
DIGEST

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HB 784 Engrossed

2020 Regular Session

McCormick

Abstract: Provides that proceeds from the sale of raffle tickets in single transactions for amounts not in excess of \$25 shall only be required to be reported in the aggregate and removes the requirement for the furnishing of the social security number of a contributor making an allowed cash contribution and removes the requirement that the receipt for the same include the social security number of the contributor.

Present law requires political committees, candidates, and other persons required to file campaign disclosure reports to include the full name and address of each person who has made one or more contributions during the reporting period.

Present law contains an exception for a single transaction involving the sale of items such as campaign pins, buttons, badges, flags, emblems, hats, banners, literature, and similar material which is for an amount not in excess of \$25. Provides that no record needs to be kept except the total amount received and deposited from such sale and the fact that such amount was received from such sale. Present law prohibits any person from selling or buying campaign paraphernalia in successive single transactions for amounts below those for which specific records are required by present law as a subterfuge to avoid requirements of present law that names and addresses of contributors and dates and amounts of contributions be recorded, aggregated, and reported. Present law further provides that any person who sells or buys campaign paraphernalia in successive single transactions for amounts below those for which specific records are required as a subterfuge to avoid the requirements of present law (Campaign Finance Disclosure Act-CFDA) shall be subject to the civil and criminal penalties provided in present law for such violations (R.S. 18:1505.4, 1505.5, and 1505.6).

Present law civil penalties for late filing assessed on persons required to file reports who knowingly fail to file or timely file the report are per day penalties based upon type of person required to report with a set maximum for per day penalties. Further authorizes, after a hearing, the imposition of additional civil penalties up to \$10,000 on any person required to file reports who had not filed the report by the 6th day after they are due or, in the case of other reports, by the 11th day after they are due, with notice to the party who is the subject of the hearing. Additionally provides that any person required to file reports under the CFDA who knowingly and willfully fails to disclose, or knowingly and willfully fails to accurately disclose, any information required to be disclosed may be assessed a civil penalty for each day until such information is disclosed by amendment to the appropriate report. Defines "knowingly and willfully" as conduct which could have been avoided through the exercise of due diligence. Additionally provides for civil penalties for knowing and willful violation of the CFDA other than late filing and failing to accurately disclose. Present law provides criminal

penalties of up to six months in jail or a fine of \$500, or both for knowingly, willfully, and fraudulently failing to timely file, to disclose, or to disclose inaccurately or to engage in a subterfuge to avoid compliance with the CFDA.

Proposed law additionally provides an exception for a single transaction involving the sale of raffle tickets for an amount not in excess of \$25. Further provides that no record need to be kept except the total amount received and deposited from such sale and the fact that such amount was received from such sale. Further prohibits any person from selling or buying raffle tickets in successive single transactions for amounts below those for which specific records are required by proposed law as a subterfuge to avoid requirements of present law that names and addresses of contributors and dates and amounts of contributions be recorded, aggregated, and reported. Proposed law further provides that any person who sells or buys raffle tickets in successive single transactions for amounts below those for which specific records are required as a subterfuge to avoid the requirements of present law (Campaign Finance Disclosure Act) shall be subject to the civil and criminal penalties provided in present law (R.S. 18:1505.4, 1505.5, and 1505.6) for such violations.

Present law prohibits any person from making a cash contribution to a candidate or a committee and prohibits a candidate or committee from receiving a cash contribution in excess of \$100 during any calendar year. Requires any contribution in excess of \$100, other than an in-kind contribution, to be made by an instrument containing the name of the donor and the name of the payee. Further requires that upon receipt of a cash contribution of \$100 or less, the candidate or committee receiving the contribution shall provide to the contributor a receipt for the exact amount of the contribution containing the name, address, and social security number of the contributor and requires the receipt to be signed by the contributor. Further requires the candidate or committee receiving the contribution to retain a copy of the receipt. Present law specifies that if the contributor refuses to furnish his name, address, or social security number or refuses to sign the receipt, the contribution shall be immediately returned to said contributor.

Proposed law removes the requirement for the social security number of the contributor to be provided and for it to be contained on the receipt; otherwise retains present law.

Proposed law provides that any changes to campaign finance disclosure forms as a result of the provisions of proposed law shall become effective after Feb. 17, 2021.

Effective Jan. 1, 2021.

(Amends R.S. 18:1491.5(B)(2), 1491.7(B)(5), 1495.3(B)(2), 1495.5(B)(5), 1505.2(C)(2), and 1505.3(C))