

Regular Session, 2014

HOUSE BILL NO. 405

BY REPRESENTATIVE TIM BURNS

CAMPAIGN FINANCE: Provides relative to prescription of certain campaign finance violations

1 AN ACT

2 To amend and reenact R.S. 18:1511.11(B) and to enact R.S. 18:1511.11(C), relative to
3 violations of the Campaign Finance Disclosure Act; to provide for the time period
4 to bring certain actions for certain violations of the Campaign Finance Disclosure
5 Act; and to provide for related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. R.S. 18:1511.11(B) is hereby amended and reenacted and R.S.
8 18:1511.11(C) is hereby enacted to read as follows:

9 §1511.11. Precedence of actions; limitation of actions

10 * * *

11 B. ~~Actions~~ Except as otherwise provided in Subsection C of this Section, an
12 action for a violation of this Chapter ~~must~~ shall be commenced before three years
13 have elapsed from the date of the violation or, if the violation is contained in a
14 report, before one year has elapsed from filing of the relevant report.

15 C.(1) An action for a violation of R.S. 18:1505.2(A) shall be commenced
16 within one year of discovery by the supervisory committee. The one-year period
17 shall be prescriptive. The prescriptive period may be suspended, interrupted, or
18 renounced. The prescriptive period shall be suspended by any of the following:

19 (a) The person who is the subject of the investigation or complaint files any
20 pleading or proceeding in a state or federal court or with the Ethics Adjudicatory

1 Board related to the matter under investigation that has the effect of delaying or
2 impeding the proceeding.

3 (b) The person who is the subject of the investigation or complaint fails to
4 comply with a subpoena or other request from the supervisory committee for
5 information related to or in connection with the investigation of the supervisory
6 committee.

7 (c) The person who is the subject of the investigation or complaint consents
8 in writing to the suspension of the prescriptive period.

9 (2) In no case shall an action for a violation of R.S. 18:1505.2(A) be
10 commenced once three years have elapsed from the date of the violation.

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)]

Tim Burns

HB No. 405

Abstract: Allows violations of the prohibition on campaign contributions through or in the name of another to be commenced within one year of discovery (as long as it is commenced within three years of the date of the violation). Specifies that the one-year period is prescriptive and may be suspended, interrupted, or renounced.

Present law provides that actions for violations of the Campaign Finance Disclosure Act shall be commenced before three years have elapsed from the date of the violation or, if the violation is contained in a report, before one year has elapsed from filing of the relevant report.

Present law (R.S. 18:1505.2(A)) prohibits a person from giving, furnishing, or contributing monies, materials, supplies, or making loans to or in support of a candidate or to any political committee, through or in the name of another, directly or indirectly.

Proposed law retains present law but provides that an action for a violation of present law (R.S. 18:1505.2(A)) shall be commenced within one year of discovery by the supervisory committee. Specifically provides that the one-year period shall be prescriptive. Provides that the prescriptive period may be suspended, interrupted, or renounced. Provides that the prescriptive period shall be suspended by the following:

- (1) The subject of the investigation or complaint files any pleading or proceeding in a state or federal court or with the ethics adjudicatory board that is related to the matter under investigation and that has the effect of delaying or impeding the proceeding.
- (2) The subject of the investigation or complaint fails to comply with a subpoena or other request from the supervisory committee for information related to or in connection with the investigation of the supervisory committee.

- (3) The subject of the investigation or complaint consents in writing to the suspension of the prescriptive period.

Proposed law further provides that in no case shall an action for a violation of present law (R.S. 18:1505.2(A)) be commenced once three years have elapsed from the date of the violation.

(Amends R.S. 18:1511.11(B); Adds R.S. 18:1511.11(C))