

2023 Regular Session

HOUSE BILL NO. 260

BY REPRESENTATIVE BEAULLIEU

1 AN ACT

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

8 Be it enacted by the Legislature of Louisiana:

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

10 §425.2. Election officials; requirements and prohibitions

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

16 B.(1) No election official shall implement any federal directive or guidance
17 pertaining to elections without either an explicit state or federal legal requirement to
18 do so or prior approval of the House Committee on House and Governmental Affairs
19 and the Senate Committee on Senate and Governmental Affairs as provided by this
20 Subsection.

21 (2) An election official who is not explicitly required by state or federal law
22 to implement the directive or guidance may request the approval of such
23 implementation from the House Committee on House and Governmental Affairs and
24 the Senate Committee on Senate and Governmental Affairs. Such a request shall be

1 submitted by certified mail delivered to the chairman of each committee. The
2 official shall implement or refrain from implementing the directive or guidance as
3 follows:

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

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

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

13 C.(1) No election official shall accept or disburse new federal elections funds
14 without either an explicit state or federal legal requirement to do so or prior approval
15 of the Joint Legislative Committee on the Budget as provided by this Subsection.
16 This Subsection does not pertain to funds provided under the Help America Vote Act
17 or any other funding subject to state or federal law regarding its acceptance and
18 disbursal.

19 (2) An election official who is not explicitly required by state or federal law
20 to accept and disburse the particular federal election funds may request the approval
21 of such acceptance and disbursal from the Joint Legislative Committee on the
22 Budget. Such a request shall be submitted by certified mail delivered to the
23 chairman of the Joint Legislative Committee on the Budget. The official shall accept
24 and disburse the funds or refrain from accepting and disbursing the funds as follows:

25 (a) If the committee votes to authorize acceptance and disbursal of such
26 funds, after consulting with the secretary of state or his designee, the official shall
27 accept and disburse the funds.

28 (b) If the committee does not vote to disapprove the acceptance and disbursal
29 of funds within thirty days after receipt of the request from the official, the official
30 shall accept and disburse the funds.

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

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

8 D. For purposes of this Section, "election official" has the same meaning as
9 provided in R.S. 18:1466.

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

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____