
DIGEST

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HB 577 Engrossed

2025 Regular Session

Deshotel

Abstract: Allows for the procurement of voting machines or systems by competitive sealed proposals and the invitation to negotiate in accordance with the Louisiana Procurement Code.

Present law requires the secretary of state to examine voting systems or system components to determine compliance with the certification standards promulgated by rule upon the request of a representative of the maker or supplier of the voting systems or system components. Requires the examination to occur prior to the solicitation of bids. Also requires any voting system or system components to be certified by a laboratory accredited by the U.S. Election Assistance Commission.

Proposed law requires the examination of voting systems or system components prior to the procurement and use of the voting system or system components. Requires testing of the voting system or system components by a laboratory accredited by the U.S. Election Assistance Commission. Retains all other provisions of present law.

Present law provides for the procurement of voting systems or system components by use of a competitive request for proposal process or public bids. Proposed law changes the allowable methods of procurement to competitive sealed proposals or the invitation to negotiate in accordance with present law (La. Procurement Code, Title 39).

Present law establishes the Voting System Commission to evaluate and recommend the type of voting system to be procured. Requires the commission to recommend the type of voting system to the secretary of state to submit for competitive solicitation in accordance with the La. Procurement Code. Requires the commission to submit a report of its findings to the governor and the legislature. Upon receipt of the report, the secretary of state and the office of state procurement shall develop a request for proposals. The secretary shall also promulgate certification standards for the type of voting system to be procured.

Proposed law changes present law by requiring the commission to recommend the type of voting system to the secretary of state to be acquired via procurement, rather than competitive solicitation. Upon receipt of the report from the commission, the secretary of state and the office of state procurement shall develop the best method of procurement based upon the recommendations. Proposed law retains all other provisions of present law.

Present law establishes the Voting System Evaluation Committee in order to review any proposals received by the secretary of state. The committee is required to investigate and test the voting systems proposed by the respondents to the request for proposals. The committee is also required

to evaluate each proposal and recommend the highest-scoring proposal to the secretary of state. The secretary of state is required to make a recommendation and submit the same to the chief procurement officer.

Proposed law changes present law by requiring the committee to review any proposals or responses to an invitation to negotiate received by the secretary of state. The committee is required to investigate and test the voting systems proposed by potential vendors. The committee is also required to evaluate each proposal or response to the invitation to negotiate and to make a recommendation to the secretary of state. Proposed law retains all other provisions of present law.

Present law (La. Procurement Code, Title 39) provides for legal and contractual remedies relative to the procurement of all property by the state. Proposed law retains present law.

Proposed law provides for the legal and contractual remedies specifically for the procurement of voting systems or systems components in present law (La. Election Code, Title 18). Proposed law provides for shortening delays for the appeal of and determinations on the appeal related to a protest, debarment, or contract controversy from 14 days for each action as provided in proposed law to seven days for each action.

Proposed law provides for the judicial procedures relative to the procurement of voting systems. Provides that an action objecting to the solicitation or award of a contract shall be tried summarily to begin no later than 14 days after suit is filed and that the judge shall render judgment within seven days after the case is submitted to him. Provides procedures and timelines for the appeal of the judgment and for the computation of time.

Terminates the provisions of proposed law related to the legal and contractual remedies for the procurement of voting systems beginning June 30, 2027.

Effective upon signature of governor or lapse of time for gubernatorial action.

(Amends R.S. 18:1361(A) and (B), 1362(A)(1), 1362.1(I)(1) and (K), and 1362.2(A) and (C); Adds R.S. 18:1367.1 through 1367.14)

Summary of Amendments Adopted by House

The Committee Amendments Proposed by House Committee on House and Governmental Affairs to the original bill:

1. Provide that legal and contractual remedies for the procurement of voting systems in proposed law shall supersede certain provisions in present law with respect to the procurement code.

2. Terminate provisions of proposed law related to the legal and contractual remedies for the procurement of voting systems on June 30, 2027.
3. Remove provisions of proposed law regarding remedies prior to and after an award of a contract, penalties for violations, and the authority of the secretary of state to review and determine appeals of decisions of the chief procurement officer thereby retaining these provisions in present law (La. Procurement Code).
4. Remove provisions in proposed law providing for legal and contractual remedies that apply to *all* legal disputes involving procurement and not just disputes involving the procurement of voting systems.
5. Shorten the time period in which the commissioner of administration is required to make a decision on an administrative appeal from 14 days to seven days.
6. Prohibit the seven day time period for the commissioner of administration to make a decision in an administrative appeal from being extended.
7. Make technical changes.