
DIGEST

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Tim Burns

HB No. 431

Abstract: Provides that if a political committee (other than a candidate's principal or subsidiary committee) makes a contribution to an elected official who determines to seek a different office after the contribution was made, that no penalty for failure to timely file shall be assessed as long as the contribution was disclosed on a report filed by the political committee prior to the election.

Present law (Campaign Finance Disclosure Act–CFDA) provides for civil penalties for late filing, to be assessed on persons required to file reports who knowingly fail to file or timely file the report. Further authorizes the supervisory committee, after a hearing, to impose additional civil penalties up to \$10,000 on any person required to file certain election related reports who had not filed the report by the 6th day after they are due or, in the case of other reports, by the 11th day after they are due, with notice to the party who is the subject of the hearing. Further provides that any person required to file reports under the CFDA who knowingly and willfully fails to disclose, or knowingly and willfully fails to accurately disclose, any information required to be disclosed may be assessed a civil penalty for each day until such information is disclosed by amendment to the appropriate report. Defines "knowingly and willfully", as conduct which could have been avoided through the exercise of due diligence. Present law additionally provides for civil penalties for knowing and willful violation of the CFDA other than late filing and failing to accurately disclose. Present law provides criminal penalties for knowingly, willfully, and fraudulently failing to timely file, to disclose, or to disclose inaccurately of up to 6 months in jail or a fine of \$500, or both. Present law provides that the supervisory committee may waive all or part of any civil penalties assessed by its staff for knowingly failing to file or knowingly failing to timely file.

Present law (R.S. 18:1505.4(C)) further provides that notwithstanding present law relative to per day civil penalties, for committees that are supporting, opposing, or otherwise influencing the nomination or election of a person to public office the maximum amount of the penalty that shall be imposed for knowingly failing to file or knowingly failing to timely file any reports required by present law for a special election shall be the total of the expenditures made for the purpose of supporting, opposing, or otherwise influencing the nomination or election of a person or persons to public office in such special election or the maximum penalty (\$3,000) pursuant to the provisions of present law (R.S. 18:1505.4(A)), whichever is less. Present law specifies that it shall not apply to a candidate's principal campaign committee or any designated subsidiary committee of a candidate.

Proposed law provides that notwithstanding present law, for a committee that is supporting,

opposing, or otherwise influencing the nomination or election of a person to public office that has made an expenditure in the form of a direct contribution to a candidate who was an elected official at the time of the contribution and who determines after the contribution was made to seek an office other than the office the candidate held at the time the contribution was made, no penalty for knowingly failing to timely file shall be assessed provided the contribution was disclosed on a report filed by the political committee prior to the election in which the candidate participates. Proposed law retains present law specifying that it shall not apply to a candidate's principal campaign committee or any designated subsidiary committee of a candidate.

(Amends R.S. 18:1505.4(C))