

2024 Regular Session

HOUSE BILL NO. 675

BY REPRESENTATIVE WYBLE

CAMPAIGN FINANCE: Provides for filing of administrative proceedings before the Ethics Adjudicatory Board for enforcement of certain violations of the Campaign Finance Disclosure Act

1 AN ACT

2 To amend and reenact R.S. 18:1511.5, 1511.7, 1511.8(C), and 1511.11(A), relative to
3 actions for the enforcement of violations of the Campaign Finance Disclosure Act;
4 to provide for the filing of administrative proceedings before the Ethics Adjudicatory
5 Board; to provide for removal to district court; to provide for venue; to provide for
6 the determination of secrecy of certain accounts and records; to provide for the
7 precedence of actions in district court; and to provide for related matters.

8 Be it enacted by the Legislature of Louisiana:

9 Section 1. R.S. 18:1511.5, 1511.7, 1511.8(C), and 1511.11(A) are hereby
10 amended and reenacted to read as follows:

11 §1511.5. Procedure for enforcement; civil

12 A.(1) When the results of the investigation by the supervisory committee
13 indicate that a violation of this Chapter has occurred which is subject to civil
14 penalties, the supervisory committee is authorized to file ~~civil~~ administrative
15 proceedings to collect the civil penalties provided in R.S. ~~18:1505.4(B)~~ R.S.
16 18:1505.4 or 1505.5.

17 (2) The provisions of this Section shall not apply to any action for the
18 payment of civil penalties due pursuant to R.S. 18:1505.4 for knowingly failing to
19 file or knowingly failing to timely file, which shall be governed by R.S. 18:1511.4.1.

1 §1511.7. Venue

2 A. Actions or proceedings for violation of R.S. 18:1505.1 ~~shall be brought~~
3 in may only be removed to the parish of East Baton Rouge.

4 B. Except as provided in Subsection A, actions removed pursuant to R.S.
5 18:1511.5 or prosecutions for any violation of this Chapter shall be brought in the
6 parish of the domicile of the offender and prosecutions shall be instituted by the
7 district attorney of that parish.

8 §1511.8. Secrecy of proceedings

9 * * *

10 C. Prior to the use of any such accounts or records in any civil proceeding,
11 the supervisory committee shall file a motion with the Ethics Adjudicatory Board or
12 in a court of proper jurisdiction requesting a determination by ~~such~~ the Ethics
13 Adjudicatory Board or the court of the relevancy or materiality of such accounts or
14 records to an action for violation of this Chapter. The Ethics Adjudicatory Board or
15 court shall render such determination at an in camera proceeding which shall be
16 confidential and not open to the public. If the Ethics Adjudicatory Board or court
17 determines that the aforementioned accounts or records are relevant and material to
18 an action in accordance with this Chapter, then such accounts or records shall cease
19 to be confidential in nature and may be introduced as evidence in a proceeding
20 without further restriction.

21 * * *

22 §1511.11. Precedence of actions; limitation of actions

23 A. Any action brought in or removed to district court under the provisions
24 of this Chapter shall be advanced on the docket of the district court in which filed,
25 and shall take precedence over and be considered in advance of all other actions
26 other than actions brought under this Chapter.

27 * * *

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

HB 675 Original

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Wyble

Abstract: Requires enforcement actions for violations of the Campaign Finance Disclosure Act, other than actions for knowingly failing to file or timely file reports, to be filed before the Ethics Adjudicatory Board, subject to removal to district court.

Present law provides that when the results of the investigation by the supervisory committee indicate that a violation of the Campaign Finance Disclosure Act has occurred which is subject to civil penalties, except for knowingly failing to file or timely file reports, the Board of Ethics, acting as the Supervisory Committee on Campaign Finance, is authorized to file civil proceedings in district court to collect the civil penalties.

Proposed law instead requires the Board of Ethics to file adjudicatory proceedings with the Ethics Adjudicatory Board, which shall conduct an adjudicatory hearing in accordance with the Code of Governmental Ethics. Provides that the respondent may remove the proceedings to the district court of the parish in which the respondent is domiciled, to proceed as provided in present law for civil proceedings before the district court.

Present law requires the district court to take into consideration several specific factors in determining the amount of the penalty to assess. Proposed law requires the same of the Ethics Adjudicatory Board during the administrative proceeding.

Present law provides that prior to the use of certain confidential accounts or records in any civil proceeding, the supervisory committee shall file a motion in a court of proper jurisdiction requesting a determination by the court of the relevancy or materiality of such accounts or records to an action for violation of this Chapter. After a confidential, in-camera proceeding, if the court determines that the accounts or records are relevant and material to an action, then such accounts or records shall cease to be confidential in nature and may be introduced as evidence in a proceeding without further restriction. Proposed law requires the Board of Ethics to file the same motion in a proceeding before the Ethics Adjudicatory Board.

Present law requires that any action brought pursuant to the Campaign Finance Disclosure Act shall be advanced on the docket of the district court in which filed, and shall take precedence over and be considered in advance of all other actions not brought pursuant to the Campaign Finance Disclosure Act. Proposed law requires the same of actions removed to district court.

(Amends R.S. 18:1511.5, 1511.7, 1511.8(C), and 1511.11(A))