
DIGEST

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HB 763 Original

2024 Regular Session

Beaullieu

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 or is offered new federal funding for the purpose of funding elections and wishes to implement the directive or guidance or accept the funding shall notify the secretary of state of such funding, directive, or guidance within five business days after receipt.

Proposed law authorizes the secretary of state to request the approval of such implementation or authorization by the House Committee on House and Governmental Affairs and the Senate Committee on Senate and Governmental Affairs. Such a request shall be submitted to the chairman of each committee within five business days of the receipt of the notification by the secretary of state.

Proposed law prohibits an election official from implementing any federal directive or guidance pertaining to elections or accepting new federal funding for the purpose of funding elections unless the implementation or acceptance 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 or authorization after consulting with the secretary of state or his designee.
- (2) Neither committee prohibits the implementation or acceptance 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 implementing any federal directive or guidance pertaining to elections or accepting new federal funding for the purpose of funding elections if, after consulting with the secretary of state or his designee, either committee votes, within 30 days after receipt of the request from the secretary of state, to prohibit the implementation.

Proposed law provides that within 90 days of the initial declaration of a state of emergency, the

secretary of state may implement any federal directive or guidance pertaining to elections or authorize the acceptance or disbursal of new federal funding for the purpose of funding elections without either an explicit state or federal legal requirement to do so by publishing the directive or authorization on his website and giving immediate notification of the directive or authorization to the House Committee on House and Governmental Affairs and the Senate Committee on Senate and Governmental Affairs.

Proposed law provides the secretary of state's authorization shall expire 30 days after publication unless the legislative committees approve the directive or guidance or authorize the acceptance and disbursal of funds as provided in proposed law.

Proposed law does not apply to funds provided pursuant to the Help America Vote Act or any other funding subject to state or federal law regarding its acceptance and disbursal.

Proposed law requires the secretary of state to report to the House Committee on House and Governmental Affairs and the Senate Committee on Senate and Governmental Affairs no later than March 1 of each year information regarding the notifications received by the secretary of state from local election officials pursuant to proposed law and the source and amount of any federal funding, including grant awards, received within the prior calendar year by the department or local election officials for the purpose of conducting elections.

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 the governor or lapse of time for gubernatorial action.

(Adds R.S. 18:425.2)