

2024 Regular Session

HOUSE BILL NO. 763 (Substitute for House Bill No. 90 by Representative Beullieu)

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, guidance, and
3 funding from the federal government regarding elections; to require certain
4 notifications regarding such directives, guidance, and funding; to prohibit
5 implementation of directives and guidance and acceptance of federal funds under
6 certain circumstances; to provide for an effective date; and to provide for related
7 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 or is
13 offered new federal funding for the purpose of funding elections and wishes to
14 implement the directive or guidance or accept the funding shall notify the secretary
15 of state of such funding, directive, or guidance within five business days after
16 receipt.

17 B.(1) Except as provided in Subsection C of this Section, no election official
18 shall implement any federal directive or guidance pertaining to elections or be
19 authorized to accept or disburse new federal funding for the purpose of funding
20 elections without either an explicit state or federal legal requirement to do so or prior

1 approval of the House Committee on House and Governmental Affairs and the
2 Senate Committee on Senate and Governmental Affairs as provided by this
3 Subsection.

4 (2) If the secretary of state wishes to seek approval of such implementation
5 or authorization by the House Committee on House and Governmental Affairs and
6 the Senate Committee on Senate and Governmental Affairs, the secretary shall
7 submit such request to the chairman of each committee within five business days of
8 the receipt of the notification by the secretary of state pursuant to Subsection A of
9 this Section. Each election official shall implement or refrain from implementing the
10 directive or guidance or accept or disburse or refrain from accepting or disbursing
11 new federal funding as follows:

12 (a) If after consulting with the secretary of state or his designee both
13 committees vote to approve implementation or authorize acceptance and disbursal,
14 the official shall implement the directive or guidance or accept or disburse the
15 federal funding.

16 (b) If neither committee votes, within thirty days after receipt of the request
17 from the secretary of state, to prohibit implementation or acceptance and disbursal,
18 the official shall implement the directive or guidance or accept or disburse the
19 federal funding.

20 (c) If after consulting with the secretary of state or his designee either
21 committee votes, within thirty days after receipt of the request from the secretary of
22 state, to prohibit the implementation or acceptance and disbursal, the official shall
23 not implement the directive or guidance or accept or disburse the federal funding.

24 C. Within ninety days of the initial declaration of a state of emergency, the
25 secretary of state may implement any federal directive or guidance pertaining to
26 elections or authorize the acceptance or disbursal of new federal funding for the
27 purpose of funding elections without either an explicit state or federal legal
28 requirement to do so by publishing the directive or authorization on his website and
29 giving immediate notification of the directive or authorization to the House

1 Committee on House and Governmental Affairs and the Senate Committee on Senate
2 and Governmental Affairs. The secretary of state's authorization shall expire thirty
3 days after publication unless the House Committee on House and Governmental
4 Affairs and the Senate Committee on Senate and Governmental Affairs approve the
5 directive or guidance or authorize the acceptance and disbursal of funds as provided
6 in Paragraph (B)(2) of this Section.

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

10 E. This Section shall not apply to funds provided pursuant to the Help
11 America Vote Act or any other funding subject to state or federal law regarding its
12 acceptance and disbursal.

13 F. Not later than March first of each year, the secretary of state shall report
14 to the House Committee on House and Governmental Affairs and the Senate
15 Committee on Senate and Governmental Affairs the following information for the
16 prior calendar year:

17 (1) Notifications received by the secretary of state from local election
18 officials pursuant to Subsection A of this Section.

19 (2) The source and amount of any federal funding, including grant awards,
20 received within the prior calendar year by the department or local election officials
21 for the purpose of conducting elections.

22 G. For purposes of this Section, "election official" has the same meaning as
23 provided in R.S. 18:1466.

24 Section 2. This Act shall become effective upon signature by the governor or, if not
25 signed by the governor, upon expiration of the time for bills to become law without signature
26 by the governor, as provided in Article III, Section 18 of the Constitution of Louisiana. If
27 vetoed by the governor and subsequently approved by the legislature, this Act shall become
28 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 763 Engrossed

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 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 disbursement 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 disbursement 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 disbursement.

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)