





1 secretary of state, for that purpose, shall employ experts to conduct these  
2 examinations in accordance with R.S. 18:1361 and report the results thereof to the  
3 Voting System Commission. The expenses of the services of these experts shall be  
4 paid by the vendor that seeks to have its system certified for consideration. In every  
5 respect, the procurement of voting systems or system components shall be in  
6 accordance with the Louisiana Procurement Code.

7 \* \* \*

8 §1362.1. Voting System Commission; creation and organization; duties and  
9 responsibilities

10 \* \* \*

11 I.(1) After complying with the provisions of Subsection H of this Section,  
12 the commission shall determine the type of voting system to recommend to the  
13 secretary of state to submit ~~for competitive solicitation~~ for procurement in  
14 accordance with the provisions of the Louisiana Procurement Code.

15 \* \* \*

16 K. Upon receipt of the report, the secretary of state, working in conjunction  
17 with the office of state procurement, shall develop ~~a request for proposals~~ the best  
18 method of procurement taking into consideration the commission's  
19 recommendations. No later than thirty days prior to the issuance of the request for  
20 proposals or the issuance of an invitation to negotiate, the secretary shall promulgate  
21 certification standards for the type of voting system to be procured in accordance  
22 with the provisions of R.S. 18:1353.

23 \* \* \*

24 §1362.2. Voting System Proposal Evaluation Committee; membership; duties

25 A. The Voting System Proposal Evaluation Committee is created and  
26 established within the Department of State for the purpose of independently  
27 reviewing any proposals or responses to an invitation to negotiate received by the  
28 secretary of state in accordance with the provisions of R.S. 18:1362.1.

29 \* \* \*

1 C. The committee shall investigate and publicly test the voting systems  
 2 proposed by ~~the respondents to the request for proposals~~ potential vendors and may  
 3 utilize subject matter experts to assist in the investigation. Upon completion of the  
 4 investigation, the committee shall score each proposal or response to an invitation  
 5 to negotiate according to the ~~request for proposal~~ procurement criteria, which shall  
 6 ensure that all proposals or responses to an invitation to negotiate are evaluated in  
 7 a fair and balanced manner and provide equal consideration for all potential vendors  
 8 without exception. ~~The highest-scoring proposal shall receive the recommendation~~  
 9 ~~of the committee. The recommendation shall be communicated to the secretary of~~  
 10 ~~state. The committee shall make a recommendation and notify the secretary of state.~~  
 11 The secretary of state shall then make a recommendation and submit the proposal to  
 12 the chief procurement officer for subsequent review, approval, or further inquiry in  
 13 accordance with the Louisiana Procurement Code.

14 \* \* \*

15 SUBPART B. LEGAL AND CONTRACTUAL REMEDIES FOR THE  
 16 PROCUREMENT OF VOTING SYSTEMS

17 §1367. Authority to resolve protested solicitations and awards

18 A. Right to protest. Any person who is aggrieved in connection with the  
 19 solicitation or award of a contract of a voting system or system components issued  
 20 by the applicable chief procurement officer shall protest to the chief procurement  
 21 officer. Protests with respect to a solicitation shall be submitted in writing at least  
 22 ten days prior to the opening of bids. Protests with respect to the award of a contract  
 23 shall be submitted in writing within fourteen days after contract award.

24 B. Authority to resolve protests. The chief procurement officer or his  
 25 designee shall have authority, prior to the commencement of an action in court  
 26 concerning the controversy, to settle and resolve a protest of an aggrieved person  
 27 concerning the solicitation or award of a contract. This authority shall be exercised  
 28 in accordance with regulations.

1           C. Decision. If the protest is not resolved by mutual agreement, the chief  
2           procurement officer or his designee shall, within fourteen days, issue a decision in  
3           writing. The decision shall:

4           (1) State the reasons for the action taken.

5           (2) Inform the protestant of its right to administrative and judicial review as  
6           provided in this Subpart.

7           D. Notice of decision. A copy of the decision under Subsection C of this  
8           Section shall be mailed or otherwise furnished immediately to the protestant and any  
9           other party intervening.

10          E. Finality of decision. A decision under Subsection C of this Section shall  
11          be final and conclusive unless one of the following applies:

12          (1) The decision is fraudulent.

13          (2) The person adversely affected by the decision has timely appealed  
14          administratively to the commissioner in accordance with R.S. 18:1367.9.

15          F. Stay of procurements during protests. In the event of a timely protest  
16          under Subsection A of this Section, the state shall not proceed further with the  
17          solicitation or with the awarding of the contract unless the chief procurement officer  
18          makes a written determination that the awarding of the contract is necessary without  
19          delay to protect the substantial interests of the state. Upon such determination by the  
20          chief procurement officer, no court shall enjoin progress under the award except after  
21          notice and hearing.

22          G. Award of costs to protestants. In addition to any other relief, when the  
23          protest is administratively or judicially sustained and the protesting bidder or  
24          proposer should have been awarded the contract but is not, the protesting bidder or  
25          proposer shall be entitled to the reasonable costs incurred in connection with the  
26          solicitation, including bid or proposal preparation costs other than attorney fees,  
27          provided that any administrative determination of such costs shall be subject to the  
28          written concurrence of the attorney general.

1        §1367.1. Authority to debar or suspend

2            A. Applicability. This Section applies to a debarment, as defined in R.S.  
3            39:1556(18), for cause from consideration for award of contracts or a suspension  
4            from such consideration during an investigation where there is probable cause for  
5            such a debarment.

6            B. Authority. After reasonable notice to the person involved and reasonable  
7            opportunity for that person to be heard, the chief procurement officer shall have  
8            authority to suspend or debar a person for cause from consideration for award of  
9            contracts, provided that doing so is in the best interests of the state. The causes for  
10           debarment are set forth in Subsection C of this Section. The chief procurement  
11           officer may suspend a person from consideration for award of contracts if he  
12           determines that there is probable cause to believe that such person has engaged in  
13           any activity which might lead to debarment. The suspension shall not be for a period  
14           exceeding six months. The authority to debar or suspend shall be exercised in  
15           accordance with regulations.

16           C. Causes for debarment. The causes for debarment include the following:

17           (1) Conviction for commission of a criminal offense as an incident to  
18           obtaining or attempting to obtain a public or private contract or subcontract, or in the  
19           performance of such contract or subcontract.

20           (2) Conviction under state or federal statutes of embezzlement, theft, forgery,  
21           bribery, falsification or destruction of records, receiving stolen property, or any other  
22           offense indicating a lack of business integrity or business honesty which currently,  
23           seriously, and directly affects responsibility as a contractor.

24           (3) Conviction under state or federal antitrust statutes arising out of the  
25           submission of bids or proposals.

26           (4) Violation of contract provisions, as set forth below, of a character which  
27           is regarded by the chief procurement officer to be so serious as to justify debarment  
28           action:

29           (a) Deliberate failure without good cause to perform in accordance with the  
30           specifications or within the time limit provided in the contract.

1           (b) A recent record of failure to perform or of unsatisfactory performance in  
2           accordance with the terms of one or more contracts; provided that failure to perform  
3           or unsatisfactory performance caused by acts beyond the control of the contractor  
4           shall not be considered to be a basis for debarment.

5           (5) Any other cause the chief procurement officer determines to be so serious  
6           and compelling as to affect responsibility as a state contractor, including debarment  
7           by another governmental entity for any cause listed in regulations.

8           (6) Violation of the ethical standards set forth in Chapter 15 of Title 42.

9           D. Decision. The chief procurement officer shall issue a written decision to  
10          debar or suspend. The decision shall:

11          (1) State the reasons for the action taken.

12          (2) Inform the debarred or suspended person involved of its rights to  
13          administrative and judicial review as provided in this Subpart.

14          E. Notice of decision. A copy of the decision under Subsection D of this  
15          Section shall be mailed or otherwise furnished immediately to the debarred or  
16          suspended person and any other party intervening.

17          F. Finality of decision. A decision under Subsection D of this Section shall  
18          be final and conclusive unless one of the following applies:

19          (1) The decision is fraudulent.

20          (2) The debarred or suspended person has timely appealed administratively  
21          to the commissioner in accordance with R.S. 18:167.10.

22          §1367.2. Authority to resolve contract and breach of contract controversies other  
23          than professional, personal, consulting, and social services contracts

24          A. Applicability. This Section applies to controversies between the state and  
25          a contractor and which arise under or by virtue of a contract between them. This  
26          includes without limitation controversies based upon breach of contract, mistake,  
27          misrepresentation, or other cause for contract modification or rescission. Any  
28          contractor who seeks a remedy with regard to such controversy shall file a complaint  
29          with the chief procurement officer.

1           B. Authority. The chief procurement officer or his designee is authorized,  
2           prior to the commencement of an action in court concerning the controversy, to settle  
3           and resolve, with the approval of the attorney general, a controversy described in  
4           Subsection A of this Section. This authority shall be exercised in accordance with  
5           regulations.

6           C. Decision. If such a claim or controversy is not resolved by mutual  
7           agreement, the chief procurement officer or his designee shall promptly issue a  
8           decision in writing. The decision shall do all of the following:

9                   (1) State the reasons for the action taken.

10                   (2) Inform the contractor of its right to administrative and judicial review as  
11           provided in this Subpart.

12           D. Notice of decision. A copy of the decision under Subsection C of this  
13           Section shall be mailed or otherwise furnished immediately to the contractor.

14           E. Finality of decision. The decision under Subsection C of this Section  
15           shall be final and conclusive unless one of the following applies:

16                   (1) The decision is fraudulent.

17                   (2) The contractor has timely appealed administratively to the commissioner  
18           in accordance with R.S. 18:167.11.

19           F. Failure to render timely decision. If the chief procurement officer or his  
20           designee does not issue the written decision required under Subsection C of this  
21           Section within sixty days after written request for a final decision, or within such  
22           longer period as may be agreed upon by the parties, then the contractor may proceed  
23           as if an adverse decision had been received.

24           §1367.3. Remedies prior to an award

25                   If it is determined prior to award that a solicitation or proposed award of a  
26           contract is in violation of law, then the solicitation or proposed award shall be  
27           cancelled.

28           §1367.4. Remedies after an award

29                   If it is determined after an award that a solicitation or award of a contract is  
30           in violation of law, then:

1           (1) If the person awarded the contract has not acted fraudulently or in bad  
2           faith:

3           (a) The contract may be ratified and affirmed, provided it is determined in  
4           writing by the commissioner that doing so is in the best interests of the state and the  
5           law violation had no significant effect on the outcome of the contract award; or

6           (b) The contract may be terminated and the person awarded the contract shall  
7           be compensated for the actual expenses reasonably incurred under the contract prior  
8           to the termination, provided that any administrative determination of such costs shall  
9           be subject to the written concurrence of the attorney general.

10           (2) If the person awarded the contract has acted fraudulently or in bad faith,  
11           the contract shall be declared null and void.

12           §1367.5. Damages

13           A. Damages recoverable by any aggrieved person in any action brought  
14           pursuant to the provisions of R.S. 18:1367 or otherwise asserted at law, shall be  
15           limited exclusively to reasonable costs incurred in connection with the solicitation  
16           including bid preparation costs other than attorney fees.

17           B. Except as provided in Subsection E of this Section and R.S. 18:1367.5(1),  
18           damages recoverable by any contractor under any contract entered into pursuant to  
19           the provisions of this Subpart, shall be limited exclusively to the actual expenses  
20           reasonably incurred in performance of the contract.

21           C. The provisions of R.S. 49:980 shall not apply to actions instituted  
22           pursuant to the provisions of this Chapter.

23           D. Any administrative determination of costs or expenses recoverable by a  
24           contractor or aggrieved person under Subsections A and B of this Section shall be  
25           subject to the written concurrence of the attorney general.

26           E. In no event shall damages awarded by the chief procurement officer, his  
27           designee, any hearing officer or any court include attorney's fees or any incidental,  
28           indirect, special, or consequential damages, including but not limited to loss of use,  
29           revenue or profit whether reasonably certain or not.

1        §1367.6. Violations; penalties

2                A. No person shall intentionally violate the Louisiana Procurement Code or  
3        any rule or regulation promulgated by the commissioner of administration with  
4        respect to purchasing.

5                B. Any person who intentionally violates such law, rule, or regulation shall  
6        be fined not more than one thousand dollars, or imprisoned for not more than six  
7        months, or both.

8        §1367.7. Authority of the commissioner of administration

9                The commissioner of administration shall have the authority to review and  
10        determine any appeal by an aggrieved person from a determination by the state chief  
11        procurement officer or his designee which is authorized by R.S. 18:1367 or R.S.  
12        18:1367.1.

13        §1367.8. Exempted departments

14                The secretary who is vested with authority to promulgate regulations by R.S.  
15        39:1581 shall have, within his department, the same authority and responsibilities to  
16        review and determine appeals of decisions of the chief procurement officer of his  
17        department as are vested in the commissioner of administration by this Subpart.

18        §1367.9. Protest of solicitations or awards

19                A. Scope. This Section applies to an appeal addressed to the commissioner  
20        of a decision under R.S. 18:1367(C).

21                B. Time limitation on filing an appeal. The aggrieved person shall file an  
22        appeal within seven days of receipt of a decision under R.S. 18:1367(C).

23                C. Decision. On any appeal under Subsection A of this Section, the  
24        commissioner shall decide within fourteen days whether the solicitation or award  
25        was in accordance with the constitution, statutes, regulations, and the terms and  
26        conditions of the solicitation. Any prior determinations by the state chief  
27        procurement officer or his designee shall not be final or conclusive.

28                D. Notice of decision. A copy of the decision under Subsection C of this  
29        Section shall be mailed or otherwise furnished immediately to the protestant or any  
30        other party intervening.

1           E. Finality of decision. A decision under Subsection C of this Section shall  
2           be final and conclusive unless one of the following applies:

3                   (1) The decision is fraudulent.

4                   (2) The person adversely affected by the decision has timely appealed to the  
5           court in accordance with R.S. 18:1367.12(A).

6           §1367.10. Suspension or debarment proceedings

7                   A. Scope. This Section applies to a review by the commissioner of a  
8           decision under R.S. 18:1367.1.

9                   B. Time limitation on filing an appeal. The aggrieved person shall file its  
10           appeal with the commissioner within fourteen days of the receipt of a decision under  
11           R.S.18:1367(D).

12                   C. Decision. The commissioner shall decide within fourteen days whether,  
13           or the extent to which, the debarment or suspension was in accordance with the  
14           constitution, statutes, regulations, and the best interests of the state, and was fair.  
15           Any prior determination by the state chief procurement officer or his designee shall  
16           not be final or conclusive.

17                   D. Notice of decision. A copy of the decision under Subsection C of this  
18           Section shall be mailed or otherwise furnished immediately to the debarred or  
19           suspended person or any other party interviewing.

20                   E. Finality of decision. A decision under Subsection C of this Section shall  
21           be final and conclusive unless one of the following applies:

22                   (1) The decision is fraudulent.

23                   (2) The debarred or suspended person has timely appealed an adverse  
24           decision of the Commissioner to the court in accordance with R.S. 18:1367.12(B).

25           §1367.11. Contract and breach of contract controversies

26                   A. Scope. This Section applies to a review by the commissioner of a  
27           decision under R.S. 18:1367.2.

28                   B. Time limitation on filing an appeal. The aggrieved contractor shall file  
29           its appeal with the commissioner within fourteen days of the receipt of the  
30           determination under R.S. 18:1367.2(C).

1           C. Decision. The commissioner shall decide within fourteen days the  
2           contract or breach of contract controversy. Any prior determination by the state  
3           chief procurement officer or his designee shall not be final or conclusive.

4           D. Notice of decision. A copy of the decision under Subsection C of this  
5           Section shall be mailed or otherwise furnished immediately to the contractor.

6           E. Finality of decision. A decision under Subsection C of this Section shall  
7           be final and conclusive unless one of the following applies:

8                   (1) The decision is fraudulent.

9                   (2) The contractor has timely appealed an adverse decision of the  
10           commissioner to the court in accordance with R.S. 18:1367.12(C).

11           §1367.12. Actions by or against the state in connection with contracts

12           A. Solicitation and award of contracts. The Nineteenth Judicial District  
13           Court shall have exclusive venue over an action between the state and a bidder,  
14           offeror, or contractor, prospective or actual, to determine whether a solicitation or  
15           award of a contract is in accordance with the constitution, statutes, regulations, and  
16           the terms and conditions of the solicitation. Such actions shall extend to all kinds of  
17           actions, whether for monetary damages or for declaratory, injunctive, or other  
18           equitable relief.

19           B. Debarment or suspension. The Nineteenth Judicial District Court shall  
20           have exclusive venue over an action between the state and a person who is subject  
21           to a suspension or debarment proceeding, to determine whether the debarment or  
22           suspension is in accordance with the constitution, statutes, and regulations. Such  
23           actions shall extend to actions for declaratory, injunctive, or other equitable relief.

24           C. Actions under contracts or for breach of contract. The Nineteenth Judicial  
25           District Court shall have exclusive venue over an action between the state and a  
26           contractor who contracts with the state, for any cause of action which arises under  
27           or by virtue of the contract, whether the action is on the contract or for a breach of  
28           the contract or whether the action is for declaratory, injunctive, or other equitable  
29           relief.

1           D. Limited finality for administrative determinations. In any judicial action  
2           under this Section, factual or legal determination by employees, agents, or other  
3           persons appointed by the state shall have no finality and shall not be conclusive,  
4           notwithstanding any contract provision, regulation, or rule of law to the contrary,  
5           except to the extent provided in: R.S. 39:1630, R.S. 39:1671(E), R.S. 39:1672(F),  
6           R.S. 39:1673(E), R.S. 39:1683(E), R.S. 39:1684(E), and R.S. 39:1685(E).

7           E. Writs or appeals; district court decisions. Any party aggrieved by a final  
8           judgment or interlocutory order or ruling of the Nineteenth Judicial District Court  
9           may appeal or seek review thereof, as the case may be, to the Court of Appeal, First  
10          Circuit or the Supreme Court of Louisiana, as otherwise permitted in civil cases by  
11          law and the constitution.

12          §1367.13. Commencement of actions

13           A. Protested solicitations and awards. Any action under R.S. 18:1367.12(A)  
14           shall be commenced within fourteen days after receipt of the decision of the  
15           commissioner under R.S. 18:1367.9(C).

16           B. Debarments and suspension for cause. Any action under R.S.  
17           18:1367.12(B) shall be commenced within sixty days after receipt of the decision of  
18           the commissioner under R.S. 18:1367.10(C).

19           C. Actions under contracts or for breach of contract controversies. Any  
20           action under R.S. 18:1367.12(C) shall be commenced within sixty days after receipt  
21           of the decision of the commissioner under R.S. 18:1367.11(C).

22          §1367.14. Trial; decision; appeal

23           A.(1) Actions objecting to the solicitation or award of a contract pursuant to  
24           this Subpart shall be tried summarily, without a jury, and in open court. The trial  
25           shall begin no later than fourteen days after suit was filed.

26           B. In all actions, the trial judge shall render judgment within seven days after  
27           the case is submitted to him and shall indicate the date and time rendered on the  
28           judgment. The clerk of the trial court shall immediately notify all parties or their  
29           counsel of record by telephone and/or facsimile transmission of the judgment.

1           C. Within twenty-four hours after rendition of judgment, a party aggrieved  
2           by the judgment may appeal by obtaining an order of appeal and giving bond for a  
3           sum fixed by the court to secure the payment of costs. The clerk of the trial court  
4           shall give notice of the order of appeal to the clerk of the court of appeal and to all  
5           the parties or their counsel of record. The trial judge shall fix the return day at a time  
6           not to exceed three days after rendition of judgment.

7           D. The clerk of the trial court shall prepare the record on appeal and transmit  
8           it to the clerk of the court of appeal on the return day.

9           E. Immediately upon receipt of the record the clerk of the court of appeal  
10          shall notify the parties and the case shall be heard no later than forty-eight hours after  
11          the record is lodged with the court of appeal. Judgment shall be rendered within  
12          twenty-four hours after the case is argued. The court of appeal shall indicate the date  
13          and time rendered on the judgment. The clerk of the court of appeal shall  
14          immediately notify all parties or their counsel of record by telephone and/or  
15          facsimile transmission of the judgment.

16          F. An application to the supreme court for a writ of certiorari shall be made  
17          within forty-eight hours after judgment is rendered by the court of appeal.

18          G. The appellate court may sit in panels of three or more as directed by the  
19          chief judge.

20          H. No application for a new trial or for a rehearing shall be entertained by  
21          any court, but a court, upon its own motion, may correct manifest error to which its  
22          attention is called.

23          I. As used in this Subpart, judgment shall be deemed to have been rendered  
24          when signed by the judge.

25          §1367.15. Computation of time

26          Computation of all time intervals in this Chapter shall include Sundays and  
27          other legal holidays. However, if the time interval ends on a Sunday or other legal  
28          holiday, then noon of the next legal day shall be deemed to be the end of the time  
29          interval.

1           §1367.16. Code of Civil Procedure

2                   Any procedural matter not specifically provided for in this Code shall be  
3           governed by the Code of Civil Procedure.

4           Section 2. The Louisiana Law Institute is hereby authorized and directed to designate  
5 R.S. 18:1361 through 1366 as Subpart A of Part II of Chapter 8 of Title 18 of the Louisiana  
6 Revised Statutes of 1950.

7           Section 3. This Act shall become effective upon signature by the governor or, if not  
8 signed by the governor, upon expiration of the time for bills to become law without signature  
9 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If  
10 vetoed by the governor and subsequently approved by the legislature, this Act shall become  
11 effective on the day following such approval.

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#### DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

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HB 577 Original

2025 Regular Session

Deshotel

**Abstract:** Allows for the procurement of voting machines or systems by competitive sealed proposals and the invitation to negotiate in accordance with the Louisiana Procurement Code.

Present law requires the secretary of state to examine voting systems or system components to determine compliance with the certification standards promulgated by rule upon the request of a representative of the maker or supplier of the voting systems or system components. Requires the examination to occur prior to the solicitation of bids. Also requires any voting system or system components to be certified by a laboratory accredited by the United States Election Assistance Commission.

Proposed law requires the examination of voting systems or system components prior to the procurement and use of the voting system or system components. Requires testing of the voting system or system components by a laboratory accredited by the United State Election Assistance Commission. Retains all other provisions of present law.

Present law provides the procurement of voting systems or system components by use of a competitive request for proposal process or public bids. Proposed law changes the allowable methods of procurement to competitive sealed proposals or the invitation to negotiate in accordance with the Louisiana Procurement Code.

Present law establishes the Voting System Commission to evaluate and recommend the type of voting system to be procured. Requires the commission to recommend the type of voting system to the secretary of state to submit for competitive solicitation in accordance with the Louisiana Procurement Code. Requires the commission to submit a report of its findings to the governor and the legislature. Upon receipt of the report, the secretary of state and the

office of state procurement shall develop a request for proposals. The secretary shall also promulgate certification standards for the type of voting system to be procured.

Proposed law requires the commission to recommend the type of voting system to the secretary of state to submit for procurement, rather than competitive solicitation. Upon receipt of the report from the commission, the secretary of state and the office of state procurement shall develop the best method of procurement based upon the recommendations. Proposed law retains all other provisions of present law.

Present law establishes the Voting System Evaluation Committee in order to review any proposals received by the secretary of state. The committee is required to investigate and test the voting systems proposed by the respondents to the request for proposals. The committee is also required to score each proposal. The committee is required to recommend the highest-scoring proposal and to communicate that recommendation to the secretary of state. The secretary of state is required to make a recommendation and submit the same to the chief procurement officer.

Proposed law requires the committee to review any proposals or responses to an invitation to negotiate received by the secretary of state. The committee is required to investigate and test the voting systems proposed by potential vendors. The committee is also required to score each proposal or response to the invitation to negotiate. The committee is required to make a recommendation and notify the secretary of state. Proposed law retains all other provisions of present law.

Proposed law provides for the legal and contractual remedies for the procurement of voting systems or systems components.

Effective upon the signature of the governor or lapse of time for gubernatorial action.

(Amends R.S. 18:1361(A) and (B), 1362(A)(1), 1362.1(I)(1) and (K), and 1362.2(A) and (C); Adds R.S. 1367 through 1367.16)