

RÉSUMÉ DIGEST

ACT 161 (HB 784)

2020 Regular Session

McCormick

Existing law (Campaign Finance Disclosure Act-CFDA) 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 contributions during the reporting period.

Existing 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. Existing law 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 existing law shall be subject to the civil and criminal penalties provided in existing law for such violations (R.S. 18:1505.4, 1505.5, and 1505.6).

Existing law provides that civil penalties assessed on persons who knowingly fail to file or timely file a report are per-day penalties based upon type of person required to report with a set maximum for per-day penalties. Further authorizes the imposition of additional civil penalties, up to \$10,000, for failure to file a report by the 6th day after it is due or, in the case of other reports, by the 11th day after it is due. 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 other knowing and willful violations. Existing 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 or disclose, disclosing inaccurately, or engaging in a subterfuge to avoid compliance with the CFDA.

New law additionally provides an exception from reporting requirements 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. New law 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 existing law (CFDA) shall be subject to the civil and criminal penalties provided in existing law (R.S. 18:1505.4, 1505.5, and 1505.6) for such violations.

Existing 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 and address 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. Existing law specifies that if the contributor refuses to furnish his name or address or refuses to sign the receipt, the contribution shall be immediately returned.

Prior law further required the receipt to contain the social security number of the contributor and required the return of the contribution if the contributor refused to furnish his social security number.

New law removes the requirement for the social security number of the contributor to be furnished and for it to be contained on the receipt.

New law provides that any changes to campaign finance disclosure forms as a result of the provisions of new 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))