
DIGEST

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HB 675 Engrossed

2024 Regular Session

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 Bd. 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))