

First Extraordinary Session, 2008

HOUSE BILL NO. 42

BY REPRESENTATIVES TUCKER, PETERSON, AND GALLOT

CAMPAIGN FINANCE DISCLOS: Requires disclosure of the name and address of the employer of any person who makes a campaign contribution of more than two hundred fifty dollars during the reporting period (Item #7)

1 AN ACT

2 To amend and reenact R.S. 18:1491.5(B)(1), 1491.6(C)(1)(a), 1491.7(B)(4)(a),
3 1495.3(B)(1), 1495.4(C)(1)(a), 1495.5(B)(4)(a), and 1501.1(C)(1), relative to
4 campaign finance disclosure; to require that certain reports required by the Campaign
5 Finance Disclosure Act include the name and address of the employer of persons
6 who make campaign contributions in excess of certain amounts; to require
7 maintenance of records in order to comply with such requirements; to provide for
8 penalties; and to provide for related matters.

9 Be it enacted by the Legislature of Louisiana:

10 Section 1. R.S. 18:1491.5(B)(1), 1491.6(C)(1)(a), 1491.7(B)(4)(a), 1495.3(B)(1),
11 1495.4(C)(1)(a), 1495.5(B)(4)(a), and 1501.1(C)(1) are hereby amended and reenacted to
12 read as follows:

13 §1491.5. Maintenance of records; valuation of in-kind contributions and
14 expenditures

15 * * *

16 B.(1) Except as otherwise provided in this Section, the campaign treasurer
17 of each political committee shall keep such records of campaign contributions
18 received and accepted by him or a deputy treasurer as shall be necessary to comply
19 with the provisions of this Part, including the names and addresses of all

1 contributors, and the date of each contribution, the amount or value of the
2 contribution of whatever value, the name and address of the employer of each
3 contributor of in excess of two hundred fifty dollars during a reporting period, and
4 a description and valuation of all in-kind contributions.

5 * * *

6 §1491.6. Reports required; reporting times and periods

7 * * *

8 C. During the period beginning at midnight of the twentieth day prior to a
9 primary election and extending through midnight of primary election day, and during
10 the period beginning at midnight of the twentieth day prior to a general election and
11 extending through midnight of general election day, each committee shall file a
12 report with the supervisory committee of:

13 (1)(a) The full name and address of each person and the name and address
14 of the employer of each person from whom the committee has received and accepted
15 a contribution, loan, or transfer of funds during such period in excess of the
16 following amounts: a committee participating in the election of a candidate for any
17 major office, one thousand dollars; a committee participating in the election of a
18 candidate for district office, five hundred dollars; a committee participating in the
19 election of a candidate for any other office, two hundred fifty dollars. If the
20 committee is participating in the election of candidates for offices with different
21 reporting amounts, the amount shall be the lowest for any candidate in whose
22 election the committee is participating or in which any committee is participating to
23 which it makes or from which it receives a transfer of funds.

24 * * *

25 §1491.7. Reports; contents

26 * * *

27 B. Each report required to be in conformity with this Section shall contain
28 the following information:

29 * * *

1 (a) The full name and address of each person who has made one or more
 2 contributions to and which have been received and accepted by the candidate during
 3 the reporting period; the aggregate amount of such contributions, except in-kind
 4 contributions, from each person, and the date and amount of each such contribution;
 5 the name and address of the employer of each person who has made contributions
 6 in the aggregate during the reporting period of in excess of two hundred fifty dollars,
 7 and a brief description of each in-kind contribution from each person, the valuation
 8 thereof made by the candidate and the campaign treasurer, and the date(s) of the in-
 9 kind contribution.

10 * * *

11 §1501.1. Reports by persons not candidates or committees

12 * * *

13 C. In addition to the reports filed in Subsection B of this Section, during the
 14 period beginning at midnight of the twentieth day prior to a primary election and
 15 extending through midnight of primary election day, and during the period beginning
 16 at midnight of the twentieth day prior to a general election and extending through
 17 midnight of general election day, any person, other than a candidate or a political
 18 committee, who makes any expenditure or who accepts a contribution, other than to
 19 or from a candidate or to or from a political committee, shall file a report with the
 20 supervisory committee of:

21 (1) The full name and address of each person and the name and address of
 22 the employer of each person from whom such person has received and accepted a
 23 contribution, or to whom such person has made an expenditure during such period
 24 in excess of the following amounts:

25 (a) In support or opposition to a candidate for any major office, one thousand
 26 dollars.

27 (b) In support or opposition to a candidate for district office, five hundred
 28 dollars.

1 (c) In support or opposition to a candidate for any other office, five hundred
2 dollars.

3 * * *

4 Section 2. This Act shall become effective on January 1, 2010.

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 [R.S. 1:13(B)] and do not constitute proof or indicia of legislative intent. [R.S. 24:177(E)]

Tucker

HB No. 42

Abstract: Requires reports pursuant to the Campaign Finance Disclosure Act by candidates and committees to include the name and address of the employer of any person who contributes in excess of \$250 during a reporting period. Also requires that so-called "48-hour reports" (which require reports of contributions at certain levels based upon the office for which contributed) shall include the name and address of the employer of the contributor. Requires maintenance of campaign records necessary to comply with these requirements.

Present law (Campaign Finance Disclosure Act) requires reports of campaign contributions and expenditures by candidates for elected office and by political committees. Provides a schedule for such reports and provides a "reporting period" for each report which is the period from the time the preceding report was complete through the closing date for the particular report. Present law specifies the content of such reports.

Present law (R.S. 18:1491.7 and 1495.5) includes among other required contents of reports the full name and address of each person who has made one or more contributions to and which have been received and accepted by the candidate or committee during the reporting period; the aggregate amount of such contributions, except in-kind contributions, from each person, and the date and amount of each such contribution; and a brief description of each in-kind contribution from each person, and the valuation and dates thereof.

Proposed law retains present law and additionally requires that the reports include the name and address of the employer of each person who has made contributions in the aggregate during the reporting period of in excess of \$250.

Present law (R.S. 18:1491.6 and 1495.4), relative to so-called "24-hour reports", requires, during the period beginning at midnight of the 20th day prior to a primary election and extending through midnight of primary election day, and during the period beginning at midnight of the 20th day prior to a general election and extending through midnight of general election day, filing of reports with certain specified content. Such reports are required to include, among other information, the full name and address of each person from whom the candidate or committee has received and accepted a contribution or loan during such period of in excess of the following amounts:

- (1) A candidate for or a committee participating in an election for any major office - \$1,000.
- (2) A candidate for or a committee participating in an election for any district office - \$500.

- (3) A candidate for or a committee participating in an election for any other office - \$250.

Present law (R.S. 18:1501.1) includes similar provisions for 24-hour reports of contributions and expenditures by any person, other than a candidate or committee, who makes any expenditure or who accepts a contribution, other than to or from a candidate or committee in excess of the above amounts.

Proposed law requires that all such 24-hour reports (by committees, candidates, and other persons required to report) also include the name and address of the employer of each person who has made contributions in excess of such amounts.

Present law (R.S. 18:1491.5 and 1495.3) requires campaign treasurers of committees and candidates to keep such records of campaign contributions received and accepted as shall be necessary to comply with the provisions of the Campaign Finance Disclosure Act, including the names and addresses of all contributors, the date of each contribution, the amount or value of the contribution of whatever value, and a description and valuation of all in-kind contributions.

Proposed law retains present law and adds the name and address of the employer of each contributor of in excess of \$250 during a reporting period to the information that campaign treasurers are required to maintain.

Present law provides civil penalties for a candidate, the treasurer, or chairman of a political committee, or any other person required to file certain reports pursuant to the Campaign Finance Disclosure Act who knowingly fails to file or to timely or accurately file such reports. The monetary penalties applicable vary with regard to the level of office sought: major office-\$100/day not to exceed \$2,500, district office-\$60/day not to exceed \$2,000, and any other office-\$40/day not to exceed \$1,000. Also provides penalties for proposition or issue campaigns of \$40 per day not to exceed \$1,000 and for support or opposition of a candidate (other than the candidate's own principal or subsidiary campaign committee) penalties of \$200 per day not to exceed \$3,000. Provides that penalties for a 24-hour report by a committee or candidate may not exceed twice the otherwise applicable amounts. The Board of Ethics, acting in its capacity as the supervisory committee on campaign finance disclosure, may order a candidate to file an overdue report, amend an existing report, and pay a civil penalty. Present law also includes criminal penalties for knowingly, willfully, and fraudulently failing to file or knowingly, willfully, and fraudulently failing to timely file a report of not more than six months in a parish jail or a fine of not more than \$500, or both. The same penalty applies for knowingly, willfully, and fraudulently failing to disclose, or knowingly, willfully, and fraudulently disclosing inaccurately, any information required to be disclosed.

Proposed law retains present law and makes penalties applicable to proposed law.

Effective Jan. 1, 2010.

(Amends R.S. 18:1491.5(B)(1), 1491.6(C)(1)(a), 1491.7(B)(4)(a), 1495.3(B)(1), 1495.4(C)(1)(a), 1495.5(B)(4)(a), and 1501.1(C)(1))