

2022 Regular Session

HOUSE BILL NO. 359

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 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.

1           (2) If a state or federal law does not explicitly require the election official to  
2           implement the directive or guidance, an official who wishes to implement the  
3           guidance or directive shall request the approval of such implementation from the  
4           House Committee on House and Governmental Affairs and the Senate Committee  
5           on Senate and Governmental Affairs. Such a request shall be submitted by certified  
6           mail delivered to the chairman of each committee. The official shall implement or  
7           refrain from implementing the directive or guidance as follows:

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

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

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

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

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

1       The official shall accept and disperse the funds or refrain from accepting and  
2       dispersing the funds as follows:

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

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

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

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

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

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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#### 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)]

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HB 359 Engrossed

2022 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 to notify the governor, the speaker of the La. House of Representatives and the president of the La. Senate of such directive or guidance within five business days.

Proposed law prohibits an election official from implementing any federal directive or guidance pertaining to elections unless the implementation 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 after consulting with the secretary of state or his designee.
- (2) Neither committee prohibits the implementation 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 accepting or dispersing new federal elections funds unless the acceptance and dispersal is explicitly required by law or one of the following applies:

- (1) The Joint Legislative Committee on the Budget votes to approve the acceptance and dispersal of the funds after consulting with the secretary of state or his designee.
- (2) The Joint Legislative Committee on the Budget does not vote to disapprove the acceptance and dispersal within 30 days after receipt of a request from the official for authority to accept and disperse the funds.

Proposed law provides that if an election official accepts and disperses 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 governor or lapse of time for gubernatorial action.

(Adds R.S. 18:425.2)

#### Summary of Amendments Adopted by House

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

1. Require the legislative committees to consult with the secretary of state or his designee before taking an action contemplated by proposed law.
2. Limit applicability of proposed law regarding acceptance and dispersal of federal elections funds to "new" federal funds.
3. Exempt directives and guidance that are posted on the secretary of state's website from the notification requirements or proposed law.