

2024 Regular Session

SENATE BILL NO. 407

BY SENATOR PRESSLY

CAMPAIGN FINANCE. Changes the definition of "expenditure" in the Election Code.
(8/1/24)

1 AN ACT

2 To amend and reenact R.S. 18:1483(9)(b) and (12)(b), relative to election campaign finance;
3 to provide for definitions; and to provide for related matters.

4 Be it enacted by the Legislature of Louisiana:

5 Section 1. R.S. 18:1483(9)(b) and (12)(b) are hereby amended and reenacted to read
6 as follows:

7 §1483. Definitions

8 As used in this Chapter, the following terms shall have the meanings given to each
9 in this Section unless the context clearly indicates otherwise:

10 * * *

11 (9)(a) * * *

12 (b) "Expenditure" shall also include:

13 (i) A promissory note or written contract to make an expenditure as defined
14 above.

15 **(ii) Charitable contributions.**

16 **(iii) Sponsorship of political events.**

17 **(iv) Sponsorship of legislative events.**

1 (ii) (v) Expenditures in-kind which have an attributable monetary value in
2 excess of twenty-five dollars, made for any of the purposes stated in this Paragraph.
3 Expenditures in-kind shall include without limitation: the donation by any person,
4 candidate, or political committee of the services of paid employees, the value of
5 which services exceeds twenty-five dollars, such value to be the amount paid for
6 such services; the donation of, or the donation of the right to use, any item of
7 tangible property when the same is used or consumed and not exchanged or
8 converted to cash or the equivalent of cash and when the donating candidate, the
9 chairman of the donating committee, or the donating person required to file reports
10 under this Chapter, and the campaign treasurer of such donor, if any, determines that
11 its value or the use value, when only the right to use is given, exceeds twenty-five
12 dollars and such determination shall be prima facie evidence of the correctness of the
13 valuation of the item or the use value when applicable. In addition, successive
14 donations made to the same person, which donations individually are valued below
15 twenty-five dollars but which together exceed such amount, shall be deemed to be
16 in-kind expenditures and shall be aggregated for purposes of the requirements of this
17 Chapter.

* * *

19 (12) "Participation" or "participating" in an election means the following:

* * *

21 (b) With regard to a political committee, that the committee:

22 (i) With regard to the primary election, gave ~~or received~~ a contribution prior
23 to the primary election from, to, or for a candidate participating in that primary
24 election, made an expenditure in support of or in opposition to a candidate
25 participating in that primary election, made a loan to or received a loan from a
26 candidate or committee participating in that primary election, or made a transfer of
27 funds to ~~or from~~ another committee participating in that primary election.

28 (ii) With regard to the general election, that the committee gave ~~or received~~
29 a contribution subsequent to the primary election ~~from, to, or~~ for a candidate

1 participating in the general election, made an expenditure in support of or in
 2 opposition to a candidate participating in the general election, made a loan to ~~or~~
 3 ~~received a loan from~~ a candidate or committee participating in that general election,
 4 or made a transfer of funds to or from another committee participating in the general
 5 election.

6 * * *

The original instrument and the following digest, which constitutes no part
 of the legislative instrument, were prepared by Matt DeVille.

DIGEST

SB 407 Reengrossed

2024 Regular Session

Pressly

Present law defines "expenditure" as a purchase, payment, advance, deposit, or gift, of money or anything of value made for the purpose of supporting, opposing, or otherwise influencing the nomination or election of a person to public office, for the purpose of supporting or opposing a proposition or question submitted to the voters, or for the purpose of supporting or opposing the recall of a public officer, whether made before or after the election.

Proposed law retains present law.

Present law provides that "expenditure" also includes a promissory note or written contract to make an expenditure and expenditures in-kind which have an attributable monetary value in excess of twenty-five dollars, made for any of the purposes stated in present law, including without limitation: the donation by any person, candidate, or political committee of the services of paid employees, the value of which services exceeds twenty-five dollars, such value to be the amount paid for such services; the donation of, or the donation of the right to use, any item of tangible property when the same is used or consumed and not exchanged or converted to cash or the equivalent of cash and when the donating candidate, the chairman of the donating committee, or the donating person required to file reports under this present law, and the campaign treasurer of such donor, if any, determines that its value or the use value, when only the right to use is given, exceeds twenty-five dollars and such determination shall be prima facie evidence of the correctness of the valuation of the item or the use value when applicable.

Proposed law retains present law and further provides that charitable contributions and sponsorship of political and legislative events are considered expenditures.

Present law defines "participation" or "participating" in an election regarding a political committee to mean that with regard to the primary election, the committee gave or received a contribution prior to the primary election from, to, or for a candidate participating in that primary election, made an expenditure in support of or in opposition to a candidate participating in that primary election, made a loan to or received a loan from a candidate or committee participating in that primary election, or made a transfer of funds to or from another committee participating in that primary election.

Proposed law retains these provisions but removes the authority of the committee to receive a contribution and retains the committee's authority to give a contribution prior to the primary election from, to, or for a candidate participating in that primary election, make an expenditure in support of or in opposition to a candidate participating in that primary election, make a loan to a candidate or committee participating in that primary election, or

make a transfer of funds to another committee participating in that primary election.

Present law defines "participation" or "participating" in an election regarding a political committee to mean that with regard to the general election that the committee gave or received a contribution subsequent to the primary election from, to, or for a candidate participating in the general election, made an expenditure in support of or in opposition to a candidate participating in the general election, made a loan to or received a loan from a candidate or committee participating in that general election, or made a transfer of funds to or from another committee participating in the general election.

Proposed law retains these provisions but removes the authority of the committee to receive a contribution subsequent to the primary election and retains the committee's authority to give a contribution subsequent to the primary election for a candidate participating in the general election, make an expenditure in support of or in opposition to a candidate participating in the general election, make a loan to a candidate or committee participating in that general election, or make a transfer of funds to or from another committee participating in the general election.

Effective August 1, 2024.

(Amends R.S. 18:1483(9)(b) and (12)(b))

Summary of Amendments Adopted by Senate

Senate Floor Amendments to engrossed bill

1. Delete proposed law changes to definition of expenditure.
2. Add sponsorship of political and legislative events to definition of expenditure.