

2020 Regular Session

HOUSE BILL NO. 784

BY REPRESENTATIVE MCCORMICK

1 AN ACT

2 To amend and reenact R.S. 18:1491.5(B)(2), 1491.7(B)(5), 1495.3(B)(2), 1495.5(B)(5),  
3 1505.2(C)(2), and 1505.3(C), relative to the Campaign Finance Disclosure Act; to  
4 provide for the method of reporting certain campaign contributions; to change certain  
5 record-keeping requirements; to provide for civil and criminal penalties; and to  
6 provide for related matters.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. R.S. 18:1491.5(B)(2), 1491.7(B)(5), 1495.3(B)(2), 1495.5(B)(5),  
9 1505.2(C)(2), and 1505.3(C) are hereby amended and reenacted to read as follows:

10 §1491.5. Maintenance of records; valuation of in-kind contributions and  
11 expenditures

12 \* \* \*

13 B.

14 \* \* \*

15 (2) Payments made to purchase raffle tickets, campaign paraphernalia, such  
16 as campaign pins, buttons, badges, flags, emblems, hats, shirts, banners, literature,  
17 and similar items, other than expenditures made by a political committee for its own  
18 paraphernalia, and payments for tickets to testimonials and similar fundraising events  
19 are contributions, and records thereof shall be maintained, provided that:

20 (a) In the case of any single transaction involving the sale of raffle tickets or  
21 of items such as campaign pins, buttons, badges, flags, emblems, hats, banners,  
22 literature, and similar material which is for an amount not in excess of twenty-five  
23 dollars and the proceeds of which are received and deposited by a political

1 committee, no record need be kept by the campaign treasurer for such recipient  
2 committee, except the total amount received and deposited from such sale and the  
3 fact that such amount was received from such sale.

4 (b) No person shall sell or buy raffle tickets or campaign paraphernalia in  
5 successive single transactions for amounts below those for which specific records are  
6 required by this Paragraph as a subterfuge to avoid requirements of this Part that  
7 names and addresses of contributors and dates and amounts of contributions be  
8 recorded, aggregated, and reported. Such transactions shall be considered single  
9 transactions and shall be recorded and reported as provided in this Part. Any person  
10 who violates the provisions of this Section shall be subject to the penalties provided  
11 in R.S. 18:1505.4, R.S. 18:1505.5, and R.S. 18:1505.6.

12 \* \* \*

13 §1491.7. Reports; contents

14 \* \* \*

15 B. Each report required to be in conformity with this Section shall contain  
16 the following information:

17 \* \* \*

18 (5)(a) The gross proceeds received and accepted by the political committee  
19 during the reporting period from the sale of items such as political campaign pins,  
20 buttons, badges, flags, emblems, hats, banners, literature, and similar materials.  
21 Purchases of ~~such~~ campaign items and materials from the committee which are made  
22 by the same person and are of such amount as to be reportable, either singly or in the  
23 aggregate, ~~under as provided in Paragraph (4) hereof~~ of this Subsection, shall be so  
24 reported; however, single transactions to purchase ~~such~~ campaign items or materials  
25 which are ~~for~~ not in excess of twenty-five dollars must be reported only in the report  
26 of gross proceeds and shall not be required to be reported as provided in Paragraph  
27 (4) of this Subsection.

28 (b) The gross proceeds received and accepted by the political committee  
29 during the reporting period from the sale of raffle tickets. Purchases of raffle tickets  
30 that are made by the same person and are of such amount as to be reportable, either

1            singly or in the aggregate, as required in Paragraph (4) of this Subsection, shall be  
 2            so reported; however, single transactions to purchase raffle tickets which are not in  
 3            excess of twenty-five dollars must be reported only in the report of gross proceeds  
 4            and shall not be required to be reported as provided in Paragraph (4) of this  
 5            Subsection.

6    \*            \*            \*

7            §1495.3. Maintenance of records; valuation of in-kind contributions and  
 8    expenditures

9    \*            \*            \*

10    B.

11    \*            \*            \*

12    (2) Payments made to purchase raffle tickets, campaign paraphernalia, such  
 13            as campaign pins, buttons, badges, flags, emblems, hats, shirts, banners, literature,  
 14            and similar items, other than expenditures made by a candidate for his own  
 15            paraphernalia, and payments for tickets to testimonials and similar fundraising events  
 16            are contributions, and records thereof shall be maintained, provided that:

17    (a) In the case of any single transaction involving the sale of raffle tickets or  
 18            of items such as campaign pins, buttons, badges, flags, emblems, hats, banners,  
 19            literature, and similar material which is for an amount not in excess of twenty-five  
 20            dollars and the proceeds of which are received and deposited by a candidate, no  
 21            record need be kept by the campaign treasurer for such recipient candidate, except  
 22            the total amount received and deposited from such sale and the fact that such amount  
 23            was received from such sale.

24    (b) No person shall sell or buy raffle tickets or campaign paraphernalia in  
 25            successive single transactions for amounts below those for which specific records are  
 26            required by this Paragraph as a subterfuge to avoid requirements of this Part that  
 27            names and addresses of contributors and dates and amounts of contributions be  
 28            recorded, aggregated, and reported. Such transactions shall be considered single  
 29            transactions and shall be recorded and reported as provided in this Part. Any person

CODING: Words in ~~struck through~~ type are deletions from existing law; words underscored are additions.

1 who violates the provisions of this Section shall be subject to the penalties provided  
2 in R.S. 18:1505.4, R.S. 18:1505.5, and R.S. 18:1505.6.

3 \* \* \*

4 §1495.5. Reports; contents

5 \* \* \*

6 B. Each report required to be in conformity with this Section shall contain  
7 the following information:

8 \* \* \*

9 (5)(a) The gross proceeds received and accepted by the candidate during the  
10 reporting period from the sale of items such as political campaign pins, buttons,  
11 badges, flags, emblems, hats, banners, literature, and similar materials. Purchases  
12 of such campaign items and materials which are made by the same person and which  
13 are of such amount as to be reportable, either singly or in the aggregate, ~~under~~ as  
14 required in Paragraph (4) ~~hereof~~ of this Subsection, shall be so reported; however,  
15 single transactions to purchase ~~such~~ campaign items or materials which are for not  
16 in excess of twenty-five dollars must be reported only in the report of gross proceeds  
17 and shall not be required to be reported as ~~required~~ provided in Paragraph (4) of this  
18 Subsection.

19 (b) The gross proceeds received and accepted by the candidate during the  
20 reporting period from the sale of raffle tickets. Purchases of raffle tickets that are  
21 made by the same person and are of such amount as to be reportable, either singly  
22 or in the aggregate, as provided in Paragraph (4) of this Subsection, shall be so  
23 reported; however, single transactions to purchase raffle tickets which are not in  
24 excess of twenty-five dollars must be reported only in the report of gross proceeds  
25 and shall not be required to be reported as provided in Paragraph (4) of this  
26 Subsection.

27 \* \* \*

1 §1505.2. Contributions; expenditures; certain prohibitions and limitations

2 \* \* \*

3 C.

4 \* \* \*

5 (2) Upon receipt of a cash contribution of one hundred dollars or less, the  
6 candidate or committee receiving the contribution shall provide to the contributor a  
7 receipt for the exact amount of the contribution; such receipt shall contain the name;  
8 and address, ~~and social security number~~ of the contributor, shall be signed by the  
9 contributor, and the candidate or committee receiving the contribution shall retain  
10 a copy of the receipt. If the contributor refuses to furnish his name; or address, ~~or~~  
11 ~~social security number~~ or refuses to sign the receipt, the contribution shall be  
12 immediately returned to said contributor. If the contributor is unable to write, he  
13 shall affix his mark to the receipt, and the person receiving the contribution shall  
14 affix the name of the incapacitated person to the receipt, provided he does so in the  
15 presence of a witness who shall also sign his name as witness to the mark. The copy  
16 of the receipt retained by the candidate or committee provided for in this Subsection  
17 shall be available to the supervisory committee for inspection. The supervisory  
18 committee shall promulgate rules and regulations relative to the receipt required by  
19 this Subsection.

20 \* \* \*

21 §1505.3. Subterfuge to avoid compliance with Chapter

22 \* \* \*

23 C. As more specifically provided in R.S. 18:1491.5(B)(2)(b) and R.S.  
24 18:1495.3(B)(2)(b), no person shall sell or buy raffle tickets or campaign  
25 paraphernalia in successive single transactions for amounts below those for which  
26 specific records are required as a subterfuge to avoid the requirements of this  
27 Chapter. Any person who violates the provisions of said Paragraphs shall be subject  
28 to the penalties provided in R.S. 18:1505.4, R.S. 18:1505.5, and R.S. 18:1505.6.

29 \* \* \*

1           Section 2.(A) Any changes to campaign finance disclosure forms as a result of the  
2 provisions of this Act shall become effective after February 17, 2021.

3           (B) This Act shall become effective on January 1, 2021.

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SPEAKER OF THE HOUSE OF REPRESENTATIVES

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PRESIDENT OF THE SENATE

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GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: \_\_\_\_\_