

July 31, 2000
OPINION NUMBER 2000-252

Honorable Suzanne Haik Terrell
Commissioner of Elections
Department of Elections & Registration
P. O. Box 14179
Baton Rouge, Louisiana 70898-4179

31 ELECTIONS – Registration of Voters

Reaffirm Op. No. 99-346 for the proposition that an internet organization is not a designated voter registration agency. Opine that a registrar is required to accept either the national voter registration form or the state mail voter registration form, whether it is printed on card stock or from an internet site. The Commissioner may place such a form on it's web site for use by the general public.

Dear Commissioner Terrell:

Your request for an Attorney General's opinion has been received by this office and assigned to me to research and reply. Your letter states that your office is aware of various web sites on the Internet which offer opportunities for applicants to begin the voter registration process, in that the applicants may provide registration data through the Internet to a third party. Thereafter, the third party generates a typed registration form and sends the form to the applicant for him to sign and mail. **BeAVOTER.org** is an example. Your letter states that the registration form does not exactly look the same as the form promulgated by the Federal Elections Commission, but that the data requested appears to be basically the same. You question whether our prior opinion, number 99-346, would apply to a web site such as **BeAVOTER.org** and whether it would be legal for your agency to have the Louisiana mail voter registration application form on its web site for applicants to print and complete.

The Election Code does not specifically address the use of the internet in registering applicants to vote. In Op. No. 99-346, we dealt specifically with an internet organization that wanted to allow a person to apply to register to vote online, by having the person submit data which would be formatted, returned to the applicant to print, sign and either mail or hand deliver to the appropriate registrar of voter's office. The internet organization would have been, in essence, acting as a *designated voter registration agency*.

The Louisiana Election Code specifically identifies those entities authorized to accept voter registration applications in this state. Per R.S. 18:114 and 116, all driver's license facilities and public assistance agencies that administer and provide certain services, state offices that provide state funded programs servicing persons with disabilities, and recruitment offices of the Armed Forces of the United States are all authorized to accept voter registration applications. The Commissioner is also authorized to designate by rule other offices within the state as designated voter registration agencies.

Internet organizations such as **BeAVOTER.org** are not a designated voter registration agencies from which a registrar must accept a voter registration application. R.S. 18:115 states:

A.(2) A person may apply to register to vote by mail by completing and returning *either the national voter registration form or the state mail voter registration form* to the registrar of voters for the parish in which the applicant resides.

Thus, a registrar would be required by law to accept a registration application on either the national voter registration form or the state mail voter registration form, whether it was printed on card stock by the Commissioner's office or printed off an internet site. If a form varies in any degree from either the national voter registration form or the state mail voter registration form, it should not be accepted, as it is not an authorized mail voter registration form.

Thus, in sum, we remain of the opinion that an internet organization is not a designated voter registration agency and therefore, has no authority to act as same in our state. A voter registration form that is not either the national voter registration form or the state mail voter registration form, regardless of whether it is on card stock or printed from an internet site, is the only authorized mail voter registration form in Louisiana, and must be accepted by the registrars of voters. The Commissioner's office is required by law to design and distribute a state mail voter registration application form, and therefore, we find no reason why the form can not be placed on the Commissioner's web site for use by the general public.

If we can be of further assistance herein, please advise.

Yours very truly,

RICHARD P. IEYOUNG
ATTORNEY GENERAL

ANGIE ROGERS LAPLACE
Assistant Attorney General

RPI/ARL;cwr

Cc: House & Governmental Affairs Comm.
Senate & Governmental Affairs Comm.

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SYLLABUS

Reaffirm Op. No. 99-346 for the proposition that an internet organization is not a designated voter registration agency. Opine that a registrar is required to accept either the national voter registration form or the state mail voter registration form, whether it is printed on card stock or from an internet site. The Commissioner may place such a form on its web site for use by the general public.

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Date Received:
Date Released: July 31, 2000

ANGIE ROGERS LAPLACE
Assistant Attorney General