

Regular Session, 2010

HOUSE BILL NO. 1038

BY REPRESENTATIVE GREENE

CAMPAIGN FINANCE: Requires elected officials who hold a major or district office to file certain reports at specified times except under certain circumstances

1 AN ACT

2 To enact R.S. 18:1495.8, relative to campaign finance disclosure; to require certain persons  
3 to file certain reports at certain times; to provide for the content of such reports; to  
4 provide for penalties; and to provide for related matters.

5 Be it enacted by the Legislature of Louisiana:

6 Section 1. R.S. 18:1495.8 is hereby enacted to read as follows:

7 §1495.8. Special reports required; elected officials; reporting times and periods

8 A. In addition to the reports required to be filed by R.S. 18:1495.4, each  
9 election official who holds a major office or a district office shall file a report  
10 containing all of the information required by R.S. 18:1495.5 with the supervisory  
11 committee according to the following schedule:

12 (1) The tenth day of April, which shall be complete for the period from the  
13 first of January through the thirty-first of March.

14 (2) The tenth day of July, which shall be complete for the period from the  
15 first day of April through the thirtieth day of June.

16 (3) The tenth day of October, which shall be complete for the period from  
17 the first day in July through the thirtieth day of September.

18 B.(1) The reports required by this Section shall not be required if the elected  
19 official, as a candidate, has a report required pursuant to R.S. 18:1495.4 due within

1 a thirty-day period of the due date of a report required by Subsection A of this Section.

2 (2) If the provisions of Paragraph (1) of this Subsection are applicable to an  
3 elected official, the elected official shall send written notice of such fact to the  
4 supervisory committee no later than ten days prior to the due date of the report that  
5 is otherwise required to be filed pursuant to Subsection A of this Section.

6 C. The reports filed pursuant to this Section shall not affect the reporting  
7 period for any report required to be filed pursuant to R.S. 18:1495.4 or any other  
8 provision of this Chapter.

9 Section 2. This Act shall become effective on January 1, 2011.

#### 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)]

Greene

HB No. 1038

**Abstract:** Requires elected officials who hold major or district office to file additional campaign finance disclosure reports each April, July, and October unless the elected official has a report due within the same time period as a candidate.

Present law (R.S. 18:1495.4 - relative to campaign finance disclosure) provides that a candidate and his campaign treasurer, if any, shall be responsible for filing a report of all information required by the Campaign Finance Disclosure Act with the Supervisory Committee on Campaign Finance Disclosure (supervisory committee) at the times required by present law. Present law provides a schedule for reporting including: (1) for major office candidates - no later than the 180th day prior to the primary election, which shall be complete through the 190th day prior to the primary election; (2) for major office candidates - no later than the 90th day prior to the primary election, which shall be complete through the 100th day prior to the primary election; (3) for all candidates - no later than the 30th day prior to the primary election, which shall be complete through the 40th day prior to the primary election; (4) for all candidates - no later than the 10th day prior to the primary election which shall be complete through the 20th day prior to the primary election; (5) for all candidates - no later than the 10th day prior to the general election, which shall be complete through the 20th day prior to the general election; (6) for candidates in a general election - no later than the 40th day after the general election, which shall be complete through the 30th day after the general election. Present law additionally requires special reports for certain specified contributions or expenditures which are due no later than 48 hours after such transaction. Present law also requires certain annual reports to be filed in the case of candidates with a deficit and provides that such reports are due no later than Feb. 15 of each year, complete through the preceding Dec. 31. Present law further provides for annual reports for candidates who have received contributions, made expenditures, or received or made loans during the reporting period and provides that such reports are due no later than Feb. 15 of each year, complete through the preceding Dec. 31.

Proposed law provides that in addition to the reports required pursuant to present law, each elected official who holds a major office or district office shall file a report with the supervisory committee on April 10th (complete from Jan. 1st - March 31st); July 10th

(complete from April 1st to June 30th); and Oct. 10th (complete from July 1st through Sept. 30th). Provides, however, that a report required pursuant to proposed law shall not be required to be filed if the elected official, as a candidate, has a report required pursuant to present law due within a 30 day period of the due date of a report required by proposed law. Provides that if that is the case, the elected official shall send written notice of such fact to the supervisory committee no later than 10 days prior to the due date of the proposed law report.

Proposed law specifies that the reports filed pursuant to proposed law shall not affect the reporting period for any report required by present law.

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 to major office are \$100/day not to exceed \$2,500 and to district office are \$60/day not to exceed \$2,000. 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.

Effective Jan. 1, 2011.

(Adds R.S. 18:1495.8)