

2020 Second Extraordinary Session

HOUSE BILL NO. 51

BY REPRESENTATIVE MIGUEZ

ELECTIONS: Provides for prohibition of using private funds for any part of our election system (Item #5)

1 AN ACT

2 To enact R.S. 18:1400.9, relative to funding of elections and related expenses; to provide
3 relative to election expenses paid by the secretary of state; to provide relative to
4 election expenses paid by a governing authority; to provide relative to election
5 expenses incurred by clerks of court and registrars of voters; to provide relative to
6 election expenses for parish boards of election supervisors; to provide exceptions;
7 and to provide for related matters.

8 Be it enacted by the Legislature of Louisiana:

9 Section 1. R.S. 18:1400.9 is hereby enacted to read as follows:

10 §1400.9. Prohibition on use of private funds for election related expenses

11 A. When an election is held during a state of emergency declared by the
12 governor, no state or local official, including but not limited to a registrar of voters
13 or a clerk of court, or agency responsible for conducting elections shall solicit,
14 accept, use, or dispose of any donation in the form of money, grants, property, or
15 personal services from individuals or profit or nonprofit corporations, for the purpose
16 of funding election related expenses.

17 B. The provisions of Subsection A of this Section shall not apply to the
18 solicitation, acceptance, use, or disposal of any campaign contribution or in-kind
19 contribution by any candidate for public office for the purpose of meeting expenses
20 related to seeking that office.

1 Section 2. This Act shall become effective upon signature by the governor or, if not
2 signed by the governor, upon expiration of the time for bills to become law without signature
3 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If
4 vetoed by the governor and subsequently approved by the legislature, this Act shall become
5 effective on the day following such approval.

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)]

HB 51 Engrossed

2020 Second Extraordinary Session

Miguez

Abstract: Prohibits use of private funds for election related expenses by a governing authority or agency during a declared emergency.

Present law provides relative to payment of costs related to elections including payment of costs of ballots and election materials, publication of the location of polling places, of renting polling places, of drayage, of setting up voting machines, of compensating commissioners and deputy parish custodians, of transmitting election returns, of other election-related costs incurred by registrars of voters, clerks of court, and the parish board of election supervisors. Present law further specifies that election expenses will be shared on a prorated basis by the state and local governments from funds appropriated to the secretary of state for that purpose.

Proposed law provides that no state or local official or agency responsible for conducting elections shall solicit, accept, use, or dispose of any donation in the form of money, grants, property, or personal services from individuals or profit or nonprofit corporations, for the purpose of funding election related expenses during a declared state of emergency. Proposed law provides that the prohibition does not apply to the solicitation, acceptance, use, or disposal of campaign contributions or in-kind contributions by a candidate for public office for the purpose of meeting expenses related to seeking that office.

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

(Adds R.S. 18:1400.9)

Summary of Amendments Adopted by House

The Committee Amendments Proposed by House Committee on House and Governmental Affairs to the original bill:

1. Add that the prohibition does not apply to solicitation, use, etc. of campaign contributions or in-kind contributions by a candidate for public office.