

**COMMISSION ON STREAMLINING GOVERNMENT SURVEY**  
**August 2009**

**DEPARTMENT: State of Louisiana – Secretary of State**

**Section One: Agency Overview**

**Identify your overarching reform goal(s) for the agency.**

**Goals**

- (1) Reduce the number of special elections.
- (2) Reduce the number of statutorily required publications.
- (3) Reduce printing cost and paper requirements for elections.
- (4) Increase availability of on line filings.
- (5) Consolidate UCC filings @ state level.
- (6) Eliminate useless filing requirements unrelated to statutory or constitutional functions.
- (7) Expand Geaux Biz.com to establish portals to other government entities.
- (8) Complete conversion of AS400 to server based environment.
- (9) Revise records management procedures for state and local government agencies.
- (10) Create consistency in voting in federal closed primary elections.
- (11) Reduce election day hours.
- (12) Reduce early voting hours – for non-federal and non-gubernatorial election.
- (13) Implement digital archiving to develop long-term method of preservation of electronic records.
- (14) Establish criteria to accept new museums into Secretary of State Museum system.

**Review and briefly outline the constitutional and statutory mandates for your agency.**

## **Constitutional and Statutory Mandates of the Department of State:**

### **ARTICLE IV, SECTION 7: SECRETARY OF STATE; POWERS AND DUTIES**

There shall be a Department of State. The secretary of state shall head the department and shall be the chief election officer of the state. He shall prepare and certify the ballots for all elections, promulgate all election returns, and administer the election laws; except those relating to voter registration and custody of voting machines. He shall administer the state corporation and trademark laws; serve as keeper of the Great Seal of the State of Louisiana and attest therewith all official laws, documents, proclamations, and commissions; administer and preserve the official archives of the state; promulgate and publish all laws enacted by the legislature and retain the originals thereof; and countersign and keep an official registry of all commissions. He may administer oaths, and shall have other powers and perform other duties authorized by this constitution or provided by law.

#### **A. CHIEF ELECTION OFFICER OF THE STATE OF LOUISIANA:**

- Oversees the conduct of all elections in the State of Louisiana.

#### **Elections: (Mandated Duties)**

##### **Title 18: (Louisiana Election Code)**

- Administers the laws relating to custody of voting machines and voter registration. (R.S. 18:18)
- Contracts for storage of voting machines. (R.S. 18:19)
- Establishes and maintains a state voter registration computer system for the registration of voters throughout the state in accordance with the provisions of this Title. (R.S. 18:31)
- Elections compliance unit conducts investigations of reported election irregularities. (R.S. 18:49.1)
- Prepares informational pamphlet for commissioners and commissioners-in-charge to be used on election day. (R.S. 18:421)
- Registers political parties seeking recognition. (R.S. 18:441)
- Conducts qualifying for state candidates. (R.S. 18:461)
- Prepares prints and distributes to Clerks of Court notice of candidacy forms. (R.S. 18:463)
- Furnishes the Supervisory Committee on Campaign Finance an alphabetical list of the candidates for each of the offices to be voted on in each election. (R.S. 18:470.1)

- Accepts filing of candidate withdrawals. (R.S. 18:501)
- Prepares and certifies all ballots. (R.S. 18:551, 566, 1275.21 and 1306)
- Prepares and furnishes election materials. (R.S. 18:552)
- Compiles and announces results of elections for state elections and promulgates returns for certain candidates. (R.S. 18:574)
- Compiles election night returns. (R.S. 18:576)
- Processes vacancies in office. (R.S. 18:581 et seq.)
- Notices of retirement or resignation shall become irrevocable upon receipt by the Secretary of State, except for the retirement or resignation of members of the legislature. (R.S. 18:654)
- Qualifies candidates for presidential elector and coordinates electoral college. (R.S. 1251-1265)
- Processes and prepares bond, debt and tax elections. (R.S. 18:1281-1295)
- Processes and prepares elections at which a proposition or question is submitted to the voters. (R.S. 18:1299-1300)
- Processes and prepares recall elections. (R.S. 18:1300.1-1300.17)
- Processes and prepares gaming elections. (R.S. 18:1300.21-1300.23)
- Prepares absentee ballots, special absentee ballots, instructions for use of the special absentee ballots, absentee ballot envelopes, absentee voting instructions, certificates and other absentee ballot paraphernalia. (R.S. 18:1306)
- Purchases, allocates, delivers and maintains voting machines and counting equipment. Directs the clearing of voting machines and machine cartridges, unless an action contesting an election has been filed. (R.S. 18:1351-1376)
- Pays costs of elections and bills local entities on a pro-rata basis. (R.S. 18:1400.1-1400.8)
- Defends objections to candidacy and election contests. (R.S. 18:1401-1415)
- Receives submissions of proposed changes in voting practice or procedure and reapportionment and redistricting plans. (R.S. 18:1941-1942)

**Private Child Care Class B Facilities Elections:**

- Conducts the elections for the members of the Louisiana Committee on Private Child Care for Class B licensed facilities. (R.S. 46:1410)

**Campaign Calls:**

- Requires authorization for campaign calls to be filed with the Secretary of State before calls commence. (R.S. 18:1463.1)

**Voter Registration:**

**Title 18: (Louisiana Election Code)**

- Directs and assists the Registrars of Voters with respect to matters pertaining to the registration of voters as provided by law. (R.S. 18:18)

- Directs operations with the registrar of voters for the continued implementation of the National Voter Registration Act (NVRA). Evaluates and revises procedures as needed to maximize the effectiveness of the NVRA. Develops training programs and materials for the implementation of the NVRA for all affected entities in the state. Compiles data and submits reports required by the Election Assistance Commission relative to the NVRA. Maintains and updates the NVRA manual and submits the manual to the U.S. Department of Justice. (R.S. 18:18)

- Prepares report of voter education programs for submission to the Governor, President of the Senate and Speaker of the House of Representatives. (R.S. 18:18)

- Develops activities, events, informational posters and pamphlets, and public service announcements for the implementation of an annual voter registration week and responsible for implementation of the voter registration week. (R.S. 18:18)

- Receives requests for commercial lists of registered voters, creates the commercial lists and coordinates delivery of commercial lists; and creates and maintains databases and spreadsheets of commercial list creation and shipment histories for creation of monthly reports on performance and revenues received. (R.S. 18:31)

- Runs quarterly reports as commercial lists for members of the legislature. (R.S. 18:31)

- Prepares the voter registration applications and makes changes to the applications, subject to approval by the Attorney General. (R.S. 18:104)

- Develops voter registration applications for use at driver's license facilities; coordinates with the Office of Motor Vehicles to establish and maintain the motor-voter program; and serves as the liaison with the Registrars of Voters and the administrators of the Office of Motor Vehicles. (R.S. 18:114)

- Develops employee training programs for the Registrars of Voters and the Office of Motor Vehicles for acceptance of voter registration applications. (R.S. 18:117)

- Authorizes and/or supervises computer updates involving municipal annexations, precinct deletions and additions and polling location changes; verifies that the Secretary of State has received disability accessibility surveys for all polling places; and authorizes, supervises and reviews polling place surveys to determine if the precincts can be merged. (R.S. 18 531-537)

### **Voter Education:**

- Prescribes uniform rules, regulations, forms and instructions as to standards for effective nonpartisan voter education to be implemented uniformly by each Registrar of Voters. (R.S. 18:18)

Voter Outreach Division - A program established in the furtherance of the statutory powers granted to the Secretary of State pursuant to R.S. 18:18:

1. Coordinates elections for schools and private organizations.
2. Makes presentations to schools and communities relating to the importance of voting.
3. Conducts and facilitates voter registration drives.
4. Supports Registrars of Voters and Clerks of Court in their efforts to recruit and inform voters by providing brochures and assisting with the voter registration process.

**Publications:**

- Promulgates acts in the official state journal. (La. Const., Art. III, Sec. 19)
- Publishes proposed constitutional amendments in all official parish journals. (La. Const., Art. XIII, Sec. 1)
- Distributes acts and journals of the legislature. (R.S. 24:173)
- Distributes the reports of the Louisiana Law Institute in the same manner as acts of the legislature. (R.S. 24:205)
- Distributes constitutional studies and sells studies. (R.S. 24:207 and 208)
- Receives printer's copy of revised statutes and certificate of correctness from the Law Institute. (R.S. 24:254)
- Authorized to enter into contracts for printing and distribution of revised statutes. (R.S. 24:256)
- Distributes acts and journals of the legislature and proceedings of any constitutional convention to the LSU library. (R.S. 25:125)
- Binds and mails bound newspaper acts. Secretary of State shall cause the official journal to be sent to the judges and clerks of the courts. Sends copies of the official journal to any requesting legislator. (R.S. 43:87).
- Publishes the acts of the legislature in book form with a list of the acts, the dates of their promulgation and an index thereto. (R.S. 43:19)
- Retains and keeps in the state archives a copy of acts and authorizes the Secretary of State to collect a fee for the acts with the proceeds being remitted to the Supreme Court of Louisiana. (R.S. 43:22)

- Registers acts and assigns numbers to acts. (R.S. 43:23)
- Promulgates election returns. (R.S. 18:574)
- Publishes state Code of Governmental Ethics. Publishes and transmits copies of the Code of Governmental Ethics to all commissioned public servants. (R.S. 42:1162)
- Receives bills signed by governor and receives vetoed bills from the clerical officer of each house and maintains a register of such bills and endorses therein the date and time of their receipt from the governor or legislature. Delivers copies of the acts, in numerical order to the person, firm, or corporation to whom the contract for printing acts was awarded. Delivers copies of the acts in the same order to the state printer of the Official Journal of the State for publication in the official journal. Endorses in the register the date and time of delivery of the acts for publication in the official journal and for printing of the acts. (R.S. 43:24)
- Prints and delivers journals and materials of the Louisiana Historical Association. (R.S. 43:231)

**Will Registry:**

- Establishes a registry for wills regarding the execution of wills on request of the testators. (R.S. 9:2446)

**Living Wills:**

- Maintains a declaration registry in which a person, or his attorney, if authorized by the person to do so, may register the original, multiple original or a certified copy of the declaration concerning life sustaining procedures and may file a revocation of such declaration. Confirms the existence and contents thereof to attending physicians or health care facilities. (R.S. 40:1299.58.1-10)

**Proces verbal:**

- Records the proces verbal of the canvass of the election returns for a proposition Election. (R.S. 18:1293)

**Bond Registration:**

- Registers bonds issued by subdivisions following bond elections. (R.S. 39:911)

### **Commissions:**

- Prepares commissions issued by the State of Louisiana for elected and appointed officials. (49:211)
- Records oaths of office for officers of the state. (42:162)
- Provides Apostilles for the certification of documents for international use. (Hague Convention)

### **B. ADMINISTRATION OF CORPORATION AND TRADEMARK LAWS:**

**Corporations:** The Secretary of State receives, processes, files, records and issues certificates on the charters of all foreign, domestic and nonprofit corporations qualified to do business in Louisiana. (R.S. 12:25, R.S. 12:305 and R.S. 12:304-305). The Secretary of State also checks for compliance with the state's corporation laws. (R.S. 12:25)

### **Business Corporations:**

- Maintains a registry of corporate names and may reserve available names. (R.S. 12:23)
- Articles of Incorporation are filed with Secretary of State together with initial reports. (R.S. 12:25)
- Articles of amendments are filed with the Secretary of State. (R.S. 12:32)
- Receives and maintains files of reinstatement of articles of incorporation. (R.S. 12:34)
- Records certificates of correction. (R.S. 12:35)
- Receives annual reports from corporations. (R.S. 12:102)
- Records notices of change of registered office; maintains records of registered agents; and receives resignations of agents. (R.S. 12:104)
- Records all mergers or consolidations of corporations. (R.S. 12:112)
- If a merger results in new corporation, new articles and an initial report must be filed with the Secretary of State. (R.S. 12:113)
- Records and files articles of share exchange. (R.S. 12:116)
- Records mergers or consolidations of a corporation with a limited liability company, partnership or limited partnership. (R.S. 12:117)
- Records certificates of voluntary dissolution. (R.S. 12:142)
- Records affidavits of dissolution. (R.S. 12:142.1)
- May apply for appointment of liquidators for a corporation which has an expired charter and possesses property rights or credits. (R.S. 12:143)
- Records certificates of termination when proceeding to dissolve a corporation. (R.S. 12:149)
- Revokes articles of incorporation for corporations which fail to designate and maintain a registered office or registered agent or fail to file an annual report. (R.S. 12:163)

- Records changes in state of incorporation and issues certificate. (R.S. 12:164)
- Records if nonprofit corporation reincorporates as a business corporation. (R.S. 12:165)

### **Nonprofit Corporations:**

- Records and maintains records of articles of incorporation for nonprofit corporations. (R.S. 12:205)
- Records annual reports for nonprofit corporations. (R.S. 12:205.1)
- Maintains records of registered offices and agents for nonprofit corporations. (R.S. 12:236)
- Records and maintains records of amendments to nonprofit corporations. (R.S. 12:238)
- Records and maintains records of restatements of articles of incorporation for nonprofit corporations. (R.S. 12:241)
- Records and maintains records of mergers and consolidations of nonprofit corporations. (R.S. 12:245)
- Records and maintains records of transfers of Louisiana nonprofit corporations to other states and foreign nonprofit corporations. (R.S. 12:247.1)
- Records and maintains records of voluntary dissolution proceedings for nonprofit corporations. (R.S. 12:250)
- Records and maintains records of dissolutions by affidavit for nonprofit corporations. (R.S. 12:250.1)

### **Foreign Corporations:**

- Issues certificates of authority to foreign corporations. (R.S. 12:301)
- Issues amended certificates of authority to foreign corporations. (R.S. 12:307)
- Receives registrations from foreign corporations. (R.S. 12:308)
- Records annual reports of foreign corporations. (R.S. 12:309)
- Records and maintains records of mergers, consolidations and dissolutions of foreign corporations. (R.S. 12:311)
- Authorizes a foreign corporation to withdraw from the state and receive certificate from the Secretary of State. (R.S. 12:312)
- May revoke certificate of authority for a foreign corporation. (R.S. 12:313)
- May investigate any foreign corporation transacting business in Louisiana without a certificate of authority. (R.S. 12:314.1)

### **Special Corporations:**

- Secretary of State files and records electric co-ops. (R.S. 12:401)
- Secretary of State files and records seafood marketing associations. (R.S. 12:441)
- Secretary of State files and records real estate investment trusts. (R.S. 12:492)
- Secretary of State files and records industrial or economic development corporations. (R.S. 12:952) (See also R.S. 33:9023.)
- Secretary of State files and records professional dentist corporations. (R.S. 12:981)

- Secretary of State files and records professional accounting corporations. (R.S. 12:1011)
- Secretary of State files and records professional chiropractic corporations. (R.S. 12:1051)
- Secretary of State files and records professional nursing corporations. (R.S. 12:1071)
- Secretary of State files and records professional architectural corporations. (R.S. 12:1086)
- Secretary of State files and records professional optometry corporations. (R.S. 12:1110)
- Secretary of State files and records professional psychology corporations. (R.S. 12:1130)
- Secretary of State files and records professional veterinary medicine corporations. (R.S. 12:1151)
- Secretary of State files and records professional architectural engineering corporations. (R.S. 12:1171)
- Secretary of State files and records professional occupational therapy corporations. (R.S. 12:1190)

**Health Maintenance Organizations:**

- Secretary of State files and records Health Maintenance Organizations. (R.S. 22:243)

**Mutual Insurers/Mutual Insurance Holding Companies:**

- Articles of Incorporation are filed with the Secretary of State. (22:237.10)

**Limited Liability Companies:**

The Secretary of State receives, processes, files, records and issues certificates relative to the organization, amendments, corrections, dissolutions, mergers and consolidations, revocation and reinstatement relative to domestic limited liability companies; and qualifies, issues certificates of authority and withdrawal for foreign limited liability companies. (R.S. 12:1301-12:1369)

- Formation of LLC and filing of articles of organization with the Secretary of State. (R.S. 12:1304)
- Initial report of LLC filed with the Secretary of State. (R.S. 12:1305)
- Name must be registered with the Secretary of State. (R.S. 12:1306)
- Reservation of trade name by LLC with the Secretary of State. (R.S. 12:1307)
- Registration of agent for service of process with the Secretary of State. (R.S. 12:1308)
- Amendment of articles of organization must be filed with the Secretary of State. (R.S. 12:1309)
- Certificates of correction must be filed with the Secretary of State. (R.S. 12:1310)
- Winding up; and notice of authorization of dissolution must be filed with the Secretary of State. (R.S. 12:1336)
- Articles of dissolution shall be filed with the Secretary of State. (R.S. 12:1339)
- Certificate of dissolution shall be filed with the Secretary of State. (R.S. 12:1340)
- Secretary of State may revoke articles of organization. (R.S. 12:1363)

### **Foreign Limited Liability Companies:**

- Certificate of authority issued by the Secretary of State for foreign limited liability companies. (R.S. 12:1342)
- Application for certificate of authority shall be made to the Secretary of State. (R.S. 12:1345)
- Secretary of State may issue certificate of authority upon finding that the application conforms to law. (R.S. 12:1346)
- Application for an amended certificate of authority must be filed with the Secretary of State. (R.S. 12:1348)
- Certificate of correction must be filed with the Secretary of State. (R.S. 12:1349)
- Must file registered office and agent for service of process with the Secretary of State. (R.S. 12:1350)
- Upon withdrawal, the LLC must procure a certificate of withdrawal from the Secretary of State. (R.S. 12:1351)
- Withdrawal proceedings may be terminated by filing a request to do so with the Secretary of State. (R.S. 12:1352)
- Secretary of State may revoke certificate of authority for good cause. (R.S. 12:1353)
- Secretary of State has authority to investigate LLC conducting business in the State. (R.S. 12:1355)

### **Mergers:**

- Secretary of State may issue certificate of merger to LLC. (R.S. 12:1360)

### **Co-operative Associations:**

- Records and maintains articles of association for agricultural co-operative associations. (R.S. 3:76)
- Records and maintains amendments to articles of association for agricultural co-operative associations. (R.S. 3:77)
- Collects annual license fee from agricultural co-operative associations. (R.S. 3:84)
- Records and maintains records for Co-operative Marketing Associations. (R.S. 3:127)
- Records and maintains records of amendments to articles of Co-operative Marketing Associations. (R.S. 3:128)

### **Agriculture Credit Corporations:**

- Registers charters of agriculture credit corporations. (R.S. 3:216)

### **Partnerships:**

- Maintains a Central Registry of Partnerships. (R.S. 9:3401)
- Records contracts of partnership and statements of foreign partnerships. (R.S. 9:3402)
- Records and maintains records of amendments of partnership agreements. (R.S. 9:3404)
- Issues certificates of registry to partnerships and foreign partnerships. (R.S. 9:3405)
- Registers foreign partnerships. (R.S. 9:3422)
- Records terminations of foreign partnerships. (R.S. 9:3427)

### **Registered Limited Liability Partnerships:**

- Registers and reviews registered limited liability partnerships. (R.S. 9:3432)

### **Collection Agencies:**

- Registers collection agencies or debt collectors doing business in the state. (R.S. 9:3534.1)

### **Trademarks:**

- Prescribes forms for filing of trademarks. (R.S. 51:213)
- Issues certificates of registration of trademarks and service marks. (R.S. 51:215)
- Records certificates of correction of trademarks and service marks. (R.S. 51:215.1)
- Notifies registrants of marks of the necessity of renewal prior to expiration. (R.S. 51:216)
- Records assignments of trademarks and service marks. (R.S. 51:217)
- Keeps for public examination a record of all marks registered or renewed. (R.S. 51:218)
- Cancels certain registrations. (R.S. 51:219)
- Registers names or marks of Linen Services. (R.S. 51:288)
- Issues certificates of registration of certain trademarks with approval of the Louisiana Stadium and Exposition District. (R.S. 51:294)
- Issues certificates of registration of certain trademarks with approval of the Louisiana American Revolution Pictorial Commission. (R.S. 51:299)
- Records articles of incorporation without cost for industrial development boards. (R.S. 51:1164)

### **Fees:**

- Fees chargeable by the Secretary of State. (49:222)

### **Foreign Corporation Investigations:**

- The Secretary of State is authorized to investigate foreign corporations transacting business without a certificate of authority; to provide for imposition of penalties for violations; to provide for adoption of a penalty schedule under the Administrative Procedure Act; and to provide for related matters. (R.S. 12:314.1)

### **Service Of Process:**

The Secretary of State is designated as the agent for service of process on some foreign corporations and all foreign insurance companies, and for out-of-state motorists involved in suits growing out of automobile accidents on Louisiana highways. The legal services division of the Secretary of State's office receives legal process in such cases from State and Federal courts and forwards the documents to the person designated to receive same. (R.S. 12:3471, C.C.P. art. 1262 and R. S. 22:985)

- Secretary of State becomes agent for service of process if a domestic or foreign corporation has failed to designate an agent. (La. C.C.P. art. 1261)
- Acts as agent for service of process where server has made due and diligent effort to locate registered agent but cannot. (La. C.C.P. art. 1262)
- Service on agency or instrumentality of the United States of notice to sell mortgaged property when the agency or instrumentality has not designated an agent. (R.S. 9:5164)
- Acts as agent for service of process for foreign partnerships which fail to designate an agent. (R.S. 9:3424)
- Service of process on foreign corporation through the Secretary of State. (R.S. 13:3472)
- Operation of motor vehicle by nonresident as appointment of Secretary of State as agent for service of process. (R.S. 13:3474)
- Operation of water craft by nonresident as appointment of Secretary of State as agent for service of process. (R.S. 13:3479)
- Service of any other process on Secretary of State for nonresident. (R.S. 13:3481)
- Designation as agent for service of process for political subdivisions. (R.S. 13:5107)
- Appointment of Secretary of State as agent for service of process for foreign insurers. (R.S. 22:335)
- Acts as agent for service of process for foreign and alien insurers. (R.S. 22:982 and 985)
- Acts as agent for service of process for foreign insurers transacting business in state of Louisiana. (R.S. 22:1253)
- Service of process for public carrier vehicles. (R.S. 45:200.8)

### **Professional Poll Takers:**

- Registration of professional poll takers with the Secretary of State. (R.S. 14:325)

### **Security Devices Affecting Farm Products:**

- Creates a central registry reflecting information contained in all effective financing statements and statements evidencing assignments, amendments, extensions and cancellations thereof; and allows interested parties access to the computerized information within the central registry. (R.S. 3:3652 and 3654)

### **Office of the Uniform Commercial Code:**

The Secretary of State maintains a master index of information contained in all financing statements, continuation statements, assignments, releases, termination statements and other similar statements filed with the filing offices of each parish and transmitted to the Secretary of State. The Secretary of State, within two business days following receipt of such information, includes it in the master index and sends written notice confirming such receipt and reflecting all information received and included in the master index, to the secured party of record and such other requesting person as designated on the financing statement. (R.S. 49:227, R.S. 36:745, R.S. 10:9-114, R.S. 10:9-201-208, R.S. 10:9-301-318, R.S. 10:9-401-409 and R.S. 10:9-501-508)

- Secretary of State is the Office of the UCC; coordinates a statewide network with the Clerks of Court for the implementation and operation of the program; facilitates perfection and filing of financing statements covering movable goods; assists consumers, members of financial services community and attorneys in utilization of the uniform commercial code through educational and informational forums; and makes recommendations to the legislature as to any revisions of Chapter 9 of the Louisiana Commercial Laws. (R.S. 10:9-101, et seq. and R.S. 49:227)

### **Office of GeauxBiz:**

The Secretary of State provides a convenient, accessible service for the business community and all other persons seeking to establish a business to obtain information concerning the acquisition and maintenance of the various licenses required by the state to conduct business. The Secretary of State works in conjunction with officers or employees of other state agencies who act as business licensing liaisons with the Office of GeauxBiz to determine the current status of license applications and renewals, the scheduling of conferences concerning such status and dispute resolution. (R.S. 36:746 and R.S. 49:229)

- Oversees the Office of GeauxBiz; prepares and promulgates to state agencies forms which provide for the inclusion of information relevant to all applications, forms, documents and requirements used or enforced by the agency in its licensing processes; resolves disputes which arise concerning the licensing process; acts as a clearing house for state business licensing information; obtains information for members of the business community and persons seeking to establish a business regarding all licenses required by state agencies to begin or continue a business in the state; assists applicants in the preparation of

application forms; provides guidance to applicants in relation to license applications; maintains ongoing monitoring of licensing review process to determine the current status of a particular application; and coordinates various aspects of the licensing review process and the compilation of data and other required submissions. (R.S. 49:229)

### **C. KEEPER OF THE SEAL:**

As official keeper of the Great Seal of the State of Louisiana, the Secretary of State attests therewith all official laws, documents, proclamations and commissions and affixes the public seal to all official acts, the laws alone excepted. (La. Const. Art. IV, Sec. 7 and R.S. 49:151)

### **D. ARCHIVES AND RECORDS SERVICE:**

This division has the responsibility of collection and preserving the official archives of the state and also may accept for deposit the personal papers, diaries, manuscripts and other documents of Louisiana. This service provides a records management program for various agencies of state government and political subdivisions of the state (R.S. 25:127) and the centralized microfilm center for all state agencies lacking internally established microfilm systems of their own. (R.S. 25:127 and R.S. 44:415) Provides a statewide system of managing and preserving government records which will meet informational requirements and serve the rights and interests of government and its citizens. Provides that records are created and managed efficiently, economically and in a manner to insure their integrity and availability. Preserves for use, by the government and citizens, those records which, because for their intrinsic, historical or evidentiary values become a part of the legacy government leaves for the state. (R.S. 44:401) Collects court records, official documents, reports, newspapers, church records, private papers and other historical materials and data pertaining to the colonial, territorial and statehood periods from the earliest times to the present, to have said documents, records and material properly repaired, filed, indexed, and preserved, whether physically or by micrographic or other appropriate process or both, and, when deemed desirable, edited and published to encourage historical investigation and research in the history of the state. When original documents or records are to be maintained in the possession of a custodial agency, the division may provide for the making of a microphotographic security copy or other appropriate facsimile for deposit with the state archives. (R. S. 44:406)

- Authorizes the state registrar of vital records to annually transfer and for the Secretary of State to receive all birth records over one hundred years old and all records of death, stillbirth, marriage, dissolution of marriage and annulment over fifty years old which records shall be available for use by genealogists and the general public. (R.S. 40:36)

- Secretary of State offers direct access to public records in the Department of State. (R.S. 49:228)

## **E. MUSEUMS:**

### **Old State Capitol:**

•The Secretary of State has custody of and responsibility for the administration, management, operation, maintenance and preservation of the building, collections and exhibitions of the Old State Capitol located in Baton Rouge. (R.S. 25:371-378 and 36:744)

## **F. NOTARY DIVISION:**

Maintains the records of all commissioned notaries in the state of Louisiana. (Title 35)

- Develops uniform statewide standards for notary exam. (R.S. 35: 191.1)
- Annual reports of notaries are filed with the Secretary of State. (R.S. 35:202)

### **Address Confidentiality Program:**

•Administers the Louisiana Department of State Address Confidentiality Program (ACP) which provides for the confidentiality of the physical addresses of program participants who are victims of abuse, sexual assault or stalking. The ACP provides relocated victims of abuse, sexual assault or stalking with substitute addresses to use in place of their actual addresses when they apply for or receive state or local government services (i.e. driver's license, voter registration, public school records, etc.). The ACP acts as the agent for ACP program participants for purposes of service of process and forwards all first-class, certified or registered mail to the participants. The ACP also works with state and local government agencies to ensure compliance with the ACP legislative rules and to facilitate the use of the substitute addresses. (R.S. 44:51-57)

## **G. SECRETARY OF STATE - MEMBERSHIP ON BOARDS AND COMMISSIONS:**

The Secretary of State is a member of the following boards and commissions:

- State Bond Commission. (R.S. 39:1401)
- Board of Trustees of the Louisiana School Employees' Retirement System. (R.S. 11:1162)
- Louisiana Workmen's Compensation, Second Injury Board. (R.S. 23:1372)

## **H. BOARDS AND COMMISSIONS WITHIN THE DEPARTMENT OF STATE:**

### **Advisory Board of the Old State Capitol**

•Advises the Secretary of State on all matters relating to the operations of the Old State Capitol. The board, in cooperation with any nonprofit corporations established to support the Old State Capitol, may seek private funding to support programs for the Old State Capitol and may solicit and accept funds, governmental grants, donations and contributions of lands, buildings, monies, relics, works of art or other property on behalf of and as additions to the Old State Capitol either in the form of loans or in the form of donations inter vivos or mortis causa. (R.S. 25:371-378, R.S. 36:919.1 and R.S. 36:744).

### **Governing Board of the Louisiana State Oil and Gas Museum**

•The board advises the secretary of state on all matters relating to the operation of the museum and exercises all powers provided in R.S. 25:380.23.

### **Governing Board of the Garyville Timbermill Museum**

•The board advises the Secretary of State on all matters relating to the operation of the museum and exercises all powers as provided in R.S. 25:380.33.

### **Governing Board of the Louisiana Delta Music Museum**

•The board advises the Secretary of State on all matters relating to the operation of the museum and exercises all powers as provided in R.S. 380.53.

### **Governing Board of the Louisiana Military Museum**

•The board advises the Secretary of State on all matters relating to the operation of the museum and exercises all powers as provided in R.S. 25:380.63.

### **Governing Board of the Jean Lafitte Marine Fisheries Museum**

•The board advises the Secretary of State on all matters relating to the operation of the museum and exercises all powers as provided in R.S. 25:380.73.

### **Governing Board of the Tioga Heritage Park and Museum**

- The board advises the Secretary of State on all matters relating to the operation of the museum and exercises all powers as provided in R.S. 25:380.83.

### **Governing Board of the Mansfield Female College Museum**

- The board advises the Secretary of State on all matters relating to the operation of the museum and exercises all powers as provided in R.S. 25:380.93.

### **Governing Board of the Shreveport Water Works Museum**

- The board advises the Secretary of State on all matters relating to the operation of the museum and exercises all powers as provided in R.S. 25:380.103.

### **Governing Board of the Louisiana Cotton Museum**

- The board may solicit and accept gifts and donations for the purposes of the Louisiana State Cotton Museum. Any funds so accepted may be expended by the board or by the Department of State as otherwise provided by law. The board shall exercise all powers, duties, functions and responsibilities provided or authorized by law which are in the nature of policy making, rule making, regulation, enforcement, or adjudication, and may exercise all advisory powers, duties and functions. The board shall administer and implement all programs provided or authorized by law. The board shall be responsible for the performance and administration of its day to day operations, except that the Secretary of State shall be responsible for those matters in the nature of accounting, payroll, budget control, procurement, data processing, and personnel management. (R. S. 25:380.2 and R. S. 36:801.7)

### **Regional Museum Governing Board of the Louisiana State Exhibit Museum**

- Individually or in cooperation with any nonprofit corporation established to support the Louisiana Exhibit Museum, seeks and expends funds from any source, public or private, to support programs of the museum. The board may also contract with consulting experts in the fields of museum administration and conservation of paintings, books, papers, and other decorative arts, and with appraisers, buying agents, designers, engineers, attorneys, accountants, construction and financial experts, and other such persons as may be necessary to carry out the purposes of the museum. (R.S. 25:379.2 and R.S. 36:801.6)

### **Eddie G. Robinson Museum Commission**

- Advises the Secretary of State on all matters relating to the operation of the Museum and exercises all powers as provided in R.S. 25:1243.

### **Advisory Board of the Schepis Museum**

•The board is created within the Department of State and is domiciled in the town of Columbia, Parish of Caldwell. The board shall advise the Secretary of State on all matters relating to the operations of the Schepis Museum, and in cooperation with any nonprofit corporation established to support the museum, seek funds from any source, public or private, to support the programs of the museum. (R.S. 25:380.163)

### **Governing Board of the Chennault Aviation and Military Museum**

•The board shall establish policies, rules and regulations for the operation of the museum and advise the Secretary of State on all matters relating to the operation of the museum. The board may seek and expend funds, individually, or in cooperation with nonprofit corporations established to support the museum, from any source, public or private, to support the museum. (R.S. 25:380.112)

### **Governing Board of the Germantown Colony Museum**

•The board shall advise the secretary of state on all matters relating to the operation of the Germantown Colony Museum. The board shall establish policies, rules and regulations for the operation of the museum and advise the Secretary of State on all matters relating to the operation of the museum. The board may seek and expend funds, individually, or in cooperation with nonprofit corporations established to support the museum, from any source, public or private, to support the museum. (R.S. 25:380.152)

### **Governing Board of the Spring Street Historical Museum**

•The governing board of the Spring Street Historical Museum is hereby placed within the Department of State and shall exercise all powers, duties, functions, and responsibilities provided or authorized for it by law which are in the nature of policymaking, rulemaking, regulation, enforcement, or adjudication. The board shall exercise all advisory powers, duties, and functions provided for it by law. The board shall administer and implement all programs provided or authorized by law for it or for the Spring Street Historical Museum. The board shall exercise the powers, duties, functions, and responsibilities and shall administer and implement the programs authorized by law independently of the secretary, except as otherwise provided in this Section. The board shall be responsible for the performance and administration of its day-to-day operations, except that the Secretary of State shall be responsible for those matters which are in the nature of capital outlay, accounting, payroll, budget control, procurement, data processing, and personnel management and shall have the authority to transfer or implement any or all of said functions through the secretary and the department. (R.S. 36:801.19)

**Governing Board of the Louisiana Military Hall of Fame and Museum:**

•The board advises the Secretary of State on all matters relating to the operation of the museum and exercises all powers as provided in R.S. 25:380.133.

**The South Louisiana Wetlands Discovery Center Commission**

•The commission is created within the Department of State and the commission may individually or in cooperation with any nonprofit corporation established to support the center, seek and expend funds from any source, public or private, to support programs of the center. (R.S. 25:1312 et seq.)

**State Board of Election Supervisors**

•Regularly reviews all election laws and all procedures used in conducting elections in this state. The Board reports annually to the House and Governmental Affairs Committee of the House of Representatives and the Senate and Governmental Affairs Committee of the Senate its findings, observations and recommendations concerning all aspects of elections in this state before the ninetieth day before each legislative session on the following subjects: election laws in general, registration procedures, election procedures, election officials, voting machines, tabulation and transmission of election returns, procedures used for casting and counting absentee ballots and any other aspect of elections the board deems appropriate. (R.S. 18:23-18:27 and R.S. 36:744)

**I. MISCELLANEOUS PROVISIONS:**

•Certified copies of licenses of psychologists are filed with the Secretary of State. (R.S. 37:2358)

•Secretary of State serves as agent for lessee of a mineral lease for notices until such time as the lessee supplies the lessor with a current address. (R.S. 30:112)

•Secretary of State is the custodian of the records of the nominating committee for the Southeast Louisiana Flood Protection Authorities. The chairman of the committee, or in his absence, the secretary of state, shall call the meeting of the nominating committee. The secretary of state or his designee shall serve as secretary for the nominating committee. (R.S. 38:330.1).

•Secretary of State certifies contracts pertaining to flood control which are made by the Governor on behalf of any state board, commission, agency, body politic or political subdivision or any section of the state. (R.S. 38:81).

•Requires municipalities or parish governments to file ordinances with the Secretary of State to opt out of the Louisiana Underground Utilities and Facilities Damage Prevention Law. (R.S. 40:1749.19).

**List those mandates which impede attaining agency goal(s) and suggestions for changes in law(s).**

- (1) Repeal or amend statutes that allow legislature and local government to call special elections.
- (2) Establish in statute that all constitutional amendments be considered only on a regularly scheduled statewide election.
- (3) Amend federal closed primary law to provide for consistency in voting.

**Section Two: Efficiency and Benchmarking**

**Identify under-performing programs that should be overhauled or eliminated.**

- (1) Discontinue publishing legislative acts in newspaper and make available only on-line.
- (2) Limit publication of legislative acts.
- (3) Modify current law on voting hours.
- (4) Reduce hours and days for early voting in non-federal and non-gubernatorial elections.

**Section Three: Outsourcing and Privatization**

**List programs, functions, or activities that can be privatized or outsourced.**

- (1) We have no recommendation in the area

**Section Four: Information Technology Integration**

**List IT projects already underway designed to improve efficiency and effectiveness as well as potential projects.**

**Projects underway include:**

ERIN – Elections Registration and Information Network

This project has been ongoing since 2005. During this time, the voter registration system has been upgraded from COBOL running on a mainframe to .NET.

Concurrently, the application was significantly enhanced to meet the needs of the Department and Registrars of Voters. Currently, the major work in progress includes the consolidation of the LASOS election management system into ERIN and provision of the technical capability to complete reapportionment.

#### CORA – Commercial on Line Registration Application

This project modernizes the application utilized in the registry of businesses. The first phase of the project converts the application used internally by Department users to a .NET application. A limited set of online filings will be available in November. A second phase will include the conversion of the UCC application from the AS400 to .NET.

#### **Potential Projects:**

CORA Phase III – this would provide for an additional 21 online filings as well as the ability to order certified copies on line.

Notaries – This application needs to be rewritten and upgraded to provide for online interaction. It is currently on the AS400 platform written in RPG. Rewriting the application and providing online functions would greatly improve the efficiency and effectiveness of this section.

Apostille – This is a currently a manual process that needs to be automated.

Archives & Records Management – The applications in use are outdated. Significant operating efficiencies could be realized if these applications provided additional functionality.

Things that are common across the departments should be considered for consolidation into the LaGov ERP project. Example: each department was asked to make provisions for employees to report attendance/absence in the event of a swine flu outbreak. Wouldn't the state have been better served to provide this in LEO for the 50,000+ employees required to use this system. Any function (safety training, training requests, purchasing requests, time and attendance reporting) that more than 50% of the employees currently using that system are required to do should be provided through LEO. Common functions should be provided through the ERP project – despite what e-mail system you are currently using.

#### **Section Five: Elimination of Duplicative and Unnecessary Services**

**List the activities of your agency that fall outside of your constitutional and statutory mandates.** Briefly describe the history of these programs, offices, or activities and how they became a part of your mission.

- Private Child Care Class B elections should be conducted by the Department of Social Services
- Registration of pollsters should be transferred to the Campaign Finance agency.

- Authorization for Campaign calls filed with the Secretary of State before commencing of calls should be transferred to the Campaign Finance Agency.
- Reduce the number of bound copies of Acts of the legislature that have to be distributed at state expense.
- Fees for Legislative Acts should be remitted to the Department of State or placed in the state general fund in lieu of being remitted to the Supreme Court of Louisiana.
- Repeal the provision that requires the Secretary of State to print and deliver journals and materials of Louisiana Historical Association, since this is paid out of state funds.
- Transfer the South Louisiana Wetlands Discovery Center and Commission to the Governor's Office of Coastal Activities.
- Place miscellaneous functions under those agencies whose statutory mandates are more closely related. i.e... Copies of psychologist's licenses, notices of mineral leases for set time, taxi cab licenses and functions of custodian of records of the nominating committee for Southeast Louisiana Flood protection Authorities.
- Transfer filing of an application for a state cable service franchise to the Public Service Commission

**Identify outdated activities that should no longer be part of the mission of your agency.** Act 491 notes that "many state agencies were created over 30 years ago and a Review...is needed to determine whether the purpose served by the agency or activity, function, program, or service continues to be relevant."

**Identify duplication or overlap with other state agencies, with the federal government, or with public or private stakeholder groups.**

- Consider consolidating Vital Records function in one agency.

#### **Section Six: Civil Service and Employee Benefits**

**List and identify any current initiatives or ideas related to employee benefits, hiring and promotion, and other employee regulations.**

#### **Ideas:**

Drug screening contracts need to include more efficient procedures. Currently, an applicant must pick up the form from our office, we have to mail the form to the

applicant, or we have to fax the form the testing facility before the applicant can go to the facility for testing. We do not get this form back. It is held by the testing facility. The change would simply give HR officers the ability to call the testing facility to let them know that an employee is en route to their location. The testing facility will handle all documentation.

### **Section Seven: Studies and other Resources**

Please list:

- Any studies (with a brief description) your agency has conducted that may be of interest to the Commission.
- Any national studies or studies in other states that might be of relevance.
- National organizations that might be a source of potential best practices for Louisiana. If a website exists for the organization, please provide it.

### **Section Eight: Agency Best Practices**

**List and identify any current successful streamlining initiatives taking place (or have taken place) within your agency.**

- The Secretary of State eliminated several executive staff positions
- Established a single Museum System
- Consolidated Education and Outreach Programs
- Created GeauBiz.com to establish portals to other state agencies for new businesses.
- Introduced on-line filing for commercial entities
- Encouraged elimination of legislative election dates
- Modernized voter registration data
- Consolidated notary examination and application process
- Developed a state-centralized election process within Secretary of State to avoid use of third party vendors
- Established non-profit "Friends" groups to support state archives and museums
- Submitted a digital Archives pilot to address the retention of electronic records in the State. While the State has extensive experience and practice in dealing with paper records, no strategy exists for managing electronic records.

- Adopted a single technology platform has been adopted by the Department and as funding is available, all new applications are migrated to the new platform (Microsoft – Windows Server, SQL Server, .NET).

**Current Initiatives:**

Under discussion currently in HR staff is a way to make the new employee orientation more efficient by allowing new hires to enter all personnel data on-line in place of spending 2 hours in HR completing the required paperwork. In the future HR would like to use kiosks at centrally located facilities to aid employees with their on-line orientations and/or aid applicants with LA Careers (apply for positions).

We are currently imaging documents. With the use of the IT Technology for on-line orientation we would be creating an on-line filing system for employee files, rather than a paper system. This is a long term projects with a lot of team work between IT and HR.

Return the completed survey report to the Commission on Streamlining Government at P.O. Box 44481, Baton Rouge, LA 70804; by facsimile at 225-342-9784; or by email at [streamline@legis.state.la.us](mailto:streamline@legis.state.la.us).