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## DIGEST

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HB 596 Original

2025 Regular Session

Wright

**Abstract:** Provides for revisions to the Campaign Finance Disclosure Act.

Present law (Campaign Finance Disclosure Act) provides, generally for public disclosure of the financing of election campaigns and to regulate certain campaign practices.

Proposed law provides that the Campaign Finance Disclosure Act is penal in nature and that, in the interest of respecting the constitutional rights of free speech and due process, that the regulation of campaign finance shall be interpreted narrowly, strictly, and any ambiguity in favor of any person accused of any violation of present law, and that no deference shall be afforded in present law by any agency enforcing present law, including the supervisory committee on campaign finance (supervisory committee).

### Definitions

Present law provides for terminology used throughout the Campaign Finance Disclosure Act.

Present law defines both "political committee" and "committee" as two or more persons, other than a husband and wife, and any legal entity organized for the primary purpose of supporting or opposing one or more candidates, propositions, recalls of a public officer, or political parties, which does either of the following:

- (1) Accepts contributions in the name of the committee, or makes expenditures from committee funds or in the name of the committee, or makes a transfer of funds to or receives a transfer of funds from another committee, or receives or makes loans in an aggregate amount in excess of \$500 within any calendar year.
- (2) Accepts direct payments for personal services related to an election or a campaign in the name of the committee in an aggregate amount in excess of \$500 within any calendar year, with exceptions.

Proposed law retains present law definition of "political committee", except to increase the threshold amount of contributions and expenditures received within a calendar year to \$1,000, rather than \$500 and provides a new definition for "committee". Proposed law provides that "political committee" does not include independent expenditure only committees, leadership committees, or principal campaign committees.

Present law provides that political party committees that receive contributions or make expenditures of \$500 within a calendar year are "political committees". Proposed law increases the threshold amount of contributions and expenditures to \$2,500 within a calendar year.

Proposed law defines "committee" as any association, political party, or other group of one or more persons, which receives or anticipates receiving contributions and makes or anticipates making expenditures, and has the major purpose of making contributions to or expenditures to or on behalf of any state or local elected official, candidate, campaign, or other committee. A person shall not be a committee if the person makes expenditures for the purpose of supporting or opposing candidates or recalls using only the person's general revenues and does not receive contributions for the purpose of supporting or opposing candidates or recalls.

Proposed law provides that independent expenditure only committees, leadership committees, political committees, and principal campaign committees are "committees".

Present law defines "contribution" as a gift, conveyance, payment, or deposit of money or anything of value, or the forgiveness of a loan or of a debt, made for the following purposes:

- (1) Supporting, opposing, or otherwise influencing the nomination or election of a person to public office. Proposed law revises present law so that contributions made to a candidate are considered "contributions" only if made for purposes of supporting, opposing, or otherwise influencing that candidate.
- (2) Supporting or opposing a proposition or question submitted to the voters. Proposed law repeals present law.
- (3) Supporting or opposing the recall of a public officer, whether made before or after the election. Proposed law retains present law.

Proposed law additionally provides that a gift, conveyance, payment, or deposit of money or anything of value, or the forgiveness of a loan or of a debt, made to any of the following is considered a "contribution":

- (1) A committee.
- (2) Any person for the purpose of supporting, opposing, or otherwise influencing the nomination or election of a person to public office.

Present law also defines "contribution" as an in-kind contributions having a monetary value of \$25. Proposed law limits this definition so that it only applies to in-kind contributions made to a committee and increases the minimum value to \$50.

Present law further defines "contributions" as the donation of services and tangible property valued at \$25. Proposed law increases the minimum value to \$50.

Present law further defines "contributions" as expenditures made by any person in cooperation, consultation, or concert with or at the request or suggestion of, a candidate, his authorized political committees, or their agents and shall be considered to be a contribution to such candidate. Proposed law limits present law definition so that it only applies if the expenditure is made for the purpose of supporting, opposing, or otherwise influencing the nomination or election of the candidate.

Present law defines "expenditure" as a purchase, payment, advance, deposit, or gift, of money or anything of value made for the purpose of supporting, opposing, or otherwise influencing the nomination or election of a person to public office, for the purpose of supporting or opposing a proposition or question submitted to the voters, or for the purpose of supporting or opposing the recall of a public officer, whether made before or after the election.

Proposed law repeals present law and instead defines "expenditure" as made by a committee or made by a candidate or any other person for paid advertising disseminated through any federally regulated broadcast media, mass mailings, phone banks, or paid digital advertising or publication paid print advertising of a certain nature

Present law further defines "expenditure" as in-kind expenditures and the donation of services and tangible property valued at \$25. Proposed law increases the minimum value to \$50.

Present law provides that "expenditures" do not include any communication by any membership organization or business entity to its employees, members, or stockholders, if such membership organization or business entity is not organized primarily for the purpose of supporting, opposing, or otherwise influencing the nomination for election, or election, of any person to public office

Proposed law retains present law and further exempts communications made to the organization or entity's directors and the family members of the employees, members, stockholders, and directors.

Proposed law further exempts communications disseminated by a church unless the church's expenditures are used to appeal to vote for or against a specific candidate. Further provides that present law shall not require a church to disclose the identities, donations, or contributions of members of the church.

Present law provides that "loan" means a transfer of money, property, or anything of value in exchange for an obligation to repay in whole or in part, made for the purpose of supporting, opposing, or otherwise influencing the nomination for election, or election, of any person to public office, for the purpose of supporting or opposing a proposition or question submitted to the voters, or for the purpose of supporting or opposing the recall of a public officer, whether made before or after the election.

Proposed law revises present law definition so that loans made to a candidate are considered "loans" only if made for purposes of supporting, opposing, or otherwise influencing that candidate.

Present law provides for when a candidate is considered to have participated in an election from which he has withdrawn. Proposed law retains present law and provides for "participation" for

purposes of withdrawing from a closed party primary.

Present law provides for when political committees are considered to have participated in an election. Proposed law retains present law and provides for "participation" for purposes of closed party primaries.

Proposed law defines "coordinated expenditure", "express advocacy", "major purpose" and "personal use". Provides for the definition of "foreign national".

## **Committees**

Present law requires committees that anticipate receiving or expending more than \$500 a year to file a statement of organization. Proposed law increases the threshold amount that requires filing a statement of organization to \$1,000 a year.

## **Joint Fundraising**

Proposed law authorizes committees to, pursuant to a written joint fundraising agreement, engage in joint fundraising efforts with other committees, committees registered with the Federal Election Commission, or with unregistered committees and certain organizations. Provides that contributions may be made to a joint fundraising efforts subject to present law contribution limits.

Proposed law requires participants to enter into a joint fundraising agreement establishing an allocation formula and authorizes the creation of a separate committee or a joint fundraising representative, who is responsible for ensuring that recordkeeping and reporting requirements are met.

Proposed law requires a joint fundraising committee to file a statement of organization containing certain information. Provides for the establishment of a separate committee or selection of a joint fundraising representative and their duties.

Proposed law provides for the advancement of costs and payment of expenses. Requires and provides for the contents of a joint fundraising notice.

Proposed law provides for the allocation of contributions when a participating committee is not permitted to receive such contributions or the contribution exceeds contribution limits. Provides for the distribution of funds and required reports.

## **Leadership Committees**

Proposed law establishes leadership committees. Provides that a leadership committee is a committee registered with the supervisory committee and directly or indirectly established, financed, maintained, controlled, or designated by an elected official, but which is not the principal campaign committee of the elected official and does not make expenditures in support of the candidacy of the elected official, which makes expenditures related to the holding of a public office or party position,

supporting or opposing a proposition or question submitted to the voters, supporting or opposing the recall of a public officer other than the candidate, making contributions to another candidate's principal campaign committee, a committee other than the elected official's principal campaign committee, an independent expenditure only committee, a gubernatorial transition and inauguration, make charitable donation, lobbying, or administrative costs or operating expenses of the committee.

Proposed law requires the statement of organization and reports of a leadership committee to identify the elected official with whom the committee is affiliated.

Present law requires committees other than a candidate's principal campaign committee to clearly indicate to the candidate that the contribution is from a political committee by designation on or notification on the contribution. Proposed law does not apply to contributions made to a candidate by a leadership committee.

Present law requires committees to file reports with the supervisory committee on certain dates. Proposed law does not require leadership committees to file reports on such dates and instead requires leadership committees to file monthly reports due no later than the tenth day of the month following a month in which the committee accepts a contribution or some other receipt or makes an expenditure or some other disbursement.

Proposed law provides for permitted expenditures by a leadership committee.

### **Propositions or questions submitted to the voters**

Present law regulates and limits contributions made for the purpose of supporting or opposing a proposition or question submitted to the voters. Proposed law repeals present law.

### **Candidate disclosures**

Present law requires candidates who are not a candidate for a major office or district office to file disclosure reports if they make expenditures in excess of \$2,500 or receive contributions in excess of \$200. Proposed law increases the minimum threshold for reporting of both expenditures and contributions to \$5,000.

### **Recall election disclosures**

Present law provides that any person, including a political committee, who receives and accepts any contribution, loan, or transfer of funds, or makes any expenditure in support of or in opposition to the recall of a public officer shall be required to file reports of such contributions and expenditures of at least \$200. Proposed law increases the minimum threshold for reporting to \$5,000.

### **Committee and Candidate Reports**

Present law requires committees other than leadership committees to file reports with the supervisory committee during the period beginning at midnight of the twentieth day prior to an election and

extending through midnight of election day identifying any person who from whom the committee received contributions, loans, and funds in excess of the following amounts:

- (1) For major office candidates: \$1,000. Proposed law increases the amount to \$2,000.
- (2) For district office candidates: \$500. Proposed law increases the amount to \$1,000.
- (3) For any other office candidates: \$250. Proposed law increases the amount to \$500.

Present law requires disclosure of any expenditure in excess of \$200 made to a candidate, committee, or person required to file reports who makes endorsements. Proposed law increases the amount to \$500.

Present law provides that a report need not be filed if the committee is dissolved or disbanded and shows a deficit or surplus of less than \$2,500. Proposed law increases the amount to \$5,000.

Present law requires reporting of contributions in the form of payroll deductions or dues checkoff system in excess of \$5. Proposed law increases the amount to \$25.

Present law provides that single transactions to purchase campaign items or materials or raffle tickets which are not in excess of \$25 must be reported on in a report of gross proceeds. Proposed law increases the amount to \$50.

Present law provides that any political committee which did not receive a contribution in excess of \$200 and which did not make expenditures totaling in excess of \$5,000 in the aggregate may file an affidavit in lieu of any report. Proposed law increases the amount of contributions to \$500 and the amount of expenditures to \$10,000.

Proposed law increases the same amounts as they apply to candidate reporting and reporting by persons other than candidates and committees.

### **Reports required of other persons**

Present law provides that any person, other than a candidate or a committee, who makes any expenditure or who accepts a contribution, other than to or from a candidate or to or from a political committee, shall file reports if either said expenditures or said contributions exceed \$500 in the aggregate during the aggregating period as defined for committees.

Proposed law increases the amount to \$1,000 and limits reporting to persons who makes expenditure and accepts contributions for certain purposes.

### **Contribution limits and expenditures**

Present law limits cash contributions to \$100. Proposed law increases the limit to \$200.

Present law makes various provisions related to the authorized and prohibited contributions and expenditures of a recognized political party. Proposed law provides for the same to apply to a committee designated to receive contributions on behalf of the state central committee of the political party by joint fundraising agreement or otherwise.

Present law provides for authorized expenditures and for the use of excess campaign funds. Proposed law makes different and additional provisions for permitted expenditures and the use of excess campaign funds.

Proposed law provides for the authorized and prohibited personal use of campaign funds.

### **Supervisory Committee on Campaign Finance**

Proposed law provides for duties of the supervisory committee including reviewing specific information and consider rulemakings, posting certain information on the Board of Ethics website.

Present law provides for the supervisory committee to conduct investigations and file administrative proceedings. Proposed law provides additional criteria for the supervisory committee to consider in conducting investigations and filing administrative proceedings.

Proposed law provides for the issuance of subpoenas by the supervisory committee.

(Amends R.S. 18:1482, 1483(2)(a), (4), (6)(b), (8), (9)(b)(ii), (c), (d)(ii) and (iii), 15(a), (b)(ii), and (c), (16), (17)(a)(i)-(iii), (22), 1484(2)(a) and (b), the heading of 1486, 1486(A), (B), and (C)(2)(intro. para.), the title of Part II of Chapter 11 of Title 18 of the La. R.S. of 1950, the heading of 1491.1, 1491.1(A), (B)(5)(d), (D), and (F), 1491.2, 1491.3(A), 1491.4, 1491.5(A), (B), (E), (I), and (J), 1491.6(A), (B)(intro. para.), (C)(intro. para.), (1)(a), and (2), (D), (E), (G), and (I), 1491.7(A), (B)(4)(a) and (b), and (5)-(8), (10), (13), (14), (18), and (22), and (C), 1491.8, 1495.3(B)(2)(a), 1495.4(C)(1)(a) and (2) and (D)(3)(a), 1495.5(B)(5)(a) and (b), and (9), 1495.6, 1501.1(A), (B), and (C)(intro. para.), 1505.2(A)(1), (B), (C), (D)(3)(b)(i) and (c), (4), and (5), (F), (G), (H)(1)(b) and (c), (2)(a)(intro. para.), (b)(intro. para.), (c), (e)-(g), (3)(a)(i), (iii)-(vii), and (b)-(d), (I)(5)(a), (b)(ii), and (c), (6), and (7), (J)(2), (K), (L)(2) and (4), (M)(2), (O)(1), (P), (Q)(1), (2), and (3)(a)(i), and (R)(2) and (3)(a)(i), 1505.3(B), (D)(1)(a), (2)(a)(i), (b), and (ii), 1505.4(A)(1), (2)(a)(i)-(v), and (3) and (B), 1505.5(B), and (C)(1), 1505.6(A)-(C), 1511.2(B), 1511.3(B), 1511.4(A)(2)(h), (C)(1) and (2)(intro. para.), and (D), 1511.4.1(C)(3), 1511.5(A)(1) and (B); Adds R.S. 18:1483(6)(a)(intro. para.), (i)-(iv), and (b)(v), (9)(a)(intro. para.), (i)-(v), (d)(v), (12)(intro. para.) and (a)-(c), 15(b)(iii) and (iv), (17)(b)(i) and (ii), and (25)-(31), 1491.6.1, 1491.9, 1505.2(I)(1)(a)-(i), (M)(1)(intro. para.) and (a)-(e), (3)(intro. para.), (d)-(f), and (4), 1511.2(D) and (E), 1511.4(A)(2)(h)(i)(aa)-(dd), 1511.4(C)(2)(f) and (3), 1511.4.1(E), 1511.4.2, 1511.5(A)(1)(a) and (b)(i)-(iii); Repeals R.S. 18:1483(15)(d), 1486(C)(1) and (2)(d))