you don't want -- in my opinion, I wouldn't want it to supersede something else. I would want it to continue to track that language of to the extent possible. That's just my suggestion.

REPRESENTATIVE JENKINS: Can we add that to it? Can we add that language to it and --

MS. PATRICIA LOWREY-DUFOUR: So, members, in the amendment set, and Amendment No. 2, the sentence would read however, this criterion is subordinate to and shall not be used to undermine the maintenance of communities of interest within the same district to the extent practicable.

CHAIRMAN JOHN STEFANSKI: I have no problem with that. If the body wants to do that, I'm happy to do that.

VICE CHAIRMAN ROYCE DUPLESSIS: So, will that constitute a motion for an amendment?

REPRESENTATIVE JENKINS: Yeah. [INDISCERNIBLE 01:39:27] with that amendment.

VICE CHAIRMAN ROYCE DUPLESSIS: Okay, we have an amendment offered by Representative Jenkins. Do you need it to be reread or -- okay. We have a motion by Representative Jenkins to adopt the two amendments just to -- well, the one amendment discussed by -- Ms. Lowrey, do we have any objection? Hearing none? The amendment is adopted. Any further questions, Representative Jenkins? All points you would like to make?

REPRESENTATIVE JENKINS: No. Thank you.

VICE CHAIRMAN ROYCE DUPLESSIS: All right.

REPRESENTATIVE JENKINS: Thank you.

VICE CHAIRMAN ROYCE DUPLESSIS: Representative Thomas.

[01:40:00]

REPRESENTATIVE THOMAS: Thank you, Mr. Vice Chair. I would like to return to the discussion about the Supreme Court.

VICE CHAIRMAN ROYCE DUPLESSIS: Okay.

REPRESENTATIVE THOMAS: If I understand correctly, there is a proposition for an amendment to

1 our Constitution to expand the Supreme Court, is that
2 correct?
3 CHAIRMAN JOHN STEFANSKI: Currently awaiting
4 house floor debate.
5 REPRESENTATIVE THOMAS: Okay. So, it's really
6 very early in its progression to become a law.
7 CHAIRMAN JOHN STEFANSKI: To become a law, yeah,
8 but in the body, I think it's pretty far in the
9 progression. It's passed the Senate Committee, Senate
10 Floor, both House Committees, House Floor and also --
11 REPRESENTATIVE THOMAS: Okay, but it still has a
12 little bit to travel.
13 CHAIRMAN JOHN STEFANSKI: Got a long way to go
14 before it becomes a law. Correct.
15 REPRESENTATIVE THOMAS: And help me with this
16 date, we're going to vote on that as a body. Given
17 that it passes or let's assume that it passes and
18 that the governor signs it, the public would vote on
19 that in November of 2022, is that right?
20 CHAIRMAN JOHN STEFANSKI: Should the other
21 instrument which calls for a special election to have
22 that because we don't have a statewide election in
23 this calendar year so that other proposition would
24 have to pass as well in order to call that special
25 election.

REPRESENTATIVE THOMAS: Okay. So, we have two ifs.

VICE CHAIRMAN ROYCE DUPLESSIS: Two ifs.

REPRESENTATIVE THOMAS: Okay. So, I'm -- in listening to the discussion, I think we really should consider the Supreme Court in our redistricting because we don't know whether or not that's going to occur and I think we should play the hand that we are dealt right now. Thank you, Mr. Chairman.

CHAIRMAN JOHN STEFANSKI: Sure. And I think it's important we at least talk about the Supreme Court. I do. I think even if it's just the bare minimum standards of it, it has to fit within the state. I still think we need to talk about it. If we don't want it with that substantially equal population, I understand that and if the committee doesn't want that, that's fine, but I do think it needs -- it warrants its discussion in the resolution.

VICE CHAIRMAN ROYCE DUPLESSIS: Yeah, and I'll just follow up on that in agreement that it does. The point that I just wanted to emphasize is that there would be conflicting -- potentially conflicting language because we still don't know what the proposed Constitutional Amendment will look like because it hasn't been voted on by the body. It has

already had Amendments added to it so the only provision that I think I wanted to refer to as it related to the Supreme Court was the piece we discussed around the one man, one vote. But I don't think it would be inappropriate at all to mention and discuss the Supreme Court because we are going to be taking that up.

CHAIRMAN JOHN STEFANSKI: And not to get too off topic but I mean that -- so, if that Constitutional level would pass, that would be placed. Their specific language placed into our Constitution which would say how the districts have to be drawn and so, I mean, that would -- this is just a resolution. That would be law that would supersede this. So, just to make that comment.

VICE CHAIRMAN ROYCE DUPLESSIS: All right. The Board is actually clear. We have some cards. Robert Travis Scott, present. Would like to speak Public Affairs Research Council.

ROBERT TRAVIS SCOTT: Good morning, everybody. Robert Travis Scott, the president of the Public Affairs Research Council of Louisiana. And by the way, the organization that did the redistricting after the 1970 census for the House and Senate Seats of Louisiana. That was because the legislature back

at that time refused to go along with the one man, one vote idea and the Federal Courts got involved and they asked PAR to come in and redo the lines. And everyone was angry at PAR who was an incumbent and then all the new people were very happy with PAR after the district lines were made. But I just want to say thank you to the committee and to Chairman Stefanski for pushing this through. This is a good start. This is a good idea. He left it for a whole week for people to talk -- to think about. He brought it back. This is how a good transparent process begins and you've got a website. We're very enthused to hear that as well. Those are really good steps forward. I don't think there was anyone on this committee who was here in 2011. I think you have about eight brand new members. I think Representative Ivey and Horton, right? Were you here? No, I mean, this is your third terms, right? So, you all are the long -

[01:45:01]

REPRESENTATIVE HORTON: Second term.

ROBERT TRAVIS SCOTT: Just second term. Okay. Let's try the long-termers who are here. Hodges. That's right. The most important thing that I really want to get across today is that we really want a

1 transparent process and I know that transparency is
2 not as exciting as talking about racial and partisan
3 gerrymandering, but I think that's what really
4 underlies a good system and to some extent, here I'll
5 talk about the rules that you have and also talk a
6 little bit about the processes you're using and try
7 to point out some things that were done. I think,
8 right last time when many of you didn't see what was
9 done, that was right but I want to emphasize that and
10 some of those things might not be things you want to
11 make rules but they're very important to the process.
12 I will be glad to show you this bill from Pepe Bruno
13 in 2001. This was Act No. 3 which established the
14 House of Representatives Districts and it was done
15 right after the 9/11. There was a poll over the whole
16 country. There was not much attention paid to the
17 redistricting process that was taking place here in
18 the State Capitol. It was very much an incumbent
19 driven process and all the legislators who just asked
20 to come to present their best shot at it. And so,
21 what you have here and I'll be glad to pass around if
22 somebody wants to see it, is a bill that puts it all
23 together and as you can see, as you flip through, it
24 is just a bunch of letters and numbers. That's what
25 you see. That's the redistricting bill for the House.

1 And when you made an Amendment back then, it looked
2 like this and it was a bunch of letters and numbers.
3 And that's what you got and that's what the public
4 had to follow and that's what the media had to
5 follow. Then you came along last time and things were
6 quite different. This is the same bill by House
7 Speaker Tucker redistricting the House Seats. It's
8 actually the body of the bills about the same size as
9 the one we had in 2001. And again, it's a bunch of
10 letters and there's a bunch of numbers, but guess
11 what? It also included maps. It also included vast
12 breakdowns of -- with the population is of each of
13 the district, what the voting population is in the
14 district, what the regular voting population is in
15 each of the districts and so on and so forth. And
16 when there was an Amendment made, and this is a key
17 point I want to make to the committee today, when
18 Amendment was made to this bill, it was a bunch of
19 letters and numbers but they included some
20 breakdowns. They included some splits and they
21 included maps of the things that were affected by the
22 amendment. So, if you are trying to follow this
23 process in 2001, you are lost unless you knew what
24 all those precincts were and what was going on. If
25 you tried to follow the process in 2011, we did a

1 giant step forward in transparency and not only did
2 the bills come with maps, but the Amendments came
3 with maps. So, I don't know whether that's process or
4 rule. I think it's probably more process than rule.
5 But I hope you continue to do that and I don't think
6 that doesn't necessarily mean every single Amendment
7 has to have a map but I think for -- generally
8 speaking, I hope that you'll adopt that practice. I
9 think the other way you can help show transparency is
10 talk about it as you go through. And now this may
11 drive Chairman Stefanski crazy for me to say this,
12 but it helps when members explain their voting
13 preferences. When you're voting on something, when an
14 Amendment comes up, or something's coming up, you're
15 talking about, talk about your voting preferences.
16 Talk it through, talk out loud. It's a really good
17 practice to do and it really helps go along with the
18 record, okay? You're going to end up with a lot of
19 competing values and this point really goes to
20 something that Representative Jenkins just addressed.
21 First of all, you've got to be in compliance. You've
22 got to be in compliance with the law and the Court
23 Guidance and those are the most important. Those are
24 going to make the biggest difference. And the House
25 Resolution in front of you is rather minimalist in

that approach. It just basically takes some of the key parts of the law that you're going to have to do pretty much any way and it puts it into the House Rules. You're also going to be looking at things that are contiguous, right?

[01:50:00]

And you may look at something called continuity which you start to establish all of these values as you start to do redistricting. You want them to be equal size, one man, one vote. You want it to be contiguous. You want them to be -- have maybe some continuity of some kind. Does that mean geographic continuity? Does that mean keeping the incumbents in? There's an argument for not making an incumbent make process. There is an argument for incumbency and seniority and for people who like their representative want to keep them, you can argue that both ways. But these are sets of values that pass down that you're going to be facing as you go along. And one of the really critical ones is going to be this idea that Representative Jenkins brought up called communities of common interest. And when you go out on the road and you're talking to people in their communities and they're gathering together, what they want to tell you the feedback they're going

1 to give you, this community is a common interest is
2 going to come up frequently and you're going to
3 wonder in your own heads, where does this fit in the
4 hierarchy? What I'm supposed to be thinking about my
5 values and redistricting? There are going to be some
6 communities that are going to say -- Representative
7 Jenkins, I want to stay whole in my community. We
8 define what our community is. We are here to tell you
9 what our community is. Please keep us with one
10 representative and one senator. Then you're going to
11 find some communities who really kind of like the
12 idea of having more senators and more representatives
13 and kind of dividing up their community because they
14 think they have more clout that way. And then you
15 have others who don't like that because they say,
16 well, I want the full attention of a representative
17 or a senator in my legislature. I don't want to be
18 just an appendage of their interest. So, those are
19 the kinds of things you're going to face and this is
20 a really important Amendment that Representative
21 Jenkins just made and it forces you to really think
22 and think ahead about the types of values and things
23 that you're going to be facing when you actually go
24 through this process. These are good legitimate
25 things to be talking about and if there was one thing

I was going to say, I was going to tweak, it probably would have been that particular section that Representative Jenkins decided to amend. Then there's the issue of value of fairness and I have a feeling there's a lot of people who are going to come after me at this table. They're going to talk to you about fairness, okay? Only first say that geography is not fair. You're going to be getting out there and realizing that geography is going to play a really big rule for you as you go through. You've got boundaries. When you have a bio, does a bio unite a community or does the bio become something that divides a community? And if you run out of room, once you get to a big reserve area, do you jump over to grab more people? Where do you go? And so, geography is going to be fair. And that's going to be one of the things you're going to be dealing with, too. And there's going to be a lot of discussion about making districts competitive, okay? This is another set of values. See, we're going through all these different values, compliance with the laws, contiguity, one man, one vote, communities of interest, continuity, incumbency, fairness. Now, we're getting to an issue of competitiveness. How do you fit in that value with everything else that you're already doing? I'm going

to posit that that's not going to be that easy and I would be careful. If you set out to make competitiveness in a district however you want to define that, if you set out to define, let's say that's your highest priority, you may have to really gerrymander and pass over all these other values to do that. If you set out to make a district uncompetitive and go after that as your goal, you might have to gerrymander the heck out of this thing and trump all of these other values we're talking about here. So, I just raised a concern about competitiveness. I would urge you all if you have a chance between now and redistricting time to read the Supreme Court case Rucho v. Common Cause and that is a big Supreme Court case where they brought the issue of political gerrymandering to the Supreme Court and you're going to find in there anything you want the waiver argument if you look at the majority opinion, you look at the dissenting opinion. They've got some great, eloquent, persuasive arguments on both sides of this, but what prevailed is that they basically said it's not justiciable to try to do -- stop political gerrymandering or political reasons and partisanship for how you're going to draw districts.

[01:55:03]

1 That was the basic conclusion of it and I'll just
2 read you, if you don't mind, just one quick section
3 of this that I think was very important and speaks to
4 what you're going to be facing in this process and
5 also speaks a little bit to the kind of rules and
6 process and values that you're facing. And this was
7 from the majority opinion, which of course was very
8 controversial but I happen to think it made a lot of
9 sense. Partisan gerrymandering claims rest on an
10 instinct that groups with a certain level of
11 political support should enjoy a commensurate level
12 of political power and influence. Such claims
13 invariably sound in a desire for proportional
14 representation but the Constitution does not require
15 proportional representation and Federal Courts are
16 neither equipped nor authorized to a portion
17 political power as a matter of fairness. It is not
18 even clear what fairness looks like in this context.
19 It may mean achieving a greater number of competitive
20 districts by undoing packing and cracking so that the
21 supporters of the disadvantaged party have a better
22 shot at electing their preferred candidates but it
23 could mean engaging in cracking and packing to ensure
24 each party its appropriate share of state seats or
25 perhaps it should be measured by adherence to

traditional districting criteria. Deciding among these different visions of fairness poses basic questions that are political, not legal. There are no legal standards discernible in the Constitution for making such judgments and it is only after determining how to define fairness, how to define fairness that one can begin to answer the determinant question, how much is too much? So, thank you for bearing with me reading that, but I think that is the most recent Supreme Court decision looking at political or partisan gerrymandering as we call it. And it is something that I think you can go and I could read just as eloquent of passage from the dissenting views and I think you would be inspired by everything you read but it's a great case. I encourage you to read it before the process begins.

VICE CHAIRMAN ROYCE DUPLESSIS: Mr. Scott, before you continue, do you have much more?

ROBERT TRAVIS SCOTT: I'm almost done.

VICE CHAIRMAN ROYCE DUPLESSIS: Representative Horton -- I'm enjoying it, I really am. But I know Representative Horton has had her button pushed for some time now. I want to acknowledge her but I want you to --

ROBERT TRAVIS SCOTT: I'm going to wrap it up and I'll be glad to answer questions. Representative Horton.

VICE CHAIRMAN ROYCE DUPLESSIS: Yes, sir. Thank you.

ROBERT TRAVIS SCOTT: I think you also get to an issue of if you're going to start looking at efficacy gaps and things like that, you're going to look at all these different mathematical formulas about how you should proceed and how your rulemaking should go. You're going to immediately run into some problems in Louisiana because you've got a lot of registered Democrats, more registered Democrats than Republicans and yet in national elections, we vote very heavily in Republican. On November 3 and in the presidential election, we had 874,000 Democrats casting votes in that election and 817,000 Republicans. But we know what the outcome of that vote was in Louisiana. It was very heavily in favor of the presidential candidate of the Republican party. There were also 477,000 others in there. That's a huge number. That is a really big piece of the pies. These others. I'm another. I'm a registered Independent and when you look at these mathematical formulas, too often, they don't take into consideration the so-called others.

So, in what election are you going to base it on if you're going to start to do these mathematical formulas? Are you going to base it on a presidential election like that? And who the Democrats and the Republicans were going into the election? Or you're going to base it on how many people voted for Trump versus voted for Biden? Or you're going to go to the election for state offices and say, how many people voted for John Bel Edwards versus Eddie Rispone? What elections are you going to base it on? How are you going to figure out that formula with what type of base? So, if you did take that on, that would be something that you really have to ponder and figure out and I haven't been able to figure that out. So, people vote in Congressional Presidential Elections, not necessarily the way they vote in State Legislative and Governor races. So, you're going to get one other little point I'll mention that you're going to run into this time around that they didn't run into last time around, is we have this thing called early voting and it's getting really popular, okay? And not just because of the pandemic. It was popular before the pandemic. And so, what happens in the reporting of this is that if you want to know how

many early voters there were in a parish, you can get that information from the Secretary of State.

[02:00:04]

If you want to know how many early voters there were in a precinct, at least what we've seen in the past they're pulling that out so you don't see that. So, if trying to get down to that fine grain detail in your districts where you're trying to figure out who in your precinct -- how they voted, you're going to have a large number of early voters that are removed from the precinct regime and that number is getting pretty big. Now, there are people who can go in and do formulas and sort of do estimates to figure out how to get around that to give you an answer, okay. But this is something that I would encourage you to bring the Secretary of State to committee, ask them about because once you start digging into the numbers, the fine grain detail that they had in 2011 will be just a little bit tweaked and different when you go around this time. Unless recently, they've decided to change how they're going to report those numbers. So, I very much appreciate your time. If I had one message, transparency, keep doing what you did last time and build on that.

1 VICE CHAIRMAN ROYCE DUPLESSIS: Wonderful, we do
2 have a question, Representative Horton has got a
3 question.
4 REPRESENTATIVE HORTON: Thank you Mr. Chairman
5 just briefly. Thank you so much for this wonderful
6 testimony and information. In 2011, and when the
7 state submitted its plan, was it not accepted first
8 time by -- I think it was Attorney General [PH
9 02:01:34] Holden.
10 ROBERT TRAVIS SCOTT: That's right. It's a level
11 of complication that they had to deal with because
12 they had to get pre-clearance and it's not easy
13 because Justice Department guidance was sometimes
14 different from what the court guidance seemed to be.
15 So, it's not as easy a matter as it may seem trying
16 to walk through that maze of trying to get the right
17 plans.
18 REPRESENTATIVE HORTON: I appreciate you so much,
19 I Look forward to working with you in the future.
20 Thank you, Mr. Chairman.
21 VICE CHAIRMAN ROYCE DUPLESSIS: Than you
22 Representative Horton. For question, Representative
23 LaCombe.
24 REPRESENTATIVE LACOMBE: Could you provide the
25 citation to the -- because I want to read the case

that you mentioned but I need the citation, if you don't mind, just e-mail it to the committee so we all have it.

ROBERT TRAVIS SCOTT: Yeah, I'll be glad to pass it around but you got to give it back because it's got all my notes throughout the whole thing.

VICE CHAIRMAN ROYCE DUPLESSIS: You want to say it just on the record so that we have it memorialized.

ROBERT TRAVIS SCOTT: United States Rucho et al v. Common Cause decided June 27, 2019.

VICE CHAIRMAN ROYCE DUPLESSIS: Hold on. Representative LaCombe, are you good?

REPRESENTATIVE LACOMBE: Yeah.

VICE CHAIRMAN ROYCE DUPLESSIS: Okay, Representative Carter, I will put you on for that.

REPRESENTATIVE CARTER: I just needed the page number and the -- looking page number.

ROBERT TRAVIS SCOTT: Oh yeah, I'll you -- what I've read?

REPRESENTATIVE CARTER: No, not necessary what you read but the case cited in the US Report, what's this?

[BACKGROUND CONVERSATION]

ROBERT TRAVIS SCOTT: Now look to be absolutely clear, that court case is super controversial, right?

[OVERLAY]

VICE CHAIRMAN ROYCE DUPLESSIS: Ms. Lowery would like to provide some clarification on something. Hang on one second.

PATRICIA LOWERY: Members, I do want to point out that we -- and again in your Redistricting 101s, we did talk about the Rucha case. As well as in your books, that we gave you the Redistricting, the NCSL Redistricting Law Books, that cases summarized in there as well as the full case citation. So that is information that you all should have, and if you don't, please let us know, we're happy to make sure that you do have it. I also do want to clarify a point that he made and I do want to point out that the 2000 round of redistricting, we did provide maps. There were maps attached but unfortunately, if you weren't here in the building our capability of providing them online in a timely fashion was limited. But if you go to the 2001 Second Extraordinary Session and you look at House Bill by [PH 02:04:15] Mr. Burner that redistricted the House of Representatives. There are maps, you just have to look under the other tab.

ROBERT TRAVIS SCOTT: Ms. Lowery, my point was the Amendments.

PATRICIA LOWERY: We did have maps but we would not have provided just a list of precincts to the members. We actually did have maps attached, I promise. I was here and we had to do them.

ROBERT TRAVIS SCOTT: All right, I heard that is one of the complaints -- but I guess --- -

[OVERLAY]

PATRICIA LOWERY: But the availability to the public has greatly increased because our technology has greatly increased to be able to provide those online, but they were available. I just want to make that clear and that is a practice of the house for the past two decades at least.

VICE CHAIRMAN ROYCE DUPLESSIS: Thank you Ms. Lowery so much. Representative Jenkins for a question?

REPRESENTATIVE JENKINS: Yeah, I wanted to touch upon that. Put down my notes here about the maps.

[02:05:08]

And I don’t see in the resolution where we really recommend or suggest that I want to see if we can amend it, on page 1 with lines 15 to 16, which is Section C, say each redistricting plan submitted for

consideration shall provide that each district within the plan is composed of contiguous geography. At the end of that, I want to propose language that will say together with a proposed map of the plan.

ROBERT TRAVIS SCOTT: Represent Jenkins. If I might --

VICE CHAIRMAN ROYCE DUPLESSIS: Ms. Lowery is going to address that first.

PATRICIA LOWERY: Members, I do want to point out to you that the capability for members of the public to be able to provide maps as well as shapefiles are greatly limited. And if you add that, then that means every member of the public that wants to submit an alternative would have to include a map. I will tell you that what's proposed in this resolution was after discussions with our computer people, looking at all of the free software that is out there. Those softwares are able of producing those Comma-delimited files that show the block equivalency assigned to the districts. That format is something that we can import into our custom software to produce maps for you all. Just be aware that because this also applies to plans that people will submit, that the more you require to be submitted. The less capable members of

the public will be to submit alternatives. So, I would urge you to consider that in your amendments.

ROBERT TRAVIS SCOTT: All right. If I could comment to Representative Jenkins. I see a distinction between house rules that are sort of guiding you how you're going to draw the maps versus sort of rules or process of how you're going to conduct the process. It seems to me this resolution is really about, what are we going to do when we actually draw all these things? What are the rules guiding us? And then there's a different realm when you're talking about how are we going to communicate this? How we going to do the process once we do redraw the map? So I wasn't really encouraging us to add maps to the HCR90 but I did want to emphasize that someone is going to bring that up and that I think it's an important part of what we need to do.

REPRESENTATIVE JENKINS: I don't want to make it difficult. So let me just ask you in the process. If I'm understanding what you just said, Ms. Lowery. So in the process, at some point when these plans come, staff is going to be able to put together their maps for us to consider, is that what I'm understanding you to say?

PATRICIA LOWERY: Oh absolutely. Members and I can tell you that I've worked for the House Representatives since the 80s and several -- during that time period, and assure you that during each of those cycles, before the members have had to vote on a proposal. They have had maps and statistics. Even in the 90s, there were -- numbers before they had to make a decision on a proposal.

REPRESENTATIVE JENKINS: -- experience and expertise in the area, so I just want to be certain that at some point we can see. You know they said, picture is worth a thousand words, I just want to make sure we can see with our own eyes what's in their proposal.

ROBERT TRAVIS SCOTT: And there is what you're saying and what's distributed there and then what's available to the public more generally. That's really what was addressing in the 2011 changes. Every part of the public documentation that came out was a lot more readily accessible to the media and to those of us in the public who wanted to watch it, it was a step forward and things were much more available to the public. And the record-keeping was really very good too last time and I think that's going to be an

important part which -- get everything out there so people can see.

REPRESENTATIVE JENKINS: Okay, all right, thank you.

VICE CHAIRMAN ROYCE DUPLESSIS: Thank you Representative Jenkins. Okay, Mr. Scott. Thank you so much for your testimony. The Board is clear. We appreciate that. I'm anticipating more conversations with you.

ROBERT TRAVIS SCOTT: I'm sure you will.

VICE CHAIRMAN ROYCE DUPLESSIS: Okay. Next present and would like to speak, Melissa Flournoy, Louisiana Progress Action.

[02:10:08]

MELISSA FLOURNOY: [INDISCERNIBLE 02:10:08].

VICE CHAIRMAN ROYCE DUPLESSIS: Yes, absolutely.

[BACKGROUND CONVERSATION]

VICE CHAIRMAN ROYCE DUPLESSIS: Yeah, absolutely. Come on, we have Evan Bergeron on Fair Districts Louisiana. It's all yours.

EVAN BERGERON: Thank you Mr. Vice Chair and members of the committee. Again, Evan Bergeron, I am the General Counsel Fair District Louisiana. We want to start by saying thank you for putting this together. For putting this on paper as something that

1 everybody can see as to what our priorities are going
2 to be in moving forward. We think this is a great
3 first step. We do have some suggestions that I want
4 to share with you all, which is why I put in a white
5 card. You will hear I think later some testimony from
6 the NAACP Legal Defense Fund. One of their suggested
7 amendments was essentially making one of the most
8 important considerations, compliance with the Voting
9 Rights Act, the 14th Amendment and the 15th
10 Amendment. The reason is because if you subordinate
11 everything else to that, essentially if your plan
12 doesn't comply with the Voting Rights Act, 14th
13 Amendment, 15th Amendment, then it's essentially
14 unconstitutional and can be struck down. So that's
15 their recommendation that we join along with them
16 because we think that's also very important.
17 Similarly, with the population deviation as Ms.
18 Lowery was discussing earlier. Of course, a
19 population deviation for a plan that goes in excess
20 of that 5% from the mean is presumptively
21 unconstitutional but it can be done. If it's
22 achieving one of the other aims, for example,
23 compliance with the Voting Rights Act, the 14th
24 Amendment or the 15th Amendment. So, we would suggest
25 that you not limit yourselves to a plan that

1 definitely has to fall within these parameters if you
2 have a good reason for going outside of those
3 parameters. That's another suggestion that we're
4 making. Ms. Flournoy is going to discuss the
5 transparency element. I wanted to discuss a little
6 bit about proportionality as well. I know you heard a
7 little bit about proportionality and we understand
8 that that can often be difficult to address. But we
9 think that it's an important consideration just to
10 show the public that you are considering and you want
11 to make sure that the proportional representation of
12 Louisiana not only in race, but also in partisan
13 affiliation is something that you're looking at. You
14 heard a little bit earlier about the efficiency gap,
15 which was originally published in a paper at the
16 University of Chicago Law School. It's really, really
17 interesting as a mechanism to be able to measure
18 what's called wasted votes. The way you can think
19 about what a wasted vote is, it's all the votes
20 that's cast for a losing candidate plus, all the
21 votes cast in excess of the amount that you need to
22 win. So, you figure out how much extra people do you
23 have in a district to win? And how many people do you
24 have that even though they're voting they can never
25 get to the point that they want to. I'm happy to

provide information about that. It's really interesting but it can get kind of heavy and I won't get bogged down in it, but it's something also to be able to be considered. I'm going to say this, it's a tough crowd to say it in front of but I'm going to it anyways. Incumbency protection I think is something that should be a little bit less important. We understand that you are drawing the district for the people who are going to vote for you. But we understand that incumbency protection in the past has been used sometimes to get around other things that might have been a little bit more important. And then finally, I want to thank Representative Jenkins for his amendment about the communities of interest and I'll just share this one story. I'm originally from Pierre Part, Louisiana in Assumption, Parish if you all know where that is. Back in the 2000 redistricting session, the line between House District 68 and House District 51 was drawn directly down the middle of Pierre Part as its community and why? Because it was separated by a boundary. You had [INDISCERNIBLE 02:14:06]. You had Ward 8 on one side and Ward 9 on the other side. That's why this community of interest amendment was so important because you would avoid situations like that where

you take an actual community of people who all go to church together, who all see each other at the store and you separate them into two completely separate representative districts. So, thank you for that Amendment. And like I said, we're going to be here throughout the process. We want to be a resource to you, we want to be able to help you, and we want to be able to get some good maps along with you that everybody can be proud of. Thank you. Mr. Vice Chair.

VICE CHAIRMAN ROYCE DUPLESSIS: Thank you. Mr. Bergeron.

MELISSA FLOURNOY: Good morning, Mr. Vice Chairman and members of the committee. I'm Melissa Flournoy. I'm the Board Chair of Louisiana Progress Action. And Louisiana Progress supports a fair transparent, accountable, redistricting process, and we're happy to work with many groups including Fair Districts, the Power Coalition, the League of Women Voters, PAR and other groups committed to protecting redistricting to ensuring the value of every vote.

[02:15:05]

We understand that the census data will be released later this fall and may delay the work of the legislature in the redistricting process. But we appreciate the time and interest of the speaker and

1 the president of the senate to lay out the outline
2 for basic principles for redistricting and to talk
3 about the timeline for the process. Last year,
4 Louisiana Progress, supported legislation to create a
5 non-partisan redistricting commission in a public
6 process of civic engagement that includes public
7 hearings, a website and informational briefings in
8 each region of the State and we are excited to hear
9 that that is still part of the plan. The
10 redistricting process is one of the most important
11 functions of the legislature and will affect the
12 outcomes of the elections for a decade and the
13 governance of the state. We believe the district
14 should be drawn to fairly represent the citizens of
15 Louisiana and not be gerrymandered to protect
16 incumbents or political parties. Louisiana Progress
17 is concerned over the overpacking of districts based
18 on party or race to ensure the outcome of a
19 particular political party. We would like to see
20 certain principles adhered to in order to create more
21 competitive districts based on these principles that
22 we've heard about today of proportionality,
23 competitiveness, and minority rights. In the past,
24 many districts were drawn in an effort to protect
25 incumbents and to minimize the voting power of ethnic

minorities pr protect Republican congressional seats. We hope that with the implementation of term limits, there will be more openness to look at the redistricting process based on data, facts community of interest, rather than solely on incumbent protection. We believe the district should be compact, contiguous and avoid drawing strangely shaped districts to meet political goals. We're grateful for the state, one of the statements in the HCR that supports districts should try to avoid splitting existing voting precincts in municipalities and parishes. As this committee will have the responsibility for redistricting, we wanted to take this opportunity to reinforce and discuss these principles that Robert Travis Scott and Mr. Bergeron, so I won't go further into that. But we're also really fortunate to have the leadership of Patricia Lowery and her staff, who have managed the redistricting process now into our fourth redistricting cycle. I would ask that the committee would consider an amendment to add the public review process. The regional meetings and language about the website and for recommended plans to the language of HCR90. I understand that the decisions have been made to do public hearings to have a website but I think

it would be really helpful to include that information in this HCR. And Mr. Vice Chairman, I think there may be a draft agenda that's been submitted to you or others, including that transparency language.

VICE CHAIRMAN ROYCE DUPLESSIS: A draft amendment?

MELISSA FLOURNOY: I believe so.

VICE CHAIRMAN ROYCE DUPLESSIS: Possibly. We definitely got a lot of information as a committee on yesterday much of which is still being reviewed. Even if we were to try to offer that up right now, I don't know that we have a quorum to do so. But I have had conversations with the Chair about that specific language even prior to getting public comment. So, I certainly see no issue with it, I think it could only be more helpful to have such language in there. As soon as Ms. Lowrey comes back in and I think we have more members to actually flesh out the possibility of such an amendment. I'm happy to entertain that.

MELISSA FLOURNOY: We just believe that it would be really helpful to outline the timeline for the redistricting process. As well as to clearly articulate that regional meetings will be held, that

the website is publicly available and to specifically add that language into this HCR.

VICE CHAIRMAN ROYCE DUPLESSIS: Yeah, and I don't want to speak for the chairman because I know he can probably address this himself, but when we talked about the timeline in particular, because we haven't received the information from the federal government yet. We didn't want to tie our hands necessarily because we don't exactly know how it's going to play out, but I would let Chairman Stefanski speak specifically to the idea of putting specific timelines in place when we just -- there are still some uncertainty there but the idea of putting language in there around, guidelines for a public process, I certainly support that idea.

MELISSA FLOURNOY: Well, I think if the intent of the HCR is to provide a joint rule on the operations for both the house and senate for drawing the redistricting process. I think in terms of clarity for the public, in terms of accountability, and transparency.

[02:20:04]

It would be appropriate to add the language regarding those activities which will substantially strengthen the accountability of the redistricting

1 process because we believe citizens need access to
2 information, we want people to feel like they're
3 included in this re-districting process that they
4 have the time to review new maps and provide input
5 and so I just want to thank you for taking this
6 process of redistricting seriously as one of your
7 sacred responsibilities to protect voting, democracy
8 and free and fair elections.
9 ROYCE DUPLESSIS: And thank you so much Ms.
10 Flournoy. I'm going to let Ms. Lowrey, we talked a
11 little, just to address the issue around timeline,
12 language and public process to speak to that just a
13 little bit. Ms. Lowrey, please.
14 PATRICIA LOWREY: Yes. Members, let me just tell
15 you that in my decades of experience doing re-
16 districting for the legislature. One thing I want you
17 to understand very clearly is that the legislature
18 has very, very different timelines depending on the
19 decade because it depends on when the legislative
20 elections are and also, as we've experienced this
21 decade, when we normally would have had an extended
22 timeline the Census Bureau has been unprecedentedly
23 delayed in the delivery of the data and since this is
24 going to be standing joint rule, timelines, because
25 they will change depending on the needs and the

1 constitutional and statutory requirements on the
2 legislature, perhaps every decade and they may change
3 within the decade depending on the delivery of the
4 census data. I'm not really sure that that would be
5 content that you may want to put within a standing
6 joint rule. Further members relative to public
7 hearings I will tell you that this committee as well
8 as our sister committee in the senate, in the
9 governmental affairs, and each decade has undertaken
10 a roadshow regarding redistricting where they have
11 hit all of the regions of the state and I anticipate
12 that this decade will be the same but I will tell you
13 that one of the things that the committees do is when
14 the data comes in, there is an examination of where
15 there may be significant change. So, the area that
16 the committees may want to visit may change depending
17 on what the data shows so again. It may change where
18 the committee wants to go I mean clearly there are
19 some places that the committee will go as a matter of
20 course but because additional areas may be added, I
21 don't know if that's something that you want to
22 specify in a standing joint rule of the legislature
23 so I would urge you to give some consideration to
24 that as well.
25

ROYCE DUPLESSIS: Thank you, Ms. Lowrey. Thank you both, we appreciate your comments and testimony. Last card we have is from Peter Robins-Brown, present and would like to speak with Louisiana Progress Action.

PETER ROBINS-BROWN: Thank you, everybody. I'll be really brief, I know center clause there, I've been waiting patiently so. I'm here as somebody who has been traveling around the state or via Zoom over the past year talking to a lot of different groups about re-districting. That's not me going out and trying to like say, Hey, bring me in," it's actually people who found me to come talk to them about this. I would say that what I've learned from those meetings and it's been probably 15, 20 at this point, I was looking around the day, it was pretty much everybody's district who I've either been in or again via Zoom talked to folks in. It is that everybody's come to understand that you know redistricting is an incredibly important issue. Maybe in past decades it hasn't always been the case but with the technological tools that have become available I think people are really understanding how important it is but it's somewhat of a black box issue in a sense that like people know it's important but they

don't understand how it works and I would just really urge all of you to do everything you can to actually go out to your constituents or even in neighboring areas if you can, to really try to educate them about this so that when it does especially once you know, they can be involved in the process and then once we do have maps that they feel very comfortable with that. I would say a lot of folks they say, "Oh, I never thought about this before. I hadn't looked into it and then here I am, I'm trapped in this district that I hate for whatever reason," No, obviously when I've gone and talked to a lot of people they expressed a huge range of concerns. I'm sorry is Rep. Johnson in here is because I've been to Pineville about three times. People in Pineville really care about redistricting so you know, have you ever heard a wide range of concerns from like my house is on a bad place to all sorts of things?

[02:25:02]

PETER ROBINS-BROWN: I would say the one thing that people lift up the most really by far is this idea of competitive districts that they feel like their vote and I think Mr. Bergeron spoke to this with the inefficiency gap, that their vote is kind of wasted. They live in such a safe district that either

the person, they might like the representative but feel like the representative even though they like them doesn't need to be responsive to them because they kind of have such a hold on the district or on the opposite sense that the representative who they don't like isn't responsive to them because they don't feel like they have to worry about their votes so that's just really what I've learned from talking to people about this for a few years all across the state. Really, like every corner of the state. Rep. Gadberry I think is like the one person I haven't been near so maybe hopefully over the next year I'll end up there but yeah so I just really urge you, you know, do what you can to really reach out and make the effort because people will realize how important this is and they really do need to be educated about it. The other thing I really learned from this is that Trish is amazing and that she's the best resource there is on this. So, thank you very much. I'm happy to take any questions but I assume we're going to have to move on.

ROYCE DUPLESSIS: Thank you so much. There are no questions, we appreciate you.

PETER ROBINS-BROWN: Yeah.

ROYCE DUPLESSIS: Okay. Do we have a quorum? All right, Chairman Stefanski is going to close on the matter but I don't know that we have a quorum but you can.

JOHN STEFANSKI: Yeah, is there another Amendment we're considering with the committee? I note supposing Ms. Lowrey.

ROYCE DUPLESSIS: Okay, I think Rep. Jenkins has an Amendment.

SAM JENKINS: Yeah, I wanted to do an amendment that address the Supreme Court and then what that criteria would be. Did you have something drafted yet, Ms. Lowrey?

PATRICIA LOWREY: Members, it's set 3472 and it should be available, no I need to check. first if this amendment been filed Please file it, thank you. So, it will shortly be available online and it is being passed out to you as we speak. 3472 members it's coming so this amendment, members would take out the Supreme Court from the provisions that you see in Paragraph D which would provide that the districts be substantially equal in population. It would create a separate paragraph that would be applicable to Supreme Court that would apply the criteria in Paragraph B which members is the equal protection

clause, the 14th, 15th Amendment Section 2 of the Voting Rights Act and all other applicable federal and state laws. It would require a plan that would be a whole plan assigning all the geography of the state and members. The single-member district issue currently there are single members for the Supreme Court but that really is a matter for all your consideration and I just need to know right now the language on the page does say that the plan shall provide for single member districts but if there is a desire to strike that, we certainly can do that.

JOHN STEFANSKI: Let's take that out. Let's just keep it as geography of the state. That's my suggestion for the committee. Just that line that say single member district.

PATRICIA LOWREY: Yeah, Line 14 will be deleted and it would require a whole plan. In addition to the criteria about compliance with the Voting Rights Act, the constitutional provisions, as well as the provisions about respecting the geography of the state, et cetera. Those would still apply but it would be a whole plan assigning all the geography of the state.

JOHN STEFANSKI: Members, for my two cents I think that's stylistic whether we want it included in

the bulk of that or if we wanted it in its own section, I think either is acceptable so I certainly have no objection to what Representative Jenkins would propose I would keep. I would suggest though that we keep it general and remove the single member districts. Let's just keep it as general as possible.

ROYCE DUPLESSIS: All right it sounds like we have an Amendment that's been proposed by Rep Jenkins. Is there any objection? Seeing none the Amendment is adapted, Chairman Stefanski.

JOHN STEFANSKI: Members, like I think we've discussed this at length. This is a concurrent resolution that has to go over to the Senate so I mean the Senate is going to put their input on it. I'm open to talking about this or really anybody. There is a list of co-authors, it isn't just me. Vice Chair Duplessis is on there, senators are on there. If there is something that comes up after this or something that the public brings that they feel is needed in this resolution, let's discuss that.

[02:30:00]

JOHN STEFANSKI: It's a working document and I want to make sure everybody is comfortable with the language so that we go forward in a transparent like we talked about today. Fair process based on the

numbers. At the end of the day I will continue to say that that's my goal. We are going to follow the law and we are going to follow the numbers and we are going to draw the fairest maps that we can.

ROYCE DUPLESSIS: Thank you so much looking forward to the process so with that we have a motion from Chairman Stefanski.

JOHN STEFANSKI: As amended.

ROYCE DUPLESSIS: As amended. Any objects? Hearing none the House Concurrent Resolution 90 has passed as amended.

JOHN STEFANSKI: We are going to go up and invite Senator Cloud up. Some housekeeping the resolution by Representative Edmonds, where is it? Give me your agenda. House Resolution 73 is going to be voluntarily deferred and also for housekeeping Senate Bill 198 is going to be voluntarily deferred. Senator Cloud, which bill would you like to start with?

HEATHER CLOUD: Mr. Chair, I would like to just I think start with 219.

JOHN STEFANSKI: No problem.

HEATHER CLOUD: Just give an explanation.

JOHN STEFANSKI: So the Bill 219, Senator Cloud.

HEATHER CLOUD: Thank you, Mr. Chair. Hello, colleagues. I'm here with Senate Bill 219. I'm

1 actually going to set this bill aside but I want to
2 give just an explanation of why I brought it. So you
3 know what this does is allow for data sharing between
4 government-owned utility systems and registrars of
5 voters in an effort to verify addresses and I ran
6 across -- the reason I brought this and I use my
7 personal story so often when I was little bitty mayor
8 just because I experienced so much and it shaped who
9 I am and it shaped my legislation, I started working
10 on election integrity legislation back in 2014. I
11 would come here and one of the things that I
12 experienced was dozens of people voted in our little
13 election. In 2014 that remained on our voter roles
14 but no longer lived in Turkey Creek and being the
15 mayor and basically the CEO and CFO of our water
16 system I could see who lived where because we service
17 them. I recognized that there were many people that
18 had moved and new families lived in those residences
19 and unfortunately, dozens of people came back and
20 voted in our mayoral election. It wasn't just mayor,
21 the counsel, it was chief of police and they cast
22 their vote for those local seats and then they went
23 back home. The representation, the people that still
24 lived in the town were left with that representation
25 so they affected outcomes and that's not a big deal

in the gubernatorial race and it's maybe not a big deal in a parish race or state and federal race but in little bitty races like villages and even some cities it changes outcomes and the people go home and that's fine and dandy for them but those who still live in those places are left with the consequences, good or bad and that's not fair and so from that, then it was Deputy Secretary then who is now our Secretary of State and alerted him to the problem so back in 2014, we started talking about some corrective actions that we could take to remedy this problem so that we could potentially put and that's what this legislation is intended to do was put this as a tool in the toolbox of the Registrars of Voters and the Secretary of State to be able to kind of purify the roles and help people be registered where they actually live because we definitely don't want them changing outcomes but then we want to protect their right to vote as well. The problem is there are so many questions on the mechanics of how this legislation is going to work and when I come before you and I bring a piece of legislation, I want to be absolutely certain that it's not going to have any unintended consequences and I'm just not there yet and I don't want to put all of you in a position. I

met with my colleagues in the senate, I presented this to them and I told them that if I could not work out all the details and reach a level that I was completely comfortable with, I couldn't put my name on a piece of legislation, ask you all to support it just yet so what I'd like is for everybody to just consider what I've brought and I'm going to continue to work with the Registrar of Voters, the Clerks of Court, the Secretary of State to continue to kind of perfect this tool, this effort and bring it back next session and I would appreciate if any of you have any ideas

[02:35:03]

HEATHER CLOUD: that you would work with me on it and maybe we can come up with a really good piece of legislation that can help everyone.

JOHN STEFANSKI: Yeah and so we are committed to you as well. We'll come up with some ideas on it. I think you have a good idea and concept. We just need to make sure it works for the state and so I appreciate that. Filling out a card on 219, Ms. Dario and Secretary of State's office, [INDISCERNIBLE 02:35:22] the Registrar of Voter's office, filling out a card and support. Now wishing to speak Arable Adams, Louisiana Family Forum, Kristie Cross,

Louisiana Family Forum. Mary Labrey and Josh Burrell with FGA. I believe the center is going to suggest that we voluntarily defer the bill?

HEATHER CLOUD: Yes, Mr. Chair.

JOHN STEFANSKI: Okay so we're going to voluntarily to defer 219. No objection. What bill would you like to take up next, Senator?

HEATHER CLOUD: 224.

JOHN STEFANSKI: Senate Bill 224. Senator Cloud, whenever you're ready.

HEATHER CLOUD: Mr. Chair. I had asked my secretary to bring some documents to the committee. Just for you guys to reference with was that brought over to the committee, copy of a mail ballot and mail ballot application.

JOHN STEFANSKI: I'll have our clerk pass those out, it looks like he does.

HEATHER CLOUD: There we go, a little show-and-tell so what this bill basically does is add the driver's license number or the last four digits of a person's Social Security number on the flap of the Absentee Request Form and Absentee Ballot. Currently, once these are passed out, I'll show you but currently, there's a little asterisk on the Absentee Request Form denoting a line to add either the last

four digits of your Social Security number or your driver's license or a special identification card. What I am doing is taking that option away. If you look at the general application for an Absentee Mail Ballot, that's the one you have but there's also for military on all of these different applications. There is a place for the last four digits of your Social Security number and there is a place for your Louisiana identification number or driver's license number and then at the bottom it says optional, so what we would like to do is take this option away and just make it mandatory and the reason is because this provides further information to further tie a voter to their ballot. I believe that it promotes ballot security and better auditability measures, which we'll talk about in my next bill when processing mail ballots. I want to say --

JOHN STEFANSKI: Just for clarity, if the other two aren't available, right? Okay, I'm just making sure.

HEATHER CLOUD: If the other two aren't available, driver's license or special ID then you can use your last four digits and anyone would have this information and on the actual mail ballot that

you have a copy of it but this is what the mail ballot looks like. So there is this little detachable flap that is removed by the registrars of voters when they are processing their mail ballots so currently the information that they verify is the date of election, mother's maiden name and the signature witness and the witness for the ballot. On this, we would also just to create uniformity across the entire process, we would be adding a line that would be for the driver's license number or special identification number or last four digits. The same thing you find on the mail ballot application so this is just uniformity and in closing I'll be opening for questions of course but I just want to make a point that this bill had bi-partisan support in the senate. On May the 10th, there were 37 senators present in the chamber and 37 senators voted for this legislation. I'm open for questions.

JOHN STEFANSKI: For a question, Representative [INDISCERNIBLE 02:39:07].

MALE 1: I'm just making sure that I'm following you correctly because you were kind of looking down, pointing at your paper and we're trying to find, you were referring to under Section 19, that asterisk spot where it says if you --

HEATHER CLOUD: I am afraid that is not the document that I wanted sent. It says general application for an absentee mail ballot, is that what you have?

MALE 1: Oh, this is a voter registration. Thank you. I will wave to Mr. Chairman so I can look at this.

JOHN STEFANSKI: Your question, Representative White.

MALINDA WHITE: Thank you. The first experience I ever had with these mail in ballots was with my grandmother and that was after my mother passed. I was the responsible person to make sure she got to vote and she's a very avid voter. She passed now but she didn't have a driver's license. She was 98, and she did.

[02:40:00]

And this is not an end it's an R. So, she had a Social Security Number, and those last four digits would be all that we would have had to show us that what you're saying?

SENATOR HEATHER CLOUD: That's what I'm saying?

REP. MALINDA WHITE: Okay.

SENATOR HEATHER CLOUD: Yes, Ma'am.

REP. MALINDA WHITE: Because there are cases of that when you're elderly.

SENATOR HEATHER CLOUD: Certainly. Yeah. I take care of two mentally handicapped people.

REP. MALINDA WHITE: Yes.

SENATOR HEATHER CLOUD: And they don't have those types of identification, but they have a Social Security Number.

[OVERLAY]

REP. MALINDA WHITE: Well, and that was the other point too because her son, my uncle has a Down Syndrome, and she always made sure he voted top, and he never had any of that. I guess, except for his Social Security Number. So, I just wanted to make sure that we were covering all that, and it looks like you did. So, thank you. Thank you very much.

SENATOR HEATHER CLOUD: Yes, Ma'am. Thank you for the question. I hope that you've received the correct document now.

[OVERLAY]

SENATOR HEATHER CLOUD: Okay.

CHAIRMAN JOHN M. STEFANSKI: Representative White, you're done with your line of questioning. Okay? We request Representative Beau.

REP. GERALD "Beau" BEAULLIEU IV: Thank you, Mr. Chairman. All right. So now, I think I'm following you. I just want to go through this just to make sure that being Representative Horton huddling have an idea of what this does. So, there's a spot on the voter's registration application, and there's also one on the absentee by mail ballot. Both are talking about if you do not have the Louisiana driver's license, part of your Social, or the last four of your Social is required. The full is preferred on the application, and this under Section 19 on a voter registration application. And then it mentions on the male end portion that under Section 19, the bold line. I'll read it for you all. If you do not have a Louisiana driver's license or a special ID, the last four digits of your Social Number are required if you have one, full Social Security Number is preferred, but optional. So, if you do not have a driver's license, they're requiring you to have the last four of your social. I'm understanding you Bill, correctly. If you do not have a driver's license, we're going to require the full Social?

REP. MALINDA WHITE: We're going to require on the application and on the mail ballot, we are going

to require if you do not, the last four digits. The last four.

REP. GERALD "Beau" BEAULLIEU IV: Okay, just the last four.

REP. MALINDA WHITE: Yes.

REP. GERALD "Beau" BEAULLIEU IV: Okay.

REP. MALINDA WHITE: Yeah, and then this piece of legislation also requires that when those ballots are being processed, that this be part of the verification. So, they will -

[OVERLAY]

REP. GERALD "Beau" BEAULLIEU IV: -- to match the socials.?

REP. MALINDA WHITE: Right.

REP. GERALD "Beau" BEAULLIEU IV: Okay.

REP. MALINDA WHITE: But to match that information either whatever identification number you use to what's on the voter rolls.

REP. GERALD "Beau" BEAULLIEU IV: Okay. I like it. Mr. Chairman, I move favorably at the appropriate time. Thank you.

CHAIRMAN JOHN M. STEFANSKI: Thank you Representative Beau. We request for Representative Horton.

REP. DODIE HORTON: Thank you Mr. Chairman. Along with Representative Beau, I totally agree. I didn't know if we've needed to amend something on the Louisiana voter registration application, and I made need to talk to the Secretary of State. But it says, if you do not have an LA driver's license or LA special ID, the last four digits of your Social Security Number are required if you have one. So, if someone doesn't have any of that, can they register and vote in Louisiana? That's my question.

SENATOR HEATHER CLOUD: If they don't have a Social Security Number?

[OVERLAY]

REP. DODIE HORTON: If they don't have a driver's license. If they don't have a Louisiana ID, and they don't have a Social Security Number, can they register to vote in Louisiana?

SENATOR HEATHER CLOUD: I'm going to defer to the Secretary of State.

REP. DODIE HORTON: Okay, that's my question because it looks like according to this in the Senate that you still and I'm like, [INDISCERNIBLE 02:43:44] I would not think they would be a citizen, but it --

[OVERLAY]

It doesn't say they cannot.

CHAIRMAN JOHN M. STEFANSKI: Yeah. All right, look filling out white card's members, Secretary of State [INDISCERNIBLE 02:43:54], Secretary of State's office [INDISCERNIBLE 02:43:56] Secretary of State's office and Brian Shawn Pan [PH 02:43:58] with the Registrar of Voters Association. So, those four are available. Members, if you have questions. Ms. Secretary.

SECRETARY KYLE ARDOIN: Mr. Chairman, members, Kyle Ardoin, Secretary of State. So, according to National Law, if you don't have that information at the time that you register, the Registrar can request additional information such as, they can provide a birth certificate, copy of their birth certificate. They can provide copies of their utility bills that sort of stuff to confirm who they are and where they live for their registration.

REP. DODIE HORTON: I will take, that's good enough.

[OVERLAY]

REP. DODIE HORTON: I really think that there is a flaw in the law. I mean.

SENATOR HEATHER CLOUD: Yes, that's correct. I have an issue with that, and

[OVERLAY]

SECRETARY KYLE ARDOIN: I certainly urge you --

[OVERLAY]

SENATOR HEATHER CLOUD: I certainly urge you ---- that may be for another day.

SECRETARY KYLE ARDOIN: I certainly urge you to take it up with your Congressmen.

SENATOR HEATHER CLOUD: But that is a federal guideline. The State cannot can't put anything more or less on to this.

SECRETARY KYLE ARDOIN: There's also a separate voter registration form that is a federal form that requires a little bit less information that where we ask for and we are required to accept those forms.

[02:45:03]

SENATOR HEATHER CLOUD: You answered a lot. Thank you.

REP. DODIE HORTON: Good catch rep.

CHAIRMAN JOHN M. STEFANSKI: Mr. Secretary, this is a form, that's provided by your office?

SECRETARY KYLE ARDOIN: Yes, sir.

CHAIRMAN JOHN M. STEFANSKI: So, we're going to have to make changes to this form?

SECRETARY KYLE ARDOIN: Yes, sir.

CHAIRMAN JOHN M. STEFANSKI: How is, what's that going to cost?

SECRETARY KYLE ARDOIN: We do that. That's the absentee request or is that the -

CHAIRMAN JOHN M. STEFANSKI: The general application for absentee by mail ballot.

SECRETARY KYLE ARDOIN: We would have to make that. We make them yearly.

[OVERLAY]

CHAIRMAN JOHN M. STEFANSKI: So, every year you do another? Are these that in the Registrar of Voters Offices, are there just stacks and stacks of these that -

SECRETARY KYLE ARDOIN: Not stacks and stacks. No, sir.

CHAIRMAN JOHN M. STEFANSKI: But every year you come out -

[OVERLAY]

SECRETARY KYLE ARDOIN: But every year, we re-supply. Yes, sir. We do have to redo the flaps. We're already in the process of redesigning the flaps and the envelopes. We've had issues with the printers. When I say, printers I mean, the companies that we contract with to print, and we feel like, we need to make them larger, so that they don't get lost in the Postal Service.

CHAIRMAN JOHN M. STEFANSKI: Okay. For question, Representative Gadberry.

REP. BRYAN FOY GADBERRY: Thank you, Mr. Chair. Just a simple question. Is the voter registration card, I hadn't looked around lately, does it have a number on it?

SECRETARY KYLE ARDOIN: Yes, sir.

REP. BRYAN FOY GADBERRY: Why not put that number on this?

SECRETARY KYLE ARDOIN: Most people don't hold onto their voter registration cards, but I will tell you we're working. We have a meeting this week with the LA wallet folks, and we're encouraging, we are going to work with them to try to get the voter registration cards also inside the LA wallet.

REP. BRYAN FOY GADBERRY: Okay. Thank you.

CHAIRMAN JOHN M. STEFANSKI: Thank you, Representative Gadberry for the question. Representative Carter.

REP. WILFORD CARTER, SR.: I just wanted to thank you, Mr. Chairman. That Social Security Number will be on Section 4 of the application. Is that not 19? Is it - the Louisiana voter registration application, or it has a place for the Social Security Number?

SENATOR HEATHER CLOUD: Yes.

REP. WILFORD CARTER, SR.: So, for the application for the absentee ballot, you're going to put that, where now?

SENATOR HEATHER CLOUD: It actually already has a place on the application. It's just optional.

REP. WILFORD CARTER, SR.: Okay.

SENATOR HEATHER CLOUD: Yup.

REP. WILFORD CARTER, SR.: At the top.

SENATOR HEATHER CLOUD: Yes, sir. We're going to remove the option.

REP. WILFORD CARTER, SR.: Okay, and on the military, the same thing?

SENATOR HEATHER CLOUD: Yes, sir remove the option.

REP. WILFORD CARTER, SR.: And you're going to, when they do the new cards, you're going to have a similar place on the flap?

SENATOR HEATHER CLOUD: Yes, sir.

REP. WILFORD CARTER, SR.: Thank you.

CHAIRMAN JOHN M. STEFANSKI: Thank you, Representative Carter. Yeah, one thing I will bring up Senator, we talked about it. So, when we start introducing it, and maybe an alternative form that you're changing from an option to a mandate. The last four of your Social is something we talked about

that's very private, and has access to a number of things. I know, every time I try to change something on my cellphone plan, I don't ever remember my account number, but those last for the Social open up everything. It's almost scary. You know, you have these last four and boom, you have access to everything. I do from a technology standpoint. I worry about that just because I know people are stealing SIM cards now and they can get access to all of your personal information when you get your cell number. So, just as we go forward, please do everything we can to make sure if that information is available. It's as protected as possible. That's all I ask.

SENATOR HEATHER CLOUD: Yes, Mr. Chair, and we did adopt an amendment in the Senate Committee just protecting that information. I was looking for the amendment, but you know, these things are called out, out loud, and so we just express that it is prohibited for anyone to record that information whenever it's being read aloud.

CHAIRMAN JOHN M. STEFANSKI: Who? Can we have Mr. [INDISCERNIBLE 02:48:59] is he here? Yeah. I have a question about specifically, what happens? When we talk about reading these allowed, who's in the room,

and what's the process? I'm curious, and also want to know who's allowed in there to hear this?

[OVERLAY]

[BACKGROUND CONVERSATION]

BRIAN J. CHAMPAGNE: I'm Brian Champagne. I'm the Registrar of Voters in St. Charles Parish. Other than Representative Thomas, I do not know how many of you have witnessed the absentee counting.

CHAIRMAN JOHN M. STEFANSKI: Well, I never had that's why I'm curious.

[BACKGROUND CONVERSATION]

BRIAN J. CHAMPAGNE: That is a concern and Steve Raborn, our legislative committee chairman couldn't be here. So, I was the previous chairman and now I'm the secretary-treasurer of the association, so I came in on his behalf. and Steve did work with Senator Cloud and her aide to get that language, --

[02:50:00]

-- that the recordation or dissemination of any voter information read aloud during the process of preparation, verification, counting, and tabulation of absentee by mail and early voting ballots is expressly prohibited.

CHAIRMAN JOHN M. STEFANSKI: What's the penalty? And there is none.

[OVERLAY]

So, it's definitely something that we need to address. I mean, whether maybe it's covered under a criminal statute, but I mean, I think we need to talk about what the penalty for that is, and that's another topic. Can you go through what this process is when it's read? Thank you. Sorry, to cut you off.

BRIAN J. CHAMPAGNE: No problem. So, the way of my Board we operate, and once we have a quorum and we could begin the absentee by mail count on election night, the first thing I'll say is, "Everyone take your cell phones, and put them on a table in the center of the room. Turn them off, whatever." We try to make sure any visitors, which over the years - I've been registered for 14 years. We haven't had many people come and witness.

CHAIRMAN JOHN M. STEFANSKI: Who is allowed to be in there? Anybody?

BRIAN J. CHAMPAGNE: Anyone can come in, but once they come in and we begin, they cannot leave until we're finished. So, some parishes start early in the morning, some mid-afternoon. We usually start late afternoon. So, until the counting is complete, you cannot leave, and some parishes have security there to escort people in and out of the room to the

1 restrooms, and make sure they don't get their
2 cellphone out. And you know, reveal any totals they
3 may have seen on machines or whatever.
4 CHAIRMAN JOHN M. STEFANSKI: I don't want to be
5 too conspiracy theorists. So, I don't want to go to
6 down there, but I mean, let's say, a person who knows
7 somebody is an absentee balloting is attempting to
8 steal their identity or something like that. And I
9 mean, they walk in and they all are interested is
10 this one person. They listen to their personal
11 information and they go. Is there anything else we
12 could do to make sure something like that wouldn't
13 happen.
14 BRIAN J. CHAMPAGNE: Well, that is our concern.
15 You know, depending on the amount of ballots that
16 have to be counted, we do it in teams and pairs. One
17 commissioner, or one of the Board members will read
18 the name and another commissioner or board member
19 will look at the ballot flap that you have, compare
20 all the information, make sure it looks correct, make
21 sure there's a witness signature, and the voter
22 signature. But now, if we're going to have to call
23 out not only the mother's maiden name, but Social
24 Security Numbers or driver's license number, that
25 does -

CHAIRMAN JOHN M. STEFANSKI: Mother's maiden name and last four of Social. I don't know what? I mean, that unlocks everything, you know. I appreciate what Senator Cloud is trying to do. That does worry me, you know. I'm worried about-- those are the two big things when you try to get some personal information.

BRIAN J. CHAMPAGNE: And that will add to the process. And let me assure you each one of you, we have a process in the office when we accept the ballots, we review the ballots, and it's all verified, and compared with a list that we bring to present to the Board. All of that information has been checked, and double-checked by the Registrar if they're doing their job correctly. It's all - the information, everything matches when it's presented to the Board, if not, we would be there hours on in, if we didn't have our act together, and have everything checked and double checked and verified. That, that is that voter we are matching to the list. In my 14 years, we've never had any type of fraud issues or anything.

CHAIRMAN JOHN M. STEFANSKI: But you would never announced mother's maiden name and Social Security Number before?

BRIAN J. CHAMPAGNE: No.

SENATOR HEATHER CLOUD: But would I would also say that, though we want to protect the identity, right? We also want to protect the ballot. And right now, they're looking at whether you're missing a signature or a witness signature. That's what they're looking for, and there's just for human eyes to look at two different signatures and try to decide, you know, if they match up, and that's subject to, you know, human error. This is absolute. I mean this is actual numerical information. So, I understand what you're saying. I mean, I'm concerned about that every time I go to a hotel room, and they want to make a copy of my driver's license, right, just to rent a hotel room. But I think we have to balance the protection of the identity, and this is still, what I'm doing is protecting identity, and protecting that person's ballot. So, I think that my legislation does offer that. What I would ask if maybe we look at penalty consequences.

CHAIRMAN JOHN M. STEFANSKI: Yeah, look, I'm not attacking your intent. I think you do have a good intent of making sure that the person who put that ballot in is the one that actually made the vote.

[02:55:00]

I'm with you on that. The privacy concerns are my chief thing, and that's really what I'm asking. Is there a questioning to try to figure out, is there anything more we could do to make sure this information is protected? Representative LaCombe has a question.

REP. JEREMY LACOMBE: Okay, I'm trying to follow through because I'm in the same boat as Representative Stefanski. I'm just trying to make sure we figure this out. So, on this ballot now. So, we have a question about mother's maiden name. We'll have the person to vote or let's just say. it's Jeremy LaCombe. Will have my mother's maiden name, and somewhere on here we'll have a driver's license number or last four digits of the Social. This cannot be detached. So, this is the affidavit. It has been, whenever you all get to the room or whoever is in the room to count, this cannot be detached. It will have to be inserted into this envelope. Sort of this way, and then mailed in.

BRIAN J. CHAMPAGNE: Correct.

REP. JEREMY LACOMBE: I know that Representative Stefanski was talking about what's happening in the room. I'm probably less concerned about what's happening in the room because those are, you know,

1 officials of the State that are sort of in their
2 registered voter's people, members of the public,
3 yeah. My concern is, and I was going to grab a blue
4 ink pen and just fill this out. It's, what happens
5 whenever this is dropped in the mail, and every
6 postal employee, everybody that through facilities
7 grabs it and puts it to the light. And now you got
8 name, address mother's maiden name, Social Security
9 Number, driver's, license number, and I literally was
10 just sitting here doing it and you look up and you
11 can see it. So, you know, the only protection would
12 be, "All right if they put it in the opposite way
13 where you can't see, but on the off chance that it
14 goes in this way, every member of the public, every
15 postal facility in this goes through, would have
16 those things?
17 BRIAN J. CHAMPAGNE: If I may?
18 SENATOR HEATHER CLOUD: Yes.
19 CHAIRMAN JOHN M. STEFANSKI: Thicker envelopes on
20 this, where you're going?
21 BRIAN J. CHAMPAGNE: What's that?
22 CHAIRMAN JOHN M. STEFANSKI: I said, thicker
23 envelopes.
24
25

BRIAN J. CHAMPAGNE: Well, certainly envelopes that would help protect the information inside so, there is not see-through.

REP. JEREMY LACOMBE: And you know, and I would go, but it does not protect from anyone stealing. Yeah, the envelope itself.

BRIAN J. CHAMPAGNE: I got it, you know, and that's what I'm presenting the problem. I want you to think through the solution --

[OVERLAY]

REP. JEREMY LACOMBE: Absolutely, because the solution could very well be an opaque envelope that you can't see through, but --

CHAIRMAN JOHN M. STEFANSKI: Right.

REP. JEREMY LACOMBE: -- certainly, if it wouldn't even require anyone in the facility any mail handler to steal the ballot if they just have it in their hands.

CHAIRMAN JOHN M. STEFANSKI: Right.

REP. JEREMY LACOMBE: Look up into the light and there it is.

CHAIRMAN JOHN M. STEFANSKI: Right.

REP. JEREMY LACOMBE: So that's a major concern I got, and I'm with Representative Stefanski, you know, mother's maiden name, Social Security Numbers,

driver's license numbers and your name is all you need to and the next thing, you know have somebody open it up credit. cards in your name and stealing on the bunch of money.

BRIAN J. CHAMPAGNE: Of course, it is, I believe and Ms. [PH 02:58:03] Lowry can correct me, but I believe it is a felony --

CHAIRMAN JOHN M. STEFANSKI: Sure.

BRIAN J. CHAMPAGNE: -- to interfere with the election process. i.e., stealing a ballot.

CHAIRMAN JOHN M. STEFANSKI: I got it, and I understand that these are felonies, but these are criminals.

[OVERLAY]

BRIAN J. CHAMPAGNE: No, I understand.

[OVERLAY]

SECRETARY KYLE ARDOIN: There's nothing easy about any of this process.

CHAIRMAN JOHN M. STEFANSKI: Yeah.

SECRETARY KYLE ARDOIN: As we, Senator Cloud, and I have discussed, and we in the registrars and the clerks, you're always constantly adjusting to every new situation that arises, and there's always a little something and a little nuance in the process.

BRIAN J. CHAMPAGNE: And I know and I recognize look, if somebody's a criminal nestled in the Postal Service, they may take the ballot, open it up, and get the information. We got it. But then you got you got the other situation where, they don't have to go that far if they just hold it up to the light, --

CHAIRMAN JOHN M. STEFANSKI: Right.

BRIAN J. CHAMPAGNE: -- grab the information off, and look, you know. As a former prosecutor, we see it all the time, you know. I've seen and I prosecuted cases before where cashiered Winn-Dixie was stealing credit card information in the two seconds you're standing in front of them, by swiping your card, almost swipe it that wasn't. I mean, so there's tons of issues. I just don't want to make it easy that all they have to do, they want to steal the ballot. They just hold it up to the light and grab your information.

SECRETARY KYLE ARDOIN: Well, in many cases, they don't have to really mess with the ballot. They can go to Facebook and pretty much grab it all off of there.

CHAIRMAN JOHN M. STEFANSKI: Yeah.

SENATOR HEATHER CLOUD: Mr. Secretary, can I just, may throw this out there.

CHAIRMAN JOHN M. STEFANSKI: Take care of yourself, and go. Go ahead Senator.

SENATOR HEATHER CLOUD: Would it be possible for those individuals that go into the room and that are sequestered before whenever they're walking in, that they are educated on the consequences and basically have to sign some kind of document of understanding that there are fines and penalties and consequences for the information that they take in if they misuse it?

BRIAN J. CHAMPAGNE: So certainly, Senator Cloud and members, and Mr. Chairman, we could create an additional part of training for our Parish Port Commissioners and our Parish Board members of which --

[OVERLAY]

[03:00:05]

[OVERLAY]

[03:00:05]

CHAIRMAN JOHN M. STEFANSKI: I was curious about in the room, Mr. Champagne, do people who go to the room to be present at -- is there a sign-in sheet or something? Like, is there?

Maybe, you know, maybe that would be something that just would give a little bit of security. "Hey,

1 look, let's at least record who was in the room" you
2 know.
3 BRIAN J. CHAMPAGNE: Well, we do not use a sign-
4 in sheet, but we do take Minutes, and do we do
5 record, who was in attendance?
6 CHAIRMAN JOHN M. STEFANSKI: Okay.
7 BRIAN J. CHAMPAGNE: You know, that's something
8 each registrar does on their own, I mean if a sign-in
9 sheet would be required.
10 BRIAN J. CHAMPAGNE: Well, no. That answers my
11 question. You do there, it is recorded who's in the
12 room during this process. That gives me some more
13 confidence too. So, I appreciate and note that.
14 Representative Beaullieu has got a question.
15 REP. GERALD "Beau" BEAULLIEU IV: For Senator
16 Cloud maybe. If some of their issues are the fact
17 that we're going to be announcing and slowing down
18 the process with them mother's maiden name, and
19 driver's license number or last four of the social,
20 what about if that information was just available in
21 the case of like, an election is challenged to where
22 that be like a way to come back, and check to make
23 sure that that everything was valid. I'm just trying
24 to find somewhere that might kind of keep things
25 moving in the direction just in a heavily mail-in

ballot, like, a COVID-type of situation something just throwing that out there for kicks.

SENATOR HEATHER CLOUD: I definitely want to keep things moving, but I still in all, I know that there are concerns. I think that there are ways that I think a sign-in sheet. I think that the Secretary of State educating the registrars of voters who then educate, everyone who comes into the room is very important, but I do think that at that moment when you are processing the ballots, that is your one time that you're really looking at each ballot, and I do not I think that we should forsake the opportunity to making sure that that ballot is pure and verified. And again, I'll go back to the hotel room. I mean, if we can do it, if we can do it there, we certainly should do it here.

REP. GERALD "Beau" BEAULLIEU IV: Thank you.

BRIAN J. CHAMPAGNE: Mr. Chairman when Representative LaCombe was speaking, I did think of this; for mother's maiden name, you would be surprised how many people leave it blank and it's unknown or they'll put the mother's married name or the maiden's name, or the next time you'll get the form or request, they'll put her first name. So, we go through this all the time verifying all this

information before it's brought up to the Board. On the envelopes that I brought this morning, I didn't think about it until I was sitting here. When we addressed those envelopes to the voter, okay, we have the voter's address on the large envelope it goes to them. On the return envelope, there's a barcode under the voter's name, where we can scan, and you know, we get bulk amounts of these in, we could scan them in into our computer, and it pulls up all of these voters where it's easy to go through, and verify all these information and do the comparisons. So, I can assure you, the registrars are doing a pretty good job of verifying who that ballot is for.

BRIAN J. CHAMPAGNE: And if I may because we've instituted the care process, we were able to contact voters and have them come in to fix any of the problems. So, if the if it's mother's first name, they can come in and put in the maiden's name or provide the other information, whatever is necessary.

CHAIRMAN JOHN M. STEFANSKI: Thank you so much for question Representative Deshotel.

REP. DARYL ANDREW DESHOTEL: Thank you, Mr. Chair. Thank you, Secretary. So, I'm looking at the voter registration application, and this is where you would have to put your entire Social Security Number,

if you did not have a driver's license number, or a State ID, is that correct?

BRIAN J. CHAMPAGNE: Which line are you looking at?

REP. DARYL ANDREW DESHOTEL: A line, let's see. It's the number five.

BRIAN J. CHAMPAGNE: Thank you. I need to read it.

REP. DARYL ANDREW DESHOTEL: Correct.

BRIAN J. CHAMPAGNE: So full Social Security Number is preferred, but optional. So, the last four are required.

REP. DARYL ANDREW DESHOTEL: But you could put the entire --

[OVERLAY]

REP. DARYL ANDREW DESHOTEL: There's a space for every -

[OVERLAY]

BRIAN J. CHAMPAGNE: Yes, sir.

REP. DARYL ANDREW DESHOTEL: and you can mail this, correct?

BRIAN J. CHAMPAGNE: Yes, sir.

REP. DARYL ANDREW DESHOTEL: Do we provide an envelope for you to mail this?

BRIAN J. CHAMPAGNE: No, sir.

REP. DARYL ANDREW DESHOTEL: So, I could put this in an envelope in the mail handler, and look it up and actually get all my Social Security information.

[BACKGROUND CONVERSATION]

REP. DARYL ANDREW DESHOTEL: So, I think -

BRIAN J. CHAMPAGNE: We do provide a minimal envelope. A make-it-yourself envelope. It's kind of embarrassing to say. I know that myself, but we do -

[03:05:03]

[OVERLAY]

REP. DARYL ANDREW DESHOTEL: So, I think the point is, we're actually having people mail their entire Social Security Number at some point where the -

BRIAN J. CHAMPAGNE: They can. Yes. You're absolutely correct, but I will tell you that the vast majority of our registrations are now online, and they utilized the audit code on your driver's license which is required.

REP. DARYL ANDREW DESHOTEL: So actually, that was my next. I was going there.

BRIAN J. CHAMPAGNE: I'm sorry.

REP. DARYL ANDREW DESHOTEL: That's okay, but I was going there. So, I'm sure you've heard of spyware before.

BRIAN J. CHAMPAGNE: Oh, yes, sir.

REP. DARYL ANDREW DESHOTEL: And malware and we know that, you know, a vast majority of our computers out there have spyware on them, believe it or not, which would, they could actually look in, and see your keystrokes, and they can look, and when you type your Social Security Number in -

BRIAN J. CHAMPAGNE: So, yeah.

REP. DARYL ANDREW DESHOTEL: They can look at it. So, I think the whole point is, you know there are a whole lot of ways for people to steal that identity. There are whole lot of easy ways to steal people's identity, and I would think the hardest way would be, to actually go to a courthouse, sit through hours of this to try to steal somebody. I mean, I just don't think it's a plausible.

BRIAN J. CHAMPAGNE: Well, certainly. It's obviously something that we had to discuss in this forum, but I would tell you typically, and Brian can confirm this. We are not talking about a whole lot of people in these meetings, especially when you they learn that they have to be sequestered the entire

time, and when I say the entire time, it's not till 8 p.m. It's until the votes are finished or 8 p.m. So, if they finish counting prior to 8 p.m., then at 8 p.m. they can leave. But if the count goes on until midnight, you're there till midnight.

REP. DARYL ANDREW DESHOTEL: Right.

BRIAN J. CHAMPAGNE: And no access to your phone whatsoever.

REP. DARYL ANDREW DESHOTEL: So, so the real thief, I can promise you is probably too lazy to do that.

BRIAN J. CHAMPAGNE: The real thief—

[OVERLAY]

REP. DARYL ANDREW DESHOTEL: I would think that.

BRIAN J. CHAMPAGNE: The real thief is probably in your coffee shop with a public Wi-Fi, --

REP. DARYL ANDREW DESHOTEL: Exactly.

BRIAN J. CHAMPAGNE: And the person saying, "Oh, I'm going to register to vote."

REP. DARYL ANDREW DESHOTEL: Exactly.

BRIAN J. CHAMPAGNE: Yeah.

REP. DARYL ANDREW DESHOTEL: So, I thank you. I just wanted to kind of point that out, and I appreciate your comments.

CHAIRMAN JOHN M. STEFANSKI: Thank you Representative Deshotel. Representative Carter.

REP. WILFORD CARTER, SR.: I'm trying to figure out what happened that caused this Bill to be necessary. I mean, do we have, how many absentee ballots we had last president's election?

BRIAN J. CHAMPAGNE: We had over 167,000.

REP. WILFORD CARTER, SR.: So, how many of them was determined to be fraud or had needed further clarification, questionable where it's not I'd say, an accurate ballot.

BRIAN J. CHAMPAGNE: I don't know of any characterized as fraud, but we do have a rejection rate. The Parish Board makes a determination in each parish of those ballots that may be missing information or incorrect information and a challenge was brought either by the registrar or by a registered voter ahead of time.

REP. WILFORD CARTER, SR.: So, how do they process it? You got a rejection. A ballot is rejected, then what happens?

BRIAN J. CHAMPAGNE: If the voter is sent a letter to alert, then as to that their ballot was challenged, and it was rejected, and the reason for rejection.

REP. WILFORD CARTER, SR.: And that that bullet gets a chance to go down and straighten that out, and you telling me?

[OVERLAY]

BRIAN J. CHAMPAGNE: Not for that election.

REP. WILFORD CARTER, SR.: But the election is over with, the election is not over with.

BRIAN J. CHAMPAGNE: Right.

REP. WILFORD CARTER, SR.: Okay, so they just notify that after the fact.

BRIAN J. CHAMPAGNE: Correct. They should. In the care process, they're notified ahead of time if they don't come in and change it, then that's -

REP. WILFORD CARTER, SR.: Okay.

BRIAN J. CHAMPAGNE: -- their ballot is challenged.

REP. WILFORD CARTER, SR.: I don't see how this legislation would help with a person voting in an election that they don't live in, you know. This is just absentee ballots this Bill here, but no head of Bill to deal with that situation, but this bill has to do with absentee ballots. Okay, and we don't have a big problem with absentee ballots. I think we didn't we did. I don't know how many cases that

created a problem in the State. Do we need to do this?

SENATOR HEATHER CLOUD: I would just say, Representative Carter that my next piece of legislation is dealing with auditing not of outcomes, but the processes, and I think that this will end when that legislative auditor should that pass, and I hope I have your support on it. This kind of information would allow for a cleaner or verifiable audit. And again, this is a protective measure when we talk about identity theft. I mean, there's theft of ballots as well, and it's just a protective measure further tying the voter to the ballot, and I'm not saying, definitely not saying that, there's a major issue. I'm just saying that, this is to me a common-sense measure that, you know, that this kind of measures are taken when you open a bank account or a loan, or get a driver's license, apply for a passport, enroll in Medicare. I mean this, we do all of these things already and I'm just asking that we do this on our ballots as well.

[03:10:07]

BRIAN J. CHAMPAGNE: So, Representative Carter, we had about approximately, -- don't hold me to it, and has an absolute, but we had approximately about

1 five thousand ballots that were rejected out of 2.1
2 million votes cast or out of a hundred sixty-seven
3 thousand absentee ballots total.
4 REP. WILFORD CARTER, SR.: Well, I know that this
5 information the last four of your Social Security,
6 and I was trying to get my phone fixed the other day,
7 and they had a big old bill that wasn't my bill, and
8 everything, I was trying to get into my account
9 number and everything, but I gave them the last four
10 of my Social Security, and my little information
11 about my mother's maiden name. "Oh, we got the wrong
12 person." What I'm saying is, an important
13 information, and unless we got a problem, we
14 shouldn't be making it available at all. Unless, we
15 got a problem, we got a 5,000-rejection ballot, but
16 that's not necessarily based on people giving the
17 Wrong, or having the wrong Social Security or
18 driver's license number is probably based on the
19 signature that didn't look right or they didn't do
20 fill out some form properly, it didn't have a witness
21 on it. So, this still not going to solve that
22 problem. If you don't have a witness, if you got a
23 problem with a witness or the signature, you still
24 got to confirm the signature, and I guess, these
25 clerks or registrar, they have equipment to verify

1 the signature. They got a signature up on a computer.
2 I guess, and you verify the signature on a computer.
3 Why is that not the best way to make sure the person
4 vote saying that he's voting is that person?
5 BRIAN J. CHAMPAGNE: Well, it is naked eye, so
6 they have it on the screen. We are looking at new
7 technology to be able to in the future, to be able to
8 electronically compare those signatures, but it's
9 going to take a little while, and a little extra
10 money till we can get there. But I think the intent
11 that that Senator Cloud, and Senator Hewitt working
12 together on this, is that, they wanted to make sure
13 that, if the signature comparison didn't work, that
14 there was something else to lean back on, because
15 there are obviously over time as I've aged, my
16 signature has changed a bit, and I'm sure that once
17 some really old, my signature won't even look
18 remotely close to what I am, and we've done audits
19 with regards to that, and that was the case. It was
20 like, you know, an elderly person ended up with some
21 sort of like, Parkinson's, and their signature is
22 nothing like it used to be, and we don't have. We're
23 working, we are trying to discuss with Office of
24 Motor Vehicles the ability to obtain the signatures
25 from their system, so that we can store them into

ours, and be able to update those as they come in over time. But that's going to take a little while, probably two to three years, and some significant dollars. As I'm sure Representative Deshotel would account.

[OVERLAY]

CHAIRMAN JOHN M. STEFANSKI: Thank you so much. It looks like the Board is clear. Rep Thomas.

REP. POLLY THOMAS: I apologize First of all for missing some of the discussion, but I was bouncing back and forth between committees attempting to make a quorum. I'm looking at 18, 13, 13. And unless it appears somewhere else, it does not say that you have to read the number. Like, the last four digits. It says, --

BRIAN J. CHAMPAGNE: Oh, you looking at current law, my bad.

REP. POLLY THOMAS: I'm looking at current law. 18, 13 13.

SECRETARY KYLE ARDOIN: I think that Brian can correct me if I'm wrong, but I'm pretty certain that's the practice because as I viewed it, and you may have a different experience, but you have two Commissioners working together with a tray, and one has the sheet and the other has the envelopes. And

so, they read the names and they go through and they check the information. They're reading the information to them to be able to check.

REP. POLLY THOMAS: But there's no number. There's not. I don't see. In 13, 13. I do not see that a number is red. I see a ward and a precinct, which the name and ward and a precinct. And I don't see -

[BACKGROUND CONVERSATION]

REP. POLLY THOMAS: The board shall announce the name of each absentee by mail voter, and the ward and precinct where he is registered to vote, and shall compare the name on the certificate or on the flap of the envelope containing the absentee by mail ballot with the names on the absentee by mail ballot report. It doesn't say anything about a number, unless it appears somewhere else in some other statute.

[03:15:03]

BRIAN J. CHAMPAGNE: Well, if it's not required then it wouldn't be a disqualification. But certainly, you know, they check, they make certain that the voter's data is correct, and the mother's maiden name if it's provided, as well as make sure that there's a witness signature, and the signature of the voter.

REP. POLLY THOMAS: Okay, you said, the mothers name, if it is provided, so it's not required that it's provided.

[BACKGROUND CONVERSATION]

REP. POLLY THOMAS: Is that what you're saying?

BRIAN J. CHAMPAGNE: Under 13, 13 one, is that the bill?

[BACKGROUND CONVERSATION]

BRIAN J. CHAMPAGNE: On page five of seven. The current law says, "The Board shall announce the name of each absentee by mail voter, and each voter who voted a paper ballot during early voting, and the ward and precinct, which is I think you just read.

REP. POLLY THOMAS: Mm-hmm.

BRIAN J. CHAMPAGNE: Where he is registered to vote, and shall compare the name, mother's maiden name, and Louisiana driver's license or special identification card. So, in order, that would be the new law.

REP. POLLY THOMAS: Well, that's in the new law. Okay, so in current law, it does not exist in current law. Is that correct?

[OVERLAY]

REP. POLLY THOMAS: I'm talking about, I'm reading a number, because I believe that's what

Representative Stefanski was concerned about. And I think Representative LaCombe also is about like, the last four digits of the Social.

[OVERLAY]

BRIAN J. CHAMPAGNE: It's not, you're right. It's not required, but it has become practice in order to make certain that each ballot is accounted for.

REP. POLLY THOMAS: But it's not required. It's not current law.

BRIAN J. CHAMPAGNE: Correct.

REP. POLLY THOMAS: Okay. Thank you. Thank you. Mr. Vice chair.

VICE CHAIR ROYCE DUPLESSIS: Thank you, Rep Thomas. Representative Jenkins.

REP. SAM JENKINS: All right. Thank you. Mr. Vice Chair. I got a little confused on the last line of questioning.

BRIAN J. CHAMPAGNE: So, the Social Security Number is not absolutely required in law today.

REP. SAM JENKINS: But this would be a change, if we pass this to say that, it is required.

BRIAN J. CHAMPAGNE: Or as I appreciate Senator Cloud or the driver's license number.

SENATOR HEATHER CLOUD: Right, and not the full Social Security Number. Only the last four digits.

BRIAN J. CHAMPAGNE: Only the last four digits.

REP. SAM JENKINS: I am being more confused. Which one are we asking to be announced?

[OVERLAY]

REP. SAM JENKINS: Right. So, if you have a driver's license, that's what's going to be announce, and they are not going to announce your Social Security? Is that --

BRIAN J. CHAMPAGNE: If you don't put your driver's license on it, you don't have a driver's license number --

REP. SAM JENKINS: Right.

BRIAN J. CHAMPAGNE: -- or are you don't put your special ID number, then it would require you to put your last four digits of your Social, and that would be announced.

REP. SAM JENKINS: So, the only way that the Social is announced, if you don't have a driver's license, is that right? So, if you got a driver's license, they're not going to announce your Social under this new law.

BRIAN J. CHAMPAGNE: If you put it on there.

SENATOR HEATHER CLOUD: It's at the discretion of the individual to choose. If they have a driver's license, or they have a special identification card,

and they want to put that then, they put that. If they don't have that or they want to put the last four digits of their Social, they have their discretion on which number to use. Is that how you interpret it?

BRIAN J. CHAMPAGNE: Mr. Chairman.

SENATOR HEATHER CLOUD: Yup.

BRIAN J. CHAMPAGNE: To answer Representative Jenkins, it's going to depend on what number we have in our database. We could have their Social Security Number, and we don't have their driver's license. Most people today had given us both, but a lot of times, they don't, we have a segment of elderly who if you look at the history of voter registration in the State, the applications have changed so many times. If one time they didn't have to give Social or driver's license. So, we have a segment that we don't have any of that, those numbers on. So, this is a little more complicated than that on election night, we are going to have to verify. So, someone could have registered with their Social, and on their ballot flap, they send me their driver's license. We don't have it.

REP. SAM JENKINS: Thank you, Mr. Vice-Chair.

VICE CHAIR ROYCE DUPLESSIS: All right. All right. Thank you, Rep. Jenkins. Okay, I'm just going to mention, it is 12:30. we do have to go on the floor at one. We have some cards, those who are in favor, and in opposition, we're going to move to that portion of the discussion. I will read. I think we have three cards and support who are all here present in support, but do not wish to speak. [PH 03:19:09] Christie Cross, Louisiana Family Forum, Josh [PH 03:19:12] Borel. FGA, [PH 03:19:17] Arabelle Adams, Louisiana Family Forum, all in support present, but does not wish to speak. Moving to the cards in opposition, present and would like to speak: Terry. [PH 03:19:29] Landry SPLC Action Fund. And I'll just read the other cards who are present in an opposition. Stephanie Willis, ACLU of Louisiana. [PH 03:19:40] Telly Medina SPLC, [PH 03:19:43] Cheyenne Blackburn FFLIC, Latoya Jameson FFLIC, Rodney Braxton SPLC, and Peter Robbins Brown Louisiana Progress Action. Yes, sir. Mr. Landry.

DIR. TERRY LANDRY, JR: Good afternoon. Mr. Vice Chair and members of the Committee. I'll be brief.

[03:20:01]

TERRY LANDRY: Good afternoon Mr. Vice Chair, members of the committee. I'll be brief. With all due

1 respect, Terry Landry, Jr. I am the policy director
2 for Southern Poverty Law Center Action Fund and will
3 all due respect to Senator Cloud, we do disagree with
4 this bill which is why we are in opposition. And some
5 of you have hit on some of our points. Representative
6 Carter, especially with the necessity of the bill. In
7 Louisiana, current absentee ballots already require
8 voters to provide, as you all have said, their
9 mother's maiden name, date of birth, their name and
10 then their residential address to include the last
11 four digits of their Social then provide some privacy
12 issues with us and it's also just again unnecessary.
13 Absentee voters must also sign the statement
14 acknowledging that if they make any false statements
15 that they're aware that there's a penalty up to $200
16 for false and up to two years of imprisonment for
17 making those false statements. Then currently,
18 according to the Heritage Foundation's database of
19 election fraud cases, there have been zero cases of
20 fraud in absentee ballots in Louisiana over the past
21 20 years which again goes to the necessity of the
22 bill. If there's not a problem, why create one?
23 There's no need to require additional identification
24 from Louisiana voters when the current system for
25 verifying absentee ballots is working. This just

1 creates an undue burden to our citizens and will
2 result in the disenfranchise of our voters. So, I
3 implore you to vote no on this bill. Thank you.
4 CHAIRMAN STEFANSKI: Thank you, Mr. Landry. And I
5 think all of the other white cards, we may have heard
6 from already. Kyle Ardoin, present. He's been to the
7 table. Lani Durio, Secretary of State's office,
8 Nancy Landry, Secretary of State's office and Brian
9 Champagne, Louisiana Registrar of Voters. Those are
10 all the cards we have on House Bill 224. Senator
11 Cloud, would you like to close on your bill?
12 SENATOR CLOUD: Well, I guess in closing, I
13 totally respect what this gentleman just said but the
14 same individuals that he referenced -- and we
15 definitely want to encourage as much voter
16 participation and education of voters as possible.
17 But these same people that are participating in
18 voting by mail are the same people that are -- and
19 every day, running hotel rooms. They're giving this
20 kind of information for all sorts of other activities
21 that they do in daily life and I don't think that
22 it's too much to ask that they do the same to submit
23 of mail ballots so that we can protect that ballot
24 and verify their identity. That's all.
25

1 CHAIRMAN STEFANSKI: Thank you so much, Senator
2 Cloud. I have been -- and I don't know if a motion
3 has been made. Representative Beaullieu did make a
4 motion to report favorably. Is there an objection?
5 Respectfully, there is an objection by Representative
6 Jenkins. Madam Clerk, please call the roll.
7 CLERK: Chairman Stefanski. Vice Chairman
8 Duplessis, no. Representative Beaullieu, yes.
9 Representative Carter, no. Representative Deshotel,
10 yes. Representative Farnum, yes. Representative
11 Gadberry, yes. Representative Hodges. Representative
12 Horton, yes. Representative Ivey. Representative
13 Jenkins, no. Representative Johnson, yes.
14 Representative LaCombe, no. Representative Lyons.
15 Representative Magee. Representative Newell, no.
16 Representative Thomas, yes. Representative White, no.
17 Seven yays, six nays.
18 CHAIRMAN STEFANSKI: And the bill moves
19 favorably. I think we have one more.
20 SENATOR CLOUD: Thank you, Mr. Chair.
21 CHAIRMAN STEFANSKI: All right. All right,
22 Senator Cloud, Senate Bill 220. Whenever you're
23 ready.
24 SENATOR CLOUD: Thank you, Mr. Chair. So, what
25 Senate Bill 220 does is require that our Louisiana

1 legislative auditor examine elections based on a
2 performance and a risk-based approach. The audits
3 would be -- they would include, but not be limited
4 to, reviewing the election processes, policies and
5 procedures, controls, fraud prevention measures like
6 signature verification, some of the things that we
7 just talked about for ballot security, voter
8 registration, roll maintenance and accuracy of
9 machines.
10 [03:24:59]
11 These audits could be performed at the state and
12 local levels. The bill is supported by the Secretary
13 of State and worked diligently with the Secretary of
14 State and the Louisiana legislative auditor and all
15 stakeholders to craft this piece of legislation.
16 CHAIRMAN STEFANSKI: And I think we have some
17 amendment. You want to maybe take those up right now?
18 SENATOR CLOUD: That would be great, but I would
19 like to ask for the Secretary of State, Ms. Lani
20 Durio, to explain the amendments.
21 CHAIRMAN STEFANSKI: I was going to -- that's
22 fine. I was going to have staff read them but we can
23 do that. The secretary? Okay, go ahead. Let me have
24 staff read them and then you can you can explain a
25 little bit, Ms. Lucas.

MS. LUCAS: Okay. This is Amendment Set 3471. Amendment No. 1 is pretty much a technical amendment. Amendment No. 2 on page 3, line 26 after ballot security, you will delete the remainder of the line and insert signature matching in voter registration services provided at voter registration agencies pursuant to RS 18:116. Amendment 3 on page 3, between lines 26 and 27, the following will be inserted: Any original record examined, audited or reviewed by the legislative auditor pursuant to this paragraph shall remain under the physical control and custody of the election official who is the custodian of the record. Amendment 4 on page 4, line 1, after submit, an annual will be deleted and any audit will be inserted in place. Amendment 5 on page 4, line 2, after governmental, delete affairs and insert affairs, comma. Amendment No. 6 on page 4, line 3, after governmental, delete the remainder of the line and insert affairs comma and the Secretary of State as required by RS 24:516 period. Amendment No. 7 on page 4, line 4 after processes and delete the remainder of the line, delete line 5 and line 6 in their entirety and insert controls period the legislative. On page 4, line 7 after present the, delete annual. On page 4, line 9 after not later than, delete the remainder

of the line, delete line 10 and insert 30 days after issuing the audit report. And Amendment 10 on page 4 after line 15, insert the following: section 3A, section 1 and this section of the Act shall become effective on January 1, 2022. B. Section 2 of this Act shall become effective on January 1, 2024.

CHAIRMAN STEFANSKI: Thank you, Ms. Lucas. Mr. Secretary, if you want to come and talk about generally what we're doing with the amendments.

KYLE ARDOIN: Absolutely, Mr. Chairman, thank you. Kyle Ardoin, Secretary of State. So, basically what we are making certain, one of the processes to make sure that we're completely looking at the entire system, we wanted to make sure those other agencies that do voter registration, not just the registrar's, was also part of any audits that were for processes and procedures so that we can make sure that they're abiding by the registration process is that they're supposed to do. Now secondly, we basically are making certain that the auditor provides -- there was a contradiction in the bill where it asks for an annual report from the auditor but the auditor could determine according to the frequency of it according to their processes and procedures and how they do it so we're correcting that. The effective dates are

1 important because our performance audit -- well, next
2 performance audit comes next year so that begins this
3 process. And so, what we did was we made sure that
4 the record retention process begins in January. And
5 then making the audit process effective in January of
6 2024 provides us of at least two full years of data
7 for our collections for this to begin a more in-depth
8 audit as we've discussed. I think that's pretty much
9 the significance of all these amendments.
10 CHAIRMAN STEFANSKI: Mr. Secretary, does the
11 amendments address any concerns your department might
12 have with legislation?
13 KYLE ARDOIN: This addresses all the concerns
14 that we had. We addressed some on the senate side and
15 this finalizes our concerns on this side.
16 CHAIRMAN STEFANSKI: Thank you. And, Senator
17 Cloud, I'll go ahead and let you. We kind of cut you
18 off in your opening. I'll go ahead and let you
19 complete that before we start answering any
20 questions.
21 SENATOR CLOUD: I'm pretty good here. I think
22 that what I would just say is that what this
23 legislation offers is a measured approach to election
24 integrity and even future legislation.
25 [03:30:00]

So, to ensure that the process is pure, this would provide for an active effective process to examine elections and tell us if there are issues or not. I've heard members asked and I hear them constantly ask, do we really have a problem with that? Do we really have -- is there a problem with mail ballots? Nobody other than the Secretary of State who's doing -- we know he's doing a great job. We're saying that we believe it. There's nothing better in my opinion than an independent audit from an external agency to prove it. And that's what I'm asking for is a measured approach. It's the most basic way to identify a problem in government is through an audit process. And that's what I'm proposing.

CHAIRMAN STEFANSKI: Thank you, Senator. For a question, Representative Farnum.

REPRESENTATIVE FARNUM: Thank you, Mr. Chairman. Did this go through Senate Finance?

SENATOR CLOUD: It did.

REPRESENTATIVE FARNUM: Was there -- It has a pretty steep annual fiscal note.

SENATOR CLOUD: It actually doesn't. If you read the fiscal note, and I haven't looked at it lately, but this was actually -- if you read the fiscal note

at the bottom, you'll see the scope and associated annual cost will be more clearly defined after the Louisiana legislative auditor performs the scheduled performance. So they're actually scheduled. Every seven years, agencies are on a rotation to have audits done.

REPRESENTATIVE FARNUM: It talks about five additional positions totaling about $600,000 a year.

SENATOR CLOUD: That's right, it does. So, they're scheduled to have this audit in 2022 and so, that was already part of their budget. And what it says to the extent that if the audit finds that they need to conduct these audits more frequently, then they would have to basically come to Senate Finance and to the Appropriations Committee and ask for more TOs, more dedicated positions. If that happens, we would have to approve them and it could be as little as $120,000 for one position totaling up to $600,000 for five positions but there is nothing in this legislation that binds us to any kind of fiscal cost at this point.

REPRESENTATIVE FARNUM: So, they're already going to do it with existing staff --

SENATOR CLOUD: Yes.

REPRESENTATIVE FARNUM: -- and only if it's needed would it warrant the additional positions.

TOM COLE: Tom Cole, Legislative Auditor's office. As the senator mentioned, we have a seven-year performance plan and we have already scheduled that so there won't be any -- we're going to absorb the cost in this year and then we will determine what the scope, timing and depth of the audits to follow will be and that will drive the cost.

REPRESENTATIVE FARNUM: Depending on what they find.

TOM COLE: Depending on what they find.

REPRESENTATIVE FARNUM: Okay, thank you.

SENATOR CLOUD: Thank you.

CHAIRMAN STEFANSKI: Thank you Representative Farnum. For a question, Vice Chair Duplessis.

VICE CHAIRMAN DUPLESSIS: Thank you, Mr. Chairman. Senator Cloud, you and I had the opportunity just to have a brief discussion about some of your legislation prior to the committee. I do have some questions. The first will be, I just want to address some of the language that we've been using in the committee today, and I don't know that it's your intent or not but I just want to provide a little context. When you use the term purity, that

phrase or that term has some historical connotation that has not always been positive. So, I would just caution that when we talk about the term purity, we understand at a full context that oftentimes the phrase purity of the ballot box was used in a way to disenfranchise people of color from the ballot. I know that that's not your intent.

SENATOR CLOUD: Absolutely not.

VICE CHAIRMAN DUPLESSIS: And I want to be clear in the record that I know it's not your intent but as we have these public discussions, I just wanted to just state that on the record. I know that's not your intent.

SENATOR CLOUD: Thank you.

VICE CHAIRMAN DUPLESSIS: But I would just want for us all to be mindful of that. But as we talk about trying to ensure that we have -- I think the idea is integrity because that's the term we've been using or hearing a lot of since the November election. Didn't hear a lot of it prior to the November election but we hear a lot of it now. We just passed an audit out of this committee last week by an audit instrument by Representative Edmonds and I'm trying to understand the difference of what your bill does versus what Representative Edmonds' bill is

1 doing in terms of another audit instrument around the
2 practices of the Secretary of State around elections.
3 SENATOR CLOUD: Right. Well, just to give a
4 little historical context about me, I know
5 Representative Jenkins was here years ago, I've been
6 doing election integrity legislation back since 2014
7 when I had a personal situation in one of my
8 elections.
9 [03:35:03]
10 So, this is nothing new for me. I realized that I
11 feel like my legislation is kind of clouded by a
12 national conversation and a national narrative. This
13 is something I was doing before and this is something
14 that I will continue to do. So, just with that being
15 said, basically, Representative Duplessis, I went to
16 a conference months ago and I was sitting down with
17 legislators from across the country and they were
18 talking about the audits of processes of elections
19 with a lot of CPAs that were talking about it. So, I
20 came home and I asked our Secretary of State, I
21 started doing a little investigation to see what
22 we're doing independently to look at the processes of
23 elections, policies and procedures, things that I was
24 audited for when I was a mayor with the way that we
25 we're counting our policies and procedures with our

1 personnel, the way that we run our water system. And
2 what I realized is that, we're not doing that with
3 elections here in the state of Louisiana. It kind of
4 surprised me now our Secretary of State is doing that
5 internally just like every mayor and sheriff does
6 internally. They also have external audits. Well,
7 when it comes to elections, we do not have external
8 audits and it seems like such a common-sense approach
9 to me that we should be having external audits. And
10 so, we trust the processes, we trust but we want to
11 be able to verify. And that kind of led to this
12 legislation that you don't really know if you have a
13 problem unless you measure it and that's what I'm
14 proposing.
15 VICE CHAIRMAN DUPLESSIS: Understood. Now, your
16 bill does have a fiscal note attached and I've
17 mentioned this in committee to prior bills, prior to
18 you coming before us this session that when we have
19 the conversation around integrity, I think it's more
20 than just simply ensuring that the people who -- that
21 there's no election fraud or issues around who's
22 voting. I think integrity has to be robust and looked
23 at from both sides. And that means that we need to
24 look at the process to ensure that as many people are
25 voting as possible. So, when I see a $600,000 fiscal

note, it makes me think, "Well, wow, could that money also be going towards more poll workers or more resources for the Secretary of State to expand early voting or to expand the number of hours where we have polls that are open" because it usually comes down to an issue of resources or at least that's what's said in terms of why we don't expand early voting or why we don't have things like same day voter registration or why we just don't make it as -- why we don't work really, really hard to make sure that everyone is voting. That's integrity to me. If we're talking about integrity, we're talking about making sure that the people who are coming to cast their votes are actually who they say they are but as many people as possible are coming to the polls. So, when we're talking about $600,000, what's more important?

SENATOR CLOUD: Well, I would say both. I would say both. I would say that it would be balanced because I think that at the same time that we want to be -- I know for me, I want to be an ambassador for the process. I want to encourage people to get everyone to get involved because this is our country, right? It's our communities. We want to increase voter participation. We want educated voters. But at the same time that we want to make it easier to vote

and encourage participation. We also want to make it harder to cheat and make sure that we are ensuring the process. So, I think ensuring the process is that everything is safe and accounted for. So, when they do show up, we can say -- yeah, we trust but we verify through this process. But the good news, Representative Duplessis, is that there is -- this fiscal note is all subjective. It's if they find that they need to go deeper, then there could be a cost associated with it but only will that cost be -- I can't think of the word. Well, we will only take that cost on as a legislature. If they come, the legislative auditor comes to Finance and comes to Appropriations and says, "This is the need that we have," they'd have to justify that need and then we'd have to appropriate the dollars. This fiscal note does not obligate us. It does not obligate us within this current legislation.

VICE CHAIRMAN DUPLESSIS: I think that the most important thing I heard from you in that -- and everything you said was very important, but the thing that stood out to me the most was that you said, "We should be making voting easier." So, I hope that when I work on that initiative in the coming months that you and I can work on that together to ensure that

we're making voting as easy as possible while we're also working to ensure that we have a safe election.

[03:40:03]

So, that's what I'm looking forward to working with you all and we're going to find the resources to make it happen.

SENATOR CLOUD: Sounds great.

VICE CHAIRMAN DUPLESSIS: Because you're the vice chair of Senate Finance. I just do have a couple of follow-up points that I have to make because you mentioned this is something that you have been working on prior to the narrative. So, I tip my hat to you. This is something that you have personal experience on. You shared that with me actually yesterday. I didn't know that so I do want to acknowledge that and be fair, but I also just want to acknowledge you recognize where I'm coming from in terms of the national rhetoric. And that I feel like it's an obligation serving on this committee in particular that if there is a conversation that is feeding a false narrative that we have to step up and call things for what they are. We may not like the outcome of certain elections but we have to acknowledge when there has not been any wrongdoing and that's when we have to retool and re-message and

do whatever we have to do but I can't participate in anything that appears to me to be trying to further a false narrative. But you've been working on this prior to the fall. The last thing I will say in this comment is more directed to the Secretary of State's office and less to you, Senator Cloud. You have a legislation that's aimed at conducting further audits, internal and external. I just want to point out for the purposes of this discussion and for this committee. When there was an actual incident that occurred in June -- I don't know if you recall this but it was national voter registration day and we had an unfortunate error that occurred. There was a planned website maintenance that took place where the Secretary of State's website was down for a few hours. I was very upset. I was very concerned. My response as a result of this was to simply file an urgent request resolution, just asking that the Secretary of State's office ensure that its policies not -- that they basically don't do any planned website maintenances on national voter registration day. It was very straightforward. It was a simple urgent request. It didn't call for an audit. It didn't have a fiscal note. It was an urgent request. You know that I was fought on that resolution. Just

an urgent request, I was fought on that resolution after an actual incident occurred and I find that to be very problematic. I find that to be very problematic. So again, I'm for having the conversation but we're going to have the full conversation. So, I appreciate you. Thank you so much.

CHAIRMAN STEFANSKI: Let the record reflect that was a different chairman. For a question, Representative Beaullieu.

REPRESENTATIVE BEAULLIEU: Senator Cloud, thank you for your passion with regards to this. I think you've explained your bill well and I like to move in favor with Mr. Chairman.

CHAIRMAN STEFANSKI: Good deal. Let's read some cards. The Secretary of State will provide information who has done that. Ms. Durio and Secretary of State's office for information, Nancy Landry, Secretary of State's office for information and Mr. Champagne, Secretary of State's office for information. Filling out a card in support not wishing to speak, [PH 03:43:05] Arabel Adams. Filling out a card in support not wishing to speak, [PH 03:43:07] Christie Cross, Mary Labry, [PH 03:43:11] Josh Burrell with FGA. Members of the board is clear

we need to adopt these amendments which we didn't do. So, Representative Beaullieu is going to move that we adopt the amendments set. 3471, is there any objections? Seeing no objections, those amendment sets are adopted. Representative Beaullieu is now going to make a motion that we report as amended. Is there an objection to reporting this bill as amended? Seeing no objections, the bill is reported as amended. Thank you, Senator Cloud. I appreciate your patience with us today. Members, that concludes the meeting. Representative Newell has made a motion that we adjourn without objection.

[03:44:54]

TRANSPERFECT

I, Anders Nelson, hereby certify that the document "F880189-louisiana-redistricting" is, to the best of my knowledge and belief, a true and accurate transcription from English to English.

Anders Nelson
Project Manager

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