

RÉSUMÉ DIGEST

HB 359

2022 Regular Session

Beaulieu

Proposed law would have required and prohibited certain actions related to elections by the secretary of state and his employees who perform duties in the election process, registrars of voters and their employees, clerks of court and their employees who perform duties in the election process, parish boards of election supervisors, commissioners-in-charge, and commissioners, all referred to in this digest as election officials.

Proposed law would have required an election official who received a federal directive or guidance that pertained to elections and that was 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 would have prohibited an election official from implementing any federal directive or guidance pertaining to elections unless the implementation was explicitly required by law or one of the following applied:

- (1) The House and Senate committees on governmental affairs approved the implementation after consulting with the secretary of state or his designee.
- (2) Neither committee prohibited the implementation within 30 days after receipt of a request from the official for authority to implement the directive or guidance.

Proposed law would have prohibited an election official from accepting or dispersing new federal elections funds unless the acceptance and dispersal was explicitly required by law or one of the following applied:

- (1) The Joint Legislative Committee on the Budget voted 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 did 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 would have required the attorney general to pursue any available legal means to enjoin an official from accepting and dispersing federal election funds in violation of proposed law and to recover funds dispersed in violation of proposed law.

(Proposed to add R.S. 18:425.2)

VETO MESSAGE: "This bill appears to be in response to the narrative advanced by some groups that the federal government is sending directives or guidance to local election officials to improperly expand voting or influence elections. House Bill 359 would require any election official to obtain the permission of the House and Senate Governmental Affairs Committees before implementing any "federal directive or guidance pertaining to elections without an explicit state or federal directive to do so." This would mean that a local election official would potentially be prohibited from implementing a best practice recommended by a federal agency unless approved by both legislative committees. This would directly inject a political influence into the manner in which voter registrations and elections are conducted. Further, given that elections are conducted by local officials and the executive branch, this law also violates Article 2 [sic], Section 2 of the Louisiana Constitution.

I am proud that Louisiana did not make efforts to restrict voting or otherwise limit participation in our democracy like many other states did after the 2020 election. The state and local officials should make every effort to encourage people to vote, make it easier for them to vote, and make sure every legal vote is counted. This bill does not further that goal, and it should not become law."