AN ACT

To enact R.S. 18:425.2, relative to elections; to provide relative to directives and guidance from the federal government regarding elections; to require certain notifications regarding such directives and guidance; to prohibit implementation of directive and guidance under certain circumstance; to prohibit acceptance of federal funds for elections under certain circumstances; to provide for an effective date; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 18:425.2 is hereby enacted to read as follows:

§425.2. Election officials; requirements and prohibitions

A. An election official who receives a federal directive or guidance pertaining to elections that is not published on the secretary of state's website shall notify, by certified mail, the governor, the speaker of the Louisiana House of Representatives, and the president of the Louisiana Senate of such directive or guidance within five business days after receipt.

B. (1) No election official shall implement any federal directive or guidance pertaining to elections without an explicit state or federal legal requirement to do so or prior approval of the House Committee on House and Governmental Affairs and the Senate Committee on Senate and Governmental Affairs, after consulting with the secretary of state or his designee, as provided by this Subsection.

(2) If a state or federal law does not explicitly require the election official to implement the directive or guidance, an official who wishes to implement the
guidance or directive shall request the approval of such implementation from the
House Committee on House and Governmental Affairs and the Senate Committee
on Senate and Governmental Affairs. Such a request shall be submitted by certified
mail delivered to the chairman of each committee. The official shall implement or
refrain from implementing the directive or guidance as follows:

(a) If both committees vote to approve implementation, after consulting with
the secretary of state or his designee, the official shall implement the directive or
guidance.

(b) If neither committee votes to prohibit implementation within thirty days
after receipt of the request from the official, the official shall implement the directive
or guidance.

(c) If either committee votes to prohibit the implementation, after consulting
with the secretary of state or his designee, within thirty days after receipt of the
request from the official, the official shall not implement the directive or guidance.

C.(1) No election official shall accept or disperse new federal elections funds
without an explicit state or federal legal requirement to do so or prior approval of the
Joint Legislative Committee on the Budget as provided by this Subsection. Nothing
in this Section shall be construed to pertain to funds provided under the Help
America Vote Act or any other funding subject to state or federal law regarding its
acceptance and dispersal.

(2) If a state or federal law does not explicitly require the election official to
accept and disperse the particular federal election funds, an official who wishes to
accept and disperse such funds shall request the approval of such acceptance and
dispersal from the Joint Legislative Committee on the Budget, after consulting with
the secretary of state or his designee. Such a request shall be submitted by certified
mail delivered to the chairman of the Joint Legislative Committee on the Budget.
The official shall accept and disperse the funds or refrain from accepting and
dispersing the funds as follows:
(a) If the committee votes to authorize acceptance and dispersal of such funds, after consulting with the secretary of state or his designee, the official shall accept and disperse the funds.

(b) If the committee does not vote to disapprove the acceptance and dispersal of funds within thirty days after receipt of the request from the official, the official shall accept and disperse the funds.

(c) If the committee votes to disapprove the acceptance and dispersal of funds, after consulting with the secretary of state or his designee, within thirty days after receipt of the request from the official, the official shall not accept or disperse the funds.

(3) If an election official accepts and disperses federal election funds in violation of this Subsection, the attorney general shall pursue any available legal means to enjoin the official from doing so and to recover expended funds.

D. For purposes of this Section, "election official" shall have the same meaning as provided in R.S. 18:1466(2).

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

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: ____________________