

RÉSUMÉ DIGEST

ACT 636 (HB 763)

2024 Regular Session

Beaulieu

New law requires and prohibits certain actions related to elections by the secretary of state and his employees, registrars of voters and their employees, clerks of court and their employees, parish boards of election supervisors and their employees, commissioners-in-charge, and commissioners, all referred to in this digest as election officials.

New law requires an election official who receives a federal directive or guidance pertaining to elections that is not published on the secretary of state's website or who is offered new federal funding for the purpose of funding elections and who wishes to implement the directive or guidance or accept the funding to notify the secretary of state of such funding, directive, or guidance within five business days after receipt.

New law authorizes the secretary of state to request the approval of such implementation or acceptance of funding by the House Committee on House and Governmental Affairs and the Senate Committee on Senate and Governmental Affairs. Such a request shall be submitted to the chairman of each committee within five business days of the receipt of the notification by the secretary of state.

New law prohibits an election official from implementing any federal directive or guidance pertaining to elections or accepting new federal funding for the purpose of funding elections unless the implementation or acceptance is explicitly required by law or one of the following applies:

- (1) The House Committee on House and Governmental Affairs and the Senate Committee on Senate and Governmental Affairs approve the implementation or authorization after consulting with the secretary of state or his designee.
- (2) Neither committee prohibits the implementation or acceptance within 30 days after receipt of a request from the official for authority to implement the directive or guidance.

New law provides that within 90 days of the initial declaration of a state of emergency, the secretary of state may implement any federal directive or guidance pertaining to elections or authorize the acceptance or disbursement of new federal funding for the purpose of funding elections without either an explicit state or federal legal requirement to do so by publishing the directive or authorization on his website and giving immediate notification of the directive or authorization to the House Committee on House and Governmental Affairs and the Senate Committee on Senate and Governmental Affairs.

New law provides the secretary of state's authorization expires 30 days after publication unless the legislative committees approve the directive or guidance or authorize the acceptance and disbursement of funds as provided in new law.

New law does not apply to funds provided pursuant to the Help America Vote Act or any other funding subject to state or federal law regarding its acceptance and disbursement.

New law requires the secretary of state to report to the House Committee on House and Governmental Affairs and the Senate Committee on Senate and Governmental Affairs no later than March 1st of each year information regarding the notifications received by the secretary of state from local election officials pursuant to new law and the source and amount of any federal funding, including grant awards, received within the prior calendar year by the department or local election officials for the purpose of conducting elections.

New law provides that if an election official accepts and disburses federal election funds in violation of new law, the attorney general shall pursue any available legal means to enjoin the official from doing so and to recover expended funds.

Effective upon signature of the governor (June 11, 2024).

(Adds R.S. 18:425.2)