

2022 Regular Session

HOUSE BILL NO. 359

BY REPRESENTATIVES BEAULLIEU AND GAROFALO

1 AN ACT

2 To enact R.S. 18:425.2, relative to elections; to provide relative to directives and guidance  
3 from the federal government regarding elections; to require certain notifications  
4 regarding such directives and guidance; to prohibit implementation of directive and  
5 guidance under certain circumstance; to prohibit acceptance of federal funds for  
6 elections under certain circumstances; to provide for an effective date; and to provide  
7 for related 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 shall  
13 notify, by certified mail, the governor, the speaker of the Louisiana House of  
14 Representatives, and the president of the Louisiana Senate of such directive or  
15 guidance within five business days after receipt.

16 B.(1) No election official shall implement any federal directive or guidance  
17 pertaining to elections without an explicit state or federal legal requirement to do so  
18 or prior approval of the House Committee on House and Governmental Affairs and  
19 the Senate Committee on Senate and Governmental Affairs, after consulting with the  
20 secretary of state or his designee, as provided by this Subsection.

21 (2) If a state or federal law does not explicitly require the election official to  
22 implement the directive or guidance, an official who wishes to implement the

1 guidance or directive shall request the approval of such implementation from the  
2 House Committee on House and Governmental Affairs and the Senate Committee  
3 on Senate and Governmental Affairs. Such a request shall be submitted by certified  
4 mail delivered to the chairman of each committee. The official shall implement or  
5 refrain from implementing the directive or guidance as follows:

6 (a) If both committees vote to approve implementation, after consulting with  
7 the secretary of state or his designee, the official shall implement the directive or  
8 guidance.

9 (b) If neither committee votes to prohibit implementation within thirty days  
10 after receipt of the request from the official, the official shall implement the directive  
11 or guidance.

12 (c) If either committee votes to prohibit the implementation, after consulting  
13 with the secretary of state or his designee, within thirty days after receipt of the  
14 request from the official, the official shall not implement the directive or guidance.

15 C.(1) No election official shall accept or disperse new federal elections funds  
16 without an explicit state or federal legal requirement to do so or prior approval of the  
17 Joint Legislative Committee on the Budget as provided by this Subsection. Nothing  
18 in this Section shall be construed to pertain to funds provided under the Help  
19 America Vote Act or any other funding subject to state or federal law regarding its  
20 acceptance and dispersal.

21 (2) If a state or federal law does not explicitly require the election official to  
22 accept and disperse the particular federal election funds, an official who wishes to  
23 accept and disperse such funds shall request the approval of such acceptance and  
24 dispersal from the Joint Legislative Committee on the Budget, after consulting with  
25 the secretary of state or his designee. Such a request shall be submitted by certified  
26 mail delivered to the chairman of the Joint Legislative Committee on the Budget.  
27 The official shall accept and disperse the funds or refrain from accepting and  
28 dispensing the funds as follows:

1           (a) If the committee votes to authorize acceptance and dispersal of such  
2           funds, after consulting with the secretary of state or his designee, the official shall  
3           accept and disperse the funds.

4           (b) If the committee does not vote to disapprove the acceptance and dispersal  
5           of funds within thirty days after receipt of the request from the official, the official  
6           shall accept and disperse the funds.

7           (c) If the committee votes to disapprove the acceptance and dispersal of  
8           funds, after consulting with the secretary of state or his designee, within thirty days  
9           after receipt of the request from the official, the official shall not accept or disperse  
10          the funds.

11          (3) If an election official accepts and disperses federal election funds in  
12          violation of this Subsection, the attorney general shall pursue any available legal  
13          means to enjoin the official from doing so and to recover expended funds.

14          D. For purposes of this Section, "election official" shall have the same  
15          meaning as provided in R.S. 18:1466(2).

16          Section 2. This Act shall become effective upon signature by the governor or, if not  
17          signed by the governor, upon expiration of the time for bills to become law without signature  
18          by the governor, as provided in Article III, Section 18 of the Constitution of Louisiana. If  
19          vetoed by the governor and subsequently approved by the legislature, this Act shall become  
20          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: \_\_\_\_\_