

2024 Regular Session

SENATE BILL NO. 407

BY SENATOR PRESSLY

CAMPAIGN FINANCE. Changes the definition of "expenditure" in the Election Code.
(8/1/24)

1 AN ACT

2 To amend and reenact R.S. 18:1483(9)(a) and (b) and (12)(b), relative to election campaign
3 finance; to provide for definitions; and to provide for related matters.

4 Be it enacted by the Legislature of Louisiana:

5 Section 1. R.S. 18:1483(9)(a) and (b) and (12)(b) are hereby amended and reenacted
6 to read as follows:

7 §1483. Definitions

8 As used in this Chapter, the following terms shall have the meanings given to each
9 in this Section unless the context clearly indicates otherwise:

10 * * *

11 (9)(a) "Expenditure" means a purchase, payment, advance, deposit, or gift,
12 of money or anything of value made for ~~the purpose of supporting, opposing, or~~
13 ~~otherwise influencing the nomination or election of a person to public office, for the~~
14 ~~purpose of supporting or opposing a proposition or question submitted to the voters,~~
15 ~~or for the purpose of supporting or opposing the recall of a public officer, whether~~
16 ~~made before or after the election~~ **any purpose which is political in nature.**

17 (b) "Expenditure" shall also include:

1 (i) A promissory note or written contract to make an expenditure as defined
2 above.

3 **(ii) Charitable contributions.**

4 (ii) ~~(ii)~~ **(iii)** Expenditures in-kind which have an attributable monetary value in
5 excess of twenty-five dollars, made for any of the purposes stated in this Paragraph.
6 Expenditures in-kind shall include without limitation: the donation by any person,
7 candidate, or political committee of the services of paid employees, the value of
8 which services exceeds twenty-five dollars, such value to be the amount paid for
9 such services; the donation of, or the donation of the right to use, any item of
10 tangible property when the same is used or consumed and not exchanged or
11 converted to cash or the equivalent of cash and when the donating candidate, the
12 chairman of the donating committee, or the donating person required to file reports
13 under this Chapter, and the campaign treasurer of such donor, if any, determines that
14 its value or the use value, when only the right to use is given, exceeds twenty-five
15 dollars and such determination shall be prima facie evidence of the correctness of the
16 valuation of the item or the use value when applicable. In addition, successive
17 donations made to the same person, which donations individually are valued below
18 twenty-five dollars but which together exceed such amount, shall be deemed to be
19 in-kind expenditures and shall be aggregated for purposes of the requirements of this
20 Chapter.

21 * * *

22 (12) "Participation" or "participating" in an election means the following:

23 * * *

24 (b) With regard to a political committee, that the committee:

25 (i) With regard to the primary election, gave ~~or received~~ a contribution prior
26 to the primary election from, to, or for a candidate participating in that primary
27 election, made an expenditure in support of or in opposition to a candidate
28 participating in that primary election, made a loan to or received a loan from a
29 candidate or committee participating in that primary election, or made a transfer of

1 funds to ~~or from~~ another committee participating in that primary election.

2 (ii) With regard to the general election, that the committee gave ~~or received~~

3 a contribution subsequent to the primary election ~~from, to, or~~ for a candidate

4 participating in the general election, made an expenditure in support of or in

5 opposition to a candidate participating in the general election, made a loan to ~~or~~

6 ~~received a loan from~~ a candidate or committee participating in that general election,

7 or made a transfer of funds to or from another committee participating in the general

8 election.

9 * * *

The original instrument and the following digest, which constitutes no part of the legislative instrument, were prepared by Matt DeVille.

DIGEST

SB 407 Original 2024 Regular Session Pressly

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 defines "expenditure" as a purchase, payment, advance, deposit, or gift, of money or anything of value made for any purpose which is political in nature.

Present law provides that "expenditure" also includes a promissory note or written contract to make an expenditure and expenditures in-kind which have an attributable monetary value in excess of twenty-five dollars, made for any of the purposes stated in present law, including without limitation: the donation by any person, candidate, or political committee of the services of paid employees, the value of which services exceeds twenty-five dollars, such value to be the amount paid for such services; the donation of, or the donation of the right to use, any item of tangible property when the same is used or consumed and not exchanged or converted to cash or the equivalent of cash and when the donating candidate, the chairman of the donating committee, or the donating person required to file reports under this present law, and the campaign treasurer of such donor, if any, determines that its value or the use value, when only the right to use is given, exceeds twenty-five dollars and such determination shall be prima facie evidence of the correctness of the valuation of the item or the use value when applicable.

Proposed law retains present law and further provides that charitable contributions are considered expenditures.

Present law defines "participation" or "participating" in an election regarding a political committee to mean that with regard to the primary election, the committee gave or received a contribution prior to the primary election from, to, or for a candidate participating in that primary election, made an expenditure in support of or in opposition to a candidate participating in that primary election, made a loan to or received a loan from a candidate or committee participating in that primary election, or made a transfer of funds to or from

another committee participating in that primary election.

Proposed law retains these provisions but removes the authority of the committee to receive a contribution and retains the committee's authority to give a contribution prior to the primary election from, to, or for a candidate participating in that primary election, make an expenditure in support of or in opposition to a candidate participating in that primary election, make a loan to a candidate or committee participating in that primary election, or make a transfer of funds to another committee participating in that primary election.

Present law defines "participation" or "participating" in an election regarding a political committee to mean that with regard to the general election that the committee gave or received a contribution subsequent to the primary election from, to, or for a candidate participating in the general election, made an expenditure in support of or in opposition to a candidate participating in the general election, made a loan to or received a loan from a candidate or committee participating in that general election, or made a transfer of funds to or from another committee participating in the general election.

Proposed law retains these provisions but removes the authority of the committee to receive a contribution subsequent to the primary election and retains the committee's authority to give a contribution subsequent to the primary election for a candidate participating in the general election, make an expenditure in support of or in opposition to a candidate participating in the general election, make a loan to a candidate or committee participating in that general election, or make a transfer of funds to or from another committee participating in the general election.

Effective August 1, 2024.

(Amends R.S. 18:1483(9)(a) and (b) and (12)(b))