

ACT No. 137

2024 Regular Session

HOUSE BILL NO. 675

BY REPRESENTATIVE WYBLE

1 AN ACT

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

8 Be it enacted by the Legislature of Louisiana:

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

11 §1511.5. Procedure for enforcement; civil

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

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

20 (3) These proceedings shall be filed with an adjudicatory panel of the Ethics
21 Adjudicatory Board which shall conduct an adjudicatory hearing in accordance with
22 the Code of Governmental Ethics.

23 (4) Except as provided in R.S. 18:1511.7, the respondent may remove these
24 proceedings ~~shall be filed in~~ to the district court of the parish in which the candidate,

1 chairman or treasurer of the political committee, or other person required to file
2 reports, respondent is domiciled. The proceedings shall be by rule to show cause and
3 shall be conducted pursuant to the relevant provisions of the Louisiana Code of Civil
4 Procedure.

5 B. In determining the amount of the civil penalty to be assessed, the Ethics
6 Adjudicatory Board or district court shall take into consideration the reason for the
7 failure to file timely, the reason for failing to disclose required information, the
8 reason for inaccurately disclosing required information, the nature of the office
9 sought by the candidate, the nature of the office or offices supported or opposed by
10 a political committee or other person, the significance of the information undisclosed
11 or inaccurately disclosed to the voting public, and whether or not the candidate,
12 chairman or treasurer of the political committee, or other person actually has filed
13 a report or disclosed such information prior to the election or prior to the institution
14 of the administrative proceeding or rule to show cause.

15 C. A judgment of a district court assessing such civil penalties may be
16 appealed suspensively to the appropriate court of appeal according to the provisions
17 of the Louisiana Code of Civil Procedure.

18 D. A judgment of a district court assessing civil penalties shall become
19 executory when all delays for appeal have expired according to the Louisiana Code
20 of Civil Procedure, and may be enforced as any other money judgment. However,
21 the proceeds of such civil penalties shall be paid directly to the treasurer of the state
22 of Louisiana.

23 * * *

24 §1511.7. Venue

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

27 B. Except as provided in Subsection A, actions removed pursuant to R.S.
28 18:1511.5 or prosecutions for any violation of this Chapter shall be brought in the
29 parish of the domicile of the offender and prosecutions shall be instituted by the
30 district attorney of that parish.

1 §1511.8. Secrecy of proceedings

2 * * *

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

14 * * *

15 §1511.11. Precedence of actions; limitation of actions

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

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SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____