

2024 Regular Session

HOUSE BILL NO. 906

BY REPRESENTATIVES WRIGHT, BILLINGS, LARVADAIN, MARCELLE, NEWELL,
BACALA, EGAN, FISHER, GREEN, JACKSON, AND WYBLE

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 (b), and (3)(a), and (K)(1) and (2), and 1511.4(A) and R.S.

4 42:1125(A), (C)(introductory paragraph) and (D)(2) and to enact R.S. 18:1483(21),

5 1491.1(G), 1505.2(H)(7), and 1505.2.1, relative to political contributions; to provide

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

7 only 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 (b), and (3)(a), and (K)(1) and (2), 1511.4(A) are hereby amended and reenacted
6 and R.S. 18:1483(21), 1491.1(G), 1505.2(H)(7), and 1505.2.1 are hereby enacted to read
7 as follows:

8 §1483. Definitions

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

11 * * *

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

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

23 * * *

24 §1491.1. Registration of political committees

25 * * *

26 E.(1) The supervisory committee ~~is hereby authorized to~~ may impose a fee
27 not to exceed the amount of one hundred dollars for each statement required to be
28 filed under this Section to be remitted to the supervisory committee together with the
29 statement on or before the time the statement is required to be filed. Any statement

1 submitted without the proper fee shall be deemed as not being properly submitted to
2 the supervisory committee. All fees collected hereunder shall be used solely by the
3 supervisory committee for the enforcement of the provisions of this Chapter, as
4 appropriated by the legislature.

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

9 * * *

10 G. Statements of organization and other documents required to be filed with
11 the supervisory committee pursuant to this Section, including electronic filing
12 affidavits, may be filed electronically by facsimile or through the Board of Ethics
13 Computerized Data Management System as provided in R.S. 18:1485 and R.S.
14 42:1158. Documents may be notarized as provided by R.S. 35:621, et seq.

15 * * *

16 §1491.4. Campaign treasurers; campaign depositories; expenditures; petty cash fund

17 * * *

18 E. A political committee may maintain a petty cash fund or funds. A petty
19 cash fund shall be maintained on an imprest system, that is, expenditures may be
20 made in cash from the fund and the fund shall from time to time be restored to its
21 original amount by a transfer of funds from other committee funds of a sum equal
22 to the aggregate of the sums expended from the fund. No expenditure in excess of
23 ~~one~~ two hundred dollars shall be made from the petty cash fund and no expenditure
24 shall be made from the petty cash fund for any personal services, except for
25 gratuities paid for the serving of food or drink. No expenditure shall be made from
26 the petty cash fund in violation of R.S. 18:1531. A complete record of petty cash
27 expenditures shall be maintained in accordance with the provisions of R.S.
28 18:1491.5(D).

29 * * *

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~~ twelve 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 written statement, signed by the
20 contributor, that clearly indicates the particular election for which the contribution
21 is made.

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

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

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

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

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

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

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

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

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

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

9 (2) A candidate may request that all or part of a contribution designated for
10 a certain election be redesignated for a different election if the contribution, either
11 on its face or when aggregated with other contributions from the same contributor
12 for the same election, exceeds the contributions limitation provided in R.S.
13 18:1505.2(H).

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

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

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

23 H. If a contribution exceeds the contributions limitation provided in R.S.
24 18:1505.2(H), the candidate may reattribute the excess contribution to another
25 contributor as follows:

26 (1) If the contribution was made by a written instrument imprinted with the
27 names of more than one individual, the total contribution may be attributed among
28 the named individuals unless the instrument clearly indicates otherwise or the
29 candidate receives a separate writing signed by the contributors. Such attribution

1 shall not cause any contributor to exceed the contributions limitation provided in
 2 R.S. 18:1505.2(H).

3 (2) If the contribution was made by a single contributor and the contribution
 4 would cause the contributor to exceed the contributions limitation provided in R.S.
 5 18:1505.2(H), the candidate may ask the contributor whether the contribution was
 6 intended to be a joint contribution by more than one person. The candidate shall
 7 notify the contributor in writing of the amount of the excess contribution and that the
 8 contributor may request a refund of the contribution. If within sixty days following
 9 the date the contribution was made the contributors provide the candidate with a
 10 written reattribution of the contribution, signed by each contributor indicating the
 11 amount to be attributed to each contributor, the candidate may attribute the
 12 contribution as indicated.

13 I. For purposes of this Section, "candidate" includes a candidate and the
 14 candidate's principal or subsidiary campaign committee.

15 * * *

16 §1511.4. Supervisory committee; investigations

17 ~~A.(1) The supervisory committee may investigate any apparent or alleged~~
 18 ~~violation of this Chapter.~~ The supervisory committee by a two-thirds vote of its
 19 membership may initiate ~~such~~ an investigation of any apparent or alleged violation
 20 of this Chapter when, as a result of its review of reports, other documents, or
 21 information; filed under provisions of this Chapter or on the basis of a referral from
 22 another agency or department, it determines that there is reason to believe a violation
 23 of this Chapter has occurred, ~~and it shall initiate an investigation when it makes such~~
 24 ~~a determination upon receipt of a sworn complaint filed with the supervisory~~
 25 ~~committee by any person who believes a violation of the Chapter has occurred.~~ The
 26 supervisory committee shall notify the person alleged to have violated this Chapter
 27 of the supervisory committee's finding by letter, identifying the provision of law
 28 alleged to have been violated and the alleged factual basis supporting the finding,
 29 including reference to any specific transactions identified in the complaint.

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

25 (ii) If the staff of the supervisory committee determines the complaint does
26 not substantially comply with the requirements of Subparagraph (b) of this
27 Paragraph, the staff shall, within five days after receipt, notify the complainant and
28 any person or entity identified therein as having committed a violation that no action
29 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 on January 1, 2025.

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 906 Reengrossed

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 or through the Bd. 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 \$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 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 staff 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 staff to notify the 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 January 1, 2025.

(Amends R.S. 18:1491.1(E), 1491.4(E), 1495.2(E), 1505.2(E), (H)(1)(a) and (c), (2)(a) and (b), 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)

Summary of Amendments Adopted by House

The House Floor Amendments to the engrossed bill:

1. Remove the requirement that the supervisory committee accept statements of organization filed via email.
2. Provide that the limit for contributions made by political committees other than large political committees to a major office candidate is \$12,000, rather than \$20,000.
3. Authorize the staff of the supervisory committee rather than the committee itself to make initial determinations regarding the sufficiency of a complaint and provide notification thereof to the subject of the complaint.
4. Change the effective date.