

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 * * *

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

* * *

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

* * *

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

* * *

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

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

* * *

C. The committee shall investigate and publicly test the voting systems proposed by ~~the respondents to the request for proposals~~ potential vendors and may utilize subject matter experts to assist in the investigation. Upon completion of the investigation, the committee shall ~~score~~ evaluate each proposal or response to an invitation to negotiate according to the ~~request for proposal procurement~~ criteria, which shall ensure that all proposals or responses to an invitation to negotiate are evaluated in a fair and balanced manner and provide equal consideration for all potential vendors without exception. ~~The highest-scoring proposal shall receive the~~

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: _____