

2024 Regular Session

HOUSE BILL NO. 906

BY REPRESENTATIVES WRIGHT, BILLINGS, LARVADAIN, MARCELLE, AND  
NEWELL

CAMPAIGN FINANCE: Makes revisions to the Campaign Finance Disclosure Act

1 AN ACT

2 To amend and reenact R.S. 18:1491.1(E), 1491.4(E), 1495.2(E), 1505.2(E), (H)(1)(a) and

3 (c), (2)(a), and (3)(a), and (K)(1) and (2), and 1511.4(A) and R.S. 42:1125(A),

4 (C)(introductory paragraph) and (D)(2) and to enact R.S. 18:1483(21), 1491.1(G),

5 1505.2(H)(7), and 1505.2.1, relative to political contributions; to provide for the

6 Campaign Finance Disclosure Act; to provide for independent expenditure-only

7 political committees; to provide for the registration of political committees; to

8 provide for electronic payments and filing; to increase the amount of payments made

9 from petty cash; to increase campaign contribution limits; to provide for the

10 designation of political contributions for specific elections; to provide for the

11 attribution of political contributions to certain contributors; to provide for

12 limitations; to provide for procedures; to provide for complaints filed with the

13 Supervisory Committee on Campaign Finance; to provide requirements for the filing

14 of complaints; to provide for notifications; to increase limits on contributions made

15 for gubernatorial transition and inauguration; to provide for such contributions in the

16 Campaign Finance Disclosure Act; to provide for a study conducted by the Board of

17 Ethics; to require the Board of Ethics to report to the legislature, governor, and

18 secretary of state; to provide for effectiveness; and to provide for related matters.

19 Be it enacted by the Legislature of Louisiana:

1 Section 1. The provisions of this Act may be referred to as the "Louisiana  
2 Accountability and Modernization of Disclosure and Electoral Reform Now (LA MODERN)  
3 Act."

4 Section 2. R.S. 18:1491.1(E), 1491.4(E), 1495.2(E), 1505.2(E), (H)(1)(a) and (c),  
5 (2)(a), and (3)(a), and (K)(1) and (2), 1511.4(A) are hereby amended and reenacted and R.S.  
6 18:1483(21), 1491.1(G), 1505.2(H)(7), and 1505.2.1 are hereby enacted to read as follows:

7 §1483. Definitions

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

10 \* \* \*

11 (21)(a) "Independent expenditure-only political committee" means a  
12 committee registered with the supervisory committee which makes independent  
13 expenditures, makes no political contributions to any candidate for any elected office  
14 in this state or any of its subdivisions, and makes no coordinated expenditures with  
15 a candidate or candidate's committee.

16 (b) "Independent expenditure" means an expenditure by a person expressly  
17 advocating the election or defeat of a clearly identified or identifiable, qualified  
18 candidate for public office, including supporting or opposing the candidates of a  
19 political party, and that is not made in cooperation, consultation, or concert with, or  
20 at the request or suggestion of, a candidate, a candidate's authorized committee, or  
21 their agents, or a political party committee or its agents.

22 \* \* \*

23 §1491.1. Registration of political committees

24 \* \* \*

25 E.(1) The supervisory committee ~~is hereby authorized to~~ may impose a fee  
26 not to exceed the amount of one hundred dollars for each statement required to be  
27 filed under this Section to be remitted to the supervisory committee together with the  
28 statement on or before the time the statement is required to be filed. Any statement  
29 submitted without the proper fee shall be deemed as not being properly submitted to

1 the supervisory committee. All fees collected hereunder shall be used solely by the  
2 supervisory committee for the enforcement of the provisions of this Chapter, as  
3 appropriated by the legislature.

4 (2) The supervisory committee shall accept payment via electronic funds  
5 transfer for filing fees associated with filing a statement of organization. The  
6 supervisory committee may charge an electronic processing fee not to exceed five  
7 percent of the filing fee.

8 \* \* \*

9 G. Statements of organization and other documents required to be filed with  
10 the supervisory committee pursuant to this Section, including electronic filing  
11 affidavits, may be filed electronically by facsimile, email, or through the Board of  
12 Ethics Computerized Data Management System as provided in R.S. 18:1485 and  
13 R.S. 42:1158. Documents may be notarized as provided by R.S. 35:621, et seq.

14 \* \* \*

15 §1491.4. Campaign treasurers; campaign depositories; expenditures; petty cash fund

16 \* \* \*

17 E. A political committee may maintain a petty cash fund or funds. A petty  
18 cash fund shall be maintained on an imprest system, that is, expenditures may be  
19 made in cash from the fund and the fund shall from time to time be restored to its  
20 original amount by a transfer of funds from other committee funds of a sum equal  
21 to the aggregate of the sums expended from the fund. No expenditure in excess of  
22 ~~one~~ two hundred dollars shall be made from the petty cash fund and no expenditure  
23 shall be made from the petty cash fund for any personal services, except for  
24 gratuities paid for the serving of food or drink. No expenditure shall be made from  
25 the petty cash fund in violation of R.S. 18:1531. A complete record of petty cash  
26 expenditures shall be maintained in accordance with the provisions of R.S.  
27 18:1491.5(D).

28 \* \* \*

1 §1495.2. Campaign treasurers; campaign depositories; expenditures; petty cash fund

2 \* \* \*

3 E. A candidate may maintain a petty cash fund or funds. A petty cash fund  
4 shall be maintained on an imprest system, that is, expenditures may be made in cash  
5 from the fund and the fund shall from time to time be restored to its original amount  
6 by a transfer of funds from other funds of the candidate of a sum equal to the  
7 aggregate of the sums expended from the fund. No expenditure in excess of ~~one~~ two  
8 hundred dollars shall be made from the petty cash fund and no expenditure shall be  
9 made from the petty cash fund for any personal services, except for gratuities paid  
10 for the serving of food or drink. No expenditure shall be made from the petty cash  
11 fund in violation of R.S. 18:1531. A complete record of petty cash expenditures  
12 shall be maintained in accordance with the provisions of R.S. 18:1495.3(D).

13 \* \* \*

14 §1505.2. Contributions; expenditures; certain prohibitions and limitations

15 \* \* \*

16 E. No expenditure in excess of ~~one~~ two hundred dollars shall be made from  
17 a petty cash fund and no expenditure shall be made from a petty cash fund for any  
18 personal services, except for gratuities paid for the serving of food or drink. No  
19 expenditure shall be made from the petty cash fund in violation of R.S. 18:1531.

20 \* \* \*

21 H.(1)(a) The following contribution limits are established for contributions  
22 made to candidates or the principal campaign committee and any subsidiary  
23 committee of a candidate for the following offices:

24 (i) Major office - ~~five~~ twelve thousand dollars.

25 (ii) District office - ~~two~~ six thousand ~~five hundred~~ dollars.

26 (iii) Other office - ~~one~~ two thousand dollars.

27 \* \* \*

28 (c) Notwithstanding the provisions of Subparagraph (a), the contribution  
29 limit for contributions made to an unsuccessful major office candidate, or the

1 principal campaign committee and any subsidiary committee of such unsuccessful  
2 candidate, who does not participate in the general election and for the time period for  
3 which such candidate has a deficit for expenditures made through the day of the  
4 primary election, shall be ~~ten~~ twenty thousand dollars.

5 (2)(a) Notwithstanding the provisions of Paragraph (1), the following  
6 contribution limits are established for contributions by political committees  
7 supporting or opposing a candidate for the following offices:

8 (i) Major office - ~~five~~ twenty thousand dollars.

9 (ii) District office - ~~two~~ six thousand ~~five hundred~~ dollars.

10 (iii) Other office - ~~one~~ two thousand dollars.

11 (b) Notwithstanding the provisions of Paragraph (1) and Subparagraph (2)(a)  
12 of this Subsection, the following campaign contribution limits are established for  
13 contributions by political committees supporting or opposing a candidate for the  
14 following offices, the membership of which political committee exceeds two  
15 hundred and fifty members as of the December thirty-first of the preceding calendar  
16 year, and additionally provided that at least two hundred and fifty of the members  
17 have each contributed at least ~~fifty~~ one hundred dollars to the political committee  
18 during the preceding one-year period:

19 (i) Major office - ~~ten~~ twenty-four thousand dollars.

20 (ii) District office - ~~five~~ twelve thousand dollars.

21 (iii) Other office - ~~two~~ four thousand dollars.

22 No contribution in excess of the limits contained in Subparagraph (2)(a) of  
23 this Subsection shall be made by any political committee until such membership  
24 certification is made on the statement of organization form required by this Chapter  
25 and timely submitted to the supervisory committee by the applicable due date. Any  
26 political committee certified under this Paragraph shall notify the supported  
27 candidate in writing at the time any contribution is made under this Paragraph.

28 \* \* \*

1           (3)(a) For purposes of this Subsection, a primary election and a general  
2 election shall constitute two separate elections. For purposes of this Subsection, for  
3 candidates and committees that participate in a general election, the reporting period  
4 for the general election shall be deemed to begin the day following the primary  
5 election. A candidate or his principal or subsidiary campaign committee may receive  
6 contributions that are designated in writing for use in connection with either the  
7 general election or primary election in a single election cycle as provided in R.S.  
8 18:1505.2.1.

9                                   \*       \*       \*

10           (7) An independent expenditure-only committee may receive unlimited  
11 contributions from any person not otherwise prohibited from making a contribution  
12 pursuant to 52 U.S.C. 30121 or this Chapter.

13                                   \*       \*       \*

14           K.(1) ~~During any four year calendar period commencing January 1, 1991 and~~  
15 ~~every fourth year thereafter, no~~ No person shall contribute more than one hundred  
16 thousand dollars per calendar year to any political committee or any subsidiary  
17 committee of such political committee, other than the principal or any subsidiary  
18 committee of a candidate. Such limitation on a contribution shall not apply to any  
19 contribution from a national political committee to an affiliated regional or state  
20 political committee. However, during any four year calendar period commencing  
21 January 1, 2023 and every fourth year thereafter,

22           (2) ~~During the time period provided for in Paragraph (1) of this Subsection,~~  
23 ~~no political committee or subsidiary of such political committee, other than the~~  
24 ~~principal or any subsidiary committee of a candidate, shall accept more than one~~  
25 ~~hundred~~ two hundred fifty thousand dollars from any person.

26           (2) No person shall contribute more than two hundred fifty thousand dollars  
27 per calendar year to a recognized political party or any committee thereof. However,  
28 during any four year calendar period commencing January 1, 2023, and every fourth

1 year thereafter, no recognized political party or any committee thereof shall accept  
2 more than four hundred thousand dollars from any person.

3 \* \* \*

4 §1505.2.1. Designation and attribution of contributions

5 A.(1) A candidate may receive contributions designated in writing for use  
6 in connection with either the primary election or the general election in a single  
7 election cycle. The candidate shall use an acceptable accounting method to  
8 distinguish between contributions attributed to the primary election and contributions  
9 attributed to the general election.

10 (2)(a) Acceptable accounting methods include but are not limited to the  
11 creation and designation of separate accounts for each election or the establishment  
12 of separate books and records for each election.

13 (b) A candidate's records shall demonstrate that prior to the primary election,  
14 recorded cash on hand was at all times equal to or in excess of the sum of general  
15 election contributions received less the sum of general election disbursements made.

16 B. A contribution may be designated in writing in the following manner:

17 (1) A check, money order, or other negotiable instrument that clearly  
18 indicates the particular election for which the contribution is made.

19 (2) The contribution is accompanied by a writing, signed by the contributor,  
20 that clearly indicates the particular election for which the contribution is made,

21 (3) The contribution is redesignated in accordance with Paragraph (G)(1) of  
22 this Subsection.

23 C. For the purposes of this Section, a contribution shall be considered to be  
24 made when the contribution is delivered to the candidate. A contribution that is  
25 mailed to the candidate shall be considered to be delivered on the date of the  
26 postmark. An in-kind contribution shall be considered to be delivered on the date  
27 that the goods or services are provided by the contributor.

28 D. The candidate may accept contributions that are designated in writing for  
29 use in the general election prior to the date of the primary election.

1           E. If the candidate does not participate in the general election, any  
2           contributions designated for the general election shall be treated as excess campaign  
3           funds and may be redesignated as provided in Subsection G of this Section or  
4           expended as provided in R.S. 18:1505.2(I), except that such funds may not be  
5           expended in support of or in opposition to a proposition, political party, or candidacy  
6           of a person, or maintained in a segregated fund for use in future political campaigns  
7           or activity related to preparing for future candidacy to elective office.

8           F.(1) If a contribution is designated in writing for a particular election, but  
9           made after that election, the contribution shall be applied to the designated election  
10           only to the extent that the contribution satisfies any outstanding deficit from such  
11           election, subject to the limits provided in R.S. 1505.2(H)(1)(c) and (2)(e) and (f). If  
12           the contribution exceeds the outstanding deficit, the candidate shall return or deposit  
13           the contribution within ten days from the date of the candidate's receipt of the  
14           contribution. If deposited, then within sixty days from the date of receipt the  
15           candidate shall take one of the following actions:

16           (a) Refund the contribution using a committee check or draft.

17           (b) Obtain a written redesignation for another election as provided in  
18           Subsection G of this Section, subject to the limits provided in R.S. 1505.2(H).

19           (c) Obtain a written reattribution to another contributor as provided in  
20           Subsection H of this Section, subject to the limits provided in R.S. 1505.2(H).

21           (2) If a contribution is designated in writing for a particular election but  
22           made after that election and the candidate does not have an outstanding deficit for  
23           the designated election, the contribution shall be treated as excess campaign funds  
24           and may be expended as provided in R.S. 18:1505.2(I), except that such funds may  
25           not be expended in support of or in opposition to a proposition, political party, or  
26           candidacy of a person, or maintained in a segregated fund for use in future political  
27           campaigns or activity related to preparing for future candidacy to elective office.

28           G.(1) For an undesignated contribution, a candidate may designate the  
29           contribution for a particular election if the contribution exceeds the contributions



1 limitation provided for in R.S. 18:1505.2(H) for a single election or the contribution  
2 was received after the date of the election for which there is an outstanding deficit  
3 on the date the contribution was received. Within sixty days following the receipt of  
4 the contribution, the candidate shall notify the contributor in writing of the amount  
5 of the contribution that was redesignated and that the contributor may request a  
6 refund of the contribution.

7 (2) A candidate may request that all or part of a contribution designated for  
8 a certain election be redesignated for a different election if the contribution, either  
9 on its face or when aggregated with other contributions from the same contributor  
10 for the same election, exceeds the contributions limitation provided in R.S.  
11 18:1505.2(H).

12 (3) A contribution designated for a particular election shall be redesignated  
13 for another election if both of the following apply:

14 (a) The candidate requests that the contributor provide a written  
15 redesignation of the contribution and informs the contributor in writing that the  
16 contributor may, instead of providing for redesignation, request the refund of the  
17 contribution.

18 (b) Within sixty days from the date of the candidate's receipt of the  
19 contribution, the contributor provides the candidate with a signed, written  
20 redesignation of the contribution for another election.

21 H. If a contribution exceeds the contributions limitation provided in R.S.  
22 18:1505.2(H), the candidate may reattribute the excess contribution to another  
23 contributor as follows:

24 (1) If the contribution was made by a written instrument imprinted with the  
25 names of more than one individual, the total contribution may be attributed among  
26 the named individuals unless the instrument clearly indicates otherwise or the  
27 candidate receives a separate writing signed by the contributors. Such attribution  
28 shall not cause any contributor to exceed the contributions limitation provided in  
29 R.S. 18:1505.2(H).



1           (2) The supervisory committee may initiate the investigation of an apparent  
2           or alleged violation of this Chapter in response to a complaint filed with the  
3           supervisory committee in the following manner:

4           (a) Any person who believes that a violation of this Chapter has occurred  
5           may file a complaint in writing to the supervisory committee. The complaint shall  
6           differentiate between statements based upon personal knowledge and statements  
7           based upon information and belief.

8           (b) The supervisory committee may provide a sample form for complaints.  
9           The complaint shall be signed by the complainant and shall contain the following:

10           (i) The full name and address of the complainant.

11           (ii) The identification of each person who the complaint alleges to have  
12           committed a violation.

13           (iii) Statements in the complaint which are not based upon personal  
14           knowledge shall be accompanied by a reasonable identification of the source of  
15           information which gives rise to the complainant's belief in the truth of such  
16           statements.

17           (iv) A clear and concise recitation of the facts describing the violation.

18           (v) Any documentation in the possession of the complainant which supports  
19           the facts alleged in the complaint.

20           (c)(i) If the supervisory committee determines the complaint substantially  
21           complies with Subparagraph (b) of this Paragraph, the committee shall, within five  
22           days after receipt, notify each person identified as having committed a violation that  
23           the complaint has been filed and advise them of supervisory committee compliance  
24           procedures.

25           (ii) If the supervisory committee determines the complaint does not  
26           substantially comply with the requirements of Subparagraph (b) of this Paragraph,  
27           the supervisory committee shall, within five days after receipt, notify the  
28           complainant and any person or entity identified therein as having committed a  
29           violation that no action shall be taken on the basis of the complaint.



1 Section 3. R.S. 42:1125(A), (C)(introductory paragraph), and (D)(2) are hereby  
2 amended and reenacted to read as follows:

3 §1125. Gubernatorial transition and inauguration; contribution limits; reports

4 A.(1) Any contribution received and accepted by the person elected  
5 governor, or any person on his behalf, following the date of his election and  
6 expenditures made from such contributions shall be reported by the governor to the  
7 ~~Board of Ethics~~ supervisory committee as provided for in this Section.

8 (2) The person elected governor and any person accepting contributions on  
9 his behalf shall not accept contributions totaling more than ~~five~~ twenty thousand  
10 dollars from any person.

11 \* \* \*

12 C. On or before the sixtieth day after the gubernatorial inauguration and by  
13 February fifteenth annually thereafter until all contributions have been expended or  
14 used, the governor shall file an all-inclusive report with the ~~Board of Ethics~~  
15 supervisory committee which shall state:

16 \* \* \*

17 D. All reports required by this Section shall be:

18 \* \* \*

19 (2) Filed on forms prepared for this purpose by the ~~Board of Ethics~~  
20 supervisory committee. Such forms shall be substantially similar to forms used for  
21 filings of campaign finance reports for candidates for statewide office ~~prepared by~~  
22 ~~the board acting as the Supervisory Committee on Campaign Finance Disclosure.~~

23 \* \* \*

24 Section 4. The Louisiana State Law Institute is hereby authorized and directed to  
25 redesignate R.S. 42:1125 as amended by this Act as R.S. 18:1501.3 and to arrange in  
26 alphabetical order the provisions of R.S. 18:1483 as amended by this Act.

27 Section 5. The Board of Ethics, functioning as the Supervisory Committee on  
28 Campaign Finance Disclosure, is hereby directed to conduct an investigation and analysis  
29 of best practices currently in place in other states that could be implemented to modernize

1 Louisiana's campaign finance and disclosure system, including a review of technological  
 2 systems that could be implemented in Louisiana. This review shall include an analysis of  
 3 the potential costs and benefits of updating Louisiana's campaign reporting technology,  
 4 including a study of the feasibility of implementing a system which allows for simplified  
 5 electronic filing of any and all campaign finance-related disclosure reports using a single  
 6 login for each user capable of accessing and filing for multiple campaigns and committees,  
 7 deadline tracking, real-time calculations of total expenditures and debts, simplified digital  
 8 templates, integration of application programming interface ("API") technology at all levels  
 9 of campaign filing, and automatically generated data models and maps like that currently in  
 10 use in the State of Washington, as implemented by the Washington State Public Disclosure  
 11 Commission. No later than January 31, 2025, the Board of Ethics, shall present its findings  
 12 and recommendations to the speaker of the House of Representatives, the president of the  
 13 Senate, the governor, and the secretary of state.

14 Section 6. This Act shall become effective upon signature by the governor or, if not  
 15 signed by the governor, upon expiration of the time for bills to become law without signature  
 16 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If  
 17 vetoed by the governor and subsequently approved by the legislature, this Act shall become  
 18 effective on the day following such approval.

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#### 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)]

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HB 906 Engrossed

2024 Regular Session

Wright

**Abstract:** Provides for changes to the Campaign Finance Disclosure Act, including provisions for the registration of political committees, increased contribution limits, the designation and attribution of contribution limits, procedures related to complaints filed with the Supervisory Committee on Campaign Finance Disclosure (supervisory committee), contributions for gubernatorial transition and inauguration, and requires the supervisory committee to conduct a study on the modernization of the campaign finance disclosure system.

#### Registration of political committees

Present law requires political committees to file a statement of organization with the supervisory committee annually. Authorizes the supervisory committee to impose a fee of no more than \$100 for each statement. Proposed law requires the supervisory committee to

accept payment via electronic funds transfer and authorizes the supervisory committee to charge a processing fee not to exceed 5% of the filing fee.

Proposed law provides that statements of organization and other related documents required to be filed with the supervisory committee, including electronic filing affidavits, may be filed electronically by facsimile, email, or through the Board of Ethics Computerized Data Management System. Expressly authorizes documents to be electronically notarized as provided by the present law Remote Online Notarization Act.

### **Contribution limits**

Present law, applicable to contributions made by *persons*, provides that the contribution limit for contributions to candidates or the principal campaign committee and any subsidiary committee of a candidate are as follows:

- (1) Major office - \$5,000. Proposed law increases the contribution limit to \$12,000.
- (2) District office - \$2,500. Proposed law increases the contribution limit to \$6,000.
- (3) Other office - \$1,000. Proposed law increases the contribution limit to \$2,000.

Present law provides that the contribution limit for contributions made by a person to an unsuccessful major office candidate or his campaign committee who does not participate in the general election and for the time period for which such candidate has a deficit for expenditures made through the day of the primary election is \$10,000. Proposed law increases the limit to \$20,000.

Present law, applicable to contributions made by *political committees other than large political committees* provides that the contribution limit for contributions to candidates or the principal campaign committee and any subsidiary committee of a candidate are as follows:

- (1) Major office - \$5,000. Proposed law increases the contribution limit to \$20,000.
- (2) District office - \$2,500. Proposed law increases the contribution limit to \$6,000.
- (3) Other office - \$1,000. Proposed law increases the contribution limit to \$2,000.

Present law provides contribution limits applicable to *political committees which have more than 250 members* and to which more than 250 members have contributed at least \$50. Proposed law increases the minimum contribution by the 250 member to \$100. Provides that the contribution limits are as follows:

- (1) Major office - \$10,000. Proposed law increases the contribution limit to \$24,000.
- (2) District office - \$5,000. Proposed law increases the contribution limit to \$12,000.
- (3) Other office - \$2,000. Proposed law increases the contribution limit to \$4,000.

Proposed law increases the limit on expenditures made by petty cash from \$100 to \$200.

Proposed law defines "independent expenditure-only political committee" as a which makes independent expenditures, makes no political contributions to any candidate for any elected office in this state or any of its subdivisions, and makes no coordinated expenditures with a candidate or candidate's committee. Defines "independent expenditure" as an expenditure by a person expressly advocating the election or defeat of a clearly identified or identifiable, qualified candidate for public office, including supporting or opposing the candidates of a political party, and that is not made in cooperation, consultation, or concert with, or at the

request or suggestion of, a candidate, a candidate's authorized committee, or their agents, or a political party committee or its agents.

Proposed law provides that an independent expenditure-only committee may receive unlimited contributions from any person not otherwise prohibited from making a contribution pursuant to federal or state law.

Present law provides that contributions made by a person and received by a political committee or a subsidiary committee of such political committee, other than the principal or any subsidiary committee of a candidate, may not exceed \$100,000 during a four year period.

Proposed law instead provides no person shall contribute more than \$100,000 during a single year to any political committee or any subsidiary committee of such political committee, other than the principal or any subsidiary committee of a candidate, but that no such political committee shall accept more than \$250,000 from any person during a four year period beginning Jan. 1, 2023.

Proposed law provides no person shall contribute more than \$250,000 per calendar year to a recognized political party or any committee thereof, but that no recognized political party or any committee thereof shall accept more than \$400,000 dollars from any person during a four year period beginning Jan. 1, 2023.

#### **Designation and attribution of contributions**

For purposes of campaign contribution limits, present law provides the primary election and general election constitute two separate elections. Proposed law retains present law and provides that candidate or his principal or subsidiary campaign committee may receive contributions designated in writing for use in connection with either the primary election or the general election in a single election cycle. Requires the candidate to use an acceptable accounting method to distinguish between contributions attributed to the primary election and contributions attributed to the general election.

Proposed law provides a method for designating contributions in writing.

Proposed law provides that if the candidate does not participate in the general election, any contributions designated for the general election shall be treated as excess campaign funds and may be redesignated to pay an outstanding deficit for the primary election or expended as excess funds, except that such funds may not be expended in support of or in opposition to a proposition, political party, or candidacy of a person, or maintained in a segregated fund for use in future political campaigns or activity related to preparing for future candidacy to elective office.

Proposed law provides that if a contribution is designated in writing for a particular election, but made after that election, the contribution shall be applied to the designated election only to the extent that the contribution satisfies any outstanding deficit from such election, subject to the limits provided in present law for such contributions. If the contribution exceeds the outstanding deficit, the candidate shall return or deposit the contribution within 10 days from the date of the candidate's receipt of the contribution. If deposited, then within 60 days from the date of receipt the candidate shall either refund the contribution using a committee check or draft, obtain a written redesignation for another election, or obtain a written reattribution to another contributor.

Proposed law provides that if a contribution is designated in writing for a particular election, but made after that election, and the candidate does not have an outstanding deficit for the designated election, the contribution shall be treated as excess campaign funds and may be expended as excess funds, except that such funds may not be expended in support of or in opposition to a proposition, political party, or candidacy of a person, or maintained in a



segregated fund for use in future political campaigns or activity related to preparing for future candidacy to elective office.

Proposed law provides that for an undesignated contribution, a candidate may designate the contribution for a particular election if the contribution exceeds the contributions limitation for a single election or the contribution was received after the date of the election for which there is an outstanding deficit on the date the contribution was received. Within 60 days following the receipt of the contribution, the candidate shall notify the contributor in writing of the amount of the contribution that was redesignated and that the contributor may request a refund of the contribution.

Proposed law provides that a candidate may request that all or part of a contribution designated for a certain election be redesignated for a different election if the contribution, either on its face or when aggregated with other contributions from the same contributor for the same election, exceeds the contributions limitation.

Proposed law provides that a contribution designated for a particular election shall be redesignated for another election if the candidate requests that the contributor provide a written redesignation of the contribution and informs the contributor in writing that the contributor may, instead of providing for redesignation, request the refund of the contribution and within 60 days from the date of the candidate's receipt of the contribution, the contributor provides the candidate with a signed, written redesignation of the contribution for another election.

Proposed law provides that if a contribution exceeds the contributions limitation the candidate may reattribute the excess contribution to another contributor under either condition:

- (1) If the contribution was made by a written instrument imprinted with the names of more than one individual, the total contribution may be attributed among the named individuals unless the instrument clearly indicates otherwise or the candidate receives a separate writing signed by the contributors.
- (2) If the contribution was made by a single contributor and the contribution would cause the contributor to exceed the contributions limitation, the candidate may ask the contributor whether the contribution was intended to be a joint contribution by more than one person. The candidate shall notify the contributor in writing of the amount of the excess contribution and that the contributor may request a refund of the contribution. If within 60 days following the date the contribution was made the contributors provide the candidate with a written reattribution of the contribution, signed by each contributor indicating the amount to be attributed to each contributor, the candidate may attribute the contribution as indicated.

### **Investigations of the Supervisory Committee on Campaign Finance**

Present law authorizes the Supervisory Committee on Campaign Finance (supervisory committee) to investigate apparent or alleged violations of the Campaign Finance Disclosure Act.

Present law provides that the supervisory committee by a two-thirds vote of its membership may initiate an investigation when, as a result of its review of reports, other documents, or information filed with the supervisory committee it determines that there is reason to believe a violation of this has occurred. Proposed law additionally authorizes the supervisory committee to initiate an investigation on the basis of a referral from another agency or department, subject to a two-thirds vote of its membership.

Present law requires the supervisory committee to initiate an investigation when it makes a determination that there is reason to believe a violation has occurred upon receipt of a sworn

complaint filed by any person who believes a violation has occurred. Proposed law repeals present law and instead provides a procedure for the filing and assessment of complaints with the supervisory committee.

Proposed law requires the complaint to differentiate between statements based on personal knowledge and statements based upon information and belief. Requires the complaint to contain certain information, including identification of the complainant and the persons alleged to have committed a violation, and supporting documentation.

If properly filed, proposed law requires the supervisory committee to notify persons identified as having committed a violation that the complaint has been filed. If not properly filed, proposed law requires the supervisory committee to notify that persons identified and the complainant that no action shall be taken. Requires the complaint to be enclosed with the notification.

Proposed law requires the supervisory committee to allow a respondent to submit a response to the complaint within 15 days from receipt of a copy of the complaint. Prohibits the supervisory committee from taking action or making any findings to the detriment of a respondent other than action dismissing the complaint, unless it has considered such response or unless did not receive a response. Requires the supervisory committee to advise the complainant and respondent if it finds no reason to believe a violation has occurred or otherwise terminates proceedings. Provides that if the supervisory committee determines by an affirmative vote of two-thirds of its membership that it has reason to believe that a respondent committed a violation, the supervisory committee shall notify the respondent of its finding by letter, identifying the provision of law alleged to have been violated and the alleged factual basis supporting the finding.

In all cases, proposed law requires the supervisory committee to notify the person alleged to have committed a violation of the supervisory committee's finding by letter, identifying the provision of law alleged to have been violated and the alleged factual basis supporting the finding, including reference to any specific transactions identified as a violation.

### **Contributions for gubernatorial transition and inauguration**

Present law Code of Governmental Ethics requires that any contribution received and accepted by the person elected governor, or any person on his behalf, following the date of his election and expenditures made from such contributions to be reported by the governor to the Board of Ethics. Imposes a limit on such contributions in the amount of \$5,000 from any person.

Proposed law increases the contribution limit to \$25,000 from any person and places present law within the Campaign Finance Disclosure Act subject to the jurisdiction and oversight of the Board of Ethics acting as the Supervisory Committee on Campaign Finance Disclosure.

### **Report on the modernization of the campaign finance disclosure system**

Proposed law requires the supervisory committee to conduct an investigation and analysis of best practices currently in place in other states that could be implemented to modernize La.'s campaign finance and disclosure system, including a review of technological systems and report is findings to the speaker of the House of Representatives, president of the Senate, governor, and secretary of state, not later than Jan. 31, 2025.

Effective upon signature of governor or lapse of time for gubernatorial action.

(Amends R.S. 18:1491.1(E), 1491.4(E), 1495.2(E), 1505.2(E), (H)(1)(a) and (c), (2)(a), and (3)(a), and (K)(1) and (2) and 1511.4(A) and R.S. 42:1125(A), (C)(intro. para.), and (D)(2); Adds R.S. 18:1483(21), 1491.1(G), 1505.2(H)(7), and 1505.2.1)