

Office of the Governor  
State of Louisiana

JOHN BEL EDWARDS  
GOVERNOR



P.O. Box 94004  
BATON ROUGE, LOUISIANA 70804-9004  
(225) 342-7015  
GOV.LA.GOV

July 1, 2021

**VIA HAND DELIVERY**

Honorable Clay J. Schexnayder  
Speaker of the House  
Louisiana House of Representatives  
Post Office Box 94062  
Baton Rouge, Louisiana 70804-9062

RE: Veto of House Bill 438 of the 2021 Regular Session

Dear Speaker Schexnayder:

Please be advised that I have vetoed House Bill 438 of the 2021 Regular Session.

This bill purports to be a common sense policy – to ensure that people who request public records are who they say they are. However, in practice, it will result in something entirely different. This bill, if enacted into law, would very likely be used, at best, to delay responses to public records requests or, at worst, intimidate members of the public into withdrawing their requests. There is simply no good reason for this bill.

Sincerely,

A handwritten signature in black ink, appearing to read "John Bel Edwards".

John Bel Edwards  
Governor

cc: Honorable Patrick Page Cortez  
Louisiana Senate President

2021 Regular Session

HOUSE BILL NO. 438

BY REPRESENTATIVE MIGUEZ

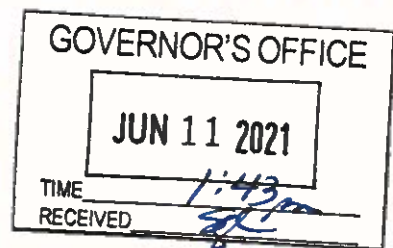
AN ACT

To enact R.S. 44:31(C), relative to public records; to allow a custodian to require sufficient information to establish a requestor's identity; and to provide for related matters.

**ORIGINATED**

IN THE

House of Representatives



  
Clerk of the House of Representatives

2021 Regular Session

HOUSE BILL NO. 438

BY REPRESENTATIVE MIGUEZ

1 AN ACT

2 To enact R.S. 44:31(C), relative to public records; to allow a custodian to require sufficient  
3 information to establish a requestor's identity; and to provide for related matters.

4 Be it enacted by the Legislature of Louisiana:

5 Section 1. R.S. 44:31(C) is hereby enacted to read as follows:

6 §31. Right to examine records

7 \* \* \*

8 C.(1) Notwithstanding any provision of this Section or of R.S. 44:32 or 33  
9 to the contrary, a custodian or his employees may require any person electronically  
10 requesting to inspect, copy, or reproduce any public record to provide sufficient  
11 information to establish the age and identification of the person unless the requestor  
12 is known to the custodian or his employees. For purposes of this Subsection,  
13 "sufficient information" shall include any electronic or physical document or  
14 identification card which includes name and other identifying information, and if the  
15 person is a legal entity or acting as the agent of a legal entity, "sufficient  
16 information" shall also include the legitimate name and physical address for the legal  
17 entity.

18 (2) If a person electronically requesting to inspect, copy, or reproduce any  
19 public record fails to provide sufficient information to establish the age and  
20 identification of the person after being requested to do so, neither the custodian or  
21 his employees shall be required to produce the requested records in accordance with  
22 the provisions of this Chapter.

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(3) Any document submitted to establish the age and identification of the person pursuant to this Subsection shall not be a public record pursuant to the provisions of this Chapter.

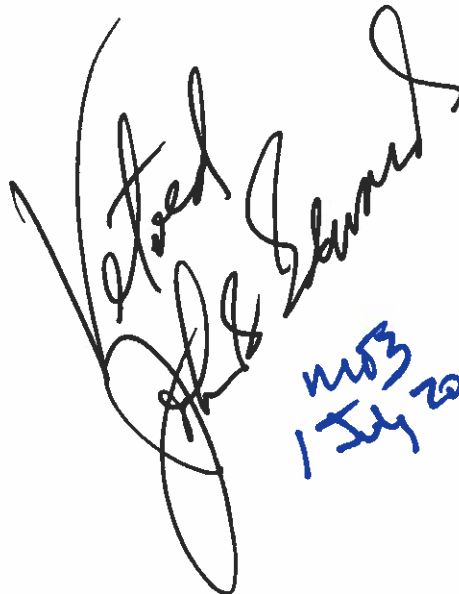
(4) This Subsection shall not apply to any person actually confined in a correctional facility pursuant to an order of imprisonment or making a lawful request pursuant to the provisions of R.S. 44:31.1.

  
SPEAKER OF THE HOUSE OF REPRESENTATIVES

  
PRESIDENT OF THE SENATE

\_\_\_\_\_  
GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: \_\_\_\_\_

  
2053  
1 July 2021