

**ACT No. 208**

2025 Regular Session

HOUSE BILL NO. 577

BY REPRESENTATIVE DESHOTEL

1 AN ACT

2 To amend and reenact R.S. 18:1361(A) and (B), 1362(A)(1), 1362.1(I)(1) and (K), and  
3 1362.2(A) and (C) and to enact Subpart B of Part II of Chapter 8 of Title 18, to be  
4 comprised of R.S. 18:1367.1 through 1367.14, relative to procurement of voting  
5 systems or system components; to provide relative to the allowable methods of  
6 procurement; to provide relative to the approval of voting systems; to provide  
7 relative to the Voting System Commission and its powers and duties; to provide  
8 relative to the Voting System Proposal Evaluation Committee and its powers and  
9 duties; to provide for the authority and duties of the secretary of state; to provide for  
10 the authority and duties of the commissioner of administration and chief procurement  
11 officer with respect to procurement; to provide for legal and contractual remedies  
12 and for administrative appeals relative to such procurements; to provide for the  
13 authority of the Louisiana Law Institute; to provide for an effective date; and to  
14 provide for related matters.

15 Be it enacted by the Legislature of Louisiana:

16 Section 1. R.S. 18:1361(A) and (B), 1362(A)(1), 1362.1(I)(1) and (K), and 1362.2(A)  
17 and (C) are hereby amended and reenacted and Subpart B of Part II of Chapter 8 of Title 18,  
18 comprised of R.S. 18:1367.1 through 1367.14, is hereby enacted to read as follows:

19 SUBPART A. PROCUREMENT AND ALLOCATION OF VOTING SYSTEMS

20 §1361. Approval of voting systems or system components; certificate; expenses of  
21 examination

22 A. Prior to the ~~solicitation of bids for procurement and use of~~ any new voting  
23 system, the secretary of state shall examine any type or make of voting system or  
24 system component upon the request of a representative of the maker or supplier  
25 thereof for compliance with the certification standards promulgated pursuant to R.S.  
26 18:1353. If the secretary of state determines that the voting system or system

1 component complies with the certification standards, he shall approve that voting  
2 system or system component for use in this state and shall issue his certificate of  
3 approval thereof.

4 B. In addition to meeting any applicable certification standards, any voting  
5 system or system component procured or used in the state must have been certified  
6 according to the voluntary voting system guidelines developed and maintained by  
7 the United States Election Assistance Commission upon testing conducted by a  
8 voting system test laboratory accredited by the United States Election Assistance  
9 Commission. This certificate, together with any relevant reports, drawings, and  
10 photographs, shall be a public record.

11 \* \* \*

12 §1362. Method of procuring voting systems or system components; parts and  
13 supplies; contracting for the maintenance of voting machines

14 A.(1) All voting systems or system components used in this state shall be  
15 procured by the secretary of state, taking into consideration the recommendations of  
16 the Voting System Commission as provided in R.S. 18:1362.1, out of state funds  
17 appropriated for that purpose, ~~on the basis of a competitive request for proposals~~  
18 ~~process or public bids submitted to the secretary of state~~ on the basis of competitive  
19 sealed proposals or the invitation to negotiate in accordance with the provisions of  
20 the Louisiana Procurement Code. Required specifications shall include tests and  
21 examinations of the operation of the voting systems or system components, and the  
22 secretary of state, for that purpose, shall employ experts to conduct these  
23 examinations in accordance with R.S. 18:1361 and report the results thereof to the  
24 Voting System Commission. The expenses of the services of these experts shall be  
25 paid by the vendor that seeks to have its system certified for consideration. In every  
26 respect, the procurement of voting systems or system components shall be in  
27 accordance with the Louisiana Procurement Code.

28 \* \* \*



1 ~~recommendation of the committee. The recommendation shall be communicated to~~  
 2 ~~the secretary of state. The committee shall make a recommendation and notify the~~  
 3 secretary of state. The secretary of state shall then make a recommendation and  
 4 submit the proposal to the chief procurement officer for subsequent review, approval,  
 5 or further inquiry in accordance with the Louisiana Procurement Code.

6 \* \* \*

7 SUBPART B. LEGAL AND CONTRACTUAL REMEDIES FOR THE  
 8 PROCUREMENT OF VOTING SYSTEMS

9 §1367.1. Applicability of Subpart; definitions

10 A. To the extent any provisions of this Subpart regarding legal and  
 11 contractual remedies for the procurement of voting systems conflict with any  
 12 provision of Title 39 of the Louisiana Revised Statutes of 1950, the provisions of this  
 13 Subpart shall supersede and control.

14 B. As used in this Subpart, "commissioner" means the commissioner of  
 15 administration.

16 §1367.2. Authority to resolve protested solicitations and awards

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

23 B. Authority to resolve protests. The chief procurement officer or his  
 24 designee shall have authority, prior to the commencement of an action in court  
 25 concerning the controversy, to settle and resolve a protest of an aggrieved person  
 26 concerning the solicitation or award of a contract. This authority shall be exercised  
 27 in accordance with regulations promulgated pursuant to R.S. 39:1671(H).

28 C. Decision. If the protest is not resolved by mutual agreement, the chief  
 29 procurement officer or his designee shall, within seven days, issue a decision in  
 30 writing. The decision shall:

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

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

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 protestant and any  
6                   other party intervening.

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

9                   (1) The decision is fraudulent.

10                  (2) The person adversely affected by the decision has timely appealed  
11                  administratively to the commissioner in accordance with R.S. 18:1367.6.

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

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

26                  §1367.3. Authority to debar or suspend

27                  A. Applicability. This Section applies to a debarment, as defined in R.S.  
28                  39:1556(18), for cause from consideration for award of contracts or a suspension  
29                  from such consideration during an investigation where there is probable cause for  
30                  such a debarment.

1           B. Authority. After reasonable notice to the person involved and reasonable  
2           opportunity for that person to be heard, the chief procurement officer shall have  
3           authority to suspend or debar a person for cause from consideration for award of  
4           contracts, provided that doing so is in the best interests of the state. The causes for  
5           debarment are set forth in Subsection C of this Section. The chief procurement  
6           officer may suspend a person from consideration for award of contracts if he  
7           determines that there is probable cause to believe that such person has engaged in  
8           any activity which might lead to debarment. The suspension shall not be for a period  
9           exceeding six months. The authority to debar or suspend shall be exercised in  
10           accordance with regulations as provided in R.S. 39:1673(B).

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

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

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

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

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

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

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

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

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

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

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

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

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

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

15                  (1) The decision is fraudulent.

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

18                  §1367.4. Authority to resolve contract and breach of contract controversies other  
19                  than professional, personal, consulting, and social services contracts

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

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

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

- 4            (1) State the reasons for the action taken.
- 5            (2) Inform the contractor 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 contractor.

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

- 11           (1) The decision is fraudulent.
- 12           (2) The contractor has timely appealed administratively to the commissioner  
 13           in accordance with R.S. 18:1367.8.

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

19           §1367.5. Authority of the commissioner of administration  
 20           The commissioner of administration shall have the authority to review and  
 21           determine any appeal by an aggrieved person from a determination by the state chief  
 22           procurement officer or his designee which is authorized by R.S. 18:1367 or R.S.  
 23           18:1367.1.

24           §1367.6. Protest of solicitations or awards  
 25           A. Scope. This Section applies to an appeal addressed to the commissioner  
 26           of a decision under R.S. 18:1367.2(C).

27           B. Time limitation on filing an appeal. The aggrieved person shall file an  
 28           appeal within seven days of receipt of a decision under R.S. 18:1367.2(C).

29           C. Decision. On any appeal under Subsection A of this Section, the  
 30           commissioner or his designee shall decide within seven days whether the solicitation

1 or award was in accordance with the constitution, statutes, regulations, and the terms  
2 and conditions of the solicitation. The seven-day period provided for in this  
3 Subsection shall not be extended. Any prior determinations by the state chief  
4 procurement officer or his designee shall not be final or conclusive.

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

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

10 (1) The decision is fraudulent.

11 (2) The person adversely affected by the decision has timely appealed to the  
12 court in accordance with R.S. 18:1367.9(A).

13 §1367.7. Suspension or debarment proceedings

14 A. Scope. This Section applies to a review by the commissioner of a  
15 decision under R.S. 18:1367.3.

16 B. Time limitation on filing an appeal. The aggrieved person shall file an  
17 appeal with the commissioner within seven days of the receipt of a decision under  
18 R.S. 18:1367.2(D).

19 C. Decision. The commissioner or his designee shall decide within seven  
20 days whether, or the extent to which, the debarment or suspension was in accordance  
21 with the constitution, statutes, regulations, and the best interests of the state, and was  
22 fair. Any prior determination by the state chief procurement officer or his designee  
23 shall not be final or conclusive.

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

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

29 (1) The decision is fraudulent.

1                   (2) The debarred or suspended person has timely appealed an adverse  
2                   decision of the commissioner to the court in accordance with R.S. 18:1367.9(B).

3                   §1367.8. Contract and breach of contract controversies

4                   A. Scope. This Section applies to a review by the commissioner of a  
5                   decision under R.S. 18:1367.4.

6                   B. Time limitation on filing an appeal. The aggrieved contractor shall file  
7                   an appeal with the commissioner within seven days of the receipt of the  
8                   determination under R.S. 18:1367.4(C).

9                   C. Decision. The commissioner or his designee shall decide within seven  
10                  days the contract or breach of contract controversy. Any prior determination by the  
11                  state chief procurement officer or his designee shall not be final or conclusive.

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

16                   (1) The decision is fraudulent.

17                   (2) The contractor has timely appealed an adverse decision of the  
18                   commissioner to the court in accordance with R.S. 18:1367.9(C).

19                  §1367.9. Actions by or against the state in connection with contracts

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

27                  B. Debarment or suspension. The Nineteenth Judicial District Court shall  
28                  have exclusive venue over an action between the state and a person who is subject  
29                  to a suspension or debarment proceeding, to determine whether the debarment or

1 suspension is in accordance with the constitution, statutes, and regulations. Such  
2 actions shall extend to actions for declaratory, injunctive, or other equitable relief.

3 C. Actions under contracts or for breach of contract. The Nineteenth Judicial  
4 District Court shall have exclusive venue over an action between the state and a  
5 contractor who contracts with the state, for any cause of action which arises under  
6 or by virtue of the contract, whether the action is on the contract or for a breach of  
7 the contract or whether the action is for declaratory, injunctive, or other equitable  
8 relief.

9 D. Limited finality for administrative determinations. In any judicial action  
10 under this Section, factual or legal determination by employees, agents, or other  
11 persons appointed by the state shall have no finality and shall not be conclusive,  
12 notwithstanding any contract provision, regulation, or rule of law to the contrary,  
13 except to the extent provided in R.S. 18:1367.2(E), 1367.3(F), 1367.4(E), 1367.6(E),  
14 1367.7(E), and 1367.8(E).

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

20 §1367.10. Commencement of actions

21 A. Protested solicitations and awards. Any action under R.S. 18:1367.9(A)  
22 shall be commenced within fourteen days after receipt of the decision of the  
23 commissioner under R.S. 18:1367.6(C).

24 B. Debarments and suspension for cause. Any action under R.S.  
25 18:1367.9(B) shall be commenced within sixty days after receipt of the decision of  
26 the commissioner under R.S. 18:1367.7(C).

27 C. Actions under contracts or for breach of contract controversies. Any  
28 action under R.S. 18:1367.9(C) shall be commenced within sixty days after receipt  
29 of the decision of the commissioner under R.S. 18:1367.8(C).

30 §1367.11. Trial; decision; appeal

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

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

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

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

16          E. Immediately upon receipt of the record the clerk of the court of appeal  
17          shall notify the parties and the case shall be heard no later than forty-eight hours after  
18          the record is lodged with the court of appeal. Judgment shall be rendered within  
19          twenty-four hours after the case is argued. The court of appeal shall indicate the date  
20          and time rendered on the judgment. The clerk of the court of appeal shall  
21          immediately notify all parties or their counsel of record by telephone and/or  
22          facsimile transmission of the judgment.

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

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

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

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

3                    §1367.12. Computation of time

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

8                    §1367.13. Code of Civil Procedure

9                    Any procedural matter not specifically provided for in this Subpart shall be  
10                   governed by the Code of Civil Procedure.

11                   §1367.14. Termination

12                   The provisions of this Subpart shall be null and void and have no effect  
13                   beginning on June 30, 2027.

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

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

\_\_\_\_\_  
SPEAKER OF THE HOUSE OF REPRESENTATIVES

\_\_\_\_\_  
PRESIDENT OF THE SENATE

\_\_\_\_\_  
GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: \_\_\_\_\_