

2024 Regular Session

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

BY REPRESENTATIVE BEAULLIEU

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  
21 approval of the House Committee on House and Governmental Affairs and the  
22 Senate Committee on Senate and Governmental Affairs as provided by this  
23 Subsection.

24 (2) If the secretary of state wishes to seek approval of such implementation  
25 or authorization by the House Committee on House and Governmental Affairs and

1 the Senate Committee on Senate and Governmental Affairs, the secretary shall  
2 submit such request to the chairman of each committee within five business days of  
3 the receipt of the notification by the secretary of state pursuant to Subsection A of  
4 this Section. Each election official shall implement or refrain from implementing the  
5 directive or guidance or accept or disburse or refrain from accepting or disbursing  
6 new federal funding as follows:

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

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

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

19 C. Within ninety days of the initial declaration of a state of emergency, the  
20 secretary of state may implement any federal directive or guidance pertaining to  
21 elections or authorize the acceptance or disbursal of new federal funding for the  
22 purpose of funding elections without either an explicit state or federal legal  
23 requirement to do so by publishing the directive or authorization on his website and  
24 giving immediate notification of the directive or authorization to the House  
25 Committee on House and Governmental Affairs and the Senate Committee on Senate  
26 and Governmental Affairs. The secretary of state's authorization shall expire thirty  
27 days after publication unless the House Committee on House and Governmental  
28 Affairs and the Senate Committee on Senate and Governmental Affairs approve the  
29 directive or guidance or authorize the acceptance and disbursal of funds as provided  
30 in Paragraph (B)(2) of this Section.

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

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

7                   F. Not later than March first of each year, the secretary of state shall report  
8                   to the House Committee on House and Governmental Affairs and the Senate  
9                   Committee on Senate and Governmental Affairs the following information for the  
10                  prior calendar year:

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

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

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

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

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SPEAKER OF THE HOUSE OF REPRESENTATIVES

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PRESIDENT OF THE SENATE

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GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: \_\_\_\_\_