

HOUSE SUMMARY OF SENATE AMENDMENTS

House Bill No. 431 by Representative Tim Burns

ELECTIONS: Provides relative to certain campaign finance penalties applicable to certain political committees and changes the date of the presidential preference primary and elections held at the same time

Synopsis of Senate Amendments

1. Adds provisions changing the date for the presidential preference primary election and elections held at the same time from the third Saturday after the first Tuesday in March to the first Saturday in March and makes corresponding changes to related general elections.

Digest of Bill as Finally Passed by Senate

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.

Present law (R.S. 18:1280.21–Election Code) provides for a statewide presidential preference primary election in a presidential election year for the purpose of allowing the electors of each political party in the state which has 40,000 or more registered members to express their preference for a person to be the nominee of the party for president of the U.S.

Present law (R.S. 18:402) provides that municipal and ward officers in municipalities with a population of less than 300,000 who are not elected at the same time as the governor or members of congress may be elected at a primary held at the same time as the presidential preference primary and at a general election held four weeks later. Provides that a special primary election to fill a newly created office or vacancy may be held at the same time as the presidential preference primary and a special general election may be held four weeks later. Provides that a bond, tax, or other election at which a proposition or question is to be submitted to the voters may be held on the same date as the presidential preference primary or four weeks later.

Present law provides that the presidential preference primary is held on the third Sat. after the first Tues. in March. Proposed law changes the date of the presidential preference primary and elections held at the same time to the first Sat. in March. Changes dates for corresponding general elections from four weeks after the third Sat. after the first Tues. in March to four weeks after the first Sat. in March.

(Amends R.S. 18:402(C)(1) and (2), (E)(1)(c) and (2)(c), and (F)(3), 1280.21(A), and 1505.4(C))