

2024 Regular Session

HOUSE BILL NO. 90

BY REPRESENTATIVE BEAULLIEU

ELECTIONS: Provides relative to federal election guidance and funding

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.

1           (2) An election official who is not explicitly required by state or federal law  
2           to implement the directive or guidance may request the approval of such  
3           implementation from the House Committee on House and Governmental Affairs and  
4           the Senate Committee on Senate and Governmental Affairs. Such a request shall be  
5           submitted by certified mail delivered to the chairman of each committee. The  
6           official shall implement or refrain from implementing the directive or guidance as  
7           follows:

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

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

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

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

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

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

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

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

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

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

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

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#### 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)]

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HB 90 Original

2024 Regular Session

Beaulieu

**Abstract:** Prohibits implementation of federal election directives and guidance and spending of federal money for elections under certain conditions.

Proposed 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.

Proposed 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 to notify the governor, the speaker of the La. House of Representatives and the president of the La. Senate of such directive or guidance within five business days.

Proposed law prohibits an election official from implementing any federal directive or guidance pertaining to elections unless the implementation 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 after consulting with the secretary of state or his designee.
- (2) Neither committee prohibits the implementation within 30 days after receipt of a request from the official for authority to implement the directive or guidance.

Proposed law prohibits an election official from accepting or disbursing new federal elections funds unless the acceptance and disbursal is explicitly required by law or one of the following applies:

- (1) The Joint Legislative Committee on the Budget votes to approve the acceptance and disbursal of the funds after consulting with the secretary of state or his designee.
- (2) The Joint Legislative Committee on the Budget does not vote to disapprove the acceptance and disbursal within 30 days after receipt of a request from the official for authority to accept and disburse the funds.

Proposed law provides that if an election official accepts and disburses federal election funds in violation of proposed 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 governor or lapse of time for gubernatorial action.

(Adds R.S. 18:425.2)