

Regular Session, 2010

SENATE BILL NO. 615

BY SENATOR MARTINY

ELECTION OFFENSES. Provides relative to election offenses. (gov sig)

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AN ACT

To amend and reenact R.S. 18:49.1(C), 1461, 1462, 1463(F), 1465(B), 1467, and 1468(C) and to enact R. S. 18:49.1(D), 1459, 1461.2, 1461.3, 1461.4, 1461.5, 1461.6, 1461.7 and 1461.8, and to repeal R.S. 14:118(A)(1)(b), 119, and 352 and R.S. 18:1300.6, relative to the election code; to provide relative to certain election offenses, to provide for definitions; to provided for penalties; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 18:49.1(C), 1461, 1462, 1463(F), 1465(B), 1467, and 1468(C) are hereby amended and reenacted and R. S. 18:49.1(D), 1459, 1461.2, 1461.3, 1461.4, 1461.5, 1461.6, 1461.7 and 1461.8 are hereby enacted to read as follows:

§49.1. Elections compliance unit; powers and duties

* * *

C. Notwithstanding any other provision of law to the contrary, a member of the Elections Compliance Unit may enter a polling place during early voting or on election day for the purposes of checking the overall operations of the polling place or investigating any potential violation of the Louisiana Election Code.

1 document required or provided for under the provisions of this Title, unless required
2 to be removed by a court of competent jurisdiction for inspection and photostatic
3 copying for the court record.

4 ~~(6) Intimidate, deceive, or misinform, directly or indirectly, any voter or~~
5 ~~prospective voter in matters concerning voting or nonvoting or voter registration or~~
6 ~~nonregistration, including but not limited to any matter concerning the voluntary~~
7 ~~affiliation or nonaffiliation of a voter with any political party.~~

8 ~~(7) Vote or attempt to vote more than once at an election.~~

9 ~~(8) Offer money or anything of present or prospective value or use, directly~~
10 ~~or indirectly, any form of intimidation to influence the action or encourage inaction~~
11 ~~of any public official with regard to the duties of his office or to influence a~~
12 ~~commissioner or watcher in his decision to serve or not to serve as such or in the~~
13 ~~performance of his duties on election day.~~

14 ~~(9) Disobey any lawful instruction of the commissioners or a law~~
15 ~~enforcement officer assisting at the polls, or without lawful authority obstruct,~~
16 ~~hinder, or delay any voter on his way to or while returning home from any polling~~
17 ~~place where an election is being held or on his way to or while returning home from~~
18 ~~a place where he can legally exercise a vote concerning candidate representation of~~
19 ~~his party.~~

20 ~~(10) Vote or attempt to vote, knowing that he is not qualified, or influence or~~
21 ~~attempt to influence another to vote, knowing such voter to be unqualified or the vote~~
22 ~~to be fraudulent.~~

23 ~~(11) Register, vote, or attempt to register or vote in the name of another or~~
24 ~~in an assumed or fictitious name, or in any manner other than as provided in this~~
25 ~~Title.~~

26 ~~(12) Have in his possession the registration certificate of another with intent~~
27 ~~to violate any provision of this Title.~~

28 ~~(13) Supply a false answer or statement to an election official or in any~~
29 ~~document required by this Title, or execute an affidavit knowing it to contain false~~

1 or incorrect information.

2 (14) ~~Forge the name of another or use a fictitious name on an affidavit or~~
3 ~~document required under this Title.~~

4 (15) ~~Unlawfully, directly or indirectly, possess, tamper with, break, impair,~~
5 ~~impede, or otherwise interfere with the maintenance, adjustment, delivery, use, or~~
6 ~~operation of any voting machine or part thereof or with any of the paraphernalia~~
7 ~~connected with or appertaining thereto.~~

8 (16) ~~As a voter, commissioner, watcher, or person assisting a voter, allow a~~
9 ~~ballot to be seen, except as provided by law; announce the manner in which a person~~
10 ~~has cast his vote; place a distinguishing mark on a ballot with intent to make the~~
11 ~~ballot identifiable, or make a false statement concerning ability to mark a ballot~~
12 ~~without assistance.~~

13 (17) ~~Give or offer to give, directly or indirectly, any money or thing of~~
14 ~~present or prospective value to any person who has withdrawn or who was~~
15 ~~eliminated prior or subsequent to the primary or first or second primary election as~~
16 ~~a candidate for public office, for the purpose of securing or giving his political~~
17 ~~support to any remaining candidates or to candidates for public office in the primary~~
18 ~~or first or second primary or general election.~~

19 (18) ~~Being a physician, certify to the disability of a voter under R.S. 18:1304,~~
20 ~~or certify that a person will be hospitalized on election day, knowing such~~
21 ~~information to be false.~~

22 (19) ~~Breach any mandatory provision of this Title.~~

23 (20) ~~Procure or submit voter registration applications that are known by the~~
24 ~~person to be materially false, fictitious, or fraudulent.~~

25 (21) ~~While in the voting booth assisting another person in voting, coerce,~~
26 ~~compel, or otherwise influence the assisted voter to cast his vote in a certain way.~~

27 (22) ~~Being a commissioner, fail to identify an applicant to vote as required~~
28 ~~by this Title.~~

29 (23) ~~Fail to submit to the parish registrar of voters a completed registration~~

1 application collected through a registration drive within thirty days of receipt of the
2 completed application from the applicant.

3 ~~(24) When assisting a voter in voting, fail to mark the ballot or vote in the~~
4 ~~manner dictated by the voter.~~

5 ~~B. Whoever violates any provision of this Section shall be fined not more~~
6 ~~than one thousand dollars or be imprisoned for not more than one year, or both. On~~
7 ~~a second offense, or any succeeding offense, the penalty shall be a fine of not more~~
8 ~~than two thousand five hundred dollars or imprisonment for not more than five years,~~
9 ~~or both.~~

10 ~~C.(1) Notwithstanding any other provision of law to the contrary and in~~
11 ~~addition to the penalties provided in Subsection B of this Section, any candidate who~~
12 ~~is elected to public office and is convicted of an election offense as provided in~~
13 ~~Paragraphs (A)(4), (6), (10), (13), (14), and (17) of this Section that is related to his~~
14 ~~campaign for such public office shall forfeit such public office. If such conviction~~
15 ~~becomes final prior to the candidate taking the oath of office for such public office,~~
16 ~~the candidate shall forfeit the public office and shall not be allowed to hold such~~
17 ~~public office and such public office shall be declared vacant at the time such~~
18 ~~conviction becomes final. If the conviction for such election offense does not~~
19 ~~become final until after such candidate has taken the oath of office for such public~~
20 ~~office, then, at the time such conviction becomes final, he shall forfeit such public~~
21 ~~office and shall be, ipso facto, removed from such public office and such public~~
22 ~~office shall be declared vacant.~~

23 ~~(2) However, if such candidate held such public office at the time of the~~
24 ~~commission of the election offense, he shall be allowed to serve the remainder of the~~
25 ~~term he was then serving, but, at the time his conviction for the election offense~~
26 ~~becomes final, he shall forfeit the public office for the subsequent term. If he has~~
27 ~~taken the oath of office for the subsequent term, he shall, at the time the conviction~~
28 ~~for the election offense becomes final, forfeit such public office and shall be, ipso~~
29 ~~facto, removed from such public office and such public office shall be declared~~

1 vacant:

2 (3) Any vacancy in a public office occurring as a result of the provisions of
3 this Subsection shall be filled as in the case of ordinary vacancies and according to
4 the constitution and laws of the state.

5 **A.(1) Bribery of voters is the giving or offering to give, directly or**
6 **indirectly, any money, or anything of apparent present or prospective value to**
7 **any voter at any general, primary, or special election, or at any convention of**
8 **a recognized political party, with the intent to influence, the voter in the casting**
9 **of his ballot. The acceptance of, or the offer to accept, directly or indirectly, any**
10 **money, or anything of apparent present or prospective value, by any such voters**
11 **under such circumstances shall also constitute bribery of voters.**

12 **(2) Bribery of voters is also the giving or offering to give, directly or**
13 **indirectly, any money or anything of apparent present or prospective value to**
14 **secure or influence registration of a person or to secure or influence a person**
15 **to sign or not sign a recall or other election petition.**

16 **B. Whoever violates any provision of this Section shall be fined not more**
17 **than two thousand dollars or be imprisoned, with or without hard labor, for not**
18 **more than two years, or both, for the first offense. On a second offense, or any**
19 **succeeding offense, the penalty shall be a fine of not more than five thousand**
20 **dollars or imprisonment at hard labor for not more than five years, or both.**

21 **C. In the trial of persons charged with bribery of voters either the bribe-**
22 **giver or the bribe-taker may give evidence, or make affidavit against the other,**
23 **with immunity from prosecution in favor of the first informer, except for**
24 **perjury in giving such testimony.**

25 * * *

26 **§1461.2. Election offenses affecting registration and election fraud or forgery;**
27 **penalties**

28 **A. No person shall knowingly, willfully, or intentionally:**

29 **(1) Vote or attempt to vote more than once at an election.**

1 (2) Vote or attempt to vote, knowing that he is not qualified, or influence
2 or attempt to influence another to vote, knowing such voter to be unqualified
3 or the vote to be fraudulent.

4 (3) Register, vote, or attempt to register or vote in the name of another
5 or in an assumed or fictitious name, or in any manner other than as provided
6 in this Title.

7 (4) Forge the name of another or use a fictitious name on an affidavit or
8 document required under this Title.

9 (5) Procure or submit voter registration applications that are known by
10 the person to be materially false, fictitious, or fraudulent.

11 (6) Forge, alter, add to, deface, take, destroy, or remove from proper
12 custodial care any book, card, record, voter registration application, election
13 return, nomination papers, withdrawals of candidacy, election supplies, election
14 paraphernalia, or any affidavit or other document required or provided for
15 under the provisions of this Title, unless required to be removed by a court of
16 competent jurisdiction for inspection and photostatic copying for the court
17 record.

18 (7) Have in his possession an official ballot in violation of any provision
19 of this Title.

20 (8) Have in his possession the registration certificate of another with
21 intent to violate any provision of this Title.

22 B. Whoever violates any provision of this Section shall be fined not more
23 than two thousand dollars or be imprisoned, with or without hard labor, for not
24 more than two years, or both, for the first offense. On a second offense, or any
25 succeeding offense, the penalty shall be a fine of not more than five thousand
26 dollars or imprisonment at hard labor for not more than five years, or both.

27 §1461.3. Election offenses affecting election officials or watchers; penalties

28 A. No person shall knowingly, willfully, or intentionally:

29 (1) Being an election official, permit fraudulent votes to be cast, or

1 knowingly count votes not entitled to be cast.

2 (2) Fail, refuse, or neglect to discharge any duty imposed upon him,
3 either individually or in an official capacity, by any provision of this Title.

4 (3) Supply a false answer or statement to an election official or in any
5 document required by this Title, or execute an affidavit knowing it to contain
6 false or incorrect information.

7 B. Whoever violates any provision of Subsection A of this Section shall
8 be fined not more than two thousand dollars or be imprisoned, with or without
9 hard labor, for not more than two years, or both.

10 C. No person shall knowingly, willfully, or intentionally:

11 (1) Being a registrar, deputy registrar, commissioner-in-charge or
12 commissioner fail to identify an applicant to vote as required by this Title.

13 (2) Sign another voter's name in the precinct register.

14 (3) Attempt to influence an election official or watcher in the
15 performance of his duties on election day.

16 (4) Disobey any lawful instruction of a registrar, deputy registrar,
17 commissioner-in-charge or commissioner or a law enforcement officer
18 providing assistance to maintain order at a polling place.

19 D. Whoever violates any provision of Subsection C of this Section shall
20 be fined not more than five hundred dollars or be imprisoned in the parish jail
21 for not more than six months, or both.

22 §1461.4. Election offenses involving threats or intimidation of voters; penalties

23 A. No person shall knowingly, willfully, or intentionally:

24 (1) Intimidate, deceive, or misinform, directly or indirectly, any voter or
25 prospective voter in matters concerning voting or nonvoting or voter
26 registration or nonregistration, or the signing or not signing of a petition,
27 including but not limited to any matter concerning the voluntary affiliation or
28 nonaffiliation of a voter with any political party.

29 (2) While in the voting booth assisting another person in voting, coerce,

1 compel, or otherwise influence the assisted voter to cast his vote in a certain
2 way.

3 (3) Intimidate a person by the use of violence, force, or threats with the
4 intent to influence that person's decision to vote or to impede such person's
5 ingress or egress from a polling place.

6 (4) Without lawful authority, obstruct, hinder, or delay any voter on his
7 way to or while returning home from any polling place where an election is
8 being held or on his way to or while returning home from a place where he can
9 legally exercise a vote concerning candidate representation of his party.

10 B. Whoever violates any provision of this Section shall be fined not more
11 than two thousand dollars or be imprisoned, with or without hard labor, for not
12 more than two years, or both, for the first offense. On a second offense, or any
13 succeeding offense, the penalty shall be a fine of not more than five thousand
14 dollars or imprisonment at hard labor for not more than five years, or both.
15 §1461.5. Election offenses involving bribery, threats or intimidation of election
16 officials or candidates; penalties

17 A. No person shall knowingly, willfully, or intentionally:

18 (1) Offer money or anything of apparent present or prospective value or
19 use, directly or indirectly, or engage in any form of intimidation to influence the
20 action or encourage inaction of any election official with regard to the duties of
21 his office.

22 (2) Give or offer to give, directly or indirectly, any money or anything of
23 apparent present or prospective value to any person who has withdrawn or who
24 was eliminated prior or subsequent to the primary or first or second primary
25 election as a candidate for public office, for the purpose of securing or giving his
26 political support to any remaining candidate or candidates for public office in
27 the primary or general election.

28 (3) When such person is a candidate for public office who has withdrawn
29 or was eliminated prior to or subsequent to the primary or first or second

1 primary election, accept or offer to accept, directly or indirectly, any money, or
2 anything of apparent present or prospective value that is given for the purpose
3 of securing or giving his political support to any remaining candidate or
4 candidates for public office in the primary or general election.

5 B. Whoever violates any provision of this Section shall be fined not more
6 than two thousand dollars or be imprisoned, with or without hard labor, for not
7 more than two years, or both, for the first offense. On a second offense, or any
8 succeeding offense, the penalty shall be a fine of not more than five thousand
9 dollars or imprisonment at hard labor for not more than five years, or both.

10 C. In the trial of a person charged with a violation of this Section, either
11 the bribe-giver or the bribe-taker may give evidence, or make affidavit against
12 the other, with immunity from prosecution in favor of the first informer, except
13 for perjury in giving such testimony.

14 §1461.6. Election offenses involving tampering with election equipment;

15 penalties

16 A. No person shall knowingly, willfully, or intentionally:

17 (1) Prior to an election, during transit to a polling place, during early
18 voting, during election day voting or while in storage awaiting certification of
19 election results, with intent to defraud, tamper with any voting equipment so as
20 to attempt to influence the accurate and/or timely reporting of election results.

21 (2) Unlawfully, directly or indirectly, possess, tamper with, break,
22 impair, impede, or otherwise interfere with the maintenance, adjustment,
23 delivery, use, or operation of any voting machine or part thereof or with any of
24 the paraphernalia connected with or appertaining thereto.

25 B. Whoever violates any provision of this Section shall be fined not more
26 than ten thousand dollars or be imprisoned at hard labor for not more than five
27 years, or both.

28 §1461.7. Miscellaneous election offenses; penalties

29 A. No person shall knowingly, willfully, or intentionally:

1 (1) Fail to submit to the parish registrar of voters a completed
2 registration application collected through a registration drive within thirty days
3 of receipt of the completed application from the applicant.

4 (2) As a voter, election official, watcher, or person assisting a voter, allow
5 a ballot to be seen, except as provided by law; announce the manner in which
6 a person has cast his ballot; place a distinguishing mark on a ballot with intent
7 to make the ballot identifiable, or make a false statement concerning ability to
8 mark a ballot without assistance.

9 (3) When assisting a voter in voting, fail to mark the ballot or vote in the
10 manner dictated by the voter.

11 (4) Being a physician, certify to the disability of a voter under this Title
12 or certify that a person will be hospitalized on election day, knowing such
13 information to be false.

14 (5) Breach any mandatory provision of this Title

15 B. Whoever violates any provision of Subsection A of this Section shall
16 be fined not more than one thousand dollars or be imprisoned for not more than
17 one year, or both. On a second offense, or any succeeding offense, the penalty
18 shall be a fine of not more than two thousand five hundred dollars or
19 imprisonment for not more than five years, or both.

20 C. No person shall:

21 (1) Possess any beverage of alcoholic content in a polling place after
22 having been directed by a registrar or deputy registrar, commissioner-in-
23 charge, commissioner or law enforcement officer providing assistance to
24 maintain order at the polling place to remove or dispose of the beverage.

25 (2) Appear at a polling place in an intoxicated condition.

26 (3) Carry or possess a firearm while present in a polling place, except a
27 peace officer as defined by R.S. 40:2402(3)(a), in the performance of his official
28 duties.

29 D. Whoever violates any provision of Subsection C of this Section shall

1 be fined not more than five hundred dollars or be imprisoned for not more than
2 six months, or both. On a second offense or any succeeding offense, the penalty
3 shall be a fine of not more than one thousand dollars or imprisonment for not
4 more than one year, or both.

5 §1461.8. Election offense; candidate; forfeiture of office

6 A. Notwithstanding any other provision of law to the contrary and in
7 addition to the penalties provided in R.S. 18:1461 through 1461.7, any candidate
8 who is elected to public office and is convicted of an election offense as provided
9 in R. S. 18:1461, 1461.2(A)(2) or (4), 1461.3(A)(3), 1461.4(A)(1) and 1461.5(A)(2)
10 that is related to his campaign for such public office shall forfeit such public
11 office. If such conviction becomes final prior to the candidate taking the oath of
12 office for such public office, the candidate shall forfeit the public office and shall
13 not be allowed to hold such public office and such public office shall be declared
14 vacant at the time such conviction becomes final. If the conviction for such
15 election offense does not become final until after such candidate has taken the
16 oath of office for such public office, then, at the time such conviction becomes
17 final, he shall forfeit such public office and shall be, ipso facto, removed from
18 such public office and such public office shall be declared vacant.

19 B. However, if such candidate held such public office at the time of the
20 commission of the election offense, he shall be allowed to serve the remainder
21 of the term he was then serving, but, at the time his conviction for the election
22 offense becomes final, he shall forfeit the public office for the subsequent term.
23 If he has taken the oath of office for the subsequent term, he shall, at the time
24 the conviction for the election offense becomes final, forfeit such public office
25 and shall be, ipso facto, removed from such public office and such public office
26 shall be declared vacant.

27 C. Any vacancy in a public office occurring as a result of the provisions
28 of this Subsection shall be filled as in the case of ordinary vacancies and
29 according to the Constitution and laws of the state.

1 (4) To place or display political signs, pictures, or other forms of political
2 advertising.

3 **(5) To circulate a recall petition or seek handwritten signatures to a**
4 **recall petition.**

5 B. The provisions hereof shall not apply to the placing and displaying, either
6 by the owner, lessee, or lawful occupant thereof, or with the consent of such owner,
7 lessee or occupant, of political signs or pictures on private property which is not
8 being used as a polling place.

9 C. The provisions of this Section shall not be construed as prohibiting any
10 appointed election commissioner or any official watcher from remaining in and
11 about the polling place in which he was selected to serve.

12 ~~D. However, no appointed~~ **No** election official shall wear any badge, button,
13 pin, or other insignia identifying him with any political candidate or faction, ~~nor shall~~
14 any such official in any manner attempt to influence any voter to vote for or against
15 any candidate or proposition being voted on in the election being held in that polling
16 place nor shall any such official carry or possess a firearm while present in the
17 polling place.

18 **E. No election official shall in any manner attempt to influence any voter**
19 **to vote for or against any candidate or proposition being voted on in the election**
20 **being held in that polling place.**

21 ~~D.~~ No person shall:

22 ~~(1) Possess any beverage of alcoholic content in a polling place after having~~
23 ~~been directed by a commissioner or law enforcement officer assisting at the polls to~~
24 ~~remove or dispose of the beverage.~~

25 ~~(2) Appear at a polling place in an intoxicated condition.~~

26 ~~(3) Intimidate a person by the use of violence, force, or threats with the intent~~
27 ~~to influence that person's decision to vote or to impede such person's ingress or~~
28 ~~egress from a polling place.~~

29 ~~E.F.~~ The duly constituted law enforcement officers of the political

1 subdivision in which any such election is being held shall enforce the provisions of
 2 this Section when requested to do so by ~~the~~ **a registrar, deputy registrar,**
 3 **commissioner-in-charge or** commissioners. ~~The election commissioners at the~~
 4 ~~several polling places likewise shall enforce the provision of this Section.~~ **The**
 5 **registrar, deputy registrars, commissioners-in-charge and commissioners**
 6 **likewise shall enforce the provisions of the Section at the polling places.** ~~These~~
 7 ~~The~~ law enforcement officers ~~and,~~ **commissioners-in-charge,** commissioners,
 8 **deputy registrars and registrar** are authorized to seize, remove, and destroy any
 9 political cards, signs, pictures, or literature being used or displayed in violation of
 10 any of the provisions hereof.

11 F. **G.** Whoever violates any provision of this Section shall be fined not more
 12 than five hundred dollars or be imprisoned for not more than six months, or both. On
 13 a second offense or any succeeding offense, the penalty shall be a fine of not more
 14 than one thousand dollars or imprisonment for not more than one year, or both.

15 §1463. Political material; ethics; prohibitions

16 * * *

17 F. ~~Whoever violates any provision of this Section may be punished by a fine~~
 18 ~~not to exceed five hundred dollars or be imprisoned for not more than six months,~~
 19 ~~or both.~~ **Whoever violates any provision of this Section shall be fined not more**
 20 **than two thousand dollars or be imprisoned, with or without hard labor, for not**
 21 **more than two years, or both.**

22 * * *

23 §1465. Prohibited use of public funds

24 * * *

25 B. Whoever violates any provision of this Section shall be fined not more
 26 than five hundred **one thousand** dollars or be imprisoned, **with or without hard**
 27 **labor,** for not more than ~~six months~~ **two years,** or both. ~~On a second offense or any~~
 28 ~~succeeding offense, the penalty shall be a fine of not more than one thousand dollars~~
 29 ~~or imprisonment for not more than one year, or both.~~

* * *

§1467. Conviction in fraudulent vote cases; prohibition from employment in elections

Any person who has been convicted of any crime involving fraud **or any violation of this Title** while serving in the conduct of an election and in his capacity as a commissioner-in-charge, commissioner, watcher, or employee of a parish custodian of voting machines, or deputy of a clerk of court or ~~of the civil sheriff of the parish of Orleans~~ **law enforcement officer**, shall thereafter be prohibited from serving in any of the positions aforementioned in any election or in connection with any election.

§1468. Contributions in return for endorsement; prohibition

* * *

C. Whoever violates the provisions of this Section ~~shall be guilty of a misdemeanor and shall be fined not in excess of five hundred dollars~~ **more than one thousand dollars** or ~~be imprisoned, with or without hard labor,~~ for not more than ~~six months~~ **five years**, or both.

Section 2. R.S. 14:118(A)(1)(b), 119, and 352 and R.S. 18:1300.6 are hereby repealed in their entirety.

Section 3. This Act shall become effective upon signature by the governor or, if not signed by the governor, upon expiration of the time for bills to become law without signature by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If vetoed by the governor and subsequently approved by the legislature, this Act shall become effective on the day following such approval.

The original instrument was prepared by Tim Prather. The following digest, which does not constitute a part of the legislative instrument, was prepared by Alden A. Clement, Jr.

DIGEST

Martiny (SB 615)

Present law provides relative to the elections compliance unit.

Proposed law provides that a member of the Elections Compliance Unit may enter a polling place during early voting or on election day for the purposes of checking the overall

operations of the polling place or investigating any potential violation of the election code.

Present law provides for general election offenses and penalties.

Proposed law provides for following specific election offenses:

- (1) Bribery of voters.
- (2) Election offenses affecting registration and election fraud or forgery.
- (3) Election offenses affecting registrars, deputy registrars, commissioners, watchers or officials.
- (4) Election of offenses involving threats or intimidation of voters.
- (5) Election offenses involving bribery, threats or intimidation of public officials or candidates.
- (6) Election offenses involving tampering with election equipment.
- (7) Miscellaneous election offenses
- (8) Election offense; candidate; forfeiture of office

Present law prohibits certain activities on election day.

Proposed law prohibits certain activities during early voting or on election day.

Present law prohibits certain political materials and imposes certain ethical standards and imposes penalties for violation of present law including a fine not to exceed \$500 or be imprisoned for not more than six months, or both.

Proposed law increases the penalty for violation of proposed law to a fine not to exceed \$2000 or be imprisoned, with or without hard labor, for not more than two years, or both.

Present law prohibits use of public funds and imposes a fine of not more than \$500 or imprisonment for not more than six months, or both. Provides that on a second offense or any succeeding offense, the penalty will be a fine of not more than \$1000 or imprisonment for not more than one year, or both.

Proposed law increases the penalties for violation of present law to a fine of not more than \$1000 or imprisonment, with or without hard labor, for not more than two years, or both.

Present law provides that the act of giving contributions in return for endorsement is considered a misdemeanor offense and the violator will be fined not in excess of \$500 or imprisoned for not more than six months, or both.

Proposed law increases the penalty for violation of present law to a fine of not more than \$1000, or imprisonment with or without hard labor for not more than five years, or both.

(Amends R.S. 18:49.1(C), 1461, 1462, 1463(F), 1465(B), 1467, and 1468(C); adds R.S. 18:49.1(D), 1459, 1461.2, 1461.3, 1461.4, 1461.5, 1461.6, 1461.7, and 1461.8; repeals R.S. 14:119 and R.S. 18:1300.6)

Summary of Amendments Adopted by Senate

Committee Amendments Proposed by Senate Committee on Senate and Governmental Affairs to the original bill.

1. Adds provision prohibiting a candidate who has withdrawn or was eliminated prior to or subsequent to a primary election from accepting or offering to accept anything of value given for the purpose of securing or giving the candidate's support to any remaining candidate.
2. Adds provision that in the trial of a person charged with a violation of proposed law, either the bribe-giver or the bribe-taker may give evidence against the other with immunity from prosecution in favor of the first informer, except for perjury in giving such testimony.
3. Adds definition of "election official".