

2024 Regular Session

HOUSE BILL NO. 906

BY REPRESENTATIVES WRIGHT, BACALA, BILLINGS, EGAN, FISHER, GREEN,
JACKSON, LARVADAIN, MARCELLE, NEWELL, AND WYBLE

1 AN ACT

2 To amend and reenact R.S. 18:1483(11), 1491.1(E), 1491.4(E), 1495.2(E), 1505.2(E),
3 (H)(1)(a) and (c), (2)(a) and (b), and (3)(a), and (K)(1) and (2), and 1511.4(A) and
4 R.S. 42:1124.1(A)(2) and 1125(A), (C)(introductory paragraph), and (D)(2) and to
5 enact R.S. 18:1483(21), 1491.1(G), 1505.2(H)(7), and 1505.2.1, relative to political
6 contributions; to provide for the Campaign Finance Disclosure Act; to provide for
7 independent expenditure-only political committees; to provide for the registration of
8 political committees; to provide for electronic payments and filing; to increase the
9 amount of payments made from petty cash; to increase campaign contribution limits;
10 to provide for the designation of political contributions for specific elections; to
11 provide for the attribution of political contributions to certain contributors; to provide
12 for limitations; to provide for procedures; to provide for complaints filed with the
13 Supervisory Committee on Campaign Finance; to provide requirements for the filing
14 of complaints; to provide for notifications; to provide relative to certain financial
15 disclosure violations; to provide for penalties; to increase limits on contributions
16 made for gubernatorial transition and inauguration; to provide for such contributions
17 in the Campaign Finance Disclosure Act; to provide for a study conducted by the
18 Board of Ethics; to require the Board of Ethics to report to the legislature, governor,
19 and secretary of state; to provide for effectiveness; and to provide for related matters.

20 Be it enacted by the Legislature of Louisiana:

21 Section 1. The provisions of this Act may be referred to as the "Louisiana
22 Accountability and Modernization of Disclosure and Electoral Reform Now (LA MODERN)
23 Act."

24 Section 2. R.S. 18:1483(11), 1491.1(E), 1491.4(E), 1495.2(E), 1505.2(E), (H)(1)(a)
25 and (c), (2)(a) and (b), and (3)(a), and (K)(1) and (2), and 1511.4(A) are hereby amended and
26 reenacted and R.S. 18:1483(21), 1491.1(G), 1505.2(H)(7), and 1505.2.1 are hereby enacted
27 to read as follows:

1 §1483. Definitions

2 As used in this Chapter, the following terms shall have the meanings given
3 to each in this Section unless the context clearly indicates otherwise:

4 * * *

5 (11) "Major office" means the following offices: governor, lieutenant
6 governor, secretary of state, attorney general, state treasurer, commissioner of
7 agriculture, commissioner of insurance, the superintendent of education, public
8 service commissioner, justice of the supreme court, court of appeal judge, district
9 court judge in a judicial district comprised of a single parish with a population in
10 excess of four hundred fifty thousand persons as determined by the most recently
11 published decennial federal census where the election district is parishwide, as long
12 as these offices are elective offices, and any candidate for office with an election
13 district containing a population in excess of two hundred fifty thousand persons as
14 determined by either the most recently published decennial federal census or the
15 annual American Community Survey data whichever is most recent.

16 * * *

17 (21)(a) "Independent expenditure-only political committee" means a
18 committee registered with the supervisory committee which makes independent
19 expenditures, makes no political contributions to any candidate for any elected office
20 in this state or any of its subdivisions, and makes no coordinated expenditures with
21 a candidate or candidate's committee.

22 (b) "Independent expenditure" means an expenditure by a person expressly
23 advocating the election or defeat of a clearly identified or identifiable, qualified
24 candidate for public office, including supporting or opposing the candidates of a
25 political party, and that is not made in cooperation, consultation, or concert with, or
26 at the request or suggestion of a candidate, a candidate's authorized committee, or
27 their agents, or a political party committee or its agents.

28 * * *

29 §1491.1. Registration of political committees

30 * * *

31 E.(1) The supervisory committee ~~is hereby authorized to~~ may impose a fee
32 not to exceed the amount of one hundred dollars for each statement required to be
33 filed under this Section to be remitted to the supervisory committee together with the

1 statement on or before the time the statement is required to be filed. Any statement
2 submitted without the proper fee shall be deemed as not being properly submitted to
3 the supervisory committee. All fees collected hereunder shall be used solely by the
4 supervisory committee for the enforcement of the provisions of this Chapter, as
5 appropriated by the legislature.

6 (2) The supervisory committee shall accept payment via electronic funds
7 transfer for filing fees associated with filing a statement of organization. The
8 supervisory committee may charge an electronic processing fee not to exceed five
9 percent of the filing fee.

10 * * *

11 G. Statements of organization and other documents required to be filed with
12 the supervisory committee pursuant to this Section, including electronic filing
13 affidavits, may be filed electronically by facsimile or through the Board of Ethics
14 Computerized Data Management System as provided in R.S. 18:1485 and R.S.
15 42:1158. Documents may be notarized as provided by R.S. 35:621, et seq.

16 * * *

17 §1491.4. Campaign treasurers; campaign depositories; expenditures; petty cash fund

18 * * *

19 E. A political committee may maintain a petty cash fund or funds. A petty
20 cash fund shall be maintained on an imprest system, that is, expenditures may be
21 made in cash from the fund and the fund shall from time to time be restored to its
22 original amount by a transfer of funds from other committee funds of a sum equal
23 to the aggregate of the sums expended from the fund. No expenditure in excess of
24 ~~one~~ two hundred dollars shall be made from the petty cash fund and no expenditure
25 shall be made from the petty cash fund for any personal services, except for
26 gratuities paid for the serving of food or drink. No expenditure shall be made from
27 the petty cash fund in violation of R.S. 18:1531. A complete record of petty cash
28 expenditures shall be maintained in accordance with the provisions of R.S.
29 18:1491.5(D).

30 * * *

31 §1495.2. Campaign treasurers; campaign depositories; expenditures; petty cash fund

32 * * *

1 E. A candidate may maintain a petty cash fund or funds. A petty cash fund
 2 shall be maintained on an imprest system, that is, expenditures may be made in cash
 3 from the fund and the fund shall from time to time be restored to its original amount
 4 by a transfer of funds from other funds of the candidate of a sum equal to the
 5 aggregate of the sums expended from the fund. No expenditure in excess of ~~one~~ two
 6 hundred dollars shall be made from the petty cash fund and no expenditure shall be
 7 made from the petty cash fund for any personal services, except for gratuities paid
 8 for the serving of food or drink. No expenditure shall be made from the petty cash
 9 fund in violation of R.S. 18:1531. A complete record of petty cash expenditures
 10 shall be maintained in accordance with the provisions of R.S. 18:1495.3(D).

11 * * *

12 §1505.2. Contributions; expenditures; certain prohibitions and limitations

13 * * *

14 E. No expenditure in excess of ~~one~~ two hundred dollars shall be made from
 15 a petty cash fund and no expenditure shall be made from a petty cash fund for any
 16 personal services, except for gratuities paid for the serving of food or drink. No
 17 expenditure shall be made from the petty cash fund in violation of R.S. 18:1531.

18 * * *

19 H.(1)(a) The following contribution limits are established for contributions
 20 made to candidates or the principal campaign committee and any subsidiary
 21 committee of a candidate for the following offices:

- 22 (i) Major office - ~~five~~ twelve thousand dollars.
- 23 (ii) District office - ~~two~~ six thousand ~~five hundred~~ dollars.
- 24 (iii) Other office - ~~one~~ two thousand dollars.

25 * * *

26 (c) Notwithstanding the provisions of Subparagraph (a), the contribution
 27 limit for contributions made to an unsuccessful major office candidate, or the
 28 principal campaign committee and any subsidiary committee of such unsuccessful
 29 candidate, who does not participate in the general election and for the time period for
 30 which such candidate has a deficit for expenditures made through the day of the
 31 primary election, shall be ~~ten~~ twenty thousand dollars.

1 general election or primary election in a single election cycle as provided in R.S.
2 18:1505.2.1.

3 * * *

4 (7) An independent expenditure-only committee may receive unlimited
5 contributions from any person not otherwise prohibited from making a contribution
6 pursuant to 52 U.S.C. 30121 or this Chapter.

7 * * *

8 ~~K.(1) During any four year calendar period commencing January 1, 1991 and~~
9 ~~every fourth year thereafter, no~~ No person shall contribute more than one hundred
10 thousand dollars per calendar year to any political committee or any subsidiary
11 committee of such political committee, other than the principal or any subsidiary
12 committee of a candidate. Such limitation on a contribution shall not apply to any
13 contribution from a national political committee to an affiliated regional or state
14 political committee. However, during any four-year calendar period commencing
15 January 1, 2023, and every fourth year thereafter,

16 ~~(2) During the time period provided for in Paragraph (1) of this Subsection,~~
17 no political committee or subsidiary of such political committee, other than the
18 principal or any subsidiary committee of a candidate, shall accept more than ~~one~~
19 ~~hundred~~ two hundred fifty thousand dollars from any person.

20 (2) No person shall contribute more than two hundred fifty thousand dollars
21 per calendar year to a recognized political party or any committee thereof. However,
22 during any four-year calendar period commencing January 1, 2023, and every fourth
23 year thereafter, no recognized political party or any committee thereof shall accept
24 more than four hundred thousand dollars from any person.

25 * * *

26 §1505.2.1. Designation and attribution of contributions

27 A.(1) A candidate may receive contributions designated in writing for use
28 in connection with either the primary election or the general election in a single
29 election cycle. The candidate shall use an acceptable accounting method to
30 distinguish between contributions attributed to the primary election and contributions
31 attributed to the general election.

1 (2)(a) Acceptable accounting methods include but are not limited to the
2 creation and designation of separate accounts for each election or the establishment
3 of separate books and records for each election.

4 (b) A candidate's records shall demonstrate that prior to the primary election,
5 recorded cash on hand was at all times equal to or in excess of the sum of general
6 election contributions received less the sum of general election disbursements made.

7 B. A contribution may be designated in writing in the following manner:

8 (1) A check, money order, or other negotiable instrument that clearly
9 indicates the particular election for which the contribution is made.

10 (2) The contribution is accompanied by a written statement, signed by the
11 contributor, that clearly indicates the particular election for which the contribution
12 is made.

13 (3) The contribution is redesignated in accordance with Paragraph (G)(1) of
14 this Section.

15 C. For the purposes of this Section, a contribution shall be considered to be
16 made when the contribution is delivered to the candidate. A contribution that is
17 mailed to the candidate shall be considered to be delivered on the date of the
18 postmark. An in-kind contribution shall be considered to be delivered on the date
19 that the goods or services are provided by the contributor.

20 D. The candidate may accept contributions that are designated in writing for
21 use in the general election prior to the date of the primary election.

22 E. If the candidate does not participate in the general election, any
23 contributions designated for the general election shall be treated as excess campaign
24 funds and may be redesignated as provided in Subsection G of this Section or
25 expended as provided in R.S. 18:1505.2(I), except that such funds may not be
26 expended in support of or in opposition to a proposition, political party, or candidacy
27 of a person, or maintained in a segregated fund for use in future political campaigns
28 or activity related to preparing for future candidacy to elective office.

29 F.(1) If a contribution is designated in writing for a particular election, but
30 made after that election, the contribution shall be applied to the designated election
31 only to the extent that the contribution satisfies any outstanding deficit from such
32 election, subject to the limits provided in R.S. 1505.2(H)(1)(c) and (2)(e) and (f). If
33 the contribution exceeds the outstanding deficit, the candidate shall return or deposit

1 the contribution within ten days from the date of the candidate's receipt of the
2 contribution. If deposited, then within sixty days from the date of receipt the
3 candidate shall take one of the following actions:

4 (a) Refund the contribution using a committee check or draft.

5 (b) Obtain a written redesignation for another election as provided in
6 Subsection G of this Section, subject to the limits provided in R.S. 1505.2(H).

7 (c) Obtain a written reattribution to another contributor as provided in
8 Subsection H of this Section, subject to the limits provided in R.S. 1505.2(H).

9 (2) If a contribution is designated in writing for a particular election but
10 made after that election and the candidate does not have an outstanding deficit for
11 the designated election, the contribution shall be treated as excess campaign funds
12 and may be expended as provided in R.S. 18:1505.2(I), except that such funds may
13 not be expended in support of or in opposition to a proposition, political party, or
14 candidacy of a person, or maintained in a segregated fund for use in future political
15 campaigns or activity related to preparing for future candidacy to elective office.

16 G.(1) For an undesignated contribution, a candidate may designate the
17 contribution for a particular election if the contribution exceeds the contributions
18 limitation provided for in R.S. 18:1505.2(H) for a single election or the contribution
19 was received after the date of the election for which there is an outstanding deficit
20 on the date the contribution was received. Within sixty days following the receipt of
21 the contribution, the candidate shall notify the contributor in writing of the amount
22 of the contribution that was redesignated and that the contributor may request a
23 refund of the contribution.

24 (2) A candidate may request that all or part of a contribution designated for
25 a certain election be redesignated for a different election if the contribution, either
26 on its face or when aggregated with other contributions from the same contributor
27 for the same election, exceeds the contributions limitation provided in R.S.
28 18:1505.2(H).

29 (3) A contribution designated for a particular election shall be redesignated
30 for another election if both of the following apply:

31 (a) The candidate requests that the contributor provide a written
32 redesignation of the contribution and informs the contributor in writing that the

1 ~~another agency or department, it determines that there is reason to believe a violation~~
2 ~~of this Chapter has occurred, and it shall initiate an investigation when it makes such~~
3 ~~a determination upon receipt of a sworn complaint filed with the supervisory~~
4 ~~committee by any person who believes a violation of the Chapter has occurred. The~~
5 supervisory committee shall notify the person alleged to have violated this Chapter
6 of the supervisory committee's finding by letter, identifying the provision of law
7 alleged to have been violated and the alleged factual basis supporting the finding,
8 including reference to any specific transactions identified in the complaint.

9 (2) The supervisory committee may initiate the investigation of an apparent
10 or alleged violation of this Chapter in response to a complaint filed with the
11 supervisory committee in the following manner:

12 (a) Any person who believes that a violation of this Chapter has occurred
13 may file a complaint in writing to the supervisory committee. The complaint shall
14 differentiate between statements based upon personal knowledge and statements
15 based upon information and belief.

16 (b) The supervisory committee may provide a sample form for complaints.
17 The complaint shall be signed by the complainant and shall contain the following:

18 (i) The full name and address of the complainant.

19 (ii) The identification of each person who the complaint alleges to have
20 committed a violation.

21 (iii) Statements in the complaint which are not based upon personal
22 knowledge shall be accompanied by a reasonable identification of the source of
23 information which gives rise to the complainant's belief in the truth of such
24 statements.

25 (iv) A clear and concise recitation of the facts describing the violation.

26 (v) Any documentation in the possession of the complainant which supports
27 the facts alleged in the complaint.

28 (c)(i) If the staff of the supervisory committee determines the complaint
29 substantially complies with Subparagraph (b) of this Paragraph, the staff shall, within
30 five days after receipt, notify each person identified as having committed a violation
31 that the complaint has been filed and advise them of supervisory committee
32 compliance procedures.

1 (ii) If the staff of the supervisory committee determines the complaint does
2 not substantially comply with the requirements of Subparagraph (b) of this
3 Paragraph, the staff shall, within five days after receipt, notify the complainant and
4 any person or entity identified therein as having committed a violation that no action
5 shall be taken on the basis of the complaint.

6 (d) A copy of the complaint shall be enclosed with the notification provided
7 to each respondent.

8 (e) The supervisory committee shall take all reasonable steps necessary to
9 appropriately anonymize and redact personally identifying information from the
10 complaint whenever copies are provided to anyone entitled to a copy of the
11 complaint under this Chapter.

12 (f) The supervisory committee shall allow a respondent to submit a response
13 to the complaint within fifteen days from receipt of a copy of the complaint. The
14 response shall consist of a letter or memorandum setting forth reasons why the
15 supervisory committee should take no action, along with any reasonably necessary
16 supporting documentation which the respondent attaches thereto.

17 (g) The supervisory committee shall take no action, nor make any finding,
18 to the detriment of a respondent other than action dismissing the complaint, unless
19 it has considered such response or unless no such response has been delivered to the
20 supervisory committee within the fifteen-day period.

21 (h)(i) Following either the expiration of the fifteen-day period or the receipt
22 of a response, whichever occurs first, the supervisory committee shall, by a
23 two-thirds vote of its membership, determine whether there is reason to believe a
24 respondent has committed a violation of this Chapter.

25 (ii) If the supervisory committee finds no reason to believe a violation of this
26 Chapter has occurred, or otherwise terminates its proceedings, it shall so advise the
27 complainant and any respondent named in the complaint by letter.

28 (i) If the supervisory committee determines by an affirmative vote of
29 two-thirds of its membership that it has reason to believe that a respondent has
30 violated this Chapter, the supervisory committee shall notify respondent of its
31 finding by letter, identifying the provision of law alleged to have been violated and

1 the alleged factual basis supporting the finding, including reference to any specific
2 transactions identified as a violation.

3 * * *

4 Section 3. R.S. 42:1124.1(A)(2) and 1125(A), (C)(introductory paragraph), and
5 (D)(2) are hereby amended and reenacted to read as follows:

6 §1124.1. Penalties; required reports; failure to file; timely and accurate filing

7 A.(1) Whoever fails to file a financial statement required by this Part, except
8 for statements required by R.S. 42:1124, 1124.2, 1124.2.1, and 1124.3, or knowingly
9 and willfully fails to timely file any such statement, or knowingly and willfully fails
10 to disclose or to accurately disclose any information required by this Part shall be
11 assessed a civil penalty pursuant to R.S. 42:1157 for each day until such statement
12 or the required accurate information is filed.

13 (2) The amount of such penalty shall be ~~one hundred~~ two hundred fifty
14 dollars per day for statements required by R.S. 42:1114.

15 * * *

16 §1125. Gubernatorial transition and inauguration; contribution limits; reports

17 A.(1) Any contribution received and accepted by the person elected
18 governor, or any person on his behalf, following the date of his election and
19 expenditures made from such contributions shall be reported by the governor to the
20 ~~Board of Ethics~~ supervisory committee as provided for in this Section.

21 (2) The person elected governor and any person accepting contributions on
22 his behalf shall not accept contributions totaling more than ~~five~~ twenty thousand
23 dollars from any person.

24 * * *

25 C. On or before the sixtieth day after the gubernatorial inauguration and by
26 February fifteenth annually thereafter until all contributions have been expended or
27 used, the governor shall file an all-inclusive report with the ~~Board of Ethics~~
28 supervisory committee which shall state:

29 * * *

30 D. All reports required by this Section shall be:

31 * * *

32 (2) Filed on forms prepared for this purpose by the ~~Board of Ethics~~
33 supervisory committee. Such forms shall be substantially similar to forms used for

1 filings of campaign finance reports for candidates for statewide office prepared by
2 the board acting as the Supervisory Committee on Campaign Finance Disclosure.

3 * * *

4 Section 4. The Louisiana State Law Institute is hereby authorized and directed to
5 redesignate R.S. 42:1125 as amended by this Act as R.S. 18:1501.3 and to arrange in
6 alphabetical order the provisions of R.S. 18:1483 as amended by this Act.

7 Section 5. The Board of Ethics, functioning as the Supervisory Committee on
8 Campaign Finance Disclosure, is hereby directed to conduct an investigation and analysis
9 of best practices currently in place in other states that could be implemented to modernize
10 Louisiana's campaign finance and disclosure system, including a review of technological
11 systems that could be implemented in Louisiana. This review shall include an analysis of
12 the potential costs and benefits of updating Louisiana's campaign reporting technology,
13 including a study of the feasibility of implementing a system which allows for simplified
14 electronic filing of any and all campaign finance-related disclosure reports using a single
15 login for each user capable of accessing and filing for multiple campaigns and committees,
16 deadline tracking, real-time calculations of total expenditures and debts, simplified digital
17 templates, integration of application programming interface ("API") technology at all levels
18 of campaign filing, and automatically generated data models and maps like that currently in
19 use in the State of Washington, as implemented by the Washington State Public Disclosure
20 Commission. No later than January 31, 2025, the Board of Ethics, shall present its findings
21 and recommendations to the speaker of the House of Representatives, the president of the
22 Senate, the governor, and the secretary of state.

23 Section 6. This Act shall become effective on January 1, 2025.

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____