2024 Regular Session

HOUSE BILL NO. 675

#### BY REPRESENTATIVE WYBLE

### CAMPAIGN FINANCE: Provides for filing of administrative proceedings before the Ethics Adjudicatory Board for enforcement of certain violations of the Campaign Finance Disclosure Act

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
10	amended 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	<u>18:1505.4</u> 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.

CODING: Words in struck through type are deletions from existing law; words <u>underscored</u> are additions.

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2	Adjudicatory Board which shall conduct an adjudicatory hearing in accordance with
3	the Code of Governmental Ethics.
4	(4) Except as provided in R.S. 18:1511.7, the respondent may remove these
5	proceedings shall be filed in to the district court of the parish in which the candidate,
6	chairman or treasurer of the political committee, or other person required to file
7	reports, respondent is domiciled. The proceedings shall be by rule to show cause and
8	shall be conducted pursuant to the relevant provisions of the Louisiana Code of Civil
9	Procedure.
10	B. In determining the amount of the civil penalty to be assessed, the Ethics
11	Adjudicatory Board or district court shall take into consideration the reason for the
12	failure to file timely, the reason for failing to disclose required information, the
13	reason for inaccurately disclosing required information, the nature of the office
14	sought by the candidate, the nature of the office or offices supported or opposed by
15	a political committee or other person, the significance of the information undisclosed
16	or inaccurately disclosed to the voting public, and whether or not the candidate,
17	chairman or treasurer of the political committee, or other person actually has filed
18	a report or disclosed such information prior to the election or prior to the institution
19	of the <u>administrative proceeding or</u> rule to show cause.
20	C. A judgment of a district court assessing such civil penalties may be
21	appealed suspensively to the appropriate court of appeal according to the provisions
22	of the Louisiana Code of Civil Procedure.
23	D. A judgment of a district court assessing civil penalties shall become
24	executory when all delays for appeal have expired according to the Louisiana Code
25	of Civil Procedure, and may be enforced as any other money judgment. However,
26	the proceeds of such civil penalties shall be paid directly to the treasurer of the state
27	of Louisiana.
28	* * *
29	

(3) These proceedings shall be filed with an adjudicatory panel of the Ethics

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1	§1511.7. Venue
2	A. Actions or proceedings for violation of R.S. 18:1505.1 shall be brought
3	in may only be removed to the parish of East Baton Rouge.
4	B. Except as provided in Subsection A, actions removed pursuant to R.S.
5	<u>18:1511.5</u> or prosecutions for any violation of this Chapter shall be brought in the
6	parish of the domicile of the offender and prosecutions shall be instituted by the
7	district attorney of that parish.
8	§1511.8. Secrecy of proceedings
9	* * *
10	C. Prior to the use of any such accounts or records in any civil proceeding,
11	the supervisory committee shall file a motion with the Ethics Adjudicatory Board or
12	in a court of proper jurisdiction requesting a determination by such the Ethics
13	Adjudicatory Board or the court of the relevancy or materiality of such accounts or
14	records to an action for violation of this Chapter. The Ethics Adjudicatory Board or
15	court shall render such determination at an in camera proceeding which shall be
16	confidential and not open to the public. If the Ethics Adjudicatory Board or court
17	determines that the aforementioned accounts or records are relevant and material to
18	an action in accordance with this Chapter, then such accounts or records shall cease
19	to be confidential in nature and may be introduced as evidence in a proceeding
20	without further restriction.
21	* * *
22	§1511.11. Precedence of actions; limitation of actions
23	A. Any action brought in or removed to district court under the provisions
24	of this Chapter shall be advanced on the docket of the district court in which filed,
25	and shall take precedence over and be considered in advance of all other actions
26	other than actions brought under this Chapter.
27	* * *

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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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Abstract: Requires enforcement actions for violations of the Campaign Finance Disclosure Act, other than actions for knowingly failing to file or timely file reports, to be filed before the Ethics Adjudicatory Board, subject to removal to district court.

<u>Present law</u> provides that when the results of the investigation by the supervisory committee indicate that a violation of the Campaign Finance Disclosure Act has occurred which is subject to civil penalties, except for knowingly failing to file or timely file reports, the Board of Ethics, acting as the Supervisory Committee on Campaign Finance, is authorized to file civil proceedings in district court to collect the civil penalties.

<u>Proposed law</u> instead requires the Board of Ethics to file adjudicatory proceedings with the Ethics Adjudicatory Board, which shall conduct an adjudicatory hearing in accordance with the Code of Governmental Ethics. Provides that the respondent may remove the proceedings to the district court of the parish in which the respondent in domiciled, to proceed as provided in <u>present law</u> for civil proceedings before the district court.

<u>Present law</u> requires the district court to take into consideration several specific factors in determining the amount of the penalty to assess. <u>Proposed law</u> requires the same of the Ethics Adjudicatory Board during the administrative proceeding.

<u>Present law</u> provides that prior to the use of certain confidential accounts or records in any civil proceeding, the supervisory committee shall file a motion in a court of proper jurisdiction requesting a determination by the court of the relevancy or materiality of such accounts or records to an action for violation of this Chapter. After a confidential, in-camera proceeding, if the court determines that the accounts or records are relevant and material to an action, then such accounts or records shall cease to be confidential in nature and may be introduced as evidence in a proceeding without further restriction. <u>Proposed law</u> requires the Board of Ethics to file the same motion in a proceeding before the Ethics Adjudicatory Board.

<u>Present law</u> requires that any action brought pursuant to the Campaign Finance Disclosure Act shall be advanced on the docket of the district court in which filed, and shall take precedence over and be considered in advance of all other actions not brought pursuant to the Campaign Finance Disclosure Act. <u>Proposed law</u> requires the same of actions removed to district court.

(Amends R.S. 18:1511.5, 1511.7, 1511.8(C), and 1511.11(A))