

Regular Session, 1999

HOUSE BILL NO. 810 (Duplicate of Senate Bill No. 769)

BY REPRESENTATIVE LANCASTER AND SENATOR DARDENNE

CAMPAIGN FINANCE: Requires certain reports in the case of deficits and surpluses of campaign funds

1 AN ACT

2 To amend and reenact R.S. 18:1491.6(D) and 1495.4(D), relative to campaign
3 finance disclosure; to require certain supplemental reports; to require
4 certain reports in the case of deficits; to require certain reports in the
5 case of surplus campaign funds; and to provide for related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. R.S. 18:1491.6(D) and 1495.4(D) are hereby amended and
8 reenacted to read as follows:

9 §1491.6. Reports required; reporting times and periods

10 * * *

11 D.(1) If the final report of a political committee for an election,
12 as required by Paragraph (5), (6), or (7) of Subsection B of this Section
13 shows a deficit or a surplus, the chairman and treasurer of the
14 committee, if any, shall file supplemental reports with the supervisory
15 committee of all information required in R.S. 18:1491.7. Such reports
16 shall be filed annually no later than February fifteenth and shall be
17 complete through the preceding December thirty-first. Such a

1 supplemental report shall be filed each year until a report has been filed
2 which shows no deficit and until any surplus campaign funds have been
3 disposed of in accordance with R.S. 18:1505.2(I). The report on
4 surplus funds shall disclose the disbursement of such funds in the same
5 manner as expenditures are reported.

6 (2) A "deficit", for purposes of this Subsection, means debts or
7 obligations owed by the political committee which are required to be
8 reported by R.S. 18:1491.7(B)(14).

9 (3)(a) A report need not be filed under this Subsection if the
10 committee is dissolved or disbanded and shows a deficit less than two
11 thousand five hundred dollars. However, if the political committee is
12 dissolved or disbanded and its deficit is equal to or greater than two
13 thousand five hundred dollars, the political committee shall file
14 supplemental reports with the supervisory committee of all information
15 required in R.S. 18:1491.7. Such report shall be filed annually no later
16 than February fifteenth and shall be complete through the preceding
17 December thirty-first. Such report shall be filed each year for five
18 years or until a report has been filed which shows no deficit or surplus.

19 (b) However, if after five years the political committee with a
20 deficit receives any contribution or if any repayment occurs on an
21 outstanding debt or loan, such political committee shall file a
22 supplemental report by the following February fifteenth which shall be
23 complete through the preceding December thirty-first.

24 (c) If the political committee has surplus campaign funds, a
25 report need not be filed under this Subsection if such political

1 committee files an annual report in accordance with Subsection E of
2 this Section which includes such surplus campaign funds.

3 * * *

4 §1495.4. Reports required; reporting times and periods

5 * * *

6 D.(1) If the final report of a candidate for an election, as
7 required by Paragraph (5), (6), or (7) of Subsection B above, shows a
8 deficit or a surplus, the candidate and his treasurer, if any, shall file
9 supplemental reports with the supervisory committee of all information
10 required in R.S. 18:1495.5. Such reports shall be filed annually no
11 later than February fifteenth and shall be complete through the
12 preceding December thirty-first. Such a supplemental report shall be
13 filed each year until a report has been filed which shows no deficit and
14 until any surplus campaign funds have been disposed of in accordance
15 with R.S. 18:1505.2(I). The report on surplus funds shall disclose the
16 disbursement of such funds in the same manner as expenditures are
17 reported.

18 (2) "Deficit" for purposes of this Subsection means debts or
19 obligations owed by the candidate which are required to be reported by
20 R.S. 18:1495.5(B)(14).

21 (3)(a) A report need not be filed under this Subsection if the
22 candidate is not an elected public official and shows either a deficit or
23 a surplus of less than two thousand five hundred dollars. However, if
24 the candidate is not an elected public official and his deficit or surplus
25 is equal to or greater than two thousand five hundred dollars, the
26 candidate shall file supplemental reports with the supervisory

1 committee of all information required in R.S. 18:1495.5. Such report
2 shall be filed annually no later than February fifteenth and shall be
3 complete through the preceding December thirty-first. Such report
4 shall be filed each year for five years or until a report has been filed
5 which shows no deficit or surplus.

6 (b) However, if after five years a candidate with a deficit
7 receives any contribution or if any repayment occurs on an outstanding
8 debt or loan, such candidate shall file a supplemental report by the
9 following February fifteenth which shall be complete through the
10 preceding December thirty-first.

11 (c) Any individual who was a candidate and who is elected to
12 or is serving in any elected public office during the reporting period for
13 any supplemental report required by this Paragraph shall be considered
14 to be an elected public official for the purposes of this Paragraph
15 whether or not the office to which he is elected is the office for which
16 his candidacy resulted in the deficit or surplus for which a report is
17 required.

18 (d) If the candidate or former candidate has surplus campaign
19 funds, a report need not be filed under this Subsection if such candidate
20 or former candidate files an annual report in accordance with
21 Subsection E of this Section which includes such surplus campaign
22 funds.

23 Section 2. This Act shall become effective upon signature by the
24 governor or, if not signed by the governor, upon expiration of the time for bills
25 to become law without signature by the governor, as provided in Article III,
26 Section 18 of the Constitution of Louisiana. If vetoed by the governor and

1 subsequently approved by the legislature, this Act shall become effective on
2 the day following such approval.

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument.

Lancaster, Sen. Dardenne

HB No. 810

Present law (Campaign Finance Disclosure Act) (R.S. 18:1491.6(D) and 1495.4(D)) requires that supplemental reports be filed with the supervisory committee if the final report of a political committee or a candidate for an election shows a deficit. Such reports shall be filed annually no later than February 15th and be complete through the preceding December 31st for five years or until a report is filed showing no deficit. Present law excepts from this reporting requirement the following:

- (1) A political committee which is dissolved or disbanded and shows a deficit less than \$2,500.
- (2) A candidate who is not an elected official and has a deficit of less than \$2,500.

Proposed law additionally requires that supplemental reports be filed with the supervisory committee annually if the final report of a political committee, a candidate, or former candidate shows a surplus until such surplus is disposed of in accordance with present law (unless such political committee, candidate, or former candidate files an annual report required by present law which includes such surplus).

Proposed law retains present law except provides that a candidate who is not an elected official who has a surplus less than \$2,500 is not required to file supplemental reports.

Proposed law provides that the supplemental report shall disclose the disbursement of such funds in the same manner as expenditures are disclosed.

Proposed law additionally requires for a disbanded committee and for a candidate who is not an elected public official that after five years supplemental reports shall be filed with the supervisory committee by the following February 15th, complete through the preceding December 31st, if any contributions are received or if repayment occurs on an outstanding debt or loan. Proposed law specifies that any individual who was a candidate and who is elected to or is serving in any elected public office during the reporting period for any supplemental report required by proposed law shall be considered to be an elected public official for purposes of proposed law whether or not the office to which he is elected is the office for which his candidacy resulted in the deficit or surplus for which a report is required.

Present law (R.S. 18:1505.2(I)) provides that excess campaign funds may be returned to contributors on a pro rata basis, given as a charitable contribution as provided in 26 USC 170(c), given to a charitable organization as defined in 26 USC 501(c)(3), expended in support of or in opposition to a proposition, political party, or candidacy of any person, or maintained in a segregated fund for use in future political campaigns or activity related to preparing for future candidacy to elective office.

Effective upon signature of governor or lapse of time for gubernatorial action.

(Amends R.S. 18:1491.6(D) and 1495.4(D))

Summary of Amendments Adopted by House

Committee Amendments Proposed by House Committee on House and Governmental Affairs to the original bill.

1. Changes the level of deficit which requires the supplemental report for a committee or a candidate who is not an elected official from \$1,000 back to \$2,500 (present law).
2. Specifies that the disbursement of surplus funds must be disclosed on the supplemental report in the same manner that expenditures are reported.
3. Excepts candidates who are not elected officials and who have a surplus of less than \$2,500 from the requirement to submit the annual supplemental report.