

ACT No. 636

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.

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____