

Regular Session, 2014

HOUSE BILL NO. 107

BY REPRESENTATIVE RITCHIE

CAMPAIGN FINANCE: Prohibits legislators from accepting campaign contributions from persons they nominate for Tulane scholarships or members of their families

1 AN ACT

2 To enact R.S. 18:1505.2(T), relative to campaign contributions to legislators from persons
3 nominated by legislators to be granted free tuition by Tulane University and from
4 certain family members of such nominees; to prohibit acceptance of such campaign
5 contributions; to provide for return of such contributions; to provide for enforcement
6 and penalties; and to provide for related matters.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. R.S. 18:1505.2(T) is hereby enacted to read as follows:

9 §1505.2. Contributions; expenditures; certain prohibitions and limitations

10 * * *

11 T.(1) For purposes of this Subsection:

12 (a) "Campaign contribution" means a "contribution" as defined in R.S.
13 18:1483 and shall also include a loan.

14 (b) "Immediate family" of a nominee means the nominee's spouse, children,
15 brothers, sisters, parents, grandparents, uncles, and aunts, and the person's spouse's
16 parents, children's spouses, brothers' spouses, sisters' spouses, uncles' spouses, and
17 aunts' spouses.

18 (c) "Nomination" means the submission by a legislator to Tulane University
19 of the name of a person to be granted free tuition by Tulane University pursuant to
20 Act No. 43 of the 1884 Regular Session of the Legislature as amended.

1 (d) "Nominee" means a person nominated by a legislator to be granted free
2 tuition by Tulane University pursuant to Act No. 43 of the 1884 Regular Session of
3 the Legislature as amended.

4 (2)(a) No legislator and no principal campaign committee of a legislator
5 shall accept a campaign contribution from a nominee or a member of a nominee's
6 immediate family during the period beginning when the nomination is submitted to
7 the university and ending one calendar year after the last day of the final semester
8 during which the nominee receives free tuition pursuant to the nomination.

9 (b) If a legislator or his principal campaign committee receives a campaign
10 contribution in violation of this Paragraph, the legislator shall cause the campaign
11 contribution to be returned to the contributor within ten calendar days after receipt
12 of such campaign contribution or, if the legislator does not know that the contributor
13 is a nominee or a member of the immediate family of a nominee, within ten calendar
14 days after the legislator knows that the contributor is a nominee or a member of the
15 immediate family of a nominee. Any campaign contribution returned as provided
16 in this Subparagraph shall be deemed to be not accepted.

17 (3) A legislator who knowingly violates the provisions of Paragraph (2) of
18 this Subsection shall be assessed a civil penalty equal to twice the amount of the
19 campaign contribution or five hundred dollars, whichever is greater.

20 (4) The provisions of this Subsection shall be enforced as provided in this
21 Chapter, but violations of this Subsection shall be subject only to the penalties
22 provided in Paragraph (3) of this Subsection.

23 Section 2. This Act shall become effective upon signature by the governor or, if not
24 signed by the governor, upon expiration of the time for bills to become law without signature
25 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If
26 vetoed by the governor and subsequently approved by the legislature, this Act shall become
27 effective on the day following such approval.

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)]

Ritchie

HB No. 107

Abstract: Prohibits legislators from accepting campaign contributions from persons they nominate to receive free tuition at Tulane University and nominees' family members. Provides for return of such contributions and for enforcement and penalties.

Present law (Acts 1884, No. 43 as amended) provides for Tulane University to give free tuition to one student nominated by each member of the legislature and provides relative to the granting of such free tuition.

Proposed law amends the Campaign Finance Disclosure Act (CFDA). Defines:

- (1) "Campaign contribution" – a "contribution" as defined in the CFDA or a loan.
- (2) "Immediate family" – the student or nominee's spouse, children, brothers, sisters, parents, grandparents, uncles, and aunts, and the person's spouse's parents, children's spouses, brothers' spouses, sisters' spouses, uncles' spouses, and aunts' spouses.
- (3) "Nomination" – the submission by a legislator to Tulane University of the name of a person to be granted free tuition by Tulane University pursuant to Acts 1884, No. 43 as amended.
- (4) "Nominee" – a person nominated by a legislator to be granted free tuition by Tulane University pursuant to Acts 1884, No. 43 as amended.

Proposed law prohibits a legislator and a legislator's principal campaign committee from accepting a campaign contribution from a nominee or a member of a nominee's immediate family during the period from submission of the nomination to the university through one calendar year after the last day of the final semester the nominee receives free tuition. Requires the legislator to cause a campaign contribution received in violation of this prohibition to be returned to the contributor within 10 calendar days after receipt of such campaign contribution, or within 10 days after the legislator knows the contributor is a nominee or a member of a nominee's immediate family. Provides that a campaign contribution so returned shall be deemed to be not accepted.

Proposed law provides for enforcement of proposed law as provided in the CFDA. Provides a civil penalty for knowing violations of twice the amount of the campaign contribution or \$500, whichever is greater, instead of the penalties in the CFDA. Present law (CFDA) penalties for violations related to district office (legislators), other than reporting violations, include civil penalties up to \$300 per violation (each day of violation, if applicable, is a separate offense with a maximum of \$60 per day or a total of \$2,000) and criminal penalties of up to six months in the parish jail and/or a fine of up to \$500.

Effective upon signature of governor or lapse of time for gubernatorial action.

(Adds R.S. 18:1505.2(T))